

1 AN ACT to revise the law by combining multiple enactments  
2 and making technical corrections.

3 **Be it enacted by the People of the State of Illinois,**  
4 **represented in the General Assembly:**

5 Section 1. Nature of this Act.

6 (a) This Act may be cited as the First 2005 General  
7 Revisory Act.

8 (b) This Act is not intended to make any substantive change  
9 in the law. It reconciles conflicts that have arisen from  
10 multiple amendments and enactments and makes technical  
11 corrections and revisions in the law.

12 This Act revises and, where appropriate, renumbers certain  
13 Sections that have been added or amended by more than one  
14 Public Act. In certain cases in which a repealed Act or Section  
15 has been replaced with a successor law, this Act may  
16 incorporate amendments to the repealed Act or Section into the  
17 successor law. This Act also corrects errors, revises  
18 cross-references, and deletes obsolete text.

19 (c) In this Act, the reference at the end of each amended  
20 Section indicates the sources in the Session Laws of Illinois  
21 that were used in the preparation of the text of that Section.  
22 The text of the Section included in this Act is intended to  
23 include the different versions of the Section found in the  
24 Public Acts included in the list of sources, but may not  
25 include other versions of the Section to be found in Public  
26 Acts not included in the list of sources. The list of sources  
27 is not a part of the text of the Section.

28 (d) Public Acts 92-520 through 93-1059 were considered in  
29 the preparation of the combining revisories included in this  
30 Act. Many of those combining revisories contain no striking or  
31 underscoring because no additional changes are being made in  
32 the material that is being combined.

1 Section 5. The Regulatory Sunset Act is amended by changing  
2 Sections 4.22, 4.23, and 4.24 as follows:

3 (5 ILCS 80/4.22)

4 Sec. 4.22. Acts ~~Act~~ repealed on January 1, 2012. The  
5 following Acts are ~~Act is~~ repealed on January 1, 2012:

6 The Detection of Deception Examiners Act.

7 The Home Inspector License Act.

8 The Interior Design Title Act.

9 The Massage Licensing Act.

10 The Petroleum Equipment Contractors Licensing Act.

11 The Professional Boxing Act.

12 The Real Estate Appraiser Licensing Act of 2002.

13 The Water Well and Pump Installation Contractor's License  
14 Act.

15 (Source: P.A. 92-104, eff. 7-20-01; 92-180, eff. 7-1-02;  
16 92-239, eff. 8-3-01; 92-453, eff. 8-21-01; 92-499, eff. 1-1-02;  
17 92-500, eff. 12-18-01; 92-618, eff. 7-11-02; 92-651, eff.  
18 7-11-02; 92-860, eff. 6-1-03; revised 1-18-03.)

19 (5 ILCS 80/4.23)

20 Sec. 4.23. Acts and Sections ~~Act Section~~ repealed on  
21 January 1, 2013. The following Acts and Sections of Acts are  
22 ~~Act Section is~~ repealed on January 1, 2013:

23 The Dietetic and Nutrition Services Practice Act.

24 The Elevator Safety and Regulation Act.

25 The Funeral Directors and Embalmers Licensing Code.

26 The Naprapathic Practice Act.

27 The Professional Counselor and Clinical Professional  
28 Counselor Licensing Act.

29 The Wholesale Drug Distribution Licensing Act.

30 Section 2.5 of the Illinois Plumbing License Law.

31 (Source: P.A. 92-586, eff. 6-26-02; 92-641, eff. 7-11-02;  
32 92-642, eff. 7-11-02; 92-655, eff. 7-16-02; 92-719, eff.  
33 7-25-02; 92-778, eff. 8-6-02; 92-873, eff. 6-1-03; revised  
34 1-18-03.)

1 (5 ILCS 80/4.24)

2 Sec. 4.24. Acts repealed on January 1, 2014. The following  
3 Acts are repealed on January 1, 2014:

4 The Electrologist Licensing Act.

5 The Illinois Certified Shorthand Reporters Act of 1984.

6 The Illinois Occupational Therapy Practice Act.

7 The Illinois Public Accounting Act.

8 The Private Detective, Private Alarm, Private Security,  
9 and Locksmith Act of 2004.

10 The Registered Surgical Assistant and Registered Surgical  
11 Technologist Title Protection Act.

12 The Veterinary Medicine and Surgery Practice Act of 2004.

13 (Source: P.A. 92-457, eff. 8-21-01; 92-750, eff. 1-1-03;  
14 93-280, eff. 7-1-04; 93-281, eff. 12-31-03; 93-438, eff.  
15 8-5-03; 93-460, eff. 8-8-03; 93-461, eff. 8-8-03; revised  
16 10-29-04.)

17 (5 ILCS 80/4.13 rep.)

18 (5 ILCS 80/4.14 rep.) (from Ch. 127, par. 1904.14)

19 Section 6. The Regulatory Sunset Act is amended by  
20 repealing Sections 4.13 and 4.14.

21 Section 10. The Illinois Administrative Procedure Act is  
22 amended by changing Sections 1-5, 1-20, and 5-45 as follows:

23 (5 ILCS 100/1-5) (from Ch. 127, par. 1001-5)

24 Sec. 1-5. Applicability.

25 (a) This Act applies to every agency as defined in this  
26 Act. Beginning January 1, 1978, in case of conflict between the  
27 provisions of this Act and the Act creating or conferring power  
28 on an agency, this Act shall control. If, however, an agency  
29 (or its predecessor in the case of an agency that has been  
30 consolidated or reorganized) has existing procedures on July 1,  
31 1977, specifically for contested cases or licensing, those  
32 existing provisions control, except that this exception

1 respecting contested cases and licensing does not apply if the  
2 Act creating or conferring power on the agency adopts by  
3 express reference the provisions of this Act. Where the Act  
4 creating or conferring power on an agency establishes  
5 administrative procedures not covered by this Act, those  
6 procedures shall remain in effect.

7 (b) The provisions of this Act do not apply to (i)  
8 preliminary hearings, investigations, or practices where no  
9 final determinations affecting State funding are made by the  
10 State Board of Education, (ii) legal opinions issued under  
11 Section 2-3.7 of the School Code, (iii) as to State colleges  
12 and universities, their disciplinary and grievance  
13 proceedings, academic irregularity and capricious grading  
14 proceedings, and admission standards and procedures, and (iv)  
15 the class specifications for positions and individual position  
16 descriptions prepared and maintained under the Personnel Code.  
17 Those class specifications shall, however, be made reasonably  
18 available to the public for inspection and copying. The  
19 provisions of this Act do not apply to hearings under Section  
20 of the Uniform Disposition of Unclaimed Property Act.

21 (c) Section 5-35 of this Act relating to procedures for  
22 rulemaking does not apply to the following:

23 (1) Rules adopted by the Pollution Control Board that,  
24 in accordance with Section 7.2 of the Environmental  
25 Protection Act, are identical in substance to federal  
26 regulations or amendments to those regulations  
27 implementing the following: Sections 3001, 3002, 3003,  
28 3004, 3005, and 9003 of the Solid Waste Disposal Act;  
29 Section 105 of the Comprehensive Environmental Response,  
30 Compensation, and Liability Act of 1980; Sections 307(b),  
31 307(c), 307(d), 402(b)(8), and 402(b)(9) of the Federal  
32 Water Pollution Control Act; and Sections 1412(b),  
33 1414(c), 1417(a), 1421, and 1445(a) of the Safe Drinking  
34 Water Act.

35 (2) Rules adopted by the Pollution Control Board that  
36 establish or amend standards for the emission of

1 hydrocarbons and carbon monoxide from gasoline powered  
2 motor vehicles subject to inspection under Section 13A-105  
3 of the Vehicle Emissions Inspection Law and rules adopted  
4 under Section 13B-20 of the Vehicle Emissions Inspection  
5 Law of 1995.

6 (3) Procedural rules adopted by the Pollution Control  
7 Board governing requests for exceptions under Section 14.2  
8 of the Environmental Protection Act.

9 (4) The Pollution Control Board's grant, pursuant to an  
10 adjudicatory determination, of an adjusted standard for  
11 persons who can justify an adjustment consistent with  
12 subsection (a) of Section 27 of the Environmental  
13 Protection Act.

14 (5) Rules adopted by the Pollution Control Board that  
15 are identical in substance to the regulations adopted by  
16 the Office of the State Fire Marshal under clause (ii) of  
17 paragraph (b) of subsection (3) of Section 2 of the  
18 Gasoline Storage Act.

19 (d) Pay rates established under Section 8a of the Personnel  
20 Code shall be amended or repealed pursuant to the process set  
21 forth in Section 5-50 within 30 days after it becomes necessary  
22 to do so due to a conflict between the rates and the terms of a  
23 collective bargaining agreement covering the compensation of  
24 an employee subject to that Code.

25 (e) Section 10-45 of this Act shall not apply to any  
26 hearing, proceeding, or investigation conducted under Section  
27 13-515 of the Public Utilities Act.

28 (f) Article 10 of this Act does not apply to any hearing,  
29 proceeding, or investigation conducted by the State Council for  
30 the State of Illinois created under Section 3-3-11.05 of the  
31 Unified Code of Corrections or by the Interstate Commission  
32 ~~Commission~~ for Adult Offender Supervision created under the  
33 Interstate Compact for Adult Offender Supervision.

34 (Source: P.A. 92-571, eff. 6-26-02; revised 7-25-02.)

35 (5 ILCS 100/1-20) (from Ch. 127, par. 1001-20)

1           Sec. 1-20. "Agency" means each officer, board, commission,  
2           and agency created by the Constitution, whether in the  
3           executive, legislative, or judicial branch of State  
4           government, but other than the circuit court; each officer,  
5           department, board, commission, agency, institution, authority,  
6           university, and body politic and corporate of the State; each  
7           administrative unit or corporate outgrowth of the State  
8           government that is created by or pursuant to statute, other  
9           than units of local government and their officers, school  
10          districts, and boards of election commissioners; and each  
11          administrative unit or corporate outgrowth of the above and as  
12          may be created by executive order of the Governor. "Agency",  
13          however, does not include the following:

14                 (1) The House of Representatives and Senate and their  
15                 respective standing and service committees, including  
16                 without limitation the Board of the Office of the Architect  
17                 of the Capitol and the Architect of the Capitol established  
18                 under the Legislative Commission Reorganization Act of  
19                 1984.

20                 (2) The Governor.

21                 (3) The justices and judges of the Supreme and  
22                 Appellate Courts.

23                 (4) The Legislative Ethics Commission.

24                 (Source: P.A. 93-617, eff. 12-9-03; 93-632, eff. 2-1-04;  
25                 revised 1-9-04.)

26                 (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

27                 Sec. 5-45. Emergency rulemaking.

28                 (a) "Emergency" means the existence of any situation that  
29                 any agency finds reasonably constitutes a threat to the public  
30                 interest, safety, or welfare.

31                 (b) If any agency finds that an emergency exists that  
32                 requires adoption of a rule upon fewer days than is required by  
33                 Section 5-40 and states in writing its reasons for that  
34                 finding, the agency may adopt an emergency rule without prior  
35                 notice or hearing upon filing a notice of emergency rulemaking

1 with the Secretary of State under Section 5-70. The notice  
2 shall include the text of the emergency rule and shall be  
3 published in the Illinois Register. Consent orders or other  
4 court orders adopting settlements negotiated by an agency may  
5 be adopted under this Section. Subject to applicable  
6 constitutional or statutory provisions, an emergency rule  
7 becomes effective immediately upon filing under Section 5-65 or  
8 at a stated date less than 10 days thereafter. The agency's  
9 finding and a statement of the specific reasons for the finding  
10 shall be filed with the rule. The agency shall take reasonable  
11 and appropriate measures to make emergency rules known to the  
12 persons who may be affected by them.

13 (c) An emergency rule may be effective for a period of not  
14 longer than 150 days, but the agency's authority to adopt an  
15 identical rule under Section 5-40 is not precluded. No  
16 emergency rule may be adopted more than once in any 24 month  
17 period, except that this limitation on the number of emergency  
18 rules that may be adopted in a 24 month period does not apply  
19 to (i) emergency rules that make additions to and deletions  
20 from the Drug Manual under Section 5-5.16 of the Illinois  
21 Public Aid Code or the generic drug formulary under Section  
22 3.14 of the Illinois Food, Drug and Cosmetic Act, (ii)  
23 emergency rules adopted by the Pollution Control Board before  
24 July 1, 1997 to implement portions of the Livestock Management  
25 Facilities Act, ~~or~~ or (iii) emergency rules adopted by the  
26 Illinois Department of Public Health under subsections (a)  
27 through (i) of Section 2 of the Department of Public Health Act  
28 when necessary to protect the public's health. Two or more  
29 emergency rules having substantially the same purpose and  
30 effect shall be deemed to be a single rule for purposes of this  
31 Section.

32 (d) In order to provide for the expeditious and timely  
33 implementation of the State's fiscal year 1999 budget,  
34 emergency rules to implement any provision of Public Act 90-587  
35 or 90-588 or any other budget initiative for fiscal year 1999  
36 may be adopted in accordance with this Section by the agency

1 charged with administering that provision or initiative,  
2 except that the 24-month limitation on the adoption of  
3 emergency rules and the provisions of Sections 5-115 and 5-125  
4 do not apply to rules adopted under this subsection (d). The  
5 adoption of emergency rules authorized by this subsection (d)  
6 shall be deemed to be necessary for the public interest,  
7 safety, and welfare.

8 (e) In order to provide for the expeditious and timely  
9 implementation of the State's fiscal year 2000 budget,  
10 emergency rules to implement any provision of this amendatory  
11 Act of the 91st General Assembly or any other budget initiative  
12 for fiscal year 2000 may be adopted in accordance with this  
13 Section by the agency charged with administering that provision  
14 or initiative, except that the 24-month limitation on the  
15 adoption of emergency rules and the provisions of Sections  
16 5-115 and 5-125 do not apply to rules adopted under this  
17 subsection (e). The adoption of emergency rules authorized by  
18 this subsection (e) shall be deemed to be necessary for the  
19 public interest, safety, and welfare.

20 (f) In order to provide for the expeditious and timely  
21 implementation of the State's fiscal year 2001 budget,  
22 emergency rules to implement any provision of this amendatory  
23 Act of the 91st General Assembly or any other budget initiative  
24 for fiscal year 2001 may be adopted in accordance with this  
25 Section by the agency charged with administering that provision  
26 or initiative, except that the 24-month limitation on the  
27 adoption of emergency rules and the provisions of Sections  
28 5-115 and 5-125 do not apply to rules adopted under this  
29 subsection (f). The adoption of emergency rules authorized by  
30 this subsection (f) shall be deemed to be necessary for the  
31 public interest, safety, and welfare.

32 (g) In order to provide for the expeditious and timely  
33 implementation of the State's fiscal year 2002 budget,  
34 emergency rules to implement any provision of this amendatory  
35 Act of the 92nd General Assembly or any other budget initiative  
36 for fiscal year 2002 may be adopted in accordance with this



1 Section by the agency charged with administering that provision  
2 or initiative, except that the 24-month limitation on the  
3 adoption of emergency rules and the provisions of Sections  
4 5-115 and 5-125 do not apply to rules adopted under this  
5 subsection (g). The adoption of emergency rules authorized by  
6 this subsection (g) shall be deemed to be necessary for the  
7 public interest, safety, and welfare.

8 (h) In order to provide for the expeditious and timely  
9 implementation of the State's fiscal year 2003 budget,  
10 emergency rules to implement any provision of this amendatory  
11 Act of the 92nd General Assembly or any other budget initiative  
12 for fiscal year 2003 may be adopted in accordance with this  
13 Section by the agency charged with administering that provision  
14 or initiative, except that the 24-month limitation on the  
15 adoption of emergency rules and the provisions of Sections  
16 5-115 and 5-125 do not apply to rules adopted under this  
17 subsection (h). The adoption of emergency rules authorized by  
18 this subsection (h) shall be deemed to be necessary for the  
19 public interest, safety, and welfare.

20 (i) In order to provide for the expeditious and timely  
21 implementation of the State's fiscal year 2004 budget,  
22 emergency rules to implement any provision of this amendatory  
23 Act of the 93rd General Assembly or any other budget initiative  
24 for fiscal year 2004 may be adopted in accordance with this  
25 Section by the agency charged with administering that provision  
26 or initiative, except that the 24-month limitation on the  
27 adoption of emergency rules and the provisions of Sections  
28 5-115 and 5-125 do not apply to rules adopted under this  
29 subsection (i). The adoption of emergency rules authorized by  
30 this subsection (i) shall be deemed to be necessary for the  
31 public interest, safety, and welfare.

32 (j) In order to provide for the expeditious and timely  
33 implementation of the provisions of the State's fiscal year  
34 2005 budget as provided under the Fiscal Year 2005 Budget  
35 Implementation (Human Services) Act, emergency rules to  
36 implement any provision of the Fiscal Year 2005 Budget

1 Implementation (Human Services) Act may be adopted in  
2 accordance with this Section by the agency charged with  
3 administering that provision, except that the 24-month  
4 limitation on the adoption of emergency rules and the  
5 provisions of Sections 5-115 and 5-125 do not apply to rules  
6 adopted under this subsection (j). The Department of Public Aid  
7 may also adopt rules under this subsection (j) necessary to  
8 administer the Illinois Public Aid Code and the Children's  
9 Health Insurance Program Act. The adoption of emergency rules  
10 authorized by this subsection (j) shall be deemed to be  
11 necessary for the public interest, safety, and welfare.

12 (Source: P.A. 92-10, eff. 6-11-01; 92-597, eff. 6-28-02; 93-20,  
13 eff. 6-20-03; 93-829, eff. 7-28-04; 93-841, eff. 7-30-04;  
14 revised 10-25-04.)

15 Section 15. The Open Meetings Act is amended by changing  
16 Section 2 as follows:

17 (5 ILCS 120/2) (from Ch. 102, par. 42)

18 Sec. 2. Open meetings.

19 (a) Openness required. All meetings of public bodies shall  
20 be open to the public unless excepted in subsection (c) and  
21 closed in accordance with Section 2a.

22 (b) Construction of exceptions. The exceptions contained  
23 in subsection (c) are in derogation of the requirement that  
24 public bodies meet in the open, and therefore, the exceptions  
25 are to be strictly construed, extending only to subjects  
26 clearly within their scope. The exceptions authorize but do not  
27 require the holding of a closed meeting to discuss a subject  
28 included within an enumerated exception.

29 (c) Exceptions. A public body may hold closed meetings to  
30 consider the following subjects:

31 (1) The appointment, employment, compensation,  
32 discipline, performance, or dismissal of specific  
33 employees of the public body or legal counsel for the  
34 public body, including hearing testimony on a complaint

1 lodged against an employee of the public body or against  
2 legal counsel for the public body to determine its  
3 validity.

4 (2) Collective negotiating matters between the public  
5 body and its employees or their representatives, or  
6 deliberations concerning salary schedules for one or more  
7 classes of employees.

8 (3) The selection of a person to fill a public office,  
9 as defined in this Act, including a vacancy in a public  
10 office, when the public body is given power to appoint  
11 under law or ordinance, or the discipline, performance or  
12 removal of the occupant of a public office, when the public  
13 body is given power to remove the occupant under law or  
14 ordinance.

15 (4) Evidence or testimony presented in open hearing, or  
16 in closed hearing where specifically authorized by law, to  
17 a quasi-adjudicative body, as defined in this Act, provided  
18 that the body prepares and makes available for public  
19 inspection a written decision setting forth its  
20 determinative reasoning.

21 (5) The purchase or lease of real property for the use  
22 of the public body, including meetings held for the purpose  
23 of discussing whether a particular parcel should be  
24 acquired.

25 (6) The setting of a price for sale or lease of  
26 property owned by the public body.

27 (7) The sale or purchase of securities, investments, or  
28 investment contracts.

29 (8) Security procedures and the use of personnel and  
30 equipment to respond to an actual, a threatened, or a  
31 reasonably potential danger to the safety of employees,  
32 students, staff, the public, or public property.

33 (9) Student disciplinary cases.

34 (10) The placement of individual students in special  
35 education programs and other matters relating to  
36 individual students.

1           (11) Litigation, when an action against, affecting or  
2           on behalf of the particular public body has been filed and  
3           is pending before a court or administrative tribunal, or  
4           when the public body finds that an action is probable or  
5           imminent, in which case the basis for the finding shall be  
6           recorded and entered into the minutes of the closed  
7           meeting.

8           (12) The establishment of reserves or settlement of  
9           claims as provided in the Local Governmental and  
10          Governmental Employees Tort Immunity Act, if otherwise the  
11          disposition of a claim or potential claim might be  
12          prejudiced, or the review or discussion of claims, loss or  
13          risk management information, records, data, advice or  
14          communications from or with respect to any insurer of the  
15          public body or any intergovernmental risk management  
16          association or self insurance pool of which the public body  
17          is a member.

18          (13) Conciliation of complaints of discrimination in  
19          the sale or rental of housing, when closed meetings are  
20          authorized by the law or ordinance prescribing fair housing  
21          practices and creating a commission or administrative  
22          agency for their enforcement.

23          (14) Informant sources, the hiring or assignment of  
24          undercover personnel or equipment, or ongoing, prior or  
25          future criminal investigations, when discussed by a public  
26          body with criminal investigatory responsibilities.

27          (15) Professional ethics or performance when  
28          considered by an advisory body appointed to advise a  
29          licensing or regulatory agency on matters germane to the  
30          advisory body's field of competence.

31          (16) Self evaluation, practices and procedures or  
32          professional ethics, when meeting with a representative of  
33          a statewide association of which the public body is a  
34          member.

35          (17) The recruitment, credentialing, discipline or  
36          formal peer review of physicians or other health care

1 professionals for a hospital, or other institution  
2 providing medical care, that is operated by the public  
3 body.

4 (18) Deliberations for decisions of the Prisoner  
5 Review Board.

6 (19) Review or discussion of applications received  
7 under the Experimental Organ Transplantation Procedures  
8 Act.

9 (20) The classification and discussion of matters  
10 classified as confidential or continued confidential by  
11 the State Employees Suggestion Award Board.

12 (21) Discussion of minutes of meetings lawfully closed  
13 under this Act, whether for purposes of approval by the  
14 body of the minutes or semi-annual review of the minutes as  
15 mandated by Section 2.06.

16 (22) Deliberations for decisions of the State  
17 Emergency Medical Services Disciplinary Review Board.

18 (23) The operation by a municipality of a municipal  
19 utility or the operation of a municipal power agency or  
20 municipal natural gas agency when the discussion involves  
21 (i) contracts relating to the purchase, sale, or delivery  
22 of electricity or natural gas or (ii) the results or  
23 conclusions of load forecast studies.

24 (24) Meetings of a residential health care facility  
25 resident sexual assault and death review team or the  
26 Residential Health Care Facility Resident Sexual Assault  
27 and Death Review Teams Executive Council under the  
28 Residential Health Care Facility Resident Sexual Assault  
29 and Death Review Team Act.

30 (d) Definitions. For purposes of this Section:

31 "Employee" means a person employed by a public body whose  
32 relationship with the public body constitutes an  
33 employer-employee relationship under the usual common law  
34 rules, and who is not an independent contractor.

35 "Public office" means a position created by or under the  
36 Constitution or laws of this State, the occupant of which is

1 charged with the exercise of some portion of the sovereign  
2 power of this State. The term "public office" shall include  
3 members of the public body, but it shall not include  
4 organizational positions filled by members thereof, whether  
5 established by law or by a public body itself, that exist to  
6 assist the body in the conduct of its business.

7 "Quasi-adjudicative body" means an administrative body  
8 charged by law or ordinance with the responsibility to conduct  
9 hearings, receive evidence or testimony and make  
10 determinations based thereon, but does not include local  
11 electoral boards when such bodies are considering petition  
12 challenges.

13 (e) Final action. No final action may be taken at a closed  
14 meeting. Final action shall be preceded by a public recital of  
15 the nature of the matter being considered and other information  
16 that will inform the public of the business being conducted.

17 (Source: P.A. 93-57, eff. 7-1-03; 93-79, eff. 7-2-03; 93-422,  
18 eff. 8-5-03; 93-577, eff. 8-21-03; revised 9-8-03.)

19 Section 20. The State Records Act is amended by changing  
20 Section 7 as follows:

21 (5 ILCS 160/7) (from Ch. 116, par. 43.10)

22 Sec. 7. Powers and duties of the Secretary.~~+~~

23 (1) The Secretary, whenever it appears to him to be in the  
24 public interest, may accept for deposit in the State Archives  
25 the records of any agency or of the Legislative or Judicial  
26 branches of the State government that are determined by him to  
27 have sufficient historical or other value to warrant the  
28 permanent preservation of such records by the State of  
29 Illinois.~~+~~

30 (2) The Secretary may accept for deposit in the State  
31 Archives official papers, photographs, microfilm, electronic  
32 and digital records, drawings, maps, writings, and records of  
33 every description of counties, municipal corporations,  
34 political subdivisions and courts of this State, and records of

1 the federal government pertaining to Illinois, when such  
2 materials are deemed by the Secretary to have sufficient  
3 historical or other value to warrant their continued  
4 preservation by the State of Illinois.

5 (3) The Secretary, whenever he deems it in the public  
6 interest, may accept for deposit in the State Archives motion  
7 picture films, still pictures, and sound recordings that are  
8 appropriate for preservation by the State government as  
9 evidence of its organization, functions and policies.

10 (4) The Secretary shall be responsible for the custody,  
11 use, servicing and withdrawal of records transferred for  
12 deposit in the State Archives. The Secretary shall observe any  
13 rights, limitations, or restrictions imposed by law relating to  
14 the use of records, including the provisions of the Mental  
15 Health and Developmental Disabilities Confidentiality Act  
16 which limit access to certain records or which permit access to  
17 certain records only after the removal of all personally  
18 identifiable data. Access to restricted records shall be at the  
19 direction of the depositing State agency or, in the case of  
20 records deposited by the legislative or judicial branches of  
21 State government at the direction of the branch which deposited  
22 them, but no limitation on access to such records shall extend  
23 more than 75 years after the creation of the records, except as  
24 provided in the Mental Health and Developmental Disabilities  
25 Confidentiality Act. The Secretary shall not impose  
26 restrictions on the use of records that are defined by law as  
27 public records or as records open to public inspection.†

28 (5) The Secretary shall make provision for the  
29 preservation, arrangement, repair, and rehabilitation,  
30 duplication and reproduction, description, and exhibition of  
31 records deposited in the State Archives as may be needed or  
32 appropriate.†

33 (6) The Secretary shall make or reproduce and furnish upon  
34 demand authenticated or unauthenticated copies of any of the  
35 documents, photographic material or other records deposited in  
36 the State Archives, the public examination of which is not

1 prohibited by statutory limitations or restrictions or  
2 protected by copyright. The Secretary shall charge a fee  
3 therefor in accordance with the schedule of fees in Section 5.5  
4 of the Secretary of State Act ~~10 of "An Act concerning fees and~~  
5 ~~salaries, and to classify the several counties of this state~~  
6 ~~with reference thereto," approved March 29, 1872, as amended,~~  
7 except that there shall be no charge for making or  
8 authentication of such copies or reproductions furnished to any  
9 department or agency of the State for official use. When any  
10 such copy or reproduction is authenticated by the Great Seal of  
11 the State of Illinois and is certified by the Secretary, or in  
12 his name by his authorized representative, such copy or  
13 reproduction shall be admitted in evidence as if it were the  
14 original.

15 (7) Any official of the State of Illinois may turn over to  
16 the Secretary of State, with his consent, for permanent  
17 preservation in the State Archives, any official books,  
18 records, documents, original papers, or files, not in current  
19 use in his office, taking a receipt therefor.

20 (8) (Blank).

21 (9) The Secretary may cooperate with the Illinois State  
22 Genealogical Society, or its successor organization, for the  
23 mutual benefit of the Society and the Illinois State Archives,  
24 with the State Archives furnishing necessary space for the  
25 society to carry on its functions and keep its records, to  
26 receive publications of the Illinois State Genealogical  
27 Society, to use members of the Illinois State Genealogical  
28 Society as volunteers in various archival projects and to store  
29 the Illinois State Genealogical Society's film collections.

30 (Source: P.A. 92-866, eff. 1-3-03; revised 1-20-03.)

31 Section 25. The Illinois Public Labor Relations Act is  
32 amended by changing Sections 9 and 15 as follows:

33 (5 ILCS 315/9) (from Ch. 48, par. 1609)

34 Sec. 9. Elections; recognition.



1 (a) Whenever in accordance with such regulations as may be  
2 prescribed by the Board a petition has been filed:

3 (1) by a public employee or group of public employees  
4 or any labor organization acting in their behalf  
5 demonstrating that 30% of the public employees in an  
6 appropriate unit (A) wish to be represented for the  
7 purposes of collective bargaining by a labor organization  
8 as exclusive representative, or (B) asserting that the  
9 labor organization which has been certified or is currently  
10 recognized by the public employer as bargaining  
11 representative is no longer the representative of the  
12 majority of public employees in the unit; or

13 (2) by a public employer alleging that one or more  
14 labor organizations have presented to it a claim that they  
15 be recognized as the representative of a majority of the  
16 public employees in an appropriate unit,  
17 the Board shall investigate such petition, and if it has  
18 reasonable cause to believe that a question of representation  
19 exists, shall provide for an appropriate hearing upon due  
20 notice. Such hearing shall be held at the offices of the Board  
21 or such other location as the Board deems appropriate. If it  
22 finds upon the record of the hearing that a question of  
23 representation exists, it shall direct an election in  
24 accordance with subsection (d) of this Section, which election  
25 shall be held not later than 120 days after the date the  
26 petition was filed regardless of whether that petition was  
27 filed before or after the effective date of this amendatory Act  
28 of 1987; provided, however, the Board may extend the time for  
29 holding an election by an additional 60 days if, upon motion by  
30 a person who has filed a petition under this Section or is the  
31 subject of a petition filed under this Section and is a party  
32 to such hearing, or upon the Board's own motion, the Board  
33 finds that good cause has been shown for extending the election  
34 date; provided further, that nothing in this Section shall  
35 prohibit the Board, in its discretion, from extending the time  
36 for holding an election for so long as may be necessary under

1 the circumstances, where the purpose for such extension is to  
2 permit resolution by the Board of an unfair labor practice  
3 charge filed by one of the parties to a representational  
4 proceeding against the other based upon conduct which may  
5 either affect the existence of a question concerning  
6 representation or have a tendency to interfere with a fair and  
7 free election, where the party filing the charge has not filed  
8 a request to proceed with the election; and provided further  
9 that prior to the expiration of the total time allotted for  
10 holding an election, a person who has filed a petition under  
11 this Section or is the subject of a petition filed under this  
12 Section and is a party to such hearing or the Board, may move  
13 for and obtain the entry of an order in the circuit court of  
14 the county in which the majority of the public employees sought  
15 to be represented by such person reside, such order extending  
16 the date upon which the election shall be held. Such order  
17 shall be issued by the circuit court only upon a judicial  
18 finding that there has been a sufficient showing that there is  
19 good cause to extend the election date beyond such period and  
20 shall require the Board to hold the election as soon as is  
21 feasible given the totality of the circumstances. Such 120 day  
22 period may be extended one or more times by the agreement of  
23 all parties to the hearing to a date certain without the  
24 necessity of obtaining a court order. Nothing in this Section  
25 prohibits the waiving of hearings by stipulation for the  
26 purpose of a consent election in conformity with the rules and  
27 regulations of the Board or an election in a unit agreed upon  
28 by the parties. Other interested employee organizations may  
29 intervene in the proceedings in the manner and within the time  
30 period specified by rules and regulations of the Board.  
31 Interested parties who are necessary to the proceedings may  
32 also intervene in the proceedings in the manner and within the  
33 time period specified by the rules and regulations of the  
34 Board.

35 (a-5) The Board shall designate an exclusive  
36 representative for purposes of collective bargaining when the

1 representative demonstrates a showing of majority interest by  
2 employees in the unit. If the parties to a dispute are without  
3 agreement on the means to ascertain the choice, if any, of  
4 employee organization as their representative, the Board shall  
5 ascertain the employees' choice of employee organization, on  
6 the basis of dues deduction authorization and other evidence,  
7 or, if necessary, by conducting an election. If either party  
8 provides to the Board, before the designation of a  
9 representative, clear and convincing evidence that the dues  
10 deduction authorizations, and other evidence upon which the  
11 Board would otherwise rely to ascertain the employees' choice  
12 of representative, are fraudulent or were obtained through  
13 coercion, the Board shall promptly thereafter conduct an  
14 election. The Board shall also investigate and consider a  
15 party's allegations that the dues deduction authorizations and  
16 other evidence submitted in support of a designation of  
17 representative without an election were subsequently changed,  
18 altered, withdrawn, or withheld as a result of employer fraud,  
19 coercion, or any other unfair labor practice by the employer.  
20 If the Board determines that a labor organization would have  
21 had a majority interest but for an employer's fraud, coercion,  
22 or unfair labor practice, it shall designate the labor  
23 organization as an exclusive representative without conducting  
24 an election.

25 (b) The Board shall decide in each case, in order to assure  
26 public employees the fullest freedom in exercising the rights  
27 guaranteed by this Act, a unit appropriate for the purpose of  
28 collective bargaining, based upon but not limited to such  
29 factors as: historical pattern of recognition; community of  
30 interest including employee skills and functions; degree of  
31 functional integration; interchangeability and contact among  
32 employees; fragmentation of employee groups; common  
33 supervision, wages, hours and other working conditions of the  
34 employees involved; and the desires of the employees. For  
35 purposes of this subsection, fragmentation shall not be the  
36 sole or predominant factor used by the Board in determining an

1 appropriate bargaining unit. Except with respect to non-State  
2 fire fighters and paramedics employed by fire departments and  
3 fire protection districts, non-State peace officers and peace  
4 officers in the State Department of State Police, a single  
5 bargaining unit determined by the Board may not include both  
6 supervisors and nonsupervisors, except for bargaining units in  
7 existence on the effective date of this Act. With respect to  
8 non-State fire fighters and paramedics employed by fire  
9 departments and fire protection districts, non-State peace  
10 officers and peace officers in the State Department of State  
11 Police, a single bargaining unit determined by the Board may  
12 not include both supervisors and nonsupervisors, except for  
13 bargaining units in existence on the effective date of this  
14 amendatory Act of 1985.

15 In cases involving an historical pattern of recognition,  
16 and in cases where the employer has recognized the union as the  
17 sole and exclusive bargaining agent for a specified existing  
18 unit, the Board shall find the employees in the unit then  
19 represented by the union pursuant to the recognition to be the  
20 appropriate unit.

21 Notwithstanding the above factors, where the majority of  
22 public employees of a craft so decide, the Board shall  
23 designate such craft as a unit appropriate for the purposes of  
24 collective bargaining.

25 The Board shall not decide that any unit is appropriate if  
26 such unit includes both professional and nonprofessional  
27 employees, unless a majority of each group votes for inclusion  
28 in such unit.

29 (c) Nothing in this Act shall interfere with or negate the  
30 current representation rights or patterns and practices of  
31 labor organizations which have historically represented public  
32 employees for the purpose of collective bargaining, including  
33 but not limited to the negotiations of wages, hours and working  
34 conditions, discussions of employees' grievances, resolution  
35 of jurisdictional disputes, or the establishment and  
36 maintenance of prevailing wage rates, unless a majority of

1 employees so represented express a contrary desire pursuant to  
2 the procedures set forth in this Act.

3 (d) In instances where the employer does not voluntarily  
4 recognize a labor organization as the exclusive bargaining  
5 representative for a unit of employees, the Board shall  
6 determine the majority representative of the public employees  
7 in an appropriate collective bargaining unit by conducting a  
8 secret ballot election, except as otherwise provided in  
9 subsection (a-5). Within 7 days after the Board issues its  
10 bargaining unit determination and direction of election or the  
11 execution of a stipulation for the purpose of a consent  
12 election, the public employer shall submit to the labor  
13 organization the complete names and addresses of those  
14 employees who are determined by the Board to be eligible to  
15 participate in the election. When the Board has determined that  
16 a labor organization has been fairly and freely chosen by a  
17 majority of employees in an appropriate unit, it shall certify  
18 such organization as the exclusive representative. If the Board  
19 determines that a majority of employees in an appropriate unit  
20 has fairly and freely chosen not to be represented by a labor  
21 organization, it shall so certify. The Board may also revoke  
22 the certification of the public employee organizations as  
23 exclusive bargaining representatives which have been found by a  
24 secret ballot election to be no longer the majority  
25 representative.

26 (e) The Board shall not conduct an election in any  
27 bargaining unit or any subdivision thereof within which a valid  
28 election has been held in the preceding 12-month period. The  
29 Board shall determine who is eligible to vote in an election  
30 and shall establish rules governing the conduct of the election  
31 or conduct affecting the results of the election. The Board  
32 shall include on a ballot in a representation election a choice  
33 of "no representation". A labor organization currently  
34 representing the bargaining unit of employees shall be placed  
35 on the ballot in any representation election. In any election  
36 where none of the choices on the ballot receives a majority, a

1 runoff election shall be conducted between the 2 choices  
2 receiving the largest number of valid votes cast in the  
3 election. A labor organization which receives a majority of the  
4 votes cast in an election shall be certified by the Board as  
5 exclusive representative of all public employees in the unit.

6 (f) A labor organization shall be designated as the  
7 exclusive representative by a public employer, provided that  
8 the labor organization represents a majority of the public  
9 employees in an appropriate unit. Any employee organization  
10 which is designated or selected by the majority of public  
11 employees, in a unit of the public employer having no other  
12 recognized or certified representative, as their  
13 representative for purposes of collective bargaining may  
14 request recognition by the public employer in writing. The  
15 public employer shall post such request for a period of at  
16 least 20 days following its receipt thereof on bulletin boards  
17 or other places used or reserved for employee notices.

18 (g) Within the 20-day period any other interested employee  
19 organization may petition the Board in the manner specified by  
20 rules and regulations of the Board, provided that such  
21 interested employee organization has been designated by at  
22 least 10% of the employees in an appropriate bargaining unit  
23 which includes all or some of the employees in the unit  
24 recognized by the employer. In such event, the Board shall  
25 proceed with the petition in the same manner as provided by  
26 paragraph (1) of subsection (a) of this Section.

27 (h) No election shall be directed by the Board in any  
28 bargaining unit where there is in force a valid collective  
29 bargaining agreement. The Board, however, may process an  
30 election petition filed between 90 and 60 days prior to the  
31 expiration of the date of an agreement, and may further refine,  
32 by rule or decision, the implementation of this provision.  
33 Where more than 4 years have elapsed since the effective date  
34 of the agreement, the agreement shall continue to bar an  
35 election, except that the Board may process an election  
36 petition filed between 90 and 60 days prior to the end of the

1 fifth year of such an agreement, and between 90 and 60 days  
2 prior to the end of each successive year of such agreement.

3 (i) An order of the Board dismissing a representation  
4 petition, determining and certifying that a labor organization  
5 has been fairly and freely chosen by a majority of employees in  
6 an appropriate bargaining unit, determining and certifying  
7 that a labor organization has not been fairly and freely chosen  
8 by a majority of employees in the bargaining unit or certifying  
9 a labor organization as the exclusive representative of  
10 employees in an appropriate bargaining unit because of a  
11 determination by the Board that the labor organization is the  
12 historical bargaining representative of employees in the  
13 bargaining unit, is a final order. Any person aggrieved by any  
14 such order issued on or after the effective date of this  
15 amendatory Act of 1987 may apply for and obtain judicial review  
16 in accordance with provisions of the Administrative Review Law,  
17 as now or hereafter amended, except that such review shall be  
18 afforded directly in the Appellate Court for the district in  
19 which the aggrieved party resides or transacts business. Any  
20 direct appeal to the Appellate Court shall be filed within 35  
21 days from the date that a copy of the decision sought to be  
22 reviewed was served upon the party affected by the decision.

23 (Source: P.A. 93-427, eff. 8-5-03; 93-444, eff. 8-5-03; revised  
24 9-10-03.)

25 (5 ILCS 315/15) (from Ch. 48, par. 1615)

26 Sec. 15. Act Takes Precedence.

27 (a) In case of any conflict between the provisions of this  
28 Act and any other law (other than Section 5 of the State  
29 Employees Group Insurance Act of 1971), executive order or  
30 administrative regulation relating to wages, hours and  
31 conditions of employment and employment relations, the  
32 provisions of this Act or any collective bargaining agreement  
33 negotiated thereunder shall prevail and control. Nothing in  
34 this Act shall be construed to replace or diminish the rights  
35 of employees established by Sections 28 and 28a of the

1 Metropolitan Transit Authority Act, Sections 2.15 through 2.19  
2 of the Regional Transportation Authority Act. The provisions of  
3 this Act are subject to Section 5 of the State Employees Group  
4 Insurance Act of 1971. Nothing in this Act shall be construed  
5 to replace the necessity of complaints against a sworn peace  
6 officer, as defined in Section 2(a) of the Uniform Peace  
7 Officer Disciplinary Act, from having a complaint supported by  
8 a sworn affidavit.

9 (b) Except as provided in subsection (a) above, any  
10 collective bargaining contract between a public employer and a  
11 labor organization executed pursuant to this Act shall  
12 supersede any contrary statutes, charters, ordinances, rules  
13 or regulations relating to wages, hours and conditions of  
14 employment and employment relations adopted by the public  
15 employer or its agents. Any collective bargaining agreement  
16 entered into prior to the effective date of this Act shall  
17 remain in full force during its duration.

18 (c) It is the public policy of this State, pursuant to  
19 paragraphs (h) and (i) of Section 6 of Article VII of the  
20 Illinois Constitution, that the provisions of this Act are the  
21 exclusive exercise by the State of powers and functions which  
22 might otherwise be exercised by home rule units. Such powers  
23 and functions may not be exercised concurrently, either  
24 directly or indirectly, by any unit of local government,  
25 including any home rule unit, except as otherwise authorized by  
26 this Act.

27 (Source: P.A. 93-839, eff. 7-30-04; 93-1006, eff. 8-24-04;  
28 revised 10-25-04.)

29 Section 30. The Military Leave of Absence Act is amended by  
30 changing Sections 1 and 1.1 as follows:

31 (5 ILCS 325/1) (from Ch. 129, par. 501)

32 Sec. 1. Leave of absence.

33 (a) Any full-time employee of the State of Illinois, a unit  
34 of local government, or a school district, other than an



1 independent contractor, who is a member of any reserve  
2 component of the United States Armed Forces or of any reserve  
3 component of the Illinois State Militia, shall be granted leave  
4 from his or her public employment for any period actively spent  
5 in military service, including:

6 (1) basic training;

7 (2) special or advanced training, whether or not within the  
8 State, and whether or not voluntary; and

9 (3) annual training.

10 During these leaves, the employee's seniority and other  
11 benefits shall continue to accrue.

12 During leaves for annual training, the employee shall  
13 continue to receive his or her regular compensation as a public  
14 employee. During leaves for basic training and up to 60 days of  
15 special or advanced training, if the employee's compensation  
16 for military activities is less than his or her compensation as  
17 a public employee, he or she shall receive his or her regular  
18 compensation as a public employee minus the amount of his or  
19 her base pay for military activities.

20 (b) Any full-time employee of the State of Illinois, other  
21 than an independent contractor, who is a member of the Illinois  
22 National Guard or a reserve component of the United States  
23 Armed Forces or the Illinois State Militia and who is mobilized  
24 to active duty shall continue during the period of active duty  
25 to receive his or her benefits and regular compensation as a  
26 State employee, minus an amount equal to his or her military  
27 active duty base pay. The Department of Central Management  
28 Services and the State Comptroller shall coordinate in the  
29 development of procedures for the implementation of this  
30 Section.

31 (Source: P.A. 93-409, eff. 8-4-03; 93-537, eff. 1-1-04; revised  
32 9-11-03.)

33 (5 ILCS 325/1.1)

34 Sec. 1.1. Home rule. A home rule unit may not regulate its  
35 employees in a manner that is inconsistent with this Act. This

1 Section is a limitation under subsection (i) of Section 6~~7~~ of  
2 Article VII of the Illinois Constitution on the concurrent  
3 exercise by home rule units of powers and functions exercised  
4 by the State.

5 (Source: P.A. 93-409, eff. 8-4-03; revised 10-9-03.)

6 Section 35. The State Officials and Employees Ethics Act is  
7 amended by adding Section 99-10 as follows:

8 (5 ILCS 430/99-10) (was Sec. 995 of PA 93-617)

9 (This Section was enacted as Section 995 of P.A. 93-617; it  
10 is being added to the State Officials and Employees Ethics Act,  
11 amended, and renumbered for codification purposes.)

12 Sec. 99-10. 995. Closed sessions; vote requirement. Public  
13 Act 93-617 ~~This Act~~ authorizes the ethics commissions of the  
14 executive branch and legislative branch to conduct closed  
15 sessions, hearings, and meetings in certain circumstances. In  
16 order to meet the requirements of subsection (c) of Section 5  
17 of Article IV of the Illinois Constitution, the General  
18 Assembly determines that closed sessions, hearings, and  
19 meetings of the ethics commissions, including the ethics  
20 commission for the legislative branch, are required by the  
21 public interest. Thus, Public Act 93-617 ~~was this Act~~ ~~is~~  
22 enacted by the affirmative vote of two-thirds of the members  
23 elected to each house of the General Assembly.

24 (P.A. 93-617, eff. 12-9-03; revised 1-10-04.)

25 Section 40. The Election Code is amended by changing  
26 Sections 7-7, 9-10, and 24B-9.1 as follows:

27 (10 ILCS 5/7-7) (from Ch. 46, par. 7-7)

28 Sec. 7-7. For the purpose of making nominations in certain  
29 instances as provided in this Article and this Act, the  
30 following committees are authorized and shall constitute the  
31 central or managing committees of each political party, viz: A  
32 State central committee, a congressional committee for each

1 congressional district, a county central committee for each  
2 county, a municipal central committee for each city,  
3 incorporated town or village, a ward committeeman for each ward  
4 in cities containing a population of 500,000 or more; a  
5 township committeeman for each township or part of a township  
6 that lies outside of cities having a population of 200,000 or  
7 more, in counties having a population of 2,000,000 or more; a  
8 precinct committeeman for each precinct in counties having a  
9 population of less than 2,000,000; a county board district  
10 committee for each county board district created under Division  
11 2-3 of the Counties Code; a State's Attorney committee for each  
12 group of 2 or more counties which jointly elect a State's  
13 Attorney; a Superintendent of Multi-County Educational Service  
14 Region committee for each group of 2 or more counties which  
15 jointly elect a Superintendent of a Multi-County Educational  
16 Service Region; a judicial subcircuit committee in a judicial  
17 circuit divided into subcircuits for each judicial subcircuit  
18 in that circuit; and a board of review election district  
19 committee for each Cook County Board of Review election  
20 district.

21 (Source: P.A. 93-541, eff. 8-18-03; 93-574, eff. 8-21-03;  
22 revised 9-22-03.)

23 (10 ILCS 5/9-10) (from Ch. 46, par. 9-10)

24 Sec. 9-10. Financial reports.

25 (a) The treasurer of every state political committee and  
26 the treasurer of every local political committee shall file  
27 with the Board, and the treasurer of every local political  
28 committee shall file with the county clerk, reports of campaign  
29 contributions, and semi-annual reports of campaign  
30 contributions and expenditures on forms to be prescribed or  
31 approved by the Board. The treasurer of every political  
32 committee that acts as both a state political committee and a  
33 local political committee shall file a copy of each report with  
34 the State Board of Elections and the county clerk. Entities  
35 subject to Section 9-7.5 shall file reports required by that

1 Section at times provided in this Section and are subject to  
2 the penalties provided in this Section.

3 (b) Reports of campaign contributions shall be filed no  
4 later than the 15th day next preceding each election including  
5 a primary election in connection with which the political  
6 committee has accepted or is accepting contributions or has  
7 made or is making expenditures. Such reports shall be complete  
8 as of the 30th day next preceding each election including a  
9 primary election. The Board shall assess a civil penalty not to  
10 exceed \$5,000 for a violation of this subsection, except that  
11 for State officers and candidates and political committees  
12 formed for statewide office, the civil penalty may not exceed  
13 \$10,000. The fine, however, shall not exceed \$500 for a first  
14 filing violation for filing less than 10 days after the  
15 deadline. There shall be no fine if the report is mailed and  
16 postmarked at least 72 hours prior to the filing deadline. For  
17 the purpose of this subsection, "statewide office" and "State  
18 officer" means the Governor, Lieutenant Governor, Attorney  
19 General, Secretary of State, Comptroller, and Treasurer.  
20 However, a continuing political committee that neither accepts  
21 contributions nor makes expenditures on behalf of or in  
22 opposition to any candidate or public question on the ballot at  
23 an election shall not be required to file the reports  
24 heretofore prescribed but may file in lieu thereof a Statement  
25 of Nonparticipation in the Election with the Board or the Board  
26 and the county clerk.

27 (b-5) Notwithstanding the provisions of subsection (b) and  
28 Section 1.25 of the Statute on Statutes, any contribution of  
29 more than \$500 received in the interim between the last date of  
30 the period covered by the last report filed under subsection  
31 (b) prior to the election and the date of the election shall be  
32 filed with and must actually be received by the State Board of  
33 Elections within 2 business days after receipt of such  
34 contribution. The State Board shall allow filings of reports of  
35 contributions of more than \$500 under this subsection (b-5) by  
36 political committees that are not required to file

1 electronically to be made by facsimile transmission. For the  
2 purpose of this subsection, a contribution is considered  
3 received on the date the public official, candidate, or  
4 political committee (or equivalent person in the case of a  
5 reporting entity other than a political committee) actually  
6 receives it or, in the case of goods or services, 2 business  
7 days after the date the public official, candidate, committee,  
8 or other reporting entity receives the certification required  
9 under subsection (b) of Section 9-6. Failure to report each  
10 contribution is a separate violation of this subsection. In the  
11 final disposition of any matter by the Board on or after the  
12 effective date of this amendatory Act of the 93rd General  
13 Assembly, the Board may impose fines for violations of this  
14 subsection not to exceed 100% of the total amount of the  
15 contributions that were untimely reported, but in no case when  
16 a fine is imposed shall it be less than 10% of the total amount  
17 of the contributions that were untimely reported. When  
18 considering the amount of the fine to be imposed, the Board  
19 shall consider, but is not limited to, the following factors:

20 (1) whether in the Board's opinion the violation was  
21 committed inadvertently, negligently, knowingly, or  
22 intentionally;

23 (2) the number of days the contribution was reported  
24 late; and

25 (3) past violations of Sections 9-3 and 9-10 of this  
26 Article by the committee.

27 (c) In addition to such reports the treasurer of every  
28 political committee shall file semi-annual reports of campaign  
29 contributions and expenditures no later than July 31st,  
30 covering the period from January 1st through June 30th  
31 immediately preceding, and no later than January 31st, covering  
32 the period from July 1st through December 31st of the preceding  
33 calendar year. Reports of contributions and expenditures must  
34 be filed to cover the prescribed time periods even though no  
35 contributions or expenditures may have been received or made  
36 during the period. The Board shall assess a civil penalty not

1 to exceed \$5,000 for a violation of this subsection, except  
2 that for State officers and candidates and political committees  
3 formed for statewide office, the civil penalty may not exceed  
4 \$10,000. The fine, however, shall not exceed \$500 for a first  
5 filing violation for filing less than 10 days after the  
6 deadline. There shall be no fine if the report is mailed and  
7 postmarked at least 72 hours prior to the filing deadline. For  
8 the purpose of this subsection, "statewide office" and "State  
9 officer" means the Governor, Lieutenant Governor, Attorney  
10 General, Secretary of State, Comptroller, and Treasurer.

11 (c-5) A political committee that acts as either (i) a State  
12 and local political committee or (ii) a local political  
13 committee and that files reports electronically under Section  
14 9-28 is not required to file copies of the reports with the  
15 appropriate county clerk if the county clerk has a system that  
16 permits access to, and duplication of, reports that are filed  
17 with the State Board of Elections. A State and local political  
18 committee or a local political committee shall file with the  
19 county clerk a copy of its statement of organization pursuant  
20 to Section 9-3.

21 (d) A copy of each report or statement filed under this  
22 Article shall be preserved by the person filing it for a period  
23 of two years from the date of filing.

24 (Source: P.A. 93-574, eff. 8-21-03; 93-615, eff. 11-19-03;  
25 revised 12-17-03.)

26 (10 ILCS 5/24B-9.1)

27 Sec. 24B-9.1. Examination of Votes by Electronic Precinct  
28 Tabulation Optical Scan Technology Scanning Process or other  
29 authorized electronic process; definition of a vote.

30 (a) Examination of Votes by Electronic Precinct Tabulation  
31 Optical Scan Technology Scanning Process. Whenever a Precinct  
32 Tabulation Optical Scan Technology process is used to  
33 automatically examine and count the votes on ballot sheets, the  
34 provisions of this Section shall apply. A voter shall cast a  
35 proper vote on a ballot sheet by making a mark, or causing a

1 mark to be made, in the designated area for the casting of a  
2 vote for any party or candidate or for or against any  
3 proposition. For this purpose, a mark is an intentional  
4 darkening of the designated area on the ballot, and not an  
5 identifying mark.

6 (b) For any ballot sheet that does not register a vote for  
7 one or more ballot positions on the ballot sheet on a  
8 Electronic Precinct Tabulation Optical Scan Technology  
9 Scanning Process, the following shall constitute a vote on the  
10 ballot sheet:

11 (1) the designated area for casting a vote for a  
12 particular ballot position on the ballot sheet is fully  
13 darkened or shaded in;

14 (2) the designated area for casting a vote for a  
15 particular ballot position on the ballot sheet is partially  
16 darkened or shaded in;

17 (3) the designated area for casting a vote for a  
18 particular ballot position on the ballot sheet contains a  
19 dot or ".", a check, or a plus or "+"; ~~or~~

20 (4) the designated area for casting a vote for a  
21 particular ballot position on the ballot sheet contains  
22 some other type of mark that indicates the clearly  
23 ascertainable intent of the voter to vote based on the  
24 totality of the circumstances, including but not limited to  
25 any pattern or frequency of marks on other ballot positions  
26 from the same ballot sheet; or.

27 (5) the designated area for casting a vote for a  
28 particular ballot position on the ballot sheet is not  
29 marked, but the ballot sheet contains other markings  
30 associated with a particular ballot position, such as  
31 circling a candidate's name, that indicates the clearly  
32 ascertainable intent of the voter to vote, based on the  
33 totality of the circumstances, including but not limited  
34 to, any pattern or frequency of markings on other ballot  
35 positions from the same ballot sheet.

36 (c) For other electronic voting systems that use a computer

1 as the marking device to mark a ballot sheet, the bar code  
2 found on the ballot sheet shall constitute the votes found on  
3 the ballot. If, however, the county clerk or board of election  
4 commissioners determines that the votes represented by the  
5 tally on the bar code for one or more ballot positions is  
6 inconsistent with the votes represented by numerical ballot  
7 positions identified on the ballot sheet produced using a  
8 computer as the marking device, then the numerical ballot  
9 positions identified on the ballot sheet shall constitute the  
10 votes for purposes of any official canvass or recount  
11 proceeding. An electronic voting system that uses a computer as  
12 the marking device to mark a ballot sheet shall be capable of  
13 producing a ballot sheet that contains all numerical ballot  
14 positions selected by the voter, and provides a place for the  
15 voter to cast a write-in vote for a candidate for a particular  
16 numerical ballot position.

17 (d) The election authority shall provide an envelope,  
18 sleeve or other device to each voter so the voter can deliver  
19 the voted ballot sheet to the counting equipment and ballot box  
20 without the votes indicated on the ballot sheet being visible  
21 to other persons in the polling place.

22 (Source: P.A. 93-574, eff. 8-21-03; revised 10-9-03.)

23 Section 45. The Secretary of State Act is amended by  
24 changing Section 10 as follows:

25 (15 ILCS 305/10) (from Ch. 124, par. 10)

26 Sec. 10. Whenever any bill which has passed both houses of  
27 the General Assembly, and is not approved, or vetoed and  
28 returned by the Governor, or filed with his objection in the  
29 office of the Secretary of State, as required by Section 9, of  
30 Article IV, of the Constitution, it shall be the duty of the  
31 Secretary of State to authenticate the same by a certificate  
32 thereon, to the following effect, as the case may be:

33 "This bill having remained with the Governor 60  
34 calendar days after it was presented to him, the General



1 Assembly being in session, ~~for~~ the Governor having failed  
 2 to return this bill to the General Assembly during its  
 3 session, and having failed to file it in my office, with  
 4 his objections, within such 60 calendar days, it has  
 5 thereby become a law.

6 Dated ..... 19

7 Signature ....., Secretary of State".

8 (Source: P.A. 84-550; revised 9-24-03.)

9 Section 50. The Secretary of State Merit Employment Code is  
 10 amended by changing Section 10b.1 as follows:

11 (15 ILCS 310/10b.1) (from Ch. 124, par. 110b.1)

12 Sec. 10b.1. ~~(a)~~ Competitive examinations.

13 (a) For open competitive examinations to test the relative  
 14 fitness of applicants for the respective positions. Tests shall  
 15 be designed to eliminate those who are not qualified for  
 16 entrance into the Office of the Secretary of State and to  
 17 discover the relative fitness of those who are qualified. The  
 18 Director may use any one of or any combination of the following  
 19 examination methods which in his judgment best serves this end:  
 20 investigation of education and experience; test of cultural  
 21 knowledge; test of capacity; test of knowledge; test of manual  
 22 skill; test of linguistic ability; test of character; test of  
 23 physical skill; test of psychological fitness. No person with a  
 24 record of misdemeanor convictions except those under Sections  
 25 11-6, 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2,  
 26 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3,  
 27 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8 and  
 28 sub-sections 1, 6 and 8 of Section 24-1 of the Criminal Code of  
 29 1961, or arrested for any cause but not convicted thereon shall  
 30 be disqualified from taking such examinations or subsequent  
 31 appointment unless the person is attempting to qualify for a  
 32 position which would give him the powers of a peace officer, in  
 33 which case the person's conviction or arrest record may be  
 34 considered as a factor in determining the person's fitness for

1 the position. All examinations shall be announced publicly at  
2 least 2 weeks in advance of the date of examinations and may be  
3 advertised through the press, radio or other media.

4 The Director may, at his discretion, accept the results of  
5 competitive examinations conducted by any merit system  
6 established by Federal law or by the law of any State, and may  
7 compile eligible lists therefrom or may add the names of  
8 successful candidates in examinations conducted by those merit  
9 systems to existing eligible lists in accordance with their  
10 respective ratings. No person who is a non-resident of the  
11 State of Illinois may be appointed from those eligible lists,  
12 however, unless the requirement that applicants be residents of  
13 the State of Illinois is waived by the Director of Personnel  
14 and unless there are less than 3 Illinois residents available  
15 for appointment from the appropriate eligible list. The results  
16 of the examinations conducted by other merit systems may not be  
17 used unless they are comparable in difficulty and  
18 comprehensiveness to examinations conducted by the Department  
19 of Personnel for similar positions. Special linguistic options  
20 may also be established where deemed appropriate.

21 (b) The Director of Personnel may require that each person  
22 seeking employment with the Secretary of State, as part of the  
23 application process, authorize an investigation to determine  
24 if the applicant has ever been convicted of a crime and if so,  
25 the disposition of those convictions; this authorization shall  
26 indicate the scope of the inquiry and the agencies which may be  
27 contacted. Upon this authorization, the Director of Personnel  
28 may request and receive information and assistance from any  
29 federal, state or local governmental agency as part of the  
30 authorized investigation. The investigation shall be  
31 undertaken after the fingerprinting of an applicant in the form  
32 and manner prescribed by the Department of State Police. The  
33 investigation shall consist of a criminal history records check  
34 performed by the Department of State Police and the Federal  
35 Bureau of Investigation, or some other entity that has the  
36 ability to check the applicant's fingerprints against the

1 fingerprint records now and hereafter filed in the Department  
2 of State Police and Federal Bureau of Investigation criminal  
3 history records databases. If the Department of State Police  
4 and the Federal Bureau of Investigation conduct an  
5 investigation directly for the Secretary of State's Office,  
6 then the Department of State Police shall charge a fee for  
7 conducting the criminal history records check, which shall be  
8 deposited in the State Police Services Fund and shall not  
9 exceed the actual cost of the records check. The Department of  
10 State Police shall provide information concerning any criminal  
11 convictions, and their disposition, brought against the  
12 applicant or prospective employee of the Secretary of State  
13 upon request of the Department of Personnel when the request is  
14 made in the form and manner required by the Department of State  
15 Police. The information derived from this investigation,  
16 including the source of this information, and any conclusions  
17 or recommendations derived from this information by the  
18 Director of Personnel shall be provided to the applicant or  
19 prospective employee, or his designee, upon request to the  
20 Director of Personnel prior to any final action by the Director  
21 of Personnel on the application. No information obtained from  
22 such investigation may be placed in any automated information  
23 system. Any criminal convictions and their disposition  
24 information obtained by the Director of Personnel shall be  
25 confidential and may not be transmitted outside the Office of  
26 the Secretary of State, except as required herein, and may not  
27 be transmitted to anyone within the Office of the Secretary of  
28 State except as needed for the purpose of evaluating the  
29 application. The only physical identity materials which the  
30 applicant or prospective employee can be required to provide  
31 the Director of Personnel are photographs or fingerprints;  
32 these shall be returned to the applicant or prospective  
33 employee upon request to the Director of Personnel, after the  
34 investigation has been completed and no copy of these materials  
35 may be kept by the Director of Personnel or any agency to which  
36 such identity materials were transmitted. Only information and

1 standards which bear a reasonable and rational relation to the  
2 performance of an employee shall be used by the Director of  
3 Personnel. The Secretary of State shall adopt rules and  
4 regulations for the administration of this Section. Any  
5 employee of the Secretary of State who gives or causes to be  
6 given away any confidential information concerning any  
7 criminal convictions and their disposition of an applicant or  
8 prospective employee shall be guilty of a Class A misdemeanor  
9 unless release of such information is authorized by this  
10 Section.

11 (Source: P.A. 93-418, eff. 1-1-04; revised 10-9-03.)

12 Section 55. The Illinois Identification Card Act is amended  
13 by changing Section 14 as follows:

14 (15 ILCS 335/14) (from Ch. 124, par. 34)

15 Sec. 14. Unlawful use of identification card.

16 (a) It is a violation of this Section for any person:

17 1. To possess, display, or cause to be displayed any  
18 cancelled or revoked identification card;

19 2. To display or represent as the person's own any  
20 identification card issued to another;

21 3. To allow any unlawful use of an identification card  
22 issued to the person;

23 4. To lend an identification card to another or  
24 knowingly allow the use thereof by another;

25 5. To fail or refuse to surrender to the Secretary of  
26 State, the Secretary's agent or any peace officer upon  
27 lawful demand, any identification card which has been  
28 revoked or cancelled;

29 6. To possess, use, or allow to be used any materials,  
30 hardware, or software specifically designed for or  
31 primarily used in the manufacture, assembly, issuance, or  
32 authentication of an official Illinois Identification Card  
33 or Illinois Disabled Person Identification Card issued by  
34 the Secretary of State; or

1            7. ~~6.~~ To knowingly possess, use, or allow to be used a  
2            stolen identification card making implement.

3            (a-5) As used in this Section "identification card" means  
4            any document made or issued by or under the authority of the  
5            United States Government, the State of Illinois or any other  
6            State or political subdivision thereof, or any governmental or  
7            quasi-governmental organization that, when completed with  
8            information concerning the individual, is of a type intended or  
9            commonly accepted for the purpose of identifying the  
10           individual.

11           (b) Sentence.

12           1. Any person convicted of a violation of this Section  
13           shall be guilty of a Class A misdemeanor and shall be  
14           sentenced to a minimum fine of \$500 or 50 hours of  
15           community service, preferably at an alcohol abuse  
16           prevention program, if available.

17           2. A person convicted of a second or subsequent  
18           violation of this Section shall be guilty of a Class 4  
19           felony.

20           (c) This Section does not prohibit any lawfully authorized  
21           investigative, protective, law enforcement or other activity  
22           of any agency of the United States, State of Illinois or any  
23           other state or political subdivision thereof.

24           (Source: P.A. 93-667, eff. 3-19-04; 93-895, eff. 1-1-05;  
25           revised 10-25-04.)

26           Section 60. The Deposit of State Moneys Act is amended by  
27           changing Sections 11 and 22.5 as follows:

28           (15 ILCS 520/11) (from Ch. 130, par. 30)

29           Sec. 11. Protection of public deposits; eligible  
30           collateral.

31           (a) For deposits not insured by an agency of the federal  
32           government, the State Treasurer, in his or her discretion, may  
33           accept as collateral any of the following classes of  
34           securities, provided there has been no default in the payment

1 of principal or interest thereon:

2 (1) Bonds, notes, or other securities constituting  
3 direct and general obligations of the United States, the  
4 bonds, notes, or other securities constituting the direct  
5 and general obligation of any agency or instrumentality of  
6 the United States, the interest and principal of which is  
7 unconditionally guaranteed by the United States, and  
8 bonds, notes, or other securities or evidence of  
9 indebtedness constituting the obligation of a U.S. agency  
10 or instrumentality.

11 (2) Direct and general obligation bonds of the State of  
12 Illinois or of any other state of the United States.

13 (3) Revenue bonds of this State or any authority,  
14 board, commission, or similar agency thereof.

15 (4) Direct and general obligation bonds of any city,  
16 town, county, school district, or other taxing body of any  
17 state, the debt service of which is payable from general ad  
18 valorem taxes.

19 (5) Revenue bonds of any city, town, county, or school  
20 district of the State of Illinois.

21 (6) Obligations issued, assumed, or guaranteed by the  
22 International Finance Corporation, the principal of which  
23 is not amortized during the life of the obligation, but no  
24 such obligation shall be accepted at more than 90% of its  
25 market value.

26 (7) Illinois Affordable Housing Program Trust Fund  
27 Bonds or Notes as defined in and issued pursuant to the  
28 Illinois Housing Development Act.

29 (8) In an amount equal to at least market value of that  
30 amount of funds deposited exceeding the insurance  
31 limitation provided by the Federal Deposit Insurance  
32 Corporation or the National Credit Union Administration or  
33 other approved share insurer: (i) securities, (ii)  
34 mortgages, (iii) letters of credit issued by a Federal Home  
35 Loan Bank, or (iv) loans covered by a State Guarantee  
36 ~~Guaranty~~ under the Illinois Farm Development Act, if that

1 guarantee has been assumed by the Illinois Finance  
2 Authority under Section 845-75 of the Illinois Finance  
3 Authority Act, and loans covered by a State Guarantee under  
4 Article 830 of the Illinois Finance Authority Act.

5 (b) The State Treasurer may establish a system to aggregate  
6 permissible securities received as collateral from financial  
7 institutions in a collateral pool to secure State deposits of  
8 the institutions that have pledged securities to the pool.

9 (c) The Treasurer may at any time declare any particular  
10 security ineligible to qualify as collateral when, in the  
11 Treasurer's judgment, it is deemed desirable to do so.

12 (d) Notwithstanding any other provision of this Section, as  
13 security the State Treasurer may, in his discretion, accept a  
14 bond, executed by a company authorized to transact the kinds of  
15 business described in clause (g) of Section 4 of the Illinois  
16 Insurance Code, in an amount not less than the amount of the  
17 deposits required by this Section to be secured, payable to the  
18 State Treasurer for the benefit of the People of the State of  
19 Illinois, in a form that is acceptable to the State Treasurer.

20 (Source: P.A. 93-561, eff. 1-1-04; revised 10-17-03.)

21 (15 ILCS 520/22.5) (from Ch. 130, par. 41a)

22 Sec. 22.5. Permitted investments. The State Treasurer may,  
23 with the approval of the Governor, invest and reinvest any  
24 State money in the treasury which is not needed for current  
25 expenditures due or about to become due, in obligations of the  
26 United States government or its agencies or of National  
27 Mortgage Associations established by or under the National  
28 Housing Act, 1201 U.S.C. 1701 et seq., or in mortgage  
29 participation certificates representing undivided interests in  
30 specified, first-lien conventional residential Illinois  
31 mortgages that are underwritten, insured, guaranteed, or  
32 purchased by the Federal Home Loan Mortgage Corporation or in  
33 Affordable Housing Program Trust Fund Bonds or Notes as defined  
34 in and issued pursuant to the Illinois Housing Development Act.  
35 All such obligations shall be considered as cash and may be

1 delivered over as cash by a State Treasurer to his successor.

2 The State Treasurer may, with the approval of the Governor,  
3 purchase any state bonds with any money in the State Treasury  
4 that has been set aside and held for the payment of the  
5 principal of and interest on the bonds. The bonds shall be  
6 considered as cash and may be delivered over as cash by the  
7 State Treasurer to his successor.

8 The State Treasurer may, with the approval of the Governor,  
9 invest or reinvest any State money in the treasury that is not  
10 needed for current expenditure due or about to become due, or  
11 any money in the State Treasury that has been set aside and  
12 held for the payment of the principal of and the interest on  
13 any State bonds, in shares, withdrawable accounts, and  
14 investment certificates of savings and building and loan  
15 associations, incorporated under the laws of this State or any  
16 other state or under the laws of the United States; provided,  
17 however, that investments may be made only in those savings and  
18 loan or building and loan associations the shares and  
19 withdrawable accounts or other forms of investment securities  
20 of which are insured by the Federal Deposit Insurance  
21 Corporation.

22 The State Treasurer may not invest State money in any  
23 savings and loan or building and loan association unless a  
24 commitment by the savings and loan (or building and loan)  
25 association, executed by the president or chief executive  
26 officer of that association, is submitted in the following  
27 form:

28 The ..... Savings and Loan (or Building  
29 and Loan) Association pledges not to reject arbitrarily  
30 mortgage loans for residential properties within any  
31 specific part of the community served by the savings and  
32 loan (or building and loan) association because of the  
33 location of the property. The savings and loan (or building  
34 and loan) association also pledges to make loans available  
35 on low and moderate income residential property throughout  
36 the community within the limits of its legal restrictions



1 and prudent financial practices.

2 The State Treasurer may, with the approval of the Governor,  
3 invest or reinvest, at a price not to exceed par, any State  
4 money in the treasury that is not needed for current  
5 expenditures due or about to become due, or any money in the  
6 State Treasury that has been set aside and held for the payment  
7 of the principal of and interest on any State bonds, in bonds  
8 issued by counties or municipal corporations of the State of  
9 Illinois.

10 The State Treasurer may, with the approval of the Governor,  
11 invest or reinvest any State money in the Treasury which is not  
12 needed for current expenditure, due or about to become due, or  
13 any money in the State Treasury which has been set aside and  
14 held for the payment of the principal of and the interest on  
15 any State bonds, in participations in loans, the principal of  
16 which participation is fully guaranteed by an agency or  
17 instrumentality of the United States government; provided,  
18 however, that such loan participations are represented by  
19 certificates issued only by banks which are incorporated under  
20 the laws of this State or any other state or under the laws of  
21 the United States, and such banks, but not the loan  
22 participation certificates, are insured by the Federal Deposit  
23 Insurance Corporation.

24 The State Treasurer may, with the approval of the Governor,  
25 invest or reinvest any State money in the Treasury that is not  
26 needed for current expenditure, due or about to become due, or  
27 any money in the State Treasury that has been set aside and  
28 held for the payment of the principal of and the interest on  
29 any State bonds, in any of the following:

30 (1) Bonds, notes, certificates of indebtedness,  
31 Treasury bills, or other securities now or hereafter issued  
32 that are guaranteed by the full faith and credit of the  
33 United States of America as to principal and interest.

34 (2) Bonds, notes, debentures, or other similar  
35 obligations of the United States of America, its agencies,  
36 and instrumentalities.

1           (2.5) Bonds, notes, debentures, or other similar  
2 obligations of a foreign government that are guaranteed by  
3 the full faith and credit of that government as to  
4 principal and interest, but only if the foreign government  
5 has not defaulted and has met its payment obligations in a  
6 timely manner on all similar obligations for a period of at  
7 least 25 years immediately before the time of acquiring  
8 those obligations.

9           (3) Interest-bearing savings accounts,  
10 interest-bearing certificates of deposit, interest-bearing  
11 time deposits, or any other investments constituting  
12 direct obligations of any bank as defined by the Illinois  
13 Banking Act.

14           (4) Interest-bearing accounts, certificates of  
15 deposit, or any other investments constituting direct  
16 obligations of any savings and loan associations  
17 incorporated under the laws of this State or any other  
18 state or under the laws of the United States.

19           (5) Dividend-bearing share accounts, share certificate  
20 accounts, or class of share accounts of a credit union  
21 chartered under the laws of this State or the laws of the  
22 United States; provided, however, the principal office of  
23 the credit union must be located within the State of  
24 Illinois.

25           (6) Bankers' acceptances of banks whose senior  
26 obligations are rated in the top 2 rating categories by 2  
27 national rating agencies and maintain that rating during  
28 the term of the investment.

29           (7) Short-term obligations of corporations organized  
30 in the United States with assets exceeding \$500,000,000 if  
31 (i) the obligations are rated at the time of purchase at  
32 one of the 3 highest classifications established by at  
33 least 2 standard rating services and mature not later than  
34 180 days from the date of purchase, (ii) the purchases do  
35 not exceed 10% of the corporation's outstanding  
36 obligations, and (iii) no more than one-third of the public

1 agency's funds are invested in short-term obligations of  
2 corporations.

3 (8) Money market mutual funds registered under the  
4 Investment Company Act of 1940, provided that the portfolio  
5 of the money market mutual fund is limited to obligations  
6 described in this Section and to agreements to repurchase  
7 such obligations.

8 (9) The Public Treasurers' Investment Pool created  
9 under Section 17 of the State Treasurer Act or in a fund  
10 managed, operated, and administered by a bank.

11 (10) Repurchase agreements of government securities  
12 having the meaning set out in the Government Securities Act  
13 of 1986 subject to the provisions of that Act and the  
14 regulations issued thereunder.

15 (11) Investments made in accordance with the  
16 Technology Development Act.

17 For purposes of this Section, "agencies" of the United  
18 States Government includes:

19 (i) the federal land banks, federal intermediate  
20 credit banks, banks for cooperatives, federal farm credit  
21 banks, or any other entity authorized to issue debt  
22 obligations under the Farm Credit Act of 1971 (12 U.S.C.  
23 2001 et seq.) and Acts amendatory thereto;

24 (ii) the federal home loan banks and the federal home  
25 loan mortgage corporation;

26 (iii) the Commodity Credit Corporation; and

27 (iv) any other agency created by Act of Congress.

28 The Treasurer may, with the approval of the Governor, lend  
29 any securities acquired under this Act. However, securities may  
30 be lent under this Section only in accordance with Federal  
31 Financial Institution Examination Council guidelines and only  
32 if the securities are collateralized at a level sufficient to  
33 assure the safety of the securities, taking into account market  
34 value fluctuation. The securities may be collateralized by cash  
35 or collateral acceptable under Sections 11 and 11.1.

36 (Source: P.A. 92-546, eff. 1-1-03; 92-851, eff. 8-26-02;

1 revised 9-19-02.)

2 Section 65. The Illinois Act on the Aging is amended by  
3 setting forth and renumbering multiple versions of Section 4.12  
4 as follows:

5 (20 ILCS 105/4.12)

6 Sec. 4.12. Assistance to nursing home residents.

7 (a) The Department on Aging shall assist eligible nursing  
8 home residents and their families to select long-term care  
9 options that meet their needs and reflect their preferences. At  
10 any time during the process, the resident or his or her  
11 representative may decline further assistance.

12 (b) To provide assistance, the Department shall develop a  
13 program of transition services with follow-up in selected areas  
14 of the State, to be expanded statewide as funding becomes  
15 available. The program shall be developed in consultation with  
16 nursing homes, case managers, Area Agencies on Aging, and  
17 others interested in the well-being of frail elderly Illinois  
18 residents. The Department shall establish administrative rules  
19 pursuant to the Illinois Administrative Procedure Act with  
20 respect to resident eligibility, assessment of the resident's  
21 health, cognitive, social, and financial needs, development of  
22 comprehensive service transition plans, and the level of  
23 services that must be available prior to transition of a  
24 resident into the community.

25 (Source: P.A. 93-902, eff. 8-10-04.)

26 (20 ILCS 105/4.13)

27 Sec. 4.13 ~~4.12~~. Older Adult Services Act. The Department  
28 shall implement the Older Adult Services Act.

29 (Source: P.A. 93-1031, eff. 8-27-04; revised 11-03-04.)

30 Section 70. The Department of Central Management Services  
31 Law of the Civil Administrative Code of Illinois is amended by  
32 changing Section 405-292 as follows:

1 (20 ILCS 405/405-292)

2 Sec. 405-292. Business processing reengineering; planning  
3 for a more efficient government.

4 (a) The Department shall be responsible for recommending to  
5 the Governor efficiency initiatives to reorganize,  
6 restructure, and reengineer the business processes of the  
7 State. In performing this responsibility the Department shall  
8 have the power and duty to do the following:

9 (1) propose the transfer, consolidation,  
10 reorganization, restructuring, reengineering, or  
11 elimination of programs, processes, or functions in order  
12 to attain efficiency in operations and cost savings through  
13 the efficiency initiatives;~~;~~

14 (2) control the procurement of contracted services in  
15 connection with the efficiency initiatives to assist in the  
16 analysis, design, planning, and implementation of  
17 proposals approved by the Governor to attain efficiency in  
18 operations and cost savings; and

19 (3) establish the amount of cost savings to be realized  
20 by State agencies from implementing the efficiency  
21 initiatives, which shall be paid to the Department for  
22 deposit into the Efficiency Initiatives Revolving Fund.

23 (b) For the purposes of this Section, "State agencies"  
24 means all departments, boards, commissions, and agencies of the  
25 State of Illinois subject to the Governor.

26 (Source: P.A. 93-25, eff. 6-20-03; revised 10-9-03.)

27 Section 75. The Personnel Code is amended by changing  
28 Section 4c as follows:

29 (20 ILCS 415/4c) (from Ch. 127, par. 63b104c)

30 Sec. 4c. General exemptions. The following positions in  
31 State service shall be exempt from jurisdictions A, B, and C,  
32 unless the jurisdictions shall be extended as provided in this  
33 Act:

1 (1) All officers elected by the people.

2 (2) All positions under the Lieutenant Governor,  
3 Secretary of State, State Treasurer, State Comptroller,  
4 State Board of Education, Clerk of the Supreme Court, and  
5 Attorney General.

6 (3) Judges, and officers and employees of the courts,  
7 and notaries public.

8 (4) All officers and employees of the Illinois General  
9 Assembly, all employees of legislative commissions, all  
10 officers and employees of the Illinois Legislative  
11 Reference Bureau, the Legislative Research Unit, and the  
12 Legislative Printing Unit.

13 (5) All positions in the Illinois National Guard and  
14 Illinois State Guard, paid from federal funds or positions  
15 in the State Military Service filled by enlistment and paid  
16 from State funds.

17 (6) All employees of the Governor at the executive  
18 mansion and on his immediate personal staff.

19 (7) Directors of Departments, the Adjutant General,  
20 the Assistant Adjutant General, the Director of the  
21 Illinois Emergency Management Agency, members of boards  
22 and commissions, and all other positions appointed by the  
23 Governor by and with the consent of the Senate.

24 (8) The presidents, other principal administrative  
25 officers, and teaching, research and extension faculties  
26 of Chicago State University, Eastern Illinois University,  
27 Governors State University, Illinois State University,  
28 Northeastern Illinois University, Northern Illinois  
29 University, Western Illinois University, the Illinois  
30 Community College Board, Southern Illinois University,  
31 Illinois Board of Higher Education, University of  
32 Illinois, State Universities Civil Service System,  
33 University Retirement System of Illinois, and the  
34 administrative officers and scientific and technical staff  
35 of the Illinois State Museum.

36 (9) All other employees except the presidents, other

1 principal administrative officers, and teaching, research  
2 and extension faculties of the universities under the  
3 jurisdiction of the Board of Regents and the colleges and  
4 universities under the jurisdiction of the Board of  
5 Governors of State Colleges and Universities, Illinois  
6 Community College Board, Southern Illinois University,  
7 Illinois Board of Higher Education, Board of Governors of  
8 State Colleges and Universities, the Board of Regents,  
9 University of Illinois, State Universities Civil Service  
10 System, University Retirement System of Illinois, so long  
11 as these are subject to the provisions of the State  
12 Universities Civil Service Act.

13 (10) The State Police so long as they are subject to  
14 the merit provisions of the State Police Act.

15 (11) The scientific staff of the State Scientific  
16 Surveys and the Waste Management and Research Center.

17 (12) The technical and engineering staffs of the  
18 Department of Transportation, the Department of Nuclear  
19 Safety, the Pollution Control Board, and the Illinois  
20 Commerce Commission, and the technical and engineering  
21 staff providing architectural and engineering services in  
22 the Department of Central Management Services.

23 (13) All employees of the Illinois State Toll Highway  
24 Authority.

25 (14) The Secretary of the Illinois Workers'  
26 Compensation Commission.

27 (15) All persons who are appointed or employed by the  
28 Director of Insurance under authority of Section 202 of the  
29 Illinois Insurance Code to assist the Director of Insurance  
30 in discharging his responsibilities relating to the  
31 rehabilitation, liquidation, conservation, and dissolution  
32 of companies that are subject to the jurisdiction of the  
33 Illinois Insurance Code.

34 (16) All employees of the St. Louis Metropolitan Area  
35 Airport Authority.

36 (17) All investment officers employed by the Illinois

1 State Board of Investment.

2 (18) Employees of the Illinois Young Adult  
3 Conservation Corps program, administered by the Illinois  
4 Department of Natural Resources, authorized grantee under  
5 Title VIII of the Comprehensive Employment and Training Act  
6 of 1973, 29 USC 993.

7 (19) Seasonal employees of the Department of  
8 Agriculture for the operation of the Illinois State Fair  
9 and the DuQuoin State Fair, no one person receiving more  
10 than 29 days of such employment in any calendar year.

11 (20) All "temporary" employees hired under the  
12 Department of Natural Resources' Illinois Conservation  
13 Service, a youth employment program that hires young people  
14 to work in State parks for a period of one year or less.

15 (21) All hearing officers of the Human Rights  
16 Commission.

17 (22) All employees of the Illinois Mathematics and  
18 Science Academy.

19 (23) All employees of the Kankakee River Valley Area  
20 Airport Authority.

21 (24) The commissioners and employees of the Executive  
22 Ethics Commission.

23 (25) The Executive Inspectors General, including  
24 special Executive Inspectors General, and employees of  
25 each Office of an Executive Inspector General.

26 (26) The commissioners and employees of the  
27 Legislative Ethics Commission.

28 (27) The Legislative Inspector General, including  
29 special Legislative Inspectors General, and employees of  
30 the Office of the Legislative Inspector General.

31 (28) The Auditor General's Inspector General and  
32 employees of the Office of the Auditor General's Inspector  
33 General.

34 (Source: P.A. 93-617, eff. 12-9-03; 93-721, eff. 1-1-05;  
35 revised 10-14-04.)



1 Section 80. The Children and Family Services Act is amended  
2 by changing Section 7 as follows:

3 (20 ILCS 505/7) (from Ch. 23, par. 5007)

4 Sec. 7. Placement of children; considerations.

5 (a) In placing any child under this Act, the Department  
6 shall place such child, as far as possible, in the care and  
7 custody of some individual holding the same religious belief as  
8 the parents of the child, or with some child care facility  
9 which is operated by persons of like religious faith as the  
10 parents of such child.

11 (b) In placing a child under this Act, the Department may  
12 place a child with a relative if the Department has reason to  
13 believe that the relative will be able to adequately provide  
14 for the child's safety and welfare. The Department may not  
15 place a child with a relative, with the exception of certain  
16 circumstances which may be waived as defined by the Department  
17 in rules, if the results of a check of the Law Enforcement  
18 ~~Agencies~~ Agency Data System (LEADS) identifies a prior criminal  
19 conviction of the relative or any adult member of the  
20 relative's household for any of the following offenses under  
21 the Criminal Code of 1961:

22 (1) murder;

23 (1.1) solicitation of murder;

24 (1.2) solicitation of murder for hire;

25 (1.3) intentional homicide of an unborn child;

26 (1.4) voluntary manslaughter of an unborn child;

27 (1.5) involuntary manslaughter;

28 (1.6) reckless homicide;

29 (1.7) concealment of a homicidal death;

30 (1.8) involuntary manslaughter of an unborn child;

31 (1.9) reckless homicide of an unborn child;

32 (1.10) drug-induced homicide;

33 (2) a sex offense under Article 11, except offenses  
34 described in Sections 11-7, 11-8, 11-12, and 11-13;

35 (3) kidnapping;

- 1 (3.1) aggravated unlawful restraint;
- 2 (3.2) forcible detention;
- 3 (3.3) aiding and abetting child abduction;
- 4 (4) aggravated kidnapping;
- 5 (5) child abduction;
- 6 (6) aggravated battery of a child;
- 7 (7) criminal sexual assault;
- 8 (8) aggravated criminal sexual assault;
- 9 (8.1) predatory criminal sexual assault of a child;
- 10 (9) criminal sexual abuse;
- 11 (10) aggravated sexual abuse;
- 12 (11) heinous battery;
- 13 (12) aggravated battery with a firearm;
- 14 (13) tampering with food, drugs, or cosmetics;
- 15 (14) drug-induced infliction of great bodily harm;
- 16 (15) aggravated stalking;
- 17 (16) home invasion;
- 18 (17) vehicular invasion;
- 19 (18) criminal transmission of HIV;
- 20 (19) criminal abuse or neglect of an elderly or
- 21 disabled person;
- 22 (20) child abandonment;
- 23 (21) endangering the life or health of a child;
- 24 (22) ritual mutilation;
- 25 (23) ritualized abuse of a child;
- 26 (24) an offense in any other state the elements of
- 27 which are similar and bear a substantial relationship to
- 28 any of the foregoing offenses.

29 For the purpose of this subsection, "relative" shall include  
30 any person, 21 years of age or over, other than the parent, who  
31 (i) is currently related to the child in any of the following  
32 ways by blood or adoption: grandparent, sibling,  
33 great-grandparent, uncle, aunt, nephew, niece, first cousin,  
34 second cousin, godparent, great-uncle, or great-aunt; or (ii)  
35 is the spouse of such a relative; or (iii) is the child's  
36 step-father, step-mother, or adult step-brother or

1 step-sister; "relative" also includes a person related in any  
2 of the foregoing ways to a sibling of a child, even though the  
3 person is not related to the child, when the child and its  
4 sibling are placed together with that person. A relative with  
5 whom a child is placed pursuant to this subsection may, but is  
6 not required to, apply for licensure as a foster family home  
7 pursuant to the Child Care Act of 1969; provided, however, that  
8 as of July 1, 1995, foster care payments shall be made only to  
9 licensed foster family homes pursuant to the terms of Section 5  
10 of this Act.

11 (c) In placing a child under this Act, the Department shall  
12 ensure that the child's health, safety, and best interests are  
13 met in making a family foster care placement. The Department  
14 shall consider the individual needs of the child and the  
15 capacity of the prospective foster or adoptive parents to meet  
16 the needs of the child. When a child must be placed outside his  
17 or her home and cannot be immediately returned to his or her  
18 parents or guardian, a comprehensive, individualized  
19 assessment shall be performed of that child at which time the  
20 needs of the child shall be determined. Only if race, color, or  
21 national origin is identified as a legitimate factor in  
22 advancing the child's best interests shall it be considered.  
23 Race, color, or national origin shall not be routinely  
24 considered in making a placement decision. The Department shall  
25 make special efforts for the diligent recruitment of potential  
26 foster and adoptive families that reflect the ethnic and racial  
27 diversity of the children for whom foster and adoptive homes  
28 are needed. "Special efforts" shall include contacting and  
29 working with community organizations and religious  
30 organizations and may include contracting with those  
31 organizations, utilizing local media and other local  
32 resources, and conducting outreach activities.

33 (c-1) At the time of placement, the Department shall  
34 consider concurrent planning, as described in subsection (1-1)  
35 of Section 5, so that permanency may occur at the earliest  
36 opportunity. Consideration should be given so that if

1 reunification fails or is delayed, the placement made is the  
2 best available placement to provide permanency for the child.

3 (d) The Department may accept gifts, grants, offers of  
4 services, and other contributions to use in making special  
5 recruitment efforts.

6 (e) The Department in placing children in adoptive or  
7 foster care homes may not, in any policy or practice relating  
8 to the placement of children for adoption or foster care,  
9 discriminate against any child or prospective adoptive or  
10 foster parent on the basis of race.

11 (Source: P.A. 92-192, eff. 1-1-02; 92-328, eff. 1-1-02; 92-334,  
12 eff. 8-10-01; 92-651, eff. 7-11-02; revised 2-17-03.)

13 Section 85. The Illinois Enterprise Zone Act is amended by  
14 changing Section 5.5 as follows:

15 (20 ILCS 655/5.5) (from Ch. 67 1/2, par. 609.1)

16 Sec. 5.5. High Impact Business.

17 (a) In order to respond to unique opportunities to assist  
18 in the encouragement, development, growth and expansion of the  
19 private sector through large scale investment and development  
20 projects, the Department is authorized to receive and approve  
21 applications for the designation of "High Impact Businesses" in  
22 Illinois subject to the following conditions:

23 (1) such applications may be submitted at any time  
24 during the year;

25 (2) such business is not located, at the time of  
26 designation, in an enterprise zone designated pursuant to  
27 this Act;

28 (3) (A) the business intends to make a minimum  
29 investment of \$12,000,000 which will be placed in  
30 service in qualified property and intends to create 500  
31 full-time equivalent jobs at a designated location in  
32 Illinois or intends to make a minimum investment of  
33 \$30,000,000 which will be placed in service in  
34 qualified property and intends to retain 1,500

1 full-time jobs at a designated location in Illinois.  
2 The business must certify in writing that the  
3 investments would not be placed in service in qualified  
4 property and the job creation or job retention would  
5 not occur without the tax credits and exemptions set  
6 forth in subsection (b) of this Section. The terms  
7 "placed in service" and "qualified property" have the  
8 same meanings as described in subsection (h) of Section  
9 201 of the Illinois Income Tax Act; or

10 (B) the business intends to establish a new  
11 electric generating facility at a designated location  
12 in Illinois. "New electric generating facility"    for  
13 purposes of this Section    means a newly-constructed  
14 electric generation plant or a newly-constructed  
15 generation capacity expansion at an existing electric  
16 generation plant, including the transmission lines and  
17 associated equipment that transfers electricity from  
18 points of supply to points of delivery, and for which  
19 such new foundation construction commenced not sooner  
20 than July 1, 2001. Such facility shall be designed to  
21 provide baseload electric generation and shall operate  
22 on a continuous basis throughout the year; and shall  
23 have an aggregate rated generating capacity of at least  
24 1,000 megawatts for all new units at one site if it  
25 uses natural gas as its primary fuel and foundation  
26 construction of the facility is commenced on or before  
27 December 31, 2004, or shall have an aggregate rated  
28 generating capacity of at least 400 megawatts for all  
29 new units at one site if it uses coal or gases derived  
30 from coal as its primary fuel and shall support the  
31 creation of at least 150 new Illinois coal mining jobs.  
32 The business must certify in writing that the  
33 investments necessary to establish a new electric  
34 generating facility would not be placed in service and  
35 the job creation in the case of a coal-fueled plant  
36 would not occur without the tax credits and exemptions

1 set forth in subsection (b-5) of this Section. The term  
2 "placed in service" has the same meaning as described  
3 in subsection (h) of Section 201 of the Illinois Income  
4 Tax Act; or

5 (C) the business intends to establish production  
6 operations at a new coal mine, re-establish production  
7 operations at a closed coal mine, or expand production  
8 at an existing coal mine at a designated location in  
9 Illinois not sooner than July 1, 2001; provided that  
10 the production operations result in the creation of 150  
11 new Illinois coal mining jobs as described in  
12 subdivision (a)(3)(B) of this Section, and further  
13 provided that the coal extracted from such mine is  
14 utilized as the predominant source for a new electric  
15 generating facility. The business must certify in  
16 writing that the investments necessary to establish a  
17 new, expanded, or reopened coal mine would not be  
18 placed in service and the job creation would not occur  
19 without the tax credits and exemptions set forth in  
20 subsection (b-5) of this Section. The term "placed in  
21 service" has the same meaning as described in  
22 subsection (h) of Section 201 of the Illinois Income  
23 Tax Act; or

24 (D) the business intends to construct new  
25 transmission facilities or upgrade existing  
26 transmission facilities at designated locations in  
27 Illinois, for which construction commenced not sooner  
28 than July 1, 2001. For the purposes of this Section,  
29 "transmission facilities" means transmission lines  
30 with a voltage rating of 115 kilovolts or above,  
31 including associated equipment, that transfer  
32 electricity from points of supply to points of delivery  
33 and that transmit a majority of the electricity  
34 generated by a new electric generating facility  
35 designated as a High Impact Business in accordance with  
36 this Section. The business must certify in writing that

1 the investments necessary to construct new  
2 transmission facilities or upgrade existing  
3 transmission facilities would not be placed in service  
4 without the tax credits and exemptions set forth in  
5 subsection (b-5) of this Section. The term "placed in  
6 service" has the same meaning as described in  
7 subsection (h) of Section 201 of the Illinois Income  
8 Tax Act; and

9 (4) no later than 90 days after an application is  
10 submitted, the Department shall notify the applicant of the  
11 Department's determination of the qualification of the  
12 proposed High Impact Business under this Section.

13 (b) Businesses designated as High Impact Businesses  
14 pursuant to subdivision (a) (3) (A) of this Section shall qualify  
15 for the credits and exemptions described in the following Acts:  
16 Section 9-222 and Section 9-222.1A of the Public Utilities Act,  
17 subsection (h) of Section 201 of the Illinois Income Tax Act,~~LT~~  
18 and~~T~~ Section 1d of the Retailers' Occupation Tax Act,~~LT~~ provided  
19 that these credits and exemptions described in these Acts shall  
20 not be authorized until the minimum investments set forth in  
21 subdivision (a) (3) (A) of this Section have been placed in  
22 service in qualified properties and, in the case of the  
23 exemptions described in the Public Utilities Act and Section 1d  
24 of the Retailers' Occupation Tax Act, the minimum full-time  
25 equivalent jobs or full-time jobs set forth in subdivision  
26 (a) (3) (A) of this Section have been created or retained.  
27 Businesses designated as High Impact Businesses under this  
28 Section shall also qualify for the exemption described in  
29 Section 51 of the Retailers' Occupation Tax Act. The credit  
30 provided in subsection (h) of Section 201 of the Illinois  
31 Income Tax Act shall be applicable to investments in qualified  
32 property as set forth in subdivision (a) (3) (A) of this Section.

33 (b-5) Businesses designated as High Impact Businesses  
34 pursuant to subdivisions (a) (3) (B), (a) (3) (C), and (a) (3) (D)  
35 of this Section shall qualify for the credits and exemptions  
36 described in the following Acts: Section 51 of the Retailers'

1 Occupation Tax Act, Section 9-222 and Section 9-222.1A of the  
2 Public Utilities Act, and subsection (h) of Section 201 of the  
3 Illinois Income Tax Act; however, the credits and exemptions  
4 authorized under Section 9-222 and Section 9-222.1A of the  
5 Public Utilities Act, and subsection (h) of Section 201 of the  
6 Illinois Income Tax Act shall not be authorized until the new  
7 electric generating facility, the new transmission facility,  
8 or the new, expanded, or reopened coal mine is operational,  
9 except that a new electric generating facility whose primary  
10 fuel source is natural gas is eligible only for the exemption  
11 under Section 51 of the Retailers' Occupation Tax Act.

12 (c) High Impact Businesses located in federally designated  
13 foreign trade zones or sub-zones are also eligible for  
14 additional credits, exemptions and deductions as described in  
15 the following Acts: Section 9-221 and Section 9-222.1 of the  
16 Public Utilities Act; and subsection (g) of Section 201, and  
17 Section 203 of the Illinois Income Tax Act.

18 (d) Existing Illinois businesses which apply for  
19 designation as a High Impact Business must provide the  
20 Department with the prospective plan for which 1,500 full-time  
21 jobs would be eliminated in the event that the business is not  
22 designated.

23 (e) New proposed facilities which apply for designation as  
24 High Impact Business must provide the Department with proof of  
25 alternative non-Illinois sites which would receive the  
26 proposed investment and job creation in the event that the  
27 business is not designated as a High Impact Business.

28 (f) In the event that a business is designated a High  
29 Impact Business and it is later determined after reasonable  
30 notice and an opportunity for a hearing as provided under the  
31 Illinois Administrative Procedure Act, that the business would  
32 have placed in service in qualified property the investments  
33 and created or retained the requisite number of jobs without  
34 the benefits of the High Impact Business designation, the  
35 Department shall be required to immediately revoke the  
36 designation and notify the Director of the Department of



1 Revenue who shall begin proceedings to recover all wrongfully  
2 exempted State taxes with interest. The business shall also be  
3 ineligible for all State funded Department programs for a  
4 period of 10 years.

5 (g) The Department shall revoke a High Impact Business  
6 designation if the participating business fails to comply with  
7 the terms and conditions of the designation.

8 (h) Prior to designating a business, the Department shall  
9 provide the members of the General Assembly and Illinois  
10 Economic and Fiscal Commission with a report setting forth the  
11 terms and conditions of the designation and guarantees that  
12 have been received by the Department in relation to the  
13 proposed business being designated.

14 (Source: P.A. 91-914, eff. 7-7-00; 92-12, eff. 7-1-01; revised  
15 3-7-02.)

16 Section 90. The Illinois Renewable Fuels Development  
17 Program Act is amended by renumbering Section 905 as follows:

18 (20 ILCS 689/95) (was 20 ILCS 689/905)

19 Sec. 95. ~~905.~~ (Amendatory provisions; text omitted).

20 (Source: P.A. 93-15, eff. 6-11-03; text omitted; revised  
21 8-1-03.)

22 Section 100. The Department of Natural Resources Act is  
23 amended by setting forth and renumbering multiple versions of  
24 Section 1-30 as follows:

25 (20 ILCS 801/1-30)

26 Sec. 1-30. Badges. The Director must authorize to each  
27 Conservation Police Officer and to any other employee of the  
28 Department exercising the powers of a peace officer a distinct  
29 badge that, on its face, (i) clearly states that the badge is  
30 authorized by the Department and (ii) contains a unique  
31 identifying number. No other badge shall be authorized by the  
32 Department. Nothing in this Section prohibits the Director from

1 issuing shields or other distinctive identification to  
2 employees not exercising the powers of a peace officer if the  
3 Director determines that a shield or distinctive  
4 identification is needed by the employee to carry out his or  
5 her responsibilities.

6 (Source: P.A. 93-423, eff. 8-5-03.)

7 (20 ILCS 801/1-35)

8 Sec. 1-35. ~~1-30.~~ Aquifer study. The Department shall  
9 conduct a study to (i) develop an understanding of the geology  
10 of each aquifer in the State; (ii) determine the groundwater  
11 flow through the geologic units and the interaction of the  
12 groundwater with surface waters; (iii) analyze current  
13 groundwater withdrawals; and (iv) determine the chemistry of  
14 the geologic units and the groundwater in those units. Based  
15 upon information obtained from the study, the Department shall  
16 develop geologic and groundwater flow models for each  
17 underground aquifer in the State showing the impact of adding  
18 future wells or of future groundwater withdrawals.

19 (Source: P.A. 93-608, eff. 11-20-03; revised 1-10-04.)

20 Section 105. The Energy Conservation and Coal Development  
21 Act is amended by changing Section 15 as follows:

22 (20 ILCS 1105/15) (from Ch. 96 1/2, par. 7415)

23 Sec. 15. (a) The Department, in cooperation with the  
24 Illinois Finance Authority, shall establish a program to assist  
25 units of local government, as defined in the Illinois Finance  
26 Authority Act, to identify and arrange financing for energy  
27 conservation projects for buildings and facilities owned or  
28 leased by those units of local government.

29 (b) The Department, in cooperation with the Illinois  
30 Finance Authority, shall establish a program to assist health  
31 facilities to identify and arrange financing for energy  
32 conservation projects for buildings and facilities owned or  
33 leased by those health facilities.

1 (Source: P.A. 93-205 (Sections 890-4 and 890-39), eff. 1-1-04;  
2 revised 9-23-03.)

3 Section 110. The Department of Human Services Act is  
4 amended by setting forth and renumbering multiple versions of  
5 Section 10-35 as follows:

6 (20 ILCS 1305/10-35)

7 Sec. 10-35. Folic acid; public information campaign. The  
8 Department, in consultation with the Department of Public  
9 Health, shall conduct a public information campaign to (i)  
10 educate women about the benefits of consuming folic acid before  
11 and during pregnancy to improve their chances of having a  
12 healthy baby and (ii) increase the consumption of folic acid by  
13 women of child-bearing age. The campaign must include  
14 information about the sources of folic acid.

15 (Source: P.A. 93-84, eff. 1-1-04.)

16 (20 ILCS 1305/10-40)

17 Sec. 10-40 ~~10-35~~. Recreational programs; handicapped;  
18 grants. The Department of Human Services, subject to  
19 appropriation, may make grants to special recreation  
20 associations for the operation of recreational programs for the  
21 handicapped, including both physically and mentally  
22 handicapped, and transportation to and from those programs. The  
23 grants should target unserved or underserved populations, such  
24 as persons with brain injuries, persons who are medically  
25 fragile, and adults who have acquired disabling conditions. The  
26 Department must adopt rules to implement the grant program.

27 (Source: P.A. 93-107, eff. 7-8-03; revised 9-24-03.)

28 (20 ILCS 1305/10-45)

29 Sec. 10-45 ~~10-35~~. Hispanic/Latino Teen Pregnancy  
30 Prevention and Intervention Initiative.

31 (a) The Department is authorized to establish a  
32 Hispanic/Latino Teen Pregnancy Prevention and Intervention

1 Initiative program.

2 (b) As a part of the program established under subsection  
3 (a), the Department is authorized to award a grant to a  
4 qualified entity for the purpose of conducting research,  
5 education, and prevention activities to reduce pregnancy among  
6 Hispanic teenagers.

7 (Source: P.A. 93-515, eff. 1-1-04; revised 9-24-03.)

8 Section 115. The Department of Public Health Powers and  
9 Duties Law of the Civil Administrative Code of Illinois is  
10 amended by changing Section 2310-330 and by setting forth and  
11 renumbering multiple versions of Section 2310-610 as follows:

12 (20 ILCS 2310/2310-330) (was 20 ILCS 2310/55.46)

13 Sec. 2310-330. Sperm and tissue bank registry; AIDS test  
14 for donors; penalties.

15 (a) The Department shall establish a registry of all sperm  
16 banks and tissue banks operating in this State. All sperm banks  
17 and tissue banks operating in this State shall register with  
18 the Department by May 1 of each year. Any person, hospital,  
19 clinic, corporation, partnership, or other legal entity that  
20 operates a sperm bank or tissue bank in this State and fails to  
21 register with the Department pursuant to this Section commits a  
22 business offense and shall be subject to a fine of \$5000.

23 (b) All donors of semen for purposes of artificial  
24 insemination, or donors of corneas, bones, organs, or other  
25 human tissue for the purpose of injecting, transfusing, or  
26 transplanting any of them in the human body, shall be tested  
27 for evidence of exposure to human immunodeficiency virus (HIV)  
28 and any other identified causative agent of acquired  
29 immunodeficiency syndrome (AIDS) at the time of or after the  
30 donation but prior to the semen, corneas, bones, organs, or  
31 other human tissue being made available for that use. However,  
32 when in the opinion of the attending physician the life of a  
33 recipient of a bone, organ, or other human tissue donation  
34 would be jeopardized by delays caused by testing for evidence

1 of exposure to HIV and any other causative agent of AIDS,  
2 testing shall not be required.

3 (c) Except as otherwise provided in subsection (c-5), no  
4 person may intentionally, knowingly, recklessly, or  
5 negligently use the semen, corneas, bones, organs, or other  
6 human tissue of a donor unless the requirements of subsection  
7 (b) have been met. Except as otherwise provided in subsection  
8 (c-5), no person may intentionally, knowingly, recklessly, or  
9 negligently use the semen, corneas, bones, organs, or other  
10 human tissue of a donor who has tested positive for exposure to  
11 HIV or any other identified causative agent of AIDS. Violation  
12 of this subsection (c) shall be a Class 4 felony.

13 (c-5) It is not a violation of this Section for a person to  
14 perform a solid organ transplant of an organ from an HIV  
15 infected donor to a person who has tested positive for exposure  
16 to HIV or any other identified causative agent of AIDS and who  
17 is in immediate threat of death unless the transplant is  
18 performed. A tissue bank that provides an organ from an HIV  
19 infected donor under this subsection (c-5) may not be  
20 criminally or civilly liable for the furnishing of that organ  
21 under this subsection (c-5).

22 (d) For the purposes of this Section:

23 "Human tissue" shall not be construed to mean organs or  
24 whole blood or its component parts.

25 "Tissue bank" has the same meaning as set forth in the  
26 Illinois Anatomical Gift Act.

27 "Solid organ transplant" means the surgical  
28 transplantation of internal organs including, but not limited  
29 to, the liver, kidney, pancreas, lungs, or heart. "Solid organ  
30 transplant" does not mean a bone marrow based transplant or a  
31 blood transfusion.

32 "HIV infected donor" means a deceased donor who was  
33 infected with HIV or a living donor known to be infected with  
34 HIV and who is willing to donate a part or all of one or more of  
35 his or her organs. A determination of the donor's HIV infection  
36 is made by the donor's medical history or by specific tests

1 that document HIV infection, such as HIV RNA or DNA, or by  
2 antibodies to HIV.

3 (Source: P.A. 93-737, eff. 7-15-04; 93-794, eff. 7-22-04;  
4 revised 10-25-04.)

5 (20 ILCS 2310/2310-610)

6 Sec. 2310-610. Rules; public health preparedness. The  
7 Department shall adopt and implement rules, contact lists, and  
8 response plans governing public health preparedness and  
9 response.

10 (Source: P.A. 93-829, eff. 7-28-04.)

11 (20 ILCS 2310/2310-630)

12 Sec. 2310-630 ~~2310-610~~. Influenza vaccinations.

13 (a) As used in this Section, "eligible individual" means a  
14 resident of Illinois who: (1) is not entitled to receive an  
15 influenza vaccination at no cost as a benefit under a plan of  
16 health insurance, a managed care plan, or a plan provided by a  
17 health maintenance organization, a health services plan  
18 corporation, or a similar entity; and (2) meets the  
19 requirements established by the Department of Public Health by  
20 rule.

21 (b) Subject to appropriation, the Department of Public  
22 Health shall establish and administer a program under which any  
23 eligible individual shall, upon the eligible individual's  
24 request, receive an influenza vaccination once each year at no  
25 cost to the eligible individual.

26 (c) The Department of Public Health shall adopt rules for  
27 the administration and operation of the program, including but  
28 not limited to: determination of the influenza vaccine  
29 formulation to be administered and the method of  
30 administration; eligibility requirements and eligibility  
31 determinations; and standards and criteria for acquisition and  
32 distribution of influenza vaccine and related supplies. The  
33 Department may enter into contracts or agreements with public  
34 or private entities for the performance of such duties under

1 the program as the Department may deem appropriate to carry out  
2 this Section and its rules adopted under this Section.

3 (Source: P.A. 93-943, eff. 1-1-05; revised 11-5-04.)

4 Section 120. The State Police Act is amended by changing  
5 Section 23 as follows:

6 (20 ILCS 2610/23) (from Ch. 121, par. 307.18d)

7 Sec. 23. The Director may appoint auxiliary State policemen  
8 in such number as he deems necessary. Such auxiliary policemen  
9 shall not be regular State policemen. Such auxiliary State  
10 policemen shall not supplement members of the regular State  
11 police in the performance of their assigned and normal duties,  
12 except as otherwise provided herein. Such auxiliary State  
13 policemen shall only be assigned to perform the following  
14 duties: to aid or direct traffic, to aid in control of natural  
15 or man made disasters, or to aid in case of civil disorder as  
16 directed by the commanding officers. Identification symbols  
17 worn by such auxiliary State policemen shall be different and  
18 distinct from those used by State policemen. Such auxiliary  
19 State policemen shall at all times during the performance of  
20 their duties be subject to the direction and control of the  
21 commanding officer. Such auxiliary State policemen shall not  
22 carry firearms.

23 Auxiliary State policemen, prior to entering upon any of  
24 their duties, shall receive a course of training in such police  
25 procedures as shall be appropriate in the exercise of the  
26 powers conferred upon them, which training and course of study  
27 shall be determined and provided by the Department of State  
28 Police. Prior to the appointment of any auxiliary State  
29 policeman his fingerprints shall be taken and no person shall  
30 be appointed as such auxiliary State policeman if he has been  
31 convicted of a felony or other crime involving moral turpitude.

32 All auxiliary State policemen shall be between the age of  
33 21 and 60 years, and shall serve without compensation.

34 The Line of Duty Compensation Act ~~"Law Enforcement~~

1 ~~Officers, Civil Defense Workers, Civil Air Patrol Members,~~  
2 ~~Paramedics and Firemen Compensation Act", approved September~~  
3 ~~30, 1969, as now or hereafter amended,~~ shall be applicable to  
4 auxiliary State policemen upon their death in the line of duty  
5 described herein.

6 (Source: P.A. 85-1042; revised 11-15-04.)

7 Section 125. The Criminal Identification Act is amended by  
8 changing Section 5 as follows:

9 (20 ILCS 2630/5) (from Ch. 38, par. 206-5)

10 Sec. 5. Arrest reports; expungement.

11 (a) All policing bodies of this State shall furnish to the  
12 Department, daily, in the form and detail the Department  
13 requires, fingerprints and descriptions of all persons who are  
14 arrested on charges of violating any penal statute of this  
15 State for offenses that are classified as felonies and Class A  
16 or B misdemeanors and of all minors of the age of 10 and over  
17 who have been arrested for an offense which would be a felony  
18 if committed by an adult, and may forward such fingerprints and  
19 descriptions for minors arrested for Class A or B misdemeanors.  
20 Moving or nonmoving traffic violations under the Illinois  
21 Vehicle Code shall not be reported except for violations of  
22 Chapter 4, Section 11-204.1, or Section 11-501 of that Code. In  
23 addition, conservation offenses, as defined in the Supreme  
24 Court Rule 501(c), that are classified as Class B misdemeanors  
25 shall not be reported.

26 Whenever an adult or minor prosecuted as an adult, not  
27 having previously been convicted of any criminal offense or  
28 municipal ordinance violation, charged with a violation of a  
29 municipal ordinance or a felony or misdemeanor, is acquitted or  
30 released without being convicted, whether the acquittal or  
31 release occurred before, on, or after the effective date of  
32 this amendatory Act of 1991, the Chief Judge of the circuit  
33 wherein the charge was brought, any judge of that circuit  
34 designated by the Chief Judge, or in counties of less than



1 3,000,000 inhabitants, the presiding trial judge at the  
2 defendant's trial may upon verified petition of the defendant  
3 order the record of arrest expunged from the official records  
4 of the arresting authority and the Department and order that  
5 the records of the clerk of the circuit court be sealed until  
6 further order of the court upon good cause shown and the name  
7 of the defendant obliterated on the official index required to  
8 be kept by the circuit court clerk under Section 16 of the  
9 Clerks of Courts Act, but the order shall not affect any index  
10 issued by the circuit court clerk before the entry of the  
11 order. The Department may charge the petitioner a fee  
12 equivalent to the cost of processing any order to expunge or  
13 seal the records, and the fee shall be deposited into the State  
14 Police Services Fund. The records of those arrests, however,  
15 that result in a disposition of supervision for any offense  
16 shall not be expunged from the records of the arresting  
17 authority or the Department nor impounded by the court until 2  
18 years after discharge and dismissal of supervision. Those  
19 records that result from a supervision for a violation of  
20 Section 3-707, 3-708, 3-710, 5-401.3, or 11-503 of the Illinois  
21 Vehicle Code or a similar provision of a local ordinance, or  
22 for a violation of Section 12-3.2, 12-15 or 16A-3 of the  
23 Criminal Code of 1961, or probation under Section 10 of the  
24 Cannabis Control Act, Section 410 of the Illinois Controlled  
25 Substances Act, Section 12-4.3(b)(1) and (2) of the Criminal  
26 Code of 1961 (as those provisions existed before their deletion  
27 by Public Act 89-313), Section 10-102 of the Illinois  
28 Alcoholism and Other Drug Dependency Act when the judgment of  
29 conviction has been vacated, Section 40-10 of the Alcoholism  
30 and Other Drug Abuse and Dependency Act when the judgment of  
31 conviction has been vacated, or Section 10 of the Steroid  
32 Control Act shall not be expunged from the records of the  
33 arresting authority nor impounded by the court until 5 years  
34 after termination of probation or supervision. Those records  
35 that result from a supervision for a violation of Section  
36 11-501 of the Illinois Vehicle Code or a similar provision of a

1 local ordinance, shall not be expunged. All records set out  
2 above may be ordered by the court to be expunged from the  
3 records of the arresting authority and impounded by the court  
4 after 5 years, but shall not be expunged by the Department, but  
5 shall, on court order be sealed by the Department and may be  
6 disseminated by the Department only as required by law or to  
7 the arresting authority, the State's Attorney, and the court  
8 upon a later arrest for the same or a similar offense or for  
9 the purpose of sentencing for any subsequent felony. Upon  
10 conviction for any offense, the Department of Corrections shall  
11 have access to all sealed records of the Department pertaining  
12 to that individual.

13 (a-5) Those records maintained by the Department for  
14 persons arrested prior to their 17th birthday shall be expunged  
15 as provided in Section 5-915 of the Juvenile Court Act of 1987.

16 (b) Whenever a person has been convicted of a crime or of  
17 the violation of a municipal ordinance, in the name of a person  
18 whose identity he has stolen or otherwise come into possession  
19 of, the aggrieved person from whom the identity was stolen or  
20 otherwise obtained without authorization, upon learning of the  
21 person having been arrested using his identity, may, upon  
22 verified petition to the chief judge of the circuit wherein the  
23 arrest was made, have a court order entered nunc pro tunc by  
24 the chief judge to correct the arrest record, conviction  
25 record, if any, and all official records of the arresting  
26 authority, the Department, other criminal justice agencies,  
27 the prosecutor, and the trial court concerning such arrest, if  
28 any, by removing his name from all such records in connection  
29 with the arrest and conviction, if any, and by inserting in the  
30 records the name of the offender, if known or ascertainable, in  
31 lieu of the aggrieved's name. The records of the clerk of the  
32 circuit court clerk shall be sealed until further order of the  
33 court upon good cause shown and the name of the aggrieved  
34 person obliterated on the official index required to be kept by  
35 the circuit court clerk under Section 16 of the Clerks of  
36 Courts Act, but the order shall not affect any index issued by

1 the circuit court clerk before the entry of the order. Nothing  
2 in this Section shall limit the Department of State Police or  
3 other criminal justice agencies or prosecutors from listing  
4 under an offender's name the false names he or she has used.  
5 For purposes of this Section, convictions for moving and  
6 nonmoving traffic violations other than convictions for  
7 violations of Chapter 4, Section 11-204.1 or Section 11-501 of  
8 the Illinois Vehicle Code shall not be a bar to expunging the  
9 record of arrest and court records for violation of a  
10 misdemeanor or municipal ordinance.

11 (c) Whenever a person who has been convicted of an offense  
12 is granted a pardon by the Governor which specifically  
13 authorizes expungement, he may, upon verified petition to the  
14 chief judge of the circuit where the person had been convicted,  
15 any judge of the circuit designated by the Chief Judge, or in  
16 counties of less than 3,000,000 inhabitants, the presiding  
17 trial judge at the defendant's trial, may have a court order  
18 entered expunging the record of arrest from the official  
19 records of the arresting authority and order that the records  
20 of the clerk of the circuit court and the Department be sealed  
21 until further order of the court upon good cause shown or as  
22 otherwise provided herein, and the name of the defendant  
23 obliterated from the official index requested to be kept by the  
24 circuit court clerk under Section 16 of the Clerks of Courts  
25 Act in connection with the arrest and conviction for the  
26 offense for which he had been pardoned but the order shall not  
27 affect any index issued by the circuit court clerk before the  
28 entry of the order. All records sealed by the Department may be  
29 disseminated by the Department only as required by law or to  
30 the arresting authority, the State's Attorney, and the court  
31 upon a later arrest for the same or similar offense or for the  
32 purpose of sentencing for any subsequent felony. Upon  
33 conviction for any subsequent offense, the Department of  
34 Corrections shall have access to all sealed records of the  
35 Department pertaining to that individual. Upon entry of the  
36 order of expungement, the clerk of the circuit court shall

1 promptly mail a copy of the order to the person who was  
2 pardoned.

3 (c-5) Whenever a person has been convicted of criminal  
4 sexual assault, aggravated criminal sexual assault, predatory  
5 criminal sexual assault of a child, criminal sexual abuse, or  
6 aggravated criminal sexual abuse, the victim of that offense  
7 may request that the State's Attorney of the county in which  
8 the conviction occurred file a verified petition with the  
9 presiding trial judge at the defendant's trial to have a court  
10 order entered to seal the records of the clerk of the circuit  
11 court in connection with the proceedings of the trial court  
12 concerning that offense. However, the records of the arresting  
13 authority and the Department of State Police concerning the  
14 offense shall not be sealed. The court, upon good cause shown,  
15 shall make the records of the clerk of the circuit court in  
16 connection with the proceedings of the trial court concerning  
17 the offense available for public inspection.

18 (c-6) If a conviction has been set aside on direct review  
19 or on collateral attack and the court determines by clear and  
20 convincing evidence that the defendant was factually innocent  
21 of the charge, the court shall enter an expungement order as  
22 provided in subsection (b) of Section 5-5-4 of the Unified Code  
23 of Corrections.

24 (d) Notice of the petition for subsections (a), (b), and  
25 (c) shall be served upon the State's Attorney or prosecutor  
26 charged with the duty of prosecuting the offense, the  
27 Department of State Police, the arresting agency and the chief  
28 legal officer of the unit of local government affecting the  
29 arrest. Unless the State's Attorney or prosecutor, the  
30 Department of State Police, the arresting agency or such chief  
31 legal officer objects to the petition within 30 days from the  
32 date of the notice, the court shall enter an order granting or  
33 denying the petition. The clerk of the court shall promptly  
34 mail a copy of the order to the person, the arresting agency,  
35 the prosecutor, the Department of State Police and such other  
36 criminal justice agencies as may be ordered by the judge.

1 (e) Nothing herein shall prevent the Department of State  
2 Police from maintaining all records of any person who is  
3 admitted to probation upon terms and conditions and who  
4 fulfills those terms and conditions pursuant to Section 10 of  
5 the Cannabis Control Act, Section 410 of the Illinois  
6 Controlled Substances Act, Section 12-4.3 of the Criminal Code  
7 of 1961, Section 10-102 of the Illinois Alcoholism and Other  
8 Drug Dependency Act, Section 40-10 of the Alcoholism and Other  
9 Drug Abuse and Dependency Act, or Section 10 of the Steroid  
10 Control Act.

11 (f) No court order issued pursuant to the expungement  
12 provisions of this Section shall become final for purposes of  
13 appeal until 30 days after notice is received by the  
14 Department. Any court order contrary to the provisions of this  
15 Section is void.

16 (g) Except as otherwise provided in subsection (c-5) of  
17 this Section, the court shall not order the sealing or  
18 expungement of the arrest records and records of the circuit  
19 court clerk of any person granted supervision for or convicted  
20 of any sexual offense committed against a minor under 18 years  
21 of age. For the purposes of this Section, "sexual offense  
22 committed against a minor" includes but is not limited to the  
23 offenses of indecent solicitation of a child or criminal sexual  
24 abuse when the victim of such offense is under 18 years of age.

25 (h) (1) Notwithstanding any other provision of this Act to  
26 the contrary and cumulative with any rights to expungement of  
27 criminal records, whenever an adult or minor prosecuted as an  
28 adult charged with a violation of a municipal ordinance or a  
29 misdemeanor is acquitted or released without being convicted,  
30 or if the person is convicted but the conviction is reversed,  
31 or if the person has been placed on supervision for a  
32 misdemeanor and has not been convicted of a felony or  
33 misdemeanor or placed on supervision for a misdemeanor within 3  
34 years after the acquittal or release or reversal of conviction,  
35 or the completion of the terms and conditions of the  
36 supervision, if the acquittal, release, finding of not guilty,

1 or reversal of conviction occurred on or after the effective  
2 date of this amendatory Act of the 93rd General Assembly, the  
3 Chief Judge of the circuit in which the charge was brought may  
4 have the official records of the arresting authority, the  
5 Department, and the clerk of the circuit court sealed 3 years  
6 after the dismissal of the charge, the finding of not guilty,  
7 the reversal of conviction, or the completion of the terms and  
8 conditions of the supervision, except those records are subject  
9 to inspection and use by the court for the purposes of  
10 subsequent sentencing for misdemeanor and felony violations  
11 and inspection and use by law enforcement agencies and State's  
12 Attorneys or other prosecutors in carrying out the duties of  
13 their offices. This subsection (h) does not apply to persons  
14 placed on supervision for: (1) a violation of Section 11-501 of  
15 the Illinois Vehicle Code or a similar provision of a local  
16 ordinance; (2) a misdemeanor violation of Article 11 of the  
17 Criminal Code of 1961 or a similar provision of a local  
18 ordinance; (3) a misdemeanor violation of Section 12-15, 12-30,  
19 or 26-5 of the Criminal Code of 1961 or a similar provision of  
20 a local ordinance; (4) a misdemeanor violation that is a crime  
21 of violence as defined in Section 2 of the Crime Victims  
22 Compensation Act or a similar provision of a local ordinance;  
23 (5) a Class A misdemeanor violation of the Humane Care for  
24 Animals Act; or (6) any offense or attempted offense that would  
25 subject a person to registration under the Sex Offender  
26 Registration Act.

27 (2) Upon acquittal, release without conviction, or being  
28 placed on supervision, the person charged with the offense  
29 shall be informed by the court of the right to have the records  
30 sealed and the procedures for the sealing of the records. Three  
31 years after the dismissal of the charge, the finding of not  
32 guilty, the reversal of conviction, or the completion of the  
33 terms and conditions of the supervision, the defendant shall  
34 provide the clerk of the court with a notice of request for  
35 sealing of records and payment of the applicable fee and a  
36 current address and shall promptly notify the clerk of the

1 court of any change of address. The clerk shall promptly serve  
2 notice that the person's records are to be sealed on the  
3 State's Attorney or prosecutor charged with the duty of  
4 prosecuting the offense, the Department of State Police, the  
5 arresting agency and the chief legal officer of the unit of  
6 local government effecting the arrest. Unless the State's  
7 Attorney or prosecutor, the Department of State Police, the  
8 arresting agency or such chief legal officer objects to sealing  
9 of the records within 90 days of notice the court shall enter  
10 an order sealing the defendant's records 3 years after the  
11 dismissal of the charge, the finding of not guilty, the  
12 reversal of conviction, or the completion of the terms and  
13 conditions of the supervision. The clerk of the court shall  
14 promptly serve by mail or in person a copy of the order to the  
15 person, the arresting agency, the prosecutor, the Department of  
16 State Police and such other criminal justice agencies as may be  
17 ordered by the judge. If an objection is filed, the court shall  
18 set a date for hearing. At the hearing the court shall hear  
19 evidence on whether the sealing of the records should or should  
20 not be granted.

21 (3) The clerk may charge a fee equivalent to the cost  
22 associated with the sealing of records by the clerk and the  
23 Department of State Police. The clerk shall forward the  
24 Department of State Police portion of the fee to the Department  
25 and it shall be deposited into the State Police Services Fund.

26 (4) Whenever sealing of records is required under this  
27 subsection (h), the notification of the sealing must be given  
28 by the circuit court where the arrest occurred to the  
29 Department in a form and manner prescribed by the Department.

30 (5) An adult or a minor prosecuted as an adult who was  
31 charged with a violation of a municipal ordinance or a  
32 misdemeanor who was acquitted, released without being  
33 convicted, convicted and the conviction was reversed, or placed  
34 on supervision for a misdemeanor before the date of this  
35 amendatory Act of the 93rd General Assembly and was not  
36 convicted of a felony or misdemeanor or placed on supervision

1 for a misdemeanor for 3 years after the acquittal or release or  
2 reversal of conviction, or completion of the terms and  
3 conditions of the supervision may petition the Chief Judge of  
4 the circuit in which the charge was brought, any judge of that  
5 circuit in which the charge was brought, any judge of the  
6 circuit designated by the Chief Judge, or, in counties of less  
7 than 3,000,000 inhabitants, the presiding trial judge at that  
8 defendant's trial, to seal the official records of the  
9 arresting authority, the Department, and the clerk of the  
10 court, except those records are subject to inspection and use  
11 by the court for the purposes of subsequent sentencing for  
12 misdemeanor and felony violations and inspection and use by law  
13 enforcement agencies, the Department of Corrections, and  
14 State's Attorneys and other prosecutors in carrying out the  
15 duties of their offices. This subsection (h) does not apply to  
16 persons placed on supervision for: (1) a violation of Section  
17 11-501 of the Illinois Vehicle Code or a similar provision of a  
18 local ordinance; (2) a misdemeanor violation of Article 11 of  
19 the Criminal Code of 1961 or a similar provision of a local  
20 ordinance; (3) a misdemeanor violation of Section 12-15, 12-30,  
21 or 26-5 of the Criminal Code of 1961 or a similar provision of  
22 a local ordinance; (4) a misdemeanor violation that is a crime  
23 of violence as defined in Section 2 of the Crime Victims  
24 Compensation Act or a similar provision of a local ordinance;  
25 (5) a Class A misdemeanor violation of the Humane Care for  
26 Animals Act; or (6) any offense or attempted offense that would  
27 subject a person to registration under the Sex Offender  
28 Registration Act. The State's Attorney or prosecutor charged  
29 with the duty of prosecuting the offense, the Department of  
30 State Police, the arresting agency and the chief legal officer  
31 of the unit of local government effecting the arrest shall be  
32 served with a copy of the verified petition and shall have 90  
33 days to object. If an objection is filed, the court shall set a  
34 date for hearing. At the hearing the court shall hear evidence  
35 on whether the sealing of the records should or should not be  
36 granted. The person whose records are sealed under the



1 provisions of this Act shall pay to the clerk of the court and  
2 the Department of State Police a fee equivalent to the cost  
3 associated with the sealing of records. The fees shall be paid  
4 to the clerk of the court who shall forward the appropriate  
5 portion to the Department at the time the court order to seal  
6 the defendant's record is forwarded to the Department for  
7 processing. The Department of State Police portion of the fee  
8 shall be deposited into the State Police Services Fund.

9 (i) (1) Notwithstanding any other provision of this Act to  
10 the contrary and cumulative with any rights to expungement of  
11 criminal records, whenever an adult or minor prosecuted as an  
12 adult charged with a violation of a municipal ordinance or a  
13 misdemeanor is convicted of a misdemeanor and has not been  
14 convicted of a felony or misdemeanor or placed on supervision  
15 for a misdemeanor within 4 years after the completion of the  
16 sentence, if the conviction occurred on or after the effective  
17 date of this amendatory Act of the 93rd General Assembly, the  
18 Chief Judge of the circuit in which the charge was brought may  
19 have the official records of the arresting authority, the  
20 Department, and the clerk of the circuit court sealed 4 years  
21 after the completion of the sentence, except those records are  
22 subject to inspection and use by the court for the purposes of  
23 subsequent sentencing for misdemeanor and felony violations  
24 and inspection and use by law enforcement agencies and State's  
25 Attorneys or other prosecutors in carrying out the duties of  
26 their offices. This subsection (i) does not apply to persons  
27 convicted of: (1) a violation of Section 11-501 of the Illinois  
28 Vehicle Code or a similar provision of a local ordinance; (2) a  
29 misdemeanor violation of Article 11 of the Criminal Code of  
30 1961 or a similar provision of a local ordinance; (3) a  
31 misdemeanor violation of Section 12-15, 12-30, or 26-5 of the  
32 Criminal Code of 1961 or a similar provision of a local  
33 ordinance; (4) a misdemeanor violation that is a crime of  
34 violence as defined in Section 2 of the Crime Victims  
35 Compensation Act or a similar provision of a local ordinance;  
36 (5) a Class A misdemeanor violation of the Humane Care for

1 Animals Act; or (6) any offense or attempted offense that would  
2 subject a person to registration under the Sex Offender  
3 Registration Act.

4 (2) Upon the conviction of such offense, the person charged  
5 with the offense shall be informed by the court of the right to  
6 have the records sealed and the procedures for the sealing of  
7 the records. Four years after the completion of the sentence,  
8 the defendant shall provide the clerk of the court with a  
9 notice of request for sealing of records and payment of the  
10 applicable fee and a current address and shall promptly notify  
11 the clerk of the court of any change of address. The clerk  
12 shall promptly serve notice that the person's records are to be  
13 sealed on the State's Attorney or prosecutor charged with the  
14 duty of prosecuting the offense, the Department of State  
15 Police, the arresting agency and the chief legal officer of the  
16 unit of local government effecting the arrest. Unless the  
17 State's Attorney or prosecutor, the Department of State Police,  
18 the arresting agency or such chief legal officer objects to  
19 sealing of the records within 90 days of notice the court shall  
20 enter an order sealing the defendant's records 4 years after  
21 the completion of the sentence. The clerk of the court shall  
22 promptly serve by mail or in person a copy of the order to the  
23 person, the arresting agency, the prosecutor, the Department of  
24 State Police and such other criminal justice agencies as may be  
25 ordered by the judge. If an objection is filed, the court shall  
26 set a date for hearing. At the hearing the court shall hear  
27 evidence on whether the sealing of the records should or should  
28 not be granted.

29 (3) The clerk may charge a fee equivalent to the cost  
30 associated with the sealing of records by the clerk and the  
31 Department of State Police. The clerk shall forward the  
32 Department of State Police portion of the fee to the Department  
33 and it shall be deposited into the State Police Services Fund.

34 (4) Whenever sealing of records is required under this  
35 subsection (i), the notification of the sealing must be given  
36 by the circuit court where the arrest occurred to the

1 Department in a form and manner prescribed by the Department.

2 (5) An adult or a minor prosecuted as an adult who was  
3 charged with a violation of a municipal ordinance or a  
4 misdemeanor who was convicted of a misdemeanor before the date  
5 of this amendatory Act of the 93rd General Assembly and was not  
6 convicted of a felony or misdemeanor or placed on supervision  
7 for a misdemeanor for 4 years after the completion of the  
8 sentence may petition the Chief Judge of the circuit in which  
9 the charge was brought, any judge of that circuit in which the  
10 charge was brought, any judge of the circuit designated by the  
11 Chief Judge, or, in counties of less than 3,000,000  
12 inhabitants, the presiding trial judge at that defendant's  
13 trial, to seal the official records of the arresting authority,  
14 the Department, and the clerk of the court, except those  
15 records are subject to inspection and use by the court for the  
16 purposes of subsequent sentencing for misdemeanor and felony  
17 violations and inspection and use by law enforcement agencies,  
18 the Department of Corrections, and State's Attorneys and other  
19 prosecutors in carrying out the duties of their offices. This  
20 subsection (i) does not apply to persons convicted of: (1) a  
21 violation of Section 11-501 of the Illinois Vehicle Code or a  
22 similar provision of a local ordinance; (2) a misdemeanor  
23 violation of Article 11 of the Criminal Code of 1961 or a  
24 similar provision of a local ordinance; (3) a misdemeanor  
25 violation of Section 12-15, 12-30, or 26-5 of the Criminal Code  
26 of 1961 or a similar provision of a local ordinance; (4) a  
27 misdemeanor violation that is a crime of violence as defined in  
28 Section 2 of the Crime Victims Compensation Act or a similar  
29 provision of a local ordinance; (5) a Class A misdemeanor  
30 violation of the Humane Care for Animals Act; or (6) any  
31 offense or attempted offense that would subject a person to  
32 registration under the Sex Offender Registration Act. The  
33 State's Attorney or prosecutor charged with the duty of  
34 prosecuting the offense, the Department of State Police, the  
35 arresting agency and the chief legal officer of the unit of  
36 local government effecting the arrest shall be served with a

1 copy of the verified petition and shall have 90 days to object.  
2 If an objection is filed, the court shall set a date for  
3 hearing. At the hearing the court shall hear evidence on  
4 whether the sealing of the records should or should not be  
5 granted. The person whose records are sealed under the  
6 provisions of this Act shall pay to the clerk of the court and  
7 the Department of State Police a fee equivalent to the cost  
8 associated with the sealing of records. The fees shall be paid  
9 to the clerk of the court who shall forward the appropriate  
10 portion to the Department at the time the court order to seal  
11 the defendant's record is forwarded to the Department for  
12 processing. The Department of State Police portion of the fee  
13 shall be deposited into the State Police Services Fund.

14 (Source: P.A. 92-651, eff. 7-11-02; 93-210, eff. 7-18-03;  
15 93-211, eff. 1-1-04; revised 8-25-03.)

16 Section 130. The Department of Veterans Affairs Act is  
17 amended by setting forth and renumbering multiple versions of  
18 Section 2e as follows:

19 (20 ILCS 2805/2e)

20 Sec. 2e. The World War II Illinois Veterans Memorial Fund.  
21 There is created in the State treasury the World War II  
22 Illinois Veterans Memorial Fund. The Department must make  
23 grants from the Fund for the construction of a World War II  
24 Illinois Veterans Memorial in Springfield, Illinois.

25 (Source: P.A. 93-131, eff. 7-10-03.)

26 (20 ILCS 2805/2f)

27 Sec. 2f ~~2e~~. LaSalle Veterans Home capacity.

28 (a) The Department finds that the Illinois Veterans Home at  
29 LaSalle requires an increase in capacity to better serve the  
30 north central region of Illinois and to accommodate the  
31 increasing number of Illinois veterans eligible for care.

32 (b) Subject to appropriation, the Department shall  
33 increase by at least 80 beds the capacity of the Illinois

1 Veterans Home at LaSalle and shall request and expend federal  
2 grants for this Veterans Home addition.

3 (Source: P.A. 93-142, eff. 7-10-03; revised 9-24-03.)

4 Section 135. The Illinois Emergency Management Agency Act  
5 is amended by changing Section 5 as follows:

6 (20 ILCS 3305/5) (from Ch. 127, par. 1055)

7 Sec. 5. Illinois Emergency Management Agency.

8 (a) There is created within the executive branch of the  
9 State Government an Illinois Emergency Management Agency and a  
10 Director of the Illinois Emergency Management Agency, herein  
11 called the "Director" who shall be the head thereof. The  
12 Director shall be appointed by the Governor, with the advice  
13 and consent of the Senate, and shall serve for a term of 2  
14 years beginning on the third Monday in January of the  
15 odd-numbered year, and until a successor is appointed and has  
16 qualified; except that the term of the first Director appointed  
17 under this Act shall expire on the third Monday in January,  
18 1989. The Director shall not hold any other remunerative public  
19 office. The Director shall receive an annual salary as set by  
20 the Governor from time to time or the amount set by the  
21 Compensation Review Board, whichever is higher. If set by the  
22 Governor, the Director's annual salary may not exceed 85% of  
23 the Governor's annual salary.

24 (b) The Illinois Emergency Management Agency shall obtain,  
25 under the provisions of the Personnel Code, technical,  
26 clerical, stenographic and other administrative personnel, and  
27 may make expenditures within the appropriation therefor as may  
28 be necessary to carry out the purpose of this Act. The agency  
29 created by this Act is intended to be a successor to the agency  
30 created under the Illinois Emergency Services and Disaster  
31 Agency Act of 1975 and the personnel, equipment, records, and  
32 appropriations of that agency are transferred to the successor  
33 agency as of the effective date of this Act.

34 (c) The Director, subject to the direction and control of

1 the Governor, shall be the executive head of the Illinois  
2 Emergency Management Agency and the State Emergency Response  
3 Commission and shall be responsible under the direction of the  
4 Governor, for carrying out the program for emergency management  
5 of this State. The Director shall also maintain liaison and  
6 cooperate with the emergency management organizations of this  
7 State and other states and of the federal government.

8 (d) The Illinois Emergency Management Agency shall take an  
9 integral part in the development and revision of political  
10 subdivision emergency operations plans prepared under  
11 paragraph (f) of Section 10. To this end it shall employ or  
12 otherwise secure the services of professional and technical  
13 personnel capable of providing expert assistance to the  
14 emergency services and disaster agencies. These personnel  
15 shall consult with emergency services and disaster agencies on  
16 a regular basis and shall make field examinations of the areas,  
17 circumstances, and conditions that particular political  
18 subdivision emergency operations plans are intended to apply.

19 (e) The Illinois Emergency Management Agency and political  
20 subdivisions shall be encouraged to form an emergency  
21 management advisory committee composed of private and public  
22 personnel representing the emergency management phases of  
23 mitigation, preparedness, response, and recovery. The Local  
24 Emergency Planning Committee, as created under the Illinois  
25 Emergency Planning and Community Right to Know Act, shall serve  
26 as an advisory committee to the emergency services and disaster  
27 agency or agencies serving within the boundaries of that Local  
28 Emergency Planning Committee planning district for:

29 (1) the development of emergency operations plan  
30 provisions for hazardous chemical emergencies; and

31 (2) the assessment of emergency response capabilities  
32 related to hazardous chemical emergencies.

33 (f) The Illinois Emergency Management Agency shall:

34 (1) Coordinate the overall emergency management  
35 program of the State.

36 (2) Cooperate with local governments, the federal

1 government and any public or private agency or entity in  
2 achieving any purpose of this Act and in implementing  
3 emergency management programs for mitigation,  
4 preparedness, response, and recovery.

5 (2.5) Cooperate with the Department of Nuclear Safety  
6 in development of the comprehensive emergency preparedness  
7 and response plan for any nuclear accident in accordance  
8 with Section 2005-65 of the Department of Nuclear Safety  
9 Law of the Civil Administrative Code of Illinois and in  
10 development of the Illinois Nuclear Safety Preparedness  
11 program in accordance with Section 8 of the Illinois  
12 Nuclear Safety Preparedness Act.

13 (2.6) Coordinate with the Department of Public Health  
14 with respect to planning for and responding to public  
15 health emergencies.

16 (3) Prepare, for issuance by the Governor, executive  
17 orders, proclamations, and regulations as necessary or  
18 appropriate in coping with disasters.

19 (4) Promulgate rules and requirements for political  
20 subdivision emergency operations plans that are not  
21 inconsistent with and are at least as stringent as  
22 applicable federal laws and regulations.

23 (5) Review and approve, in accordance with Illinois  
24 Emergency Management Agency rules, emergency operations  
25 plans for those political subdivisions required to have an  
26 emergency services and disaster agency pursuant to this  
27 Act.

28 (5.5) Promulgate rules and requirements for the  
29 political subdivision emergency management exercises,  
30 including, but not limited to, exercises of the emergency  
31 operations plans.

32 (5.10) Review, evaluate, and approve, in accordance  
33 with Illinois Emergency Management Agency rules, political  
34 subdivision emergency management exercises for those  
35 political subdivisions required to have an emergency  
36 services and disaster agency pursuant to this Act.

1           (6) Determine requirements of the State and its  
2 political subdivisions for food, clothing, and other  
3 necessities in event of a disaster.

4           (7) Establish a register of persons with types of  
5 emergency management training and skills in mitigation,  
6 preparedness, response, and recovery.

7           (8) Establish a register of government and private  
8 response resources available for use in a disaster.

9           (9) Expand the Earthquake Awareness Program and its  
10 efforts to distribute earthquake preparedness materials to  
11 schools, political subdivisions, community groups, civic  
12 organizations, and the media. Emphasis will be placed on  
13 those areas of the State most at risk from an earthquake.  
14 Maintain the list of all school districts, hospitals,  
15 airports, power plants, including nuclear power plants,  
16 lakes, dams, emergency response facilities of all types,  
17 and all other major public or private structures which are  
18 at the greatest risk of damage from earthquakes under  
19 circumstances where the damage would cause subsequent harm  
20 to the surrounding communities and residents.

21           (10) Disseminate all information, completely and  
22 without delay, on water levels for rivers and streams and  
23 any other data pertaining to potential flooding supplied by  
24 the Division of Water Resources within the Department of  
25 Natural Resources to all political subdivisions to the  
26 maximum extent possible.

27           (11) Develop agreements, if feasible, with medical  
28 supply and equipment firms to supply resources as are  
29 necessary to respond to an earthquake or any other disaster  
30 as defined in this Act. These resources will be made  
31 available upon notifying the vendor of the disaster.  
32 Payment for the resources will be in accordance with  
33 Section 7 of this Act. The Illinois Department of Public  
34 Health shall determine which resources will be required and  
35 requested.

36           (11.5) In coordination with the Department of State



1 Police, develop and implement a community outreach program  
2 to promote awareness among the State's parents and children  
3 of child abduction prevention and response.

4 (12) Out of funds appropriated for these purposes,  
5 award capital and non-capital grants to Illinois hospitals  
6 or health care facilities located outside of a city with a  
7 population in excess of 1,000,000 to be used for purposes  
8 that include, but are not limited to, preparing to respond  
9 to mass casualties and disasters, maintaining and  
10 improving patient safety and quality of care, and  
11 protecting the confidentiality of patient information. No  
12 single grant for a capital expenditure shall exceed  
13 \$300,000. No single grant for a non-capital expenditure  
14 shall exceed \$100,000. In awarding such grants, preference  
15 shall be given to hospitals that serve a significant number  
16 of Medicaid recipients, but do not qualify for  
17 disproportionate share hospital adjustment payments under  
18 the Illinois Public Aid Code. To receive such a grant, a  
19 hospital or health care facility must provide funding of at  
20 least 50% of the cost of the project for which the grant is  
21 being requested. In awarding such grants the Illinois  
22 Emergency Management Agency shall consider the  
23 recommendations of the Illinois Hospital Association.

24 (13) Do all other things necessary, incidental or  
25 appropriate for the implementation of this Act.

26 (Source: P.A. 92-73, eff. 1-1-02; 92-597, eff. 6-28-02; 93-249,  
27 eff. 7-22-03; 93-310, eff. 7-23-03; revised 9-11-03.)

28 Section 140. The Illinois Finance Authority Act is amended  
29 by changing Sections 801-1 and 815-10 as follows:

30 (20 ILCS 3501/801-1)

31 Sec. 801-1. Short Title. Articles 801 ~~80~~ through 845 of  
32 this Act may be cited as the Illinois Finance Authority Act.  
33 References to "this Act" in Articles 801 through 845 are  
34 references to the Illinois Finance Authority Act.

1 (Source: P.A. 93-205, eff. 1-1-04; revised 9-16-03.)

2 (20 ILCS 3501/815-10)

3 Sec. 815-10. Definitions. The following terms, whenever  
4 used or referred to in this Article, shall have the following  
5 meanings ascribed to them, except where the context clearly  
6 requires otherwise:

7 (a) "Property" means land, parcels or combination of  
8 parcels, structures, and all improvements, easements and  
9 franchises. ~~+~~

10 (b) "Redevelopment area" means any property which is a  
11 contiguous area of at least 2 acres but less than 160 acres in  
12 the aggregate located within one and one-half miles of the  
13 corporate limits of a municipality and not included within any  
14 municipality, where, (1) if improved, a substantial proportion  
15 of the industrial, commercial and residential buildings or  
16 improvements are detrimental to the public safety, health,  
17 morals or welfare because of a combination of any of the  
18 following factors: age; physical configuration; dilapidation;  
19 structural or economic obsolescence; deterioration; illegal  
20 use of individual structures; presence of structures below  
21 minimum code standards; excessive and sustained vacancies;  
22 overcrowding of structures and community facilities;  
23 inadequate ventilation, light, sewer, water, transportation  
24 and other infrastructure facilities; inadequate utilities;  
25 excessive land coverage; deleterious land use or layout;  
26 depreciation or lack of physical maintenance; and lack of  
27 community planning; or (2) if vacant, the sound utilization of  
28 land for industrial projects is impaired by a combination of 2  
29 or more of the following factors: obsolete platting of the  
30 vacant land; diversity of ownership of such land; tax and  
31 special assessment delinquencies on such land; and  
32 deterioration of structures or site improvements in  
33 neighboring areas to the vacant land, or the area immediately  
34 prior to becoming vacant qualified as a redevelopment improved  
35 area; or (3) if an improved area within the boundaries of a

1 development project is located within the corporate limits of  
2 the municipality in which 50% or more of the structures in the  
3 area have an age of 35 years or more, such area does not  
4 qualify under clause (1) but is detrimental to the public  
5 safety, health, morals or welfare and such area may become a  
6 redevelopment area pursuant to clause (1) because of a  
7 combination of 3 or more of the factors specified in clause  
8 (1).

9 (c) "Enterprise" means an individual, corporation,  
10 partnership, joint venture, trust, estate, or unincorporated  
11 association. ~~†~~

12 (d) "Development plan" means the comprehensive program of  
13 the Authority and the participating entity to reduce or  
14 eliminate those conditions the existence of which qualified the  
15 project area as a redevelopment area. Each development plan  
16 shall set forth in writing the program to be undertaken to  
17 accomplish such objectives and shall include, without  
18 limitation, estimated development project costs, the sources  
19 of funds to pay costs, the nature and term of any obligations  
20 to be issued, the most recent equalized assessed valuation of  
21 the project area, an estimate as to the equalized assessed  
22 valuation after development and the general land uses to apply  
23 in the project area.

24 (e) "Development project" means any project in furtherance  
25 of the objectives of a development plan, including any building  
26 or buildings or building addition or other structures to be  
27 newly constructed, renovated or improved and suitable for use  
28 by an enterprise as an industrial project, and includes the  
29 sites and other rights in the property on which such buildings  
30 or structures are located.

31 (f) "Participating entity" means a municipality, a local  
32 industrial development agency or an enterprise or any  
33 combination thereof.

34 (Source: P.A. 93-205, eff. 1-1-04; revised 10-9-03.)

35 Section 142. The Council on Responsible Fatherhood Act is

1 amended by changing Section 10 as follows:

2 (20 ILCS 3927/10)

3 (Section scheduled to be repealed on July 1, 2005)

4 Sec. 10. Fatherhood initiative.

5 (a) The purpose of this Act shall be implemented through a  
6 fatherhood initiative to be directed by the Council on  
7 Responsible Fatherhood created by this Act.

8 (b) The goals of the fatherhood initiative are to increase  
9 the awareness of the problems created when a child grows up  
10 without the presence of a responsible father; to identify  
11 obstacles that impede or prevent the involvement of responsible  
12 fathers in the lives of their children; to identify strategies  
13 that are successful in overcoming identified obstacles and in  
14 encouraging responsible fatherhood; and to facilitate the  
15 transition from current policies, perceptions, and practices  
16 that adversely affect the participation of fathers in their  
17 children's lives to policies, perceptions, and practices that  
18 promote the contributions of responsible fathers. The  
19 fatherhood initiative must promote positive interaction  
20 between fathers and their children. While the emphasis of the  
21 program must be on the population of children whose families  
22 have received or are receiving public assistance, the program  
23 may not exclude other populations of children for which the  
24 program is appropriate.

25 (c) ~~(b)~~ The fatherhood initiative must include, but is not  
26 limited to, the following:

27 (1) The promotion of public education concerning the  
28 financial and emotional responsibilities of fatherhood.

29 (2) The provision of assistance to men in preparing for  
30 the legal, financial, and emotional responsibilities of  
31 fatherhood.

32 (3) The promotion of the establishment of paternity  
33 upon the birth of a child.

34 (4) The encouragement of fathers in fostering an  
35 emotional connection to children and providing financial

1 support to children.

2 (5) The establishment of support mechanisms for  
3 fathers developing and maintaining relationships with  
4 their children.

5 (6) The identification and promotion of methods that  
6 reduce the negative outcomes experienced by children  
7 affected by divorce, separation, and disputes concerning  
8 custody and visitation.

9 (7) The integration of State and local services  
10 available to families.

11 (Source: P.A. 93-437, eff. 8-5-03; revised 10-9-03.)

12 Section 143. The Illinois Health Facilities Planning Act is  
13 amended by changing Section 3 as follows:

14 (20 ILCS 3960/3) (from Ch. 111 1/2, par. 1153)

15 (Section scheduled to be repealed on July 1, 2006)

16 Sec. 3. Definitions. As used in this Act:

17 "Health care facilities" means and includes the following  
18 facilities and organizations:

19 1. An ambulatory surgical treatment center required to  
20 be licensed pursuant to the Ambulatory Surgical Treatment  
21 Center Act;

22 2. An institution, place, building, or agency required  
23 to be licensed pursuant to the Hospital Licensing Act;

24 3. Skilled and intermediate long term care facilities  
25 licensed under the Nursing Home Care Act;

26 3. Skilled and intermediate long term care facilities  
27 licensed under the Nursing Home Care Act;

28 4. Hospitals, nursing homes, ambulatory surgical  
29 treatment centers, or kidney disease treatment centers  
30 maintained by the State or any department or agency  
31 thereof;

32 5. Kidney disease treatment centers, including a  
33 free-standing hemodialysis unit required to be licensed  
34 under the End Stage Renal Disease Facility Act; and

1           6. An institution, place, building, or room used for  
2           the performance of outpatient surgical procedures that is  
3           leased, owned, or operated by or on behalf of an  
4           out-of-state facility.

5           No federally owned facility shall be subject to the  
6           provisions of this Act, nor facilities used solely for healing  
7           by prayer or spiritual means.

8           No facility licensed under the Supportive Residences  
9           Licensing Act or the Assisted Living and Shared Housing Act  
10          shall be subject to the provisions of this Act.

11          A facility designated as a supportive living facility that  
12          is in good standing with the demonstration project established  
13          under Section 5-5.01a of the Illinois Public Aid Code shall not  
14          be subject to the provisions of this Act.

15          This Act does not apply to facilities granted waivers under  
16          Section 3-102.2 of the Nursing Home Care Act. However, if a  
17          demonstration project under that Act applies for a certificate  
18          of need to convert to a nursing facility, it shall meet the  
19          licensure and certificate of need requirements in effect as of  
20          the date of application.

21          This Act does not apply to a dialysis facility that  
22          provides only dialysis training, support, and related services  
23          to individuals with end stage renal disease who have elected to  
24          receive home dialysis. This Act does not apply to a dialysis  
25          unit located in a licensed nursing home that offers or provides  
26          dialysis-related services to residents with end stage renal  
27          disease who have elected to receive home dialysis within the  
28          nursing home. The Board, however, may require these dialysis  
29          facilities and licensed nursing homes to report statistical  
30          information on a quarterly basis to the Board to be used by the  
31          Board to conduct analyses on the need for proposed kidney  
32          disease treatment centers.

33          This Act shall not apply to the closure of an entity or a  
34          portion of an entity licensed under the Nursing Home Care Act  
35          that elects to convert, in whole or in part, to an assisted  
36          living or shared housing establishment licensed under the

1 Assisted Living and Shared Housing Act.

2 With the exception of those health care facilities  
3 specifically included in this Section, nothing in this Act  
4 shall be intended to include facilities operated as a part of  
5 the practice of a physician or other licensed health care  
6 professional, whether practicing in his individual capacity or  
7 within the legal structure of any partnership, medical or  
8 professional corporation, or unincorporated medical or  
9 professional group. Further, this Act shall not apply to  
10 physicians or other licensed health care professional's  
11 practices where such practices are carried out in a portion of  
12 a health care facility under contract with such health care  
13 facility by a physician or by other licensed health care  
14 professionals, whether practicing in his individual capacity  
15 or within the legal structure of any partnership, medical or  
16 professional corporation, or unincorporated medical or  
17 professional groups. This Act shall apply to construction or  
18 modification and to establishment by such health care facility  
19 of such contracted portion which is subject to facility  
20 licensing requirements, irrespective of the party responsible  
21 for such action or attendant financial obligation.

22 "Person" means any one or more natural persons, legal  
23 entities, governmental bodies other than federal, or any  
24 combination thereof.

25 "Consumer" means any person other than a person (a) whose  
26 major occupation currently involves or whose official capacity  
27 within the last 12 months has involved the providing,  
28 administering or financing of any type of health care facility,  
29 (b) who is engaged in health research or the teaching of  
30 health, (c) who has a material financial interest in any  
31 activity which involves the providing, administering or  
32 financing of any type of health care facility, or (d) who is or  
33 ever has been a member of the immediate family of the person  
34 defined by (a), (b), or (c).

35 "State Board" means the Health Facilities Planning Board.

36 "Construction or modification" means the establishment,

1 erection, building, alteration, reconstruction, modernization,  
2 improvement, extension, discontinuation, change of ownership,  
3 of or by a health care facility, or the purchase or acquisition  
4 by or through a health care facility of equipment or service  
5 for diagnostic or therapeutic purposes or for facility  
6 administration or operation, or any capital expenditure made by  
7 or on behalf of a health care facility which exceeds the  
8 capital expenditure minimum; however, any capital expenditure  
9 made by or on behalf of a health care facility for (i) the  
10 construction or modification of a facility licensed under the  
11 Assisted Living and Shared Housing Act or (ii) a conversion  
12 project undertaken in accordance with Section 30 of the Older  
13 Adult Services Act shall be excluded from any obligations under  
14 this Act.

15 "Establish" means the construction of a health care  
16 facility or the replacement of an existing facility on another  
17 site.

18 "Major medical equipment" means medical equipment which is  
19 used for the provision of medical and other health services and  
20 which costs in excess of the capital expenditure minimum,  
21 except that such term does not include medical equipment  
22 acquired by or on behalf of a clinical laboratory to provide  
23 clinical laboratory services if the clinical laboratory is  
24 independent of a physician's office and a hospital and it has  
25 been determined under Title XVIII of the Social Security Act to  
26 meet the requirements of paragraphs (10) and (11) of Section  
27 1861(s) of such Act. In determining whether medical equipment  
28 has a value in excess of the capital expenditure minimum, the  
29 value of studies, surveys, designs, plans, working drawings,  
30 specifications, and other activities essential to the  
31 acquisition of such equipment shall be included.

32 "Capital Expenditure" means an expenditure: (A) made by or  
33 on behalf of a health care facility (as such a facility is  
34 defined in this Act); and (B) which under generally accepted  
35 accounting principles is not properly chargeable as an expense  
36 of operation and maintenance, or is made to obtain by lease or



1 comparable arrangement any facility or part thereof or any  
2 equipment for a facility or part; and which exceeds the capital  
3 expenditure minimum.

4 For the purpose of this paragraph, the cost of any studies,  
5 surveys, designs, plans, working drawings, specifications, and  
6 other activities essential to the acquisition, improvement,  
7 expansion, or replacement of any plant or equipment with  
8 respect to which an expenditure is made shall be included in  
9 determining if such expenditure exceeds the capital  
10 expenditures minimum. Donations of equipment or facilities to a  
11 health care facility which if acquired directly by such  
12 facility would be subject to review under this Act shall be  
13 considered capital expenditures, and a transfer of equipment or  
14 facilities for less than fair market value shall be considered  
15 a capital expenditure for purposes of this Act if a transfer of  
16 the equipment or facilities at fair market value would be  
17 subject to review.

18 "Capital expenditure minimum" means \$6,000,000, which  
19 shall be annually adjusted to reflect the increase in  
20 construction costs due to inflation, for major medical  
21 equipment and for all other capital expenditures; provided,  
22 however, that when a capital expenditure is for the  
23 construction or modification of a health and fitness center,  
24 "capital expenditure minimum" means the capital expenditure  
25 minimum for all other capital expenditures in effect on March  
26 1, 2000, which shall be annually adjusted to reflect the  
27 increase in construction costs due to inflation.

28 "Non-clinical service area" means an area (i) for the  
29 benefit of the patients, visitors, staff, or employees of a  
30 health care facility and (ii) not directly related to the  
31 diagnosis, treatment, or rehabilitation of persons receiving  
32 services from the health care facility. "Non-clinical service  
33 areas" include, but are not limited to, chapels; gift shops;  
34 news stands; computer systems; tunnels, walkways, and  
35 elevators; telephone systems; projects to comply with life  
36 safety codes; educational facilities; student housing;

1 patient, employee, staff, and visitor dining areas;  
2 administration and volunteer offices; modernization of  
3 structural components (such as roof replacement and masonry  
4 work); boiler repair or replacement; vehicle maintenance and  
5 storage facilities; parking facilities; mechanical systems for  
6 heating, ventilation, and air conditioning; loading docks; and  
7 repair or replacement of carpeting, tile, wall coverings,  
8 window coverings or treatments, or furniture. Solely for the  
9 purpose of this definition, "non-clinical service area" does  
10 not include health and fitness centers.

11 "Areawide" means a major area of the State delineated on a  
12 geographic, demographic, and functional basis for health  
13 planning and for health service and having within it one or  
14 more local areas for health planning and health service. The  
15 term "region", as contrasted with the term "subregion", and the  
16 word "area" may be used synonymously with the term "areawide".

17 "Local" means a subarea of a delineated major area that on  
18 a geographic, demographic, and functional basis may be  
19 considered to be part of such major area. The term "subregion"  
20 may be used synonymously with the term "local".

21 "Areawide health planning organization" or "Comprehensive  
22 health planning organization" means the health systems agency  
23 designated by the Secretary, Department of Health and Human  
24 Services or any successor agency.

25 "Local health planning organization" means those local  
26 health planning organizations that are designated as such by  
27 the areawide health planning organization of the appropriate  
28 area.

29 "Physician" means a person licensed to practice in  
30 accordance with the Medical Practice Act of 1987, as amended.

31 "Licensed health care professional" means a person  
32 licensed to practice a health profession under pertinent  
33 licensing statutes of the State of Illinois.

34 "Director" means the Director of the Illinois Department of  
35 Public Health.

36 "Agency" means the Illinois Department of Public Health.

1 "Comprehensive health planning" means health planning  
2 concerned with the total population and all health and  
3 associated problems that affect the well-being of people and  
4 that encompasses health services, health manpower, and health  
5 facilities; and the coordination among these and with those  
6 social, economic, and environmental factors that affect  
7 health.

8 "Alternative health care model" means a facility or program  
9 authorized under the Alternative Health Care Delivery Act.

10 "Out-of-state facility" means a person that is both (i)  
11 licensed as a hospital or as an ambulatory surgery center under  
12 the laws of another state or that qualifies as a hospital or an  
13 ambulatory surgery center under regulations adopted pursuant  
14 to the Social Security Act and (ii) not licensed under the  
15 Ambulatory Surgical Treatment Center Act, the Hospital  
16 Licensing Act, or the Nursing Home Care Act. Affiliates of  
17 out-of-state facilities shall be considered out-of-state  
18 facilities. Affiliates of Illinois licensed health care  
19 facilities 100% owned by an Illinois licensed health care  
20 facility, its parent, or Illinois physicians licensed to  
21 practice medicine in all its branches shall not be considered  
22 out-of-state facilities. Nothing in this definition shall be  
23 construed to include an office or any part of an office of a  
24 physician licensed to practice medicine in all its branches in  
25 Illinois that is not required to be licensed under the  
26 Ambulatory Surgical Treatment Center Act.

27 "Change of ownership of a health care facility" means a  
28 change in the person who has ownership or control of a health  
29 care facility's physical plant and capital assets. A change in  
30 ownership is indicated by the following transactions: sale,  
31 transfer, acquisition, lease, change of sponsorship, or other  
32 means of transferring control.

33 "Related person" means any person that: (i) is at least 50%  
34 owned, directly or indirectly, by either the health care  
35 facility or a person owning, directly or indirectly, at least  
36 50% of the health care facility; or (ii) owns, directly or

1 indirectly, at least 50% of the health care facility.

2 "Charity care" means care provided by a health care  
3 facility for which the provider does not expect to receive  
4 payment from the patient or a third-party payer.

5 (Source: P.A. 93-41, eff. 6-27-03; 93-766, eff. 7-20-04;  
6 93-935, eff. 1-1-05; 93-1031, eff. 8-27-04; revised 10-25-04.)

7 Section 145. The State Finance Act is amended by changing,  
8 setting forth, and renumbering multiple versions of Sections  
9 5.545, 5.552, 5.567, 5.570, 5.571, 5.595, 5.596, 5.620, 5.625,  
10 6z-65, and 8h and by changing Sections 6z-43, 8.3, 8j, and 25  
11 as follows:

12 (30 ILCS 105/5.545)

13 Sec. 5.545. The Digital Divide Elimination Fund.

14 (Source: P.A. 92-22, eff. 6-30-01; 92-651, eff. 7-11-02.)

15 (30 ILCS 105/5.552)

16 Sec. 5.552. The ICCB Adult Education Fund.

17 (Source: P.A. 92-49, eff. 7-9-01; 92-651, eff. 7-11-02.)

18 (30 ILCS 105/5.567)

19 Sec. 5.567. The Secretary of State Police Services Fund.

20 (Source: P.A. 92-501, eff. 12-19-01; 92-651, eff. 7-11-02.)

21 (30 ILCS 105/5.569)

22 Sec. 5.569 ~~5.570~~. The National Guard Grant Fund.

23 (Source: P.A. 92-589, eff. 7-1-02; revised 8-27-02.)

24 (30 ILCS 105/5.570)

25 Sec. 5.570. The Illinois Student Assistance Commission  
26 Contracts and Grants Fund.

27 (Source: P.A. 92-597, eff. 6-28-02.)

28 (30 ILCS 105/5.571)

29 Sec. 5.571. The Career and Technical Education Fund.

1 (Source: P.A. 92-597, eff. 6-28-02.)

2 (30 ILCS 105/5.572)

3 Sec. 5.572 ~~5.570~~. The Presidential Library and Museum  
4 Operating Fund.

5 (Source: P.A. 92-600, eff. 6-28-02; revised 8-27-02.)

6 (30 ILCS 105/5.573)

7 Sec. 5.573 ~~5.571~~. The Family Care Fund.

8 (Source: P.A. 92-600, eff. 6-28-02; revised 8-27-02.)

9 (30 ILCS 105/5.574)

10 Sec. 5.574 ~~5.570~~. The Transportation Safety Highway  
11 Hire-back Fund.

12 (Source: P.A. 92-619, eff. 1-1-03; revised 8-27-02.)

13 (30 ILCS 105/5.575)

14 Sec. 5.575 ~~5.570~~. The McKinley Bridge Fund.

15 (Source: P.A. 92-679, eff. 7-16-02; revised 8-27-02.)

16 (30 ILCS 105/5.576)

17 Sec. 5.576 ~~5.570~~. The Illinois Century Network Special  
18 Purposes Fund.

19 (Source: P.A. 92-691, eff. 7-18-02; revised 8-27-02.)

20 (30 ILCS 105/5.577)

21 Sec. 5.577 ~~5.545~~. The Hospice Fund.

22 (Source: P.A. 92-693, eff. 1-1-03; revised 8-27-02.)

23 (30 ILCS 105/5.578)

24 Sec. 5.578 ~~5.552~~. Lewis and Clark Bicentennial Fund.

25 (Source: P.A. 92-694, eff. 1-1-03; revised 8-27-02.)

26 (30 ILCS 105/5.579)

27 Sec. 5.579 ~~5.570~~. The Public Broadcasting Fund.

28 (Source: P.A. 92-695, eff. 1-1-03; revised 8-27-02.)

1 (30 ILCS 105/5.580)

2 Sec. 5.580 ~~5.570~~. The Park District Youth Program Fund.

3 (Source: P.A. 92-697, eff. 7-19-02; revised 8-27-02.)

4 (30 ILCS 105/5.581)

5 Sec. 5.581 ~~5.570~~. The Professional Sports Teams Education  
6 Fund.

7 (Source: P.A. 92-699, eff. 1-1-03; revised 8-27-02.)

8 (30 ILCS 105/5.582)

9 Sec. 5.582 ~~5.570~~. The Illinois Pan Hellenic Trust Fund.

10 (Source: P.A. 92-702, eff. 1-1-03; revised 8-27-02.)

11 (30 ILCS 105/5.583)

12 Sec. 5.583 ~~5.567~~. The September 11th Fund.

13 (Source: P.A. 92-704, eff. 7-19-02; revised 8-27-02.)

14 (30 ILCS 105/5.584)

15 Sec. 5.584 ~~5.570~~. The Illinois Route 66 Heritage Project  
16 Fund.

17 (Source: P.A. 92-706, eff. 1-1-03; revised 8-27-02.)

18 (30 ILCS 105/5.585)

19 Sec. 5.585 ~~5.570~~. The Stop Neuroblastoma Fund.

20 (Source: P.A. 92-711, eff. 7-19-02; revised 8-27-02.)

21 (30 ILCS 105/5.586)

22 Sec. 5.586 ~~5.570~~. The Lawyers' Assistance Program Fund.

23 (Source: P.A. 92-747, eff. 7-31-02; revised 8-27-02.)

24 (30 ILCS 105/5.587)

25 Sec. 5.587 ~~5.570~~. The Local Planning Fund.

26 (Source: P.A. 92-768, eff. 8-6-02; revised 8-27-02.)

27 (30 ILCS 105/5.588)

1           Sec. 5.588 ~~5.570~~. The Multiple Sclerosis Assistance Fund.  
2           (Source: P.A. 92-772, eff. 8-6-02; revised 8-27-02.)

3           (30 ILCS 105/5.589)

4           Sec. 5.589 ~~5.570~~. The Innovations in Long-term Care Quality  
5           Demonstration Grants Fund.  
6           (Source: P.A. 92-784, eff. 8-6-02; revised 8-27-02.)

7           (30 ILCS 105/5.590)

8           Sec. 5.590 ~~5.570~~. The End Stage Renal Disease Facility  
9           Licensing Fund.  
10          (Source: P.A. 92-794, eff. 7-1-03; revised 9-27-03.)

11          (30 ILCS 105/5.591)

12          Sec. 5.591 ~~5.570~~. The Restricted Call Registry Fund.  
13          (Source: P.A. 92-795, eff. 8-9-02; revised 8-27-02.)

14          (30 ILCS 105/5.592)

15          Sec. 5.592 ~~5.570~~. The Illinois Military Family Relief Fund.  
16          (Source: P.A. 92-886, eff. 2-7-03; revised 2-17-03.)

17          (30 ILCS 105/5.593)

18          Sec. 5.593 ~~5.595~~. The Illinois Medical District at  
19          Springfield Income Fund.  
20          (Source: P.A. 92-870, eff. 1-3-03; revised 4-14-03.)

21          (30 ILCS 105/5.594)

22          Sec. 5.594 ~~5.595~~. The Pension Contribution Fund.  
23          (Source: P.A. 93-2, eff. 4-7-03; revised 4-14-03.)

24          (30 ILCS 105/5.595)

25          Sec. 5.595. The Senior Citizens and Disabled Persons  
26          Prescription Drug Discount Program Fund.  
27          (Source: P.A. 93-18, eff. 7-1-03.)

28          (30 ILCS 105/5.596)

1           Sec. 5.596 ~~5.595~~. The Emergency Public Health Fund.

2           (Source: P.A. 93-32, eff. 6-20-03; revised 10-9-03.)

3           (30 ILCS 105/5.597)

4           Sec. 5.597 ~~5.596~~. The Illinois Clean Water Fund.

5           (Source: P.A. 93-32, eff. 7-1-03; revised 10-9-03.)

6           (30 ILCS 105/5.598)

7           Sec. 5.598 ~~5.595~~. The Fire Truck Revolving Loan Fund.

8           (Source: P.A. 93-35, eff. 6-24-03; revised 10-9-03.)

9           (30 ILCS 105/5.599)

10          Sec. 5.599 ~~5.595~~. The Lou Gehrig's Disease (ALS) Research  
11 Fund.

12          (Source: P.A. 93-36, eff. 6-24-03; revised 10-9-03.)

13          (30 ILCS 105/5.600)

14          Sec. 5.600 ~~5.595~~. The Emergency Public Health Fund.

15          (Source: P.A. 93-52, eff. 6-30-03; revised 10-9-03.)

16          (30 ILCS 105/5.601)

17          Sec. 5.601 ~~5.595~~. The Obesity Study and Prevention Fund.

18          (Source: P.A. 93-60, eff. 7-1-03; revised 10-9-03.)

19          (30 ILCS 105/5.602)

20          Sec. 5.602 ~~5.595~~. The World War II Illinois Veterans  
21 Memorial Fund.

22          (Source: P.A. 93-131, eff. 7-10-03; revised 10-9-03.)

23          (30 ILCS 105/5.603)

24          Sec. 5.603 ~~5.595~~. The Oil Spill Response Fund.

25          (Source: P.A. 93-152, eff. 7-10-03; revised 10-9-03.)

26          (30 ILCS 105/5.604)

27          Sec. 5.604 ~~5.595~~. The Community Senior Services and  
28 Resources Fund.



1 (Source: P.A. 93-246, eff. 7-22-03; revised 10-9-03.)

2 (30 ILCS 105/5.605)

3 Sec. 5.605 ~~5.595~~. The Good Samaritan Energy Trust Fund.

4 (Source: P.A. 93-285, eff. 7-22-03; revised 10-9-03.)

5 (30 ILCS 105/5.606)

6 Sec. 5.606 ~~5.595~~. The Leukemia Treatment and Education  
7 Fund.

8 (Source: P.A. 93-324, eff. 7-23-03; revised 10-9-03.)

9 (30 ILCS 105/5.607)

10 Sec. 5.607 ~~5.595~~. The State Library Fund.

11 (Source: P.A. 93-397, eff. 1-1-04; revised 10-9-03.)

12 (30 ILCS 105/5.608)

13 Sec. 5.608 ~~5.595~~. The Responsible Fatherhood Fund.

14 (Source: P.A. 93-437, eff. 8-5-03; revised 10-9-03.)

15 (30 ILCS 105/5.609)

16 Sec. 5.609 ~~5.595~~. The Corporate Crime Fund.

17 (Source: P.A. 93-496, eff. 1-1-04; revised 10-9-03.)

18 (30 ILCS 105/5.610)

19 Sec. 5.610 ~~5.595~~. The TOMA Consumer Protection Fund.

20 (Source: P.A. 93-535, eff. 1-1-04; revised 10-9-03.)

21 (30 ILCS 105/5.611)

22 Sec. 5.611 ~~5.595~~. The Debt Collection Fund.

23 (Source: P.A. 93-570, eff. 8-20-03; revised 10-9-03.)

24 (30 ILCS 105/5.612)

25 Sec. 5.612 ~~5.595~~. The Help Illinois Vote Fund.

26 (Source: P.A. 93-574, eff. 8-21-03; revised 10-9-03.)

27 (30 ILCS 105/5.613)

1           Sec. 5.613 ~~5.595~~. The Secretary of State Police DUI Fund.  
2           (Source: P.A. 93-584, eff. 8-22-03; revised 10-9-03.)

3           (30 ILCS 105/5.614)

4           Sec. 5.614 ~~5.595~~. The I-FLY Fund.  
5           (Source: P.A. 93-585, eff. 8-22-03; revised 10-9-03.)

6           (30 ILCS 105/5.615)

7           Sec. 5.615 ~~5.596~~. The Efficiency Initiatives Revolving  
8           Fund.  
9           (Source: P.A. 93-25, eff. 6-20-03; revised 10-9-03.)

10          (30 ILCS 105/5.616)

11          Sec. 5.616 ~~5.596~~. ICCB Federal Trust Fund.  
12          (Source: P.A. 93-153, eff. 7-10-03; revised 10-9-03.)

13          (30 ILCS 105/5.617)

14          Sec. 5.617. ~~5.595~~. The Illinois Law Enforcement Training  
15          Standards Board Costs and Attorney Fees Fund.  
16          (Source: P.A. 93-605, eff. 11-19-03; revised 1-10-04.)

17          (30 ILCS 105/5.618)

18          Sec. 5.618 ~~5.595~~. The Tax Recovery Fund.  
19          (Source: P.A. 93-658, eff. 1-22-04; revised 1-22-04.)

20          (30 ILCS 105/5.619)

21          Sec. 5.619 ~~5.620~~. The Capitol Restoration Trust Fund.  
22          (Source: P.A. 93-632, eff. 2-1-04; revised 2-3-04.)

23          (30 ILCS 105/5.620)

24          Sec. 5.620. The Health Care Services Trust Fund.  
25          (Source: P.A. 93-659, eff. 2-3-04.)

26          (30 ILCS 105/5.622)

27          Sec. 5.622 ~~5.625~~. The Medicaid Provider Relief Fund.  
28          (Source: P.A. 93-674, eff. 6-10-04; revised 11-8-04.)

1 (30 ILCS 105/5.623)

2 Sec. 5.623 ~~5.625~~. The Illinois Veterans' Homes Fund.

3 (Source: P.A. 93-776, eff. 7-21-04; revised 11-8-04.)

4 (30 ILCS 105/5.624)

5 Sec. 5.624 ~~5.625~~. The Illinois Laboratory Advisory  
6 Committee Act Fund.

7 (Source: P.A. 93-784, eff. 1-1-05; revised 11-8-04.)

8 (30 ILCS 105/5.625)

9 Sec. 5.625. The Alzheimer's Disease Center Clinical Fund.

10 (Source: P.A. 93-929, eff. 8-12-04.)

11 (30 ILCS 105/5.628)

12 Sec. 5.628 ~~5.625~~. The Downtown Development and Improvement  
13 Fund.

14 (Source: P.A. 93-790, eff. 1-1-05; revised 11-8-04.)

15 (30 ILCS 105/5.629)

16 Sec. 5.629 ~~5.625~~. The Accessible Electronic Information  
17 Service Fund.

18 (Source: P.A. 93-797, eff. 7-22-04, revised 11-8-04.)

19 (30 ILCS 105/5.630)

20 Sec. 5.630 ~~5.625~~. The Reviewing Court Alternative Dispute  
21 Resolution Fund.

22 (Source: P.A. 93-801, eff. 7-22-04, revised 11-8-04.)

23 (30 ILCS 105/5.631)

24 Sec. 5.631 ~~5.625~~. The Professional Services Fund.

25 (Source: P.A. 93-839, eff. 7-30-04; revised 11-8-04.)

26 (30 ILCS 105/5.632)

27 Sec. 5.632 ~~5.625~~. The Safe Bottled Water Fund.

28 (Source: P.A. 93-866, eff. 1-1-05; revised 11-8-04.)

1 (30 ILCS 105/5.633)

2 Sec. 5.633 ~~5.625~~. The Food Animal Institute Fund.

3 (Source: P.A. 93-883, eff. 8-6-04; revised 11-8-04.)

4 (30 ILCS 105/5.634)

5 Sec. 5.634 ~~5.625~~. The Fire Sprinkler Dormitory Revolving  
6 Loan Fund.

7 (Source: P.A. 93-887, eff. 1-1-05; revised 11-8-04.)

8 (30 ILCS 105/5.635)

9 (Section scheduled to be repealed on August 31, 2007)

10 Sec. 5.635 ~~5.625~~. The Technology Immersion Pilot Project  
11 Fund. This Section is repealed on August 31, 2007.

12 (Source: P.A. 93-901, eff. 8-10-04; 93-904, eff. 8-10-04;  
13 revised 11-8-04.)

14 (30 ILCS 105/5.636)

15 Sec. 5.636 ~~5.625~~. The Physical Fitness Facility Medical  
16 Emergency Preparedness Fund.

17 (Source: P.A. 93-910, eff. 1-1-05; revised 11-8-04.)

18 (30 ILCS 105/5.637)

19 Sec. 5.637 ~~5.625~~. The Arsonist Registration Fund.

20 (Source: P.A. 93-949, eff. 1-1-05; revised 11-8-04.)

21 (30 ILCS 105/5.638)

22 Sec. 5.638 ~~5.625~~. The Mental Health Transportation Fund.

23 (Source: P.A. 93-1034, eff. 9-3-04; revised 11-8-04.)

24 (30 ILCS 105/6z-43)

25 Sec. 6z-43. Tobacco Settlement Recovery Fund.

26 (a) There is created in the State Treasury a special fund  
27 to be known as the Tobacco Settlement Recovery Fund, into which  
28 shall be deposited all monies paid to the State pursuant to (1)  
29 the Master Settlement Agreement entered in the case of People

1 of the State of Illinois v. Philip Morris, et al. (Circuit  
2 Court of Cook County, No. 96-L13146) and (2) any settlement  
3 with or judgment against any tobacco product manufacturer other  
4 than one participating in the Master Settlement Agreement in  
5 satisfaction of any released claim as defined in the Master  
6 Settlement Agreement, as well as any other monies as provided  
7 by law. All earnings on Fund investments shall be deposited  
8 into the Fund. Upon the creation of the Fund, the State  
9 Comptroller shall order the State Treasurer to transfer into  
10 the Fund any monies paid to the State as described in item (1)  
11 or (2) of this Section before the creation of the Fund plus any  
12 interest earned on the investment of those monies. The  
13 Treasurer may invest the moneys in the Fund in the same manner,  
14 in the same types of investments, and subject to the same  
15 limitations provided in the Illinois Pension Code for the  
16 investment of pension funds other than those established under  
17 Article 3 or 4 of the Code.

18 (b) As soon as may be practical after June 30, 2001, upon  
19 notification from and at the direction of the Governor, the  
20 State Comptroller shall direct and the State Treasurer shall  
21 transfer the unencumbered balance in the Tobacco Settlement  
22 Recovery Fund as of June 30, 2001, as determined by the  
23 Governor, into the Budget Stabilization Fund. The Treasurer may  
24 invest the moneys in the Budget Stabilization Fund in the same  
25 manner, in the same types of investments, and subject to the  
26 same limitations provided in the Illinois Pension Code for the  
27 investment of pension funds other than those established under  
28 Article 3 or 4 of the Code.

29 (c) In addition to any other deposits authorized by law,  
30 after any delivery of any bonds as authorized by Section 7.5 of  
31 the General Obligation Bond Act for deposits to the General  
32 Revenue Fund and the Budget Stabilization Fund (referred to as  
33 "tobacco securitization general obligation bonds"), the  
34 Governor shall certify, on or before June 30, 2003 and June 30  
35 of each year thereafter, to the State Comptroller and State  
36 Treasurer the total amount of principal of, interest on, and

1 premium, if any, due on those bonds in the next fiscal year  
2 beginning with amounts due in fiscal year 2004. As soon as  
3 practical after the annual payment of tobacco settlement moneys  
4 to the Tobacco Settlement Recovery Fund as described in item  
5 (1) of subsection (a), the State Treasurer and State  
6 Comptroller shall transfer from the Tobacco Settlement  
7 Recovery Fund to the General Obligation Bond Retirement and  
8 Interest Fund the amount certified by the Governor, plus any  
9 cumulative deficiency in those transfers for prior years.

10 (d) ~~(e)~~ All federal financial participation moneys  
11 received pursuant to expenditures from the Fund shall be  
12 deposited into the Fund.

13 (Source: P.A. 91-646, eff. 11-19-99; 91-704, eff. 7-1-00;  
14 91-797, eff. 6-9-00; 92-11, eff. 6-11-01; 92-16, eff. 6-28-01;  
15 92-596, eff. 6-28-02; 92-597, eff. 6-28-02; revised 9-3-02.)

16 (30 ILCS 105/6z-65)

17 Sec. 6z-65. The Facilities Management Revolving Fund.

18 (a) The Facilities Management Revolving Fund is created as  
19 a revolving fund in the State treasury. The following moneys  
20 shall be deposited into the Fund:

21 (1) amounts authorized for transfer to the Fund from  
22 the General Revenue Fund and other State funds (except for  
23 funds classified by the Comptroller as federal trust funds  
24 or State trust funds) pursuant to State law or Executive  
25 Order;

26 (2) federal funds received by the Department of Central  
27 Management Services (the "Department") as a result of  
28 expenditures from the Fund;

29 (3) interest earned on moneys in the Fund;

30 (4) receipts or inter-fund transfers resulting from  
31 billings issued by the Department to State agencies for the  
32 cost of facilities management services rendered by the  
33 Department that are not compensated through the specific  
34 fund transfers authorized by this Section, if any; and

35 (5) fees from the lease, rental, use, or occupancy of

1 State facilities managed, operated, or maintained by the  
2 Department.

3 (b) Moneys in the Fund may be used by the Department for  
4 reimbursement or payment for:

5 (1) the acquisition and operation of State facilities,  
6 including, without limitation, rental or installment  
7 payments and interest, personal services, utilities,  
8 maintenance, and remodeling; or

9 (2) providing for payment of administrative and other  
10 expenses incurred by the Department in providing  
11 facilities management services.

12 (c) State agencies may direct the Comptroller to process  
13 inter-fund transfers or make payment through the voucher and  
14 warrant process to the Facilities Management Revolving Fund in  
15 satisfaction of billings issued under subsection (a) of this  
16 Section.

17 (d) Reconciliation. The Director of Central Management  
18 Services (the "Director") shall order that each State agency's  
19 payments and transfers made to the Fund be reconciled with  
20 actual Fund costs for facilities management services provided  
21 by the Department and attributable to the State agency and  
22 relevant fund on no less than an annual basis. The Director may  
23 require reports from State agencies as deemed necessary to  
24 perform this reconciliation.

25 (e) The term "facilities management services" means  
26 services performed by the Department in providing for the  
27 acquisition, occupancy, management, and operation of State  
28 owned and leased buildings, facilities, structures, grounds,  
29 or the real property under management of the Department.

30 (Source: P.A. 93-839, eff. 7-30-04.)

31 (30 ILCS 105/6z-65.5)

32 Sec. 6z-65.5 ~~6z-65~~. SBE Federal Department of Education  
33 Fund. The SBE Federal Department of Education Fund is created  
34 as a federal trust fund in the State treasury. This fund is  
35 established to receive funds from the federal Department of

1 Education, including administrative funds recovered from  
2 federal programs, for the specific purposes established by the  
3 terms and conditions of federal awards. All moneys in the SBE  
4 Federal Department of Education Fund shall be used, subject to  
5 appropriation by the General Assembly, for grants and contracts  
6 to local education agencies, colleges and universities, and  
7 other State agencies and for administrative expenses of the  
8 State Board of Education.

9 (Source: P.A. 93-838, eff. 7-30-04; revised 11-8-04.)

10 (30 ILCS 105/8.3) (from Ch. 127, par. 144.3)

11 Sec. 8.3. Money in the Road Fund shall, if and when the  
12 State of Illinois incurs any bonded indebtedness for the  
13 construction of permanent highways, be set aside and used for  
14 the purpose of paying and discharging annually the principal  
15 and interest on that bonded indebtedness then due and payable,  
16 and for no other purpose. The surplus, if any, in the Road Fund  
17 after the payment of principal and interest on that bonded  
18 indebtedness then annually due shall be used as follows:

19 first -- to pay the cost of administration of Chapters  
20 2 through 10 of the Illinois Vehicle Code, except the cost  
21 of administration of Articles I and II of Chapter 3 of that  
22 Code; and

23 secondly -- for expenses of the Department of  
24 Transportation for construction, reconstruction,  
25 improvement, repair, maintenance, operation, and  
26 administration of highways in accordance with the  
27 provisions of laws relating thereto, or for any purpose  
28 related or incident to and connected therewith, including  
29 the separation of grades of those highways with railroads  
30 and with highways and including the payment of awards made  
31 by the Illinois Workers' Compensation Commission under the  
32 terms of the Workers' Compensation Act or Workers'  
33 Occupational Diseases Act for injury or death of an  
34 employee of the Division of Highways in the Department of  
35 Transportation; or for the acquisition of land and the



1 erection of buildings for highway purposes, including the  
2 acquisition of highway right-of-way or for investigations  
3 to determine the reasonably anticipated future highway  
4 needs; or for making of surveys, plans, specifications and  
5 estimates for and in the construction and maintenance of  
6 flight strips and of highways necessary to provide access  
7 to military and naval reservations, to defense industries  
8 and defense-industry sites, and to the sources of raw  
9 materials and for replacing existing highways and highway  
10 connections shut off from general public use at military  
11 and naval reservations and defense-industry sites, or for  
12 the purchase of right-of-way, except that the State shall  
13 be reimbursed in full for any expense incurred in building  
14 the flight strips; or for the operating and maintaining of  
15 highway garages; or for patrolling and policing the public  
16 highways and conserving the peace; or for the operating  
17 expenses of the Department relating to the administration  
18 of public transportation programs; or for any of those  
19 purposes or any other purpose that may be provided by law.

20 Appropriations for any of those purposes are payable from  
21 the Road Fund. Appropriations may also be made from the Road  
22 Fund for the administrative expenses of any State agency that  
23 are related to motor vehicles or arise from the use of motor  
24 vehicles.

25 Beginning with fiscal year 1980 and thereafter, no Road  
26 Fund monies shall be appropriated to the following Departments  
27 or agencies of State government for administration, grants, or  
28 operations; but this limitation is not a restriction upon  
29 appropriating for those purposes any Road Fund monies that are  
30 eligible for federal reimbursement;

31 1. Department of Public Health;

32 2. Department of Transportation, only with respect to  
33 subsidies for one-half fare Student Transportation and  
34 Reduced Fare for Elderly;

35 3. Department of Central Management Services, except  
36 for expenditures incurred for group insurance premiums of

1 appropriate personnel;

2 4. Judicial Systems and Agencies.

3 Beginning with fiscal year 1981 and thereafter, no Road  
4 Fund monies shall be appropriated to the following Departments  
5 or agencies of State government for administration, grants, or  
6 operations; but this limitation is not a restriction upon  
7 appropriating for those purposes any Road Fund monies that are  
8 eligible for federal reimbursement:

9 1. Department of State Police, except for expenditures  
10 with respect to the Division of Operations;

11 2. Department of Transportation, only with respect to  
12 Intercity Rail Subsidies and Rail Freight Services.

13 Beginning with fiscal year 1982 and thereafter, no Road  
14 Fund monies shall be appropriated to the following Departments  
15 or agencies of State government for administration, grants, or  
16 operations; but this limitation is not a restriction upon  
17 appropriating for those purposes any Road Fund monies that are  
18 eligible for federal reimbursement: Department of Central  
19 Management Services, except for awards made by the Illinois  
20 Workers' Compensation Commission under the terms of the  
21 Workers' Compensation Act or Workers' Occupational Diseases  
22 Act for injury or death of an employee of the Division of  
23 Highways in the Department of Transportation.

24 Beginning with fiscal year 1984 and thereafter, no Road  
25 Fund monies shall be appropriated to the following Departments  
26 or agencies of State government for administration, grants, or  
27 operations; but this limitation is not a restriction upon  
28 appropriating for those purposes any Road Fund monies that are  
29 eligible for federal reimbursement:

30 1. Department of State Police, except not more than 40%  
31 of the funds appropriated for the Division of Operations;

32 2. State Officers.

33 Beginning with fiscal year 1984 and thereafter, no Road  
34 Fund monies shall be appropriated to any Department or agency  
35 of State government for administration, grants, or operations  
36 except as provided hereafter; but this limitation is not a

1 restriction upon appropriating for those purposes any Road Fund  
2 monies that are eligible for federal reimbursement. It shall  
3 not be lawful to circumvent the above appropriation limitations  
4 by governmental reorganization or other methods.  
5 Appropriations shall be made from the Road Fund only in  
6 accordance with the provisions of this Section.

7 Money in the Road Fund shall, if and when the State of  
8 Illinois incurs any bonded indebtedness for the construction of  
9 permanent highways, be set aside and used for the purpose of  
10 paying and discharging during each fiscal year the principal  
11 and interest on that bonded indebtedness as it becomes due and  
12 payable as provided in the Transportation Bond Act, and for no  
13 other purpose. The surplus, if any, in the Road Fund after the  
14 payment of principal and interest on that bonded indebtedness  
15 then annually due shall be used as follows:

16 first -- to pay the cost of administration of Chapters  
17 2 through 10 of the Illinois Vehicle Code; and

18 secondly -- no Road Fund monies derived from fees,  
19 excises, or license taxes relating to registration,  
20 operation and use of vehicles on public highways or to  
21 fuels used for the propulsion of those vehicles, shall be  
22 appropriated or expended other than for costs of  
23 administering the laws imposing those fees, excises, and  
24 license taxes, statutory refunds and adjustments allowed  
25 thereunder, administrative costs of the Department of  
26 Transportation, including, but not limited to, the  
27 operating expenses of the Department relating to the  
28 administration of public transportation programs, payment  
29 of debts and liabilities incurred in construction and  
30 reconstruction of public highways and bridges, acquisition  
31 of rights-of-way for and the cost of construction,  
32 reconstruction, maintenance, repair, and operation of  
33 public highways and bridges under the direction and  
34 supervision of the State, political subdivision, or  
35 municipality collecting those monies, and the costs for  
36 patrolling and policing the public highways (by State,

1 political subdivision, or municipality collecting that  
2 money) for enforcement of traffic laws. The separation of  
3 grades of such highways with railroads and costs associated  
4 with protection of at-grade highway and railroad crossing  
5 shall also be permissible.

6 Appropriations for any of such purposes are payable from  
7 the Road Fund or the Grade Crossing Protection Fund as provided  
8 in Section 8 of the Motor Fuel Tax Law.

9 Except as provided in this paragraph, beginning with fiscal  
10 year 1991 and thereafter, no Road Fund monies shall be  
11 appropriated to the Department of State Police for the purposes  
12 of this Section in excess of its total fiscal year 1990 Road  
13 Fund appropriations for those purposes unless otherwise  
14 provided in Section 5g of this Act. For fiscal years 2003,  
15 2004, and 2005 only, no Road Fund monies shall be appropriated  
16 to the Department of State Police for the purposes of this  
17 Section in excess of \$97,310,000. It shall not be lawful to  
18 circumvent this limitation on appropriations by governmental  
19 reorganization or other methods unless otherwise provided in  
20 Section 5g of this Act.

21 In fiscal year 1994, no Road Fund monies shall be  
22 appropriated to the Secretary of State for the purposes of this  
23 Section in excess of the total fiscal year 1991 Road Fund  
24 appropriations to the Secretary of State for those purposes,  
25 plus \$9,800,000. It shall not be lawful to circumvent this  
26 limitation on appropriations by governmental reorganization or  
27 other method.

28 Beginning with fiscal year 1995 and thereafter, no Road  
29 Fund monies shall be appropriated to the Secretary of State for  
30 the purposes of this Section in excess of the total fiscal year  
31 1994 Road Fund appropriations to the Secretary of State for  
32 those purposes. It shall not be lawful to circumvent this  
33 limitation on appropriations by governmental reorganization or  
34 other methods.

35 Beginning with fiscal year 2000, total Road Fund  
36 appropriations to the Secretary of State for the purposes of

1 this Section shall not exceed the amounts specified for the  
2 following fiscal years:

3	Fiscal Year 2000	\$80,500,000;
4	Fiscal Year 2001	\$80,500,000;
5	Fiscal Year 2002	\$80,500,000;
6	Fiscal Year 2003	\$130,500,000;
7	Fiscal Year 2004	\$130,500,000;
8	Fiscal Year 2005	\$130,500,000;
9	Fiscal Year 2006 and	
10	each year thereafter	\$30,500,000.

11 It shall not be lawful to circumvent this limitation on  
12 appropriations by governmental reorganization or other  
13 methods.

14 No new program may be initiated in fiscal year 1991 and  
15 thereafter that is not consistent with the limitations imposed  
16 by this Section for fiscal year 1984 and thereafter, insofar as  
17 appropriation of Road Fund monies is concerned.

18 Nothing in this Section prohibits transfers from the Road  
19 Fund to the State Construction Account Fund under Section 5e of  
20 this Act; nor to the General Revenue Fund, as authorized by  
21 this amendatory Act of the 93rd General Assembly.

22 The additional amounts authorized for expenditure in this  
23 Section by Public Acts 92-0600 and 93-0025 shall be repaid to  
24 the Road Fund from the General Revenue Fund in the next  
25 succeeding fiscal year that the General Revenue Fund has a  
26 positive budgetary balance, as determined by generally  
27 accepted accounting principles applicable to government.

28 The additional amounts authorized for expenditure by the  
29 Secretary of State and the Department of State Police in this  
30 Section by this amendatory Act of the 93rd General Assembly  
31 shall be repaid to the Road Fund from the General Revenue Fund  
32 in the next succeeding fiscal year that the General Revenue  
33 Fund has a positive budgetary balance, as determined by  
34 generally accepted accounting principles applicable to  
35 government.

36 (Source: P.A. 92-600, eff. 6-28-02; 93-25, eff. 6-20-03;

1 93-721, eff. 1-1-05; 93-839, eff. 7-30-04; revised 10-25-04.)

2 (30 ILCS 105/8h)

3 Sec. 8h. Transfers to General Revenue Fund.

4 (a) Except as provided in subsection (b), notwithstanding  
5 any other State law to the contrary, the Governor may, through  
6 June 30, 2007, from time to time direct the State Treasurer and  
7 Comptroller to transfer a specified sum from any fund held by  
8 the State Treasurer to the General Revenue Fund in order to  
9 help defray the State's operating costs for the fiscal year.  
10 The total transfer under this Section from any fund in any  
11 fiscal year shall not exceed the lesser of (i) 8% of the  
12 revenues to be deposited into the fund during that fiscal year  
13 or (ii) an amount that leaves a remaining fund balance of 25%  
14 of the July 1 fund balance of that fiscal year. In fiscal year  
15 2005 only, prior to calculating the July 1, 2004 final  
16 balances, the Governor may calculate and direct the State  
17 Treasurer with the Comptroller to transfer additional amounts  
18 determined by applying the formula authorized in Public Act  
19 93-839 ~~this amendatory Act of the 93rd General Assembly~~ to the  
20 funds balances on July 1, 2003. No transfer may be made from a  
21 fund under this Section that would have the effect of reducing  
22 the available balance in the fund to an amount less than the  
23 amount remaining unexpended and unreserved from the total  
24 appropriation from that fund estimated to be expended for that  
25 fiscal year. This Section does not apply to any funds that are  
26 restricted by federal law to a specific use, to any funds in  
27 the Motor Fuel Tax Fund, the Hospital Provider Fund, ~~or~~ the  
28 Medicaid Provider Relief Fund, or the Reviewing Court  
29 Alternative Dispute Resolution Fund, or to any funds to which  
30 subsection (f) of Section 20-40 of the Nursing and Advanced  
31 Practice Nursing Act applies. Notwithstanding any other  
32 provision of this Section, for fiscal year 2004, the total  
33 transfer under this Section from the Road Fund or the State  
34 Construction Account Fund shall not exceed the lesser of (i) 5%  
35 of the revenues to be deposited into the fund during that

1 fiscal year or (ii) 25% of the beginning balance in the fund.  
2 For fiscal year 2005 through fiscal year 2007, no amounts may  
3 be transferred under this Section from the Road Fund, the State  
4 Construction Account Fund, the Criminal Justice Information  
5 Systems Trust Fund, the Wireless Carrier Reimbursement Fund, or  
6 the Mandatory Arbitration Fund.

7 In determining the available balance in a fund, the  
8 Governor may include receipts, transfers into the fund, and  
9 other resources anticipated to be available in the fund in that  
10 fiscal year.

11 The State Treasurer and Comptroller shall transfer the  
12 amounts designated under this Section as soon as may be  
13 practicable after receiving the direction to transfer from the  
14 Governor.

15 (b) This Section does not apply to any fund established  
16 under the Community Senior Services and Resources Act.

17 (Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674,  
18 eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04;  
19 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; revised  
20 12-1-04.)

21 (30 ILCS 105/8i)

22 Sec. 8i ~~8h~~. Transfers between the Communications Revolving  
23 Fund and the Illinois Military Family Relief Fund. The State  
24 Comptroller shall order transferred and the Treasurer shall  
25 transfer, on March 31, 2003 or as soon as practicable  
26 thereafter, the amount of \$300,000 from the Communications  
27 Revolving Fund to the Illinois Military Family Relief Fund.  
28 Beginning on July 1, 2004, the State Comptroller shall order  
29 transferred and the Treasurer shall transfer, on the last day  
30 of each month, an amount equal to 50% of that day's beginning  
31 balance in the Illinois Military Family Relief Fund from the  
32 Illinois Military Family Relief Fund to the Communications  
33 Revolving Fund. These transfers shall continue until the  
34 cumulative total of transfers executed from the Illinois  
35 Military Family Relief Fund to the Communications Revolving

1 Fund equals \$300,000.

2 (Source: P.A. 93-506, eff. 8-11-03; revised 8-21-03.)

3 (30 ILCS 105/8j)

4 Sec. 8j. Allocation and transfer of fee receipts to General  
5 Revenue Fund. ~~If and only if any one or more of Senate Bills~~  
6 ~~774, 841, 842, and 1903 of the 93rd General Assembly become~~  
7 ~~law,~~ Notwithstanding any other law to the contrary, additional  
8 amounts generated by the new and increased fees created or  
9 authorized by Public Acts 93-22, 93-23, 93-24, and 93-32 ~~these~~  
10 ~~amendatory Acts of the 93rd General Assembly this amendatory~~  
11 ~~Act of the 93rd General Assembly and by Senate Bill 774, Senate~~  
12 ~~Bill 841, and Senate Bill 842 of the 93rd General Assembly, if~~  
13 ~~those bills become law,~~ shall be allocated between the fund  
14 otherwise entitled to receive the fee and the General Revenue  
15 Fund by the Governor's Office of Management and Budget Bureau  
16 ~~of the Budget~~. In determining the amount of the allocation to  
17 the General Revenue Fund, the Director of the Governor's Office  
18 of Management and Budget Bureau of the Budget shall calculate  
19 whether the available resources in the fund are sufficient to  
20 satisfy the unexpended and unreserved appropriations from the  
21 fund for the fiscal year.

22 In calculating the available resources in a fund, the  
23 Director of the Governor's Office of Management and Budget  
24 ~~Bureau of the Budget~~ may include receipts, transfers into the  
25 fund, and other resources anticipated to be available in the  
26 fund in that fiscal year.

27 Upon determining the amount of an allocation to the General  
28 Revenue Fund under this Section, the Director of the Governor's  
29 Office of Management and Budget Bureau of the Budget may direct  
30 the State Treasurer and Comptroller to transfer the amount of  
31 that allocation from the fund in which the fee amounts have  
32 been deposited to the General Revenue Fund; provided, however,  
33 that the Director shall not direct the transfer of any amount  
34 that would have the effect of reducing the available resources  
35 in the fund to an amount less than the amount remaining



1 unexpended and unreserved from the total appropriation from  
2 that fund for that fiscal year.

3 The State Treasurer and Comptroller shall transfer the  
4 amounts designated under this Section as soon as may be  
5 practicable after receiving the direction to transfer from the  
6 Director of the Governor's Office of Management and Budget  
7 ~~Bureau of the Budget~~.

8 (Source: P.A. 93-25, eff. 6-20-03; 93-32, eff. 6-20-03; revised  
9 8-21-03.)

10 (30 ILCS 105/25) (from Ch. 127, par. 161)

11 Sec. 25. Fiscal year limitations.

12 (a) All appropriations shall be available for expenditure  
13 for the fiscal year or for a lesser period if the Act making  
14 that appropriation so specifies. A deficiency or emergency  
15 appropriation shall be available for expenditure only through  
16 June 30 of the year when the Act making that appropriation is  
17 enacted unless that Act otherwise provides.

18 (b) Outstanding liabilities as of June 30, payable from  
19 appropriations which have otherwise expired, may be paid out of  
20 the expiring appropriations during the 2-month period ending at  
21 the close of business on August 31. Any service involving  
22 professional or artistic skills or any personal services by an  
23 employee whose compensation is subject to income tax  
24 withholding must be performed as of June 30 of the fiscal year  
25 in order to be considered an "outstanding liability as of June  
26 30" that is thereby eligible for payment out of the expiring  
27 appropriation.

28 However, payment of tuition reimbursement claims under  
29 Section 14-7.03 or 18-3 of the School Code may be made by the  
30 State Board of Education from its appropriations for those  
31 respective purposes for any fiscal year, even though the claims  
32 reimbursed by the payment may be claims attributable to a prior  
33 fiscal year, and payments may be made at the direction of the  
34 State Superintendent of Education from the fund from which the  
35 appropriation is made without regard to any fiscal year

1 limitations.

2 Medical payments may be made by the Department of Veterans'  
3 Affairs from its appropriations for those purposes for any  
4 fiscal year, without regard to the fact that the medical  
5 services being compensated for by such payment may have been  
6 rendered in a prior fiscal year.

7 Medical payments may be made by the Department of Public  
8 Aid and medical payments and child care payments may be made by  
9 the Department of Human Services (as successor to the  
10 Department of Public Aid) from appropriations for those  
11 purposes for any fiscal year, without regard to the fact that  
12 the medical or child care services being compensated for by  
13 such payment may have been rendered in a prior fiscal year; and  
14 payments may be made at the direction of the Department of  
15 Central Management Services from the Health Insurance Reserve  
16 Fund and the Local Government Health Insurance Reserve Fund  
17 without regard to any fiscal year limitations.

18 Medical payments may be made by the Department of Human  
19 Services from its appropriations relating to substance abuse  
20 treatment services for any fiscal year, without regard to the  
21 fact that the medical services being compensated for by such  
22 payment may have been rendered in a prior fiscal year, provided  
23 the payments are made on a fee-for-service basis consistent  
24 with requirements established for Medicaid reimbursement by  
25 the Department of Public Aid.

26 Additionally, payments may be made by the Department of  
27 Human Services from its appropriations, or any other State  
28 agency from its appropriations with the approval of the  
29 Department of Human Services, from the Immigration Reform and  
30 Control Fund for purposes authorized pursuant to the  
31 Immigration Reform and Control Act of 1986, without regard to  
32 any fiscal year limitations.

33 Further, with respect to costs incurred in fiscal years  
34 2002 and 2003 only, payments may be made by the State Treasurer  
35 from its appropriations from the Capital Litigation Trust Fund  
36 without regard to any fiscal year limitations.

1 Lease payments may be made by the Department of Central  
2 Management Services under the sale and leaseback provisions of  
3 Section 7.4 of the State Property Control Act with respect to  
4 the James R. Thompson Center and the Elgin Mental Health Center  
5 and surrounding land from appropriations for that purpose  
6 without regard to any fiscal year limitations.

7 Lease payments may be made under the sale and leaseback  
8 provisions of Section 7.5 of the State Property Control Act  
9 with respect to the Illinois State Toll Highway Authority  
10 headquarters building and surrounding land without regard to  
11 any fiscal year limitations.

12 (c) Further, payments may be made by the Department of  
13 Public Health and the Department of Human Services (acting as  
14 successor to the Department of Public Health under the  
15 Department of Human Services Act) from their respective  
16 appropriations for grants for medical care to or on behalf of  
17 persons suffering from chronic renal disease, persons  
18 suffering from hemophilia, rape victims, and premature and  
19 high-mortality risk infants and their mothers and for grants  
20 for supplemental food supplies provided under the United States  
21 Department of Agriculture Women, Infants and Children  
22 Nutrition Program, for any fiscal year without regard to the  
23 fact that the services being compensated for by such payment  
24 may have been rendered in a prior fiscal year.

25 (d) The Department of Public Health and the Department of  
26 Human Services (acting as successor to the Department of Public  
27 Health under the Department of Human Services Act) shall each  
28 annually submit to the State Comptroller, Senate President,  
29 Senate Minority Leader, Speaker of the House, House Minority  
30 Leader, and the respective Chairmen and Minority Spokesmen of  
31 the Appropriations Committees of the Senate and the House, on  
32 or before December 31, a report of fiscal year funds used to  
33 pay for services provided in any prior fiscal year. This report  
34 shall document by program or service category those  
35 expenditures from the most recently completed fiscal year used  
36 to pay for services provided in prior fiscal years.

1           (e) The Department of Public Aid, the Department of Human  
2 Services (acting as successor to the Department of Public Aid),  
3 and the Department of Human Services making fee-for-service  
4 payments relating to substance abuse treatment services  
5 provided during a previous fiscal year shall each annually  
6 submit to the State Comptroller, Senate President, Senate  
7 Minority Leader, Speaker of the House, House Minority Leader,  
8 the respective Chairmen and Minority Spokesmen of the  
9 Appropriations Committees of the Senate and the House, on or  
10 before November 30, a report that shall document by program or  
11 service category those expenditures from the most recently  
12 completed fiscal year used to pay for (i) services provided in  
13 prior fiscal years and (ii) services for which claims were  
14 received in prior fiscal years.

15           (f) The Department of Human Services (as successor to the  
16 Department of Public Aid) shall annually submit to the State  
17 Comptroller, Senate President, Senate Minority Leader, Speaker  
18 of the House, House Minority Leader, and the respective  
19 Chairmen and Minority Spokesmen of the Appropriations  
20 Committees of the Senate and the House, on or before December  
21 31, a report of fiscal year funds used to pay for services  
22 (other than medical care) provided in any prior fiscal year.  
23 This report shall document by program or service category those  
24 expenditures from the most recently completed fiscal year used  
25 to pay for services provided in prior fiscal years.

26           (g) In addition, each annual report required to be  
27 submitted by the Department of Public Aid under subsection (e)  
28 shall include the following information with respect to the  
29 State's Medicaid program:

30                 (1) Explanations of the exact causes of the variance  
31 between the previous year's estimated and actual  
32 liabilities.

33                 (2) Factors affecting the Department of Public Aid's  
34 liabilities, including but not limited to numbers of aid  
35 recipients, levels of medical service utilization by aid  
36 recipients, and inflation in the cost of medical services.

1           (3) The results of the Department's efforts to combat  
2 fraud and abuse.

3           (h) As provided in Section 4 of the General Assembly  
4 Compensation Act, any utility bill for service provided to a  
5 General Assembly member's district office for a period  
6 including portions of 2 consecutive fiscal years may be paid  
7 from funds appropriated for such expenditure in either fiscal  
8 year.

9           (i) An agency which administers a fund classified by the  
10 Comptroller as an internal service fund may issue rules for:

11           (1) billing user agencies in advance for payments or  
12 authorized inter-fund transfers based on estimated charges  
13 for goods or services;

14           (2) issuing credits, refunding through inter-fund  
15 transfers, or reducing future inter-fund transfers during  
16 the subsequent fiscal year for all user agency payments or  
17 authorized inter-fund transfers received during the prior  
18 fiscal year which were in excess of the final amounts owed  
19 by the user agency for that period; and

20           (3) issuing catch-up billings to user agencies during  
21 the subsequent fiscal year for amounts remaining due when  
22 payments or authorized inter-fund transfers received from  
23 the user agency during the prior fiscal year were less than  
24 the total amount owed for that period.

25 User agencies are authorized to reimburse internal service  
26 funds for catch-up billings by vouchers drawn against their  
27 respective appropriations for the fiscal year in which the  
28 catch-up billing was issued or by increasing an authorized  
29 inter-fund transfer during the current fiscal year. For the  
30 purposes of this Act, "inter-fund transfers" means transfers  
31 without the use of the voucher-warrant process, as authorized  
32 by Section 9.01 of the State Comptroller Act.

33 (Source: P.A. 92-885, eff. 1-13-03; 93-19, eff. 6-20-03;  
34 93-839, eff. 7-30-04; 93-841, eff. 7-30-04; revised 10-25-04.)

35           (30 ILCS 105/5.05 rep.)

- 1 (30 ILCS 105/5.06 rep.)
- 2 (30 ILCS 105/5.35 rep.)
- 3 (30 ILCS 105/5.37 rep.)
- 4 (30 ILCS 105/5.47 rep.)
- 5 (30 ILCS 105/5.51 rep.)
- 6 (30 ILCS 105/5.59 rep.)
- 7 (30 ILCS 105/5.60 rep.)
- 8 (30 ILCS 105/5.69 rep.)
- 9 (30 ILCS 105/5.75 rep.)
- 10 (30 ILCS 105/5.76 rep.)
- 11 (30 ILCS 105/5.90 rep.)
- 12 (30 ILCS 105/5.113 rep.)
- 13 (30 ILCS 105/5.178 rep.)
- 14 (30 ILCS 105/5.190 rep.)
- 15 (30 ILCS 105/5.191 rep.)
- 16 (30 ILCS 105/5.193 rep.)
- 17 (30 ILCS 105/5.197 rep.)
- 18 (30 ILCS 105/5.205 rep.)
- 19 (30 ILCS 105/5.210 rep.)
- 20 (30 ILCS 105/5.218 rep.)
- 21 (30 ILCS 105/5.220 rep.)
- 22 (30 ILCS 105/5.228 rep.)
- 23 (30 ILCS 105/5.245 rep.)
- 24 (30 ILCS 105/5.246 rep.)
- 25 (30 ILCS 105/5.264 rep.)
- 26 (30 ILCS 105/5.271 rep.)
- 27 (30 ILCS 105/5.283 rep.)
- 28 (30 ILCS 105/5.285 rep.)
- 29 (30 ILCS 105/5.294 rep.)
- 30 (30 ILCS 105/5.299 rep.)
- 31 (30 ILCS 105/5.300 rep.)
- 32 (30 ILCS 105/5.301 rep.)
- 33 (30 ILCS 105/5.304 rep.)
- 34 (30 ILCS 105/5.308 rep.)
- 35 (30 ILCS 105/5.309 rep.)
- 36 (30 ILCS 105/5.311 rep.)

- 1 (30 ILCS 105/5.314 rep.)
- 2 (30 ILCS 105/5.327 rep.)
- 3 (30 ILCS 105/5.330 rep.)
- 4 (30 ILCS 105/5.335 rep.)
- 5 (30 ILCS 105/5.336 rep.)
- 6 (30 ILCS 105/5.360 rep.) from P.A. 87-1249
- 7 (30 ILCS 105/5.361 rep.)
- 8 (30 ILCS 105/5.363 rep.)
- 9 (30 ILCS 105/5.388 rep.)
- 10 (30 ILCS 105/5.389 rep.)
- 11 (30 ILCS 105/5.390 rep.)
- 12 (30 ILCS 105/5.393 rep.)
- 13 (30 ILCS 105/5.396 rep.)
- 14 (30 ILCS 105/5.398 rep.)
- 15 (30 ILCS 105/5.399 rep.)
- 16 (30 ILCS 105/5.400 rep.)
- 17 (30 ILCS 105/5.401 rep.)
- 18 (30 ILCS 105/5.402 rep.)
- 19 (30 ILCS 105/5.403 rep.)
- 20 (30 ILCS 105/5.404 rep.)
- 21 (30 ILCS 105/5.405 rep.)
- 22 (30 ILCS 105/5.406 rep.)
- 23 (30 ILCS 105/5.407 rep.)
- 24 (30 ILCS 105/5.417 rep.)
- 25 (30 ILCS 105/5.432 rep.)
- 26 (30 ILCS 105/5.433 rep.)
- 27 (30 ILCS 105/5.434 rep.)
- 28 (30 ILCS 105/5.439 rep.)
- 29 (30 ILCS 105/5.447 rep.)
- 30 (30 ILCS 105/5.467 rep.)
- 31 (30 ILCS 105/5.483 rep.)
- 32 (30 ILCS 105/5.486 rep.)
- 33 (30 ILCS 105/5.488 rep.)
- 34 (30 ILCS 105/5.507 rep.)
- 35 (30 ILCS 105/5.519 rep.)
- 36 (30 ILCS 105/5.522 rep.)

1 Section 146. The State Finance Act is amended by repealing  
2 Sections 5.05, 5.06, 5.35, 5.37, 5.47, 5.51, 5.59, 5.60, 5.69,  
3 5.75, 5.76, 5.90, 5.113, 5.178, 5.190, 5.191, 5.193, 5.197,  
4 5.205, 5.210, 5.218, 5.220, 5.228, 5.245, 5.246, 5.264, 5.271,  
5 5.283, 5.285, 5.294, 5.299, 5.300, 5.301, 5.304, 5.308, 5.309,  
6 5.311, 5.314, 5.327, 5.330, 5.335, 5.336, 5.360 (as added by  
7 P.A. 87-1249), 5.361, 5.363, 5.388, 5.389, 5.390, 5.393, 5.396,  
8 5.398, 5.399, 5.400, 5.401, 5.402, 5.403, 5.404, 5.405, 5.406,  
9 5.407, 5.417, 5.432, 5.433, 5.434, 5.439, 5.447, 5.467, 5.483,  
10 5.486, 5.488, 5.507, 5.519, and 5.522.

11 (30 ILCS 105/5.230 rep.)

12 Section 147. The State Finance Act is amended by repealing  
13 Section 5.230.

14 Section 150. The Public Funds Investment Act is amended by  
15 changing Section 6 as follows:

16 (30 ILCS 235/6) (from Ch. 85, par. 906)

17 Sec. 6. Report of financial institutions.

18 (a) No bank shall receive any public funds unless it has  
19 furnished the corporate authorities of a public agency  
20 submitting a deposit with copies of the last two sworn  
21 statements of resources and liabilities which the bank is  
22 required to furnish to the Commissioner of Banks and Real  
23 Estate or to the Comptroller of the Currency. Each bank  
24 designated as a depository for public funds shall, while acting  
25 as such depository, furnish the corporate authorities of a  
26 public agency with a copy of all statements of resources and  
27 liabilities which it is required to furnish to the Commissioner  
28 of Banks and Real Estate or to the Comptroller of the Currency;  
29 provided, that if such funds or moneys are deposited in a bank,  
30 the amount of all such deposits not collateralized or insured  
31 by an agency of the federal government shall not exceed 75% of  
32 the capital stock and surplus of such bank, and the corporate  
33 authorities of a public agency submitting a deposit shall not



1 be discharged from responsibility for any funds or moneys  
2 deposited in any bank in excess of such limitation.

3 (b) No savings bank or savings and loan association shall  
4 receive public funds unless it has furnished the corporate  
5 authorities of a public agency submitting a deposit with copies  
6 of the last 2 sworn statements of resources and liabilities  
7 which the savings bank or savings and loan association is  
8 required to furnish to the Commissioner of Banks and Real  
9 Estate or the Federal Deposit Insurance Corporation. Each  
10 savings bank or savings and loan association designated as a  
11 depository for public funds shall, while acting as such  
12 depository, furnish the corporate authorities of a public  
13 agency with a copy of all statements of resources and  
14 liabilities which it is required to furnish to the Commissioner  
15 of Banks and Real Estate or the Federal Deposit Insurance  
16 Corporation; provided, that if such funds or moneys are  
17 deposited in a savings bank or savings and loan association,  
18 the amount of all such deposits not collateralized or insured  
19 by an agency of the federal government shall not exceed 75% of  
20 the net worth of such savings bank or savings and loan  
21 association as defined by the Federal Deposit Insurance  
22 Corporation, and the corporate authorities of a public agency  
23 submitting a deposit shall not be discharged from  
24 responsibility for any funds or moneys deposited in any savings  
25 bank or savings and loan association in excess of such  
26 limitation.

27 (c) No credit union shall receive public funds unless it  
28 has furnished the corporate authorities of a public agency  
29 submitting a share deposit with copies of the last two reports  
30 of examination prepared by or submitted to the Illinois  
31 Department of Financial Institutions or the National Credit  
32 Union Administration. Each credit union designated as a  
33 depository for public funds shall, while acting as such  
34 depository, furnish the corporate authorities of a public  
35 agency with a copy of all reports of examination prepared by or  
36 furnished to the Illinois Department of Financial Institutions

1 or the National Credit Union Administration; provided that if  
2 such funds or moneys are invested in a credit union account,  
3 the amount of all such investments not collateralized or  
4 insured by an agency of the federal government or other  
5 approved share insurer shall not exceed 50% of the unimpaired  
6 capital and surplus of such credit union, which shall include  
7 shares, reserves and undivided earnings and the corporate  
8 authorities of a public agency making an investment shall not  
9 be discharged from responsibility for any funds or moneys  
10 invested in a credit union in excess of such limitation.

11 (d) Whenever a public agency deposits any public funds in a  
12 financial institution, the public agency may enter into an  
13 agreement with the financial institution requiring any funds  
14 not insured by the Federal Deposit Insurance Corporation or the  
15 National Credit Union Administration or other approved share  
16 insurer to be collateralized by any of the following classes of  
17 securities, provided there has been no default in the payment  
18 of principal or interest thereon:

19 (1) Bonds, notes, or other securities constituting  
20 direct and general obligations of the United States, the  
21 bonds, notes, or other securities constituting the direct  
22 and general obligation of any agency or instrumentality of  
23 the United States, the interest and principal of which is  
24 unconditionally guaranteed by the United States, and  
25 bonds, notes, or other securities or evidence of  
26 indebtedness constituting the obligation of a U.S. agency  
27 or instrumentality.

28 (2) Direct and general obligation bonds of the State of  
29 Illinois or of any other state of the United States.

30 (3) Revenue bonds of this State or any authority,  
31 board, commission, or similar agency thereof.

32 (4) Direct and general obligation bonds of any city,  
33 town, county, school district, or other taxing body of any  
34 state, the debt service of which is payable from general ad  
35 valorem taxes.

36 (5) Revenue bonds of any city, town, county, or school

1 district of the State of Illinois.

2 (6) Obligations issued, assumed, or guaranteed by the  
3 International Finance Corporation, the principal of which  
4 is not amortized during the life of the obligation, but no  
5 such obligation shall be accepted at more than 90% of its  
6 market value.

7 (7) Illinois Affordable Housing Program Trust Fund  
8 Bonds or Notes as defined in and issued pursuant to the  
9 Illinois Housing Development Act.

10 (8) In an amount equal to at least market value of that  
11 amount of funds deposited exceeding the insurance  
12 limitation provided by the Federal Deposit Insurance  
13 Corporation or the National Credit Union Administration or  
14 other approved share insurer: (i) securities, (ii)  
15 mortgages, (iii) letters of credit issued by a Federal Home  
16 Loan Bank, or (iv) loans covered by a State Guarantee  
17 Guaranty under the Illinois Farm Development Act, if that  
18 guarantee has been assumed by the Illinois Finance  
19 Authority under Section 845-75 of the Illinois Finance  
20 Authority Act, and loans covered by a State Guarantee under  
21 Article 830 of the Illinois Finance Authority Act.

22 (9) Certificates of deposit or share certificates  
23 issued to the depository institution pledging them as  
24 security. The public agency may require security in the  
25 amount of 125% of the value of the public agency deposit.  
26 Such certificate of deposit or share certificate shall:

27 (i) be fully insured by the Federal Deposit  
28 Insurance Corporation, the Federal Savings and Loan  
29 Insurance Corporation, or the National Credit Union  
30 Share Insurance Fund or issued by a depository  
31 institution which is rated within the 3 highest  
32 classifications established by at least one of the 2  
33 standard rating services;

34 (ii) be issued by a financial institution having  
35 assets of \$15,000,000 or more; and

36 (iii) be issued by either a savings and loan

1 association having a capital to asset ratio of at least  
2 2%, by a bank having a capital to asset ratio of at  
3 least 6% or by a credit union having a capital to asset  
4 ratio of at least 4%.

5 The depository institution shall effect the assignment of  
6 the certificate of deposit or share certificate to the public  
7 agency and shall agree that, in the event the issuer of the  
8 certificate fails to maintain the capital to asset ratio  
9 required by this Section, such certificate of deposit or share  
10 certificate shall be replaced by additional suitable security.

11 (e) The public agency may accept a system established by  
12 the State Treasurer to aggregate permissible securities  
13 received as collateral from financial institutions in a  
14 collateral pool to secure public deposits of the institutions  
15 that have pledged securities to the pool.

16 (f) The public agency may at any time declare any  
17 particular security ineligible to qualify as collateral when,  
18 in the public agency's judgment, it is deemed desirable to do  
19 so.

20 (g) Notwithstanding any other provision of this Section, as  
21 security a public agency may, at its discretion, accept a bond,  
22 executed by a company authorized to transact the kinds of  
23 business described in clause (g) of Section 4 of the Illinois  
24 Insurance Code, in an amount not less than the amount of the  
25 deposits required by this Section to be secured, payable to the  
26 public agency for the benefit of the People of the unit of  
27 government, in a form that is acceptable to the public agency  
28 ~~Finance Authority.~~

29 (h) Paragraphs (a), (b), (c), (d), (e), (f), and (g) of  
30 this Section do not apply to the University of Illinois,  
31 Southern Illinois University, Chicago State University,  
32 Eastern Illinois University, Governors State University,  
33 Illinois State University, Northeastern Illinois University,  
34 Northern Illinois University, Western Illinois University, the  
35 Cooperative Computer Center and public community colleges.

36 (Source: P.A. 93-205, eff. 1-1-04; 93-561, eff. 1-1-04; revised

1 1-14-04.)

2 Section 165. The State Facilities Closure Act is amended by  
3 changing Section 5-1 as follows:

4 (30 ILCS 608/5-1)

5 Sec. 5-1. Short title. This Article ~~Act~~ may be cited as the  
6 State Facilities Closure Act. All references in this Article to  
7 "this Act" mean this Article.

8 (Source: P.A. 93-839, eff. 7-30-04; revised 11-5-04.)

9 Section 170. The Build Illinois Act is amended by changing  
10 Section 8-3 as follows:

11 (30 ILCS 750/8-3) (from Ch. 127, par. 2708-3)

12 Sec. 8-3. Powers of the Department. The Department has the  
13 power to:

14 (a) provide business development public infrastructure  
15 loans or grants from appropriations from the Build Illinois  
16 Bond Fund, the Build Illinois Purposes Fund, the Fund for  
17 Illinois' Future, and the Public Infrastructure Construction  
18 Loan Fund to local governments to provide or improve a  
19 community's public infrastructure so as to create or retain  
20 private sector jobs pursuant to the provisions of this Article;

21 (b) provide affordable financing of public infrastructure  
22 loans and grants to, or on behalf of, local governments, local  
23 public entities, medical facilities, and public health clinics  
24 from appropriations from the Public Infrastructure  
25 Construction Loan Fund for the purpose of assisting with the  
26 financing, or application and access to financing, of a  
27 community's public infrastructure necessary to health, safety,  
28 and economic development;

29 (c) enter into agreements, accept funds or grants, and  
30 engage in cooperation with agencies of the federal government,  
31 or state or local governments to carry out the purposes of this  
32 Article, and to use funds appropriated pursuant to this Article

1 to participate in federal infrastructure loan and grant  
2 programs upon such terms and conditions as may be established  
3 by the federal government;

4 (d) establish application, notification, contract, and  
5 other procedures, rules, or regulations deemed necessary and  
6 appropriate to carry out the provisions of this Article;

7 (e) coordinate assistance under this program with  
8 activities of the Illinois Finance Authority in order to  
9 maximize the effectiveness and efficiency of State development  
10 programs;

11 (f) coordinate assistance under the Affordable Financing  
12 of Public Infrastructure Loan and Grant Program with the  
13 activities of the Illinois Finance Authority, ~~Illinois Finance~~  
14 ~~Authority, Illinois Finance Authority,~~ Illinois Housing  
15 Development Authority, Illinois Environmental Protection  
16 Agency, and other federal and State programs and entities  
17 providing financing assistance to communities for public  
18 health, safety, and economic development infrastructure;

19 (f-5) provide staff, administration, and related support  
20 required to manage the programs authorized under this Article  
21 and pay for the staffing, administration, and related support  
22 from the Public Infrastructure Construction Loan Revolving  
23 Fund;

24 (g) exercise such other powers as are necessary or  
25 incidental to the foregoing.

26 (Source: P.A. 93-205 (Sections 890-10, 890-34, and 890-43),  
27 eff. 1-1-04; revised 10-3-03.)

28 Section 175. The State Mandates Act is amended by setting  
29 forth, renumbering, and changing multiple versions of Section  
30 8.25 and by changing Sections 8.27 and 8.28 as follows:

31 (30 ILCS 805/8.25)

32 Sec. 8.25. Exempt mandate. Notwithstanding Sections 6 and 8  
33 of this Act, no reimbursement by the State is required for the  
34 implementation of any mandate created by Public Act 92-36,

1 92-50, 92-52, 92-53, 92-166, 92-281, 92-382, 92-388, 92-416,  
2 92-424, or 92-465.

3 (Source: P.A. 92-36, eff. 6-28-01; 92-50, eff. 7-12-01; 92-52,  
4 eff. 7-12-01; 92-53, eff. 7-12-01; 92-166, eff. 1-1-02; 92-281,  
5 eff. 8-7-01; 92-382, eff. 8-16-01; 92-388, eff. 1-1-02; 92-416,  
6 eff. 8-17-01; 92-424, eff. 8-17-01; 92-465, eff. 1-1-02;  
7 92-651, eff. 7-11-02.)

8 (30 ILCS 805/8.26)

9 Sec. 8.26 ~~8.25~~. Exempt mandate. Notwithstanding Sections 6  
10 and 8 of this Act, no reimbursement by the State is required  
11 for the implementation of any mandate created by Public Act  
12 92-505, 92-533, 92-599, 92-602, 92-609, 92-616, 92-631,  
13 92-705, 92-733, 92-767, 92-779, 92-844, or 92-846. ~~this~~  
14 ~~amendatory Act of the 92nd General Assembly.~~

15 (Source: P.A. 92-505, eff. 12-20-01; 92-533, eff. 3-14-02;  
16 92-599, eff. 6-28-02; 92-602, eff. 7-1-02; 92-609, eff. 7-1-02;  
17 92-616, eff. 7-8-02; 92-631, eff. 7-11-02; 92-705, eff.  
18 7-19-02; 92-733, eff. 7-25-02; 92-767, eff. 8-6-02; 92-779,  
19 eff. 8-6-02; 92-844, eff. 8-23-02; 92-846, eff. 8-23-02;  
20 revised 10-25-02.)

21 (30 ILCS 805/8.27)

22 Sec. 8.27. Exempt mandate.

23 (a) Notwithstanding Sections 6 and 8 of this Act, no  
24 reimbursement by the State is required for the implementation  
25 of any mandate created by Public Act 93-3, 93-19, 93-42,  
26 93-119, 93-123, 93-146, 93-206, 93-209, 93-226, 93-282,  
27 93-314, 93-334, 93-377, 93-378, 93-409, 93-411, 93-517,  
28 93-538, 93-574, or 93-633. ~~this amendatory Act of the 93rd~~  
29 ~~General Assembly.~~

30 (b) Notwithstanding Sections 6 and 8 of this Act, no  
31 reimbursement by the State is required for the implementation  
32 of any mandate created by Section 25.5 of the River Conservancy  
33 Districts Act.

34 (c) Notwithstanding Sections 6 and 8 of this Act, no

1 reimbursement by the State is required for the implementation  
2 of any mandate created by the Public Works Contract Change  
3 Order Act.

4 (Source: P.A. 93-3, eff. 4-16-03; 93-19, eff. 6-20-03; 93-42,  
5 eff. 7-1-03; 93-119, eff. 7-10-03; 93-123, eff. 7-10-03;  
6 93-146, eff. 7-10-03; 93-206, eff. 7-18-03; 93-209, eff.  
7 7-18-03; 93-226, eff. 7-22-03; 93-275, eff. 7-22-03; 93-282,  
8 eff. 7-22-03; 93-314, eff. 1-1-04; 93-334, eff. 7-24-03;  
9 93-377, eff. 1-1-04; 93-378, eff. 7-24-03; 93-409, eff. 8-4-03;  
10 93-411, eff. 8-4-03; 93-517, eff. 8-6-03; 93-538, eff. 1-1-04;  
11 93-574, eff. 8-21-03; 93-633; eff. 12-23-03; 93-656, eff.  
12 6-1-04; revised 1-22-04.)

13 (30 ILCS 805/8.28)

14 (Text of Section before amendment by P.A. 93-1038)

15 Sec. 8.28. Exempt mandate.

16 (a) Notwithstanding Sections 6 and 8 of this Act, no  
17 reimbursement by the State is required for the implementation  
18 of any mandate created by Public Act 93-654, 93-677, 93-679,  
19 93-689, 93-734, 93-753, 93-910, 93-917, or 93-1036 ~~this~~  
20 ~~amendatory Act of the 93rd General Assembly.~~

21 (b) Notwithstanding Sections 6 and 8 of this Act, no  
22 reimbursement by the State is required for the implementation  
23 of any mandate created by the Senior Citizens Assessment Freeze  
24 Homestead Exemption under Section 15-172 of the Property Tax  
25 Code, the General Homestead Exemption under Section 15-175 of  
26 the Property Tax Code, the alternative General Homestead  
27 Exemption under Section 15-176 of the Property Tax Code, the  
28 Homestead Improvements Exemption under Section 15-180 of the  
29 Property Tax Code, and by Public Act 93-715 ~~this amendatory Act~~  
30 ~~of the 93rd General Assembly.~~

31 (Source: P.A. 93-654, eff. 1-16-04; 93-677, eff. 6-28-04;  
32 93-679, eff. 6-30-04; 93-689, eff. 7-1-04; 93-715, eff.  
33 7-12-04; 93-734, eff. 7-14-04; 93-753, eff. 7-16-04; 93-910,  
34 eff. 1-1-05; 93-917, eff. 8-12-04; 93-1036, eff. 9-14-04;  
35 revised 11-8-04.)



1 (Text of Section after amendment by P.A. 93-1038)

2 Sec. 8.28. Exempt mandate.

3 (a) Notwithstanding Sections 6 and 8 of this Act, no  
4 reimbursement by the State is required for the implementation  
5 of any mandate created by Public Act 93-654, 93-677, 93-679,  
6 93-689, 93-734, 93-753, 93-910, 93-917, 93-1036, or 93-1038  
7 ~~this amendatory Act of the 93rd General Assembly.~~

8 (b) Notwithstanding Sections 6 and 8 of this Act, no  
9 reimbursement by the State is required for the implementation  
10 of any mandate created by the Senior Citizens Assessment Freeze  
11 Homestead Exemption under Section 15-172 of the Property Tax  
12 Code, the General Homestead Exemption under Section 15-175 of  
13 the Property Tax Code, the alternative General Homestead  
14 Exemption under Section 15-176 of the Property Tax Code, the  
15 Homestead Improvements Exemption under Section 15-180 of the  
16 Property Tax Code, and by Public Act 93-715 ~~this amendatory Act~~  
17 ~~of the 93rd General Assembly.~~

18 (Source: P.A. 93-654, eff. 1-16-04; 93-677, eff. 6-28-04;  
19 93-679, eff. 6-30-04; 93-689, eff. 7-1-04; 93-715, eff.  
20 7-12-04; 93-734, eff. 7-14-04; 93-753, eff. 7-16-04; 93-910,  
21 eff. 1-1-05; 93-917, eff. 8-12-04; 93-1036, eff. 9-14-04;  
22 93-1038, eff. 6-1-05; revised 11-8-04.)

23 Section 180. The Illinois Income Tax Act is amended by  
24 changing Sections 201, 203, 205, and 917 and by setting forth  
25 and renumbering multiple versions of Sections 507X and 507Y as  
26 follows:

27 (35 ILCS 5/201) (from Ch. 120, par. 2-201)

28 Sec. 201. Tax Imposed.

29 (a) In general. A tax measured by net income is hereby  
30 imposed on every individual, corporation, trust and estate for  
31 each taxable year ending after July 31, 1969 on the privilege  
32 of earning or receiving income in or as a resident of this  
33 State. Such tax shall be in addition to all other occupation or

1 privilege taxes imposed by this State or by any municipal  
2 corporation or political subdivision thereof.

3 (b) Rates. The tax imposed by subsection (a) of this  
4 Section shall be determined as follows, except as adjusted by  
5 subsection (d-1):

6 (1) In the case of an individual, trust or estate, for  
7 taxable years ending prior to July 1, 1989, an amount equal  
8 to 2 1/2% of the taxpayer's net income for the taxable  
9 year.

10 (2) In the case of an individual, trust or estate, for  
11 taxable years beginning prior to July 1, 1989 and ending  
12 after June 30, 1989, an amount equal to the sum of (i) 2  
13 1/2% of the taxpayer's net income for the period prior to  
14 July 1, 1989, as calculated under Section 202.3, and (ii)  
15 3% of the taxpayer's net income for the period after June  
16 30, 1989, as calculated under Section 202.3.

17 (3) In the case of an individual, trust or estate, for  
18 taxable years beginning after June 30, 1989, an amount  
19 equal to 3% of the taxpayer's net income for the taxable  
20 year.

21 (4) (Blank).

22 (5) (Blank).

23 (6) In the case of a corporation, for taxable years  
24 ending prior to July 1, 1989, an amount equal to 4% of the  
25 taxpayer's net income for the taxable year.

26 (7) In the case of a corporation, for taxable years  
27 beginning prior to July 1, 1989 and ending after June 30,  
28 1989, an amount equal to the sum of (i) 4% of the  
29 taxpayer's net income for the period prior to July 1, 1989,  
30 as calculated under Section 202.3, and (ii) 4.8% of the  
31 taxpayer's net income for the period after June 30, 1989,  
32 as calculated under Section 202.3.

33 (8) In the case of a corporation, for taxable years  
34 beginning after June 30, 1989, an amount equal to 4.8% of  
35 the taxpayer's net income for the taxable year.

36 (c) Personal Property Tax Replacement Income Tax.

1 Beginning on July 1, 1979 and thereafter, in addition to such  
2 income tax, there is also hereby imposed the Personal Property  
3 Tax Replacement Income Tax measured by net income on every  
4 corporation (including Subchapter S corporations), partnership  
5 and trust, for each taxable year ending after June 30, 1979.  
6 Such taxes are imposed on the privilege of earning or receiving  
7 income in or as a resident of this State. The Personal Property  
8 Tax Replacement Income Tax shall be in addition to the income  
9 tax imposed by subsections (a) and (b) of this Section and in  
10 addition to all other occupation or privilege taxes imposed by  
11 this State or by any municipal corporation or political  
12 subdivision thereof.

13 (d) Additional Personal Property Tax Replacement Income  
14 Tax Rates. The personal property tax replacement income tax  
15 imposed by this subsection and subsection (c) of this Section  
16 in the case of a corporation, other than a Subchapter S  
17 corporation and except as adjusted by subsection (d-1), shall  
18 be an additional amount equal to 2.85% of such taxpayer's net  
19 income for the taxable year, except that beginning on January  
20 1, 1981, and thereafter, the rate of 2.85% specified in this  
21 subsection shall be reduced to 2.5%, and in the case of a  
22 partnership, trust or a Subchapter S corporation shall be an  
23 additional amount equal to 1.5% of such taxpayer's net income  
24 for the taxable year.

25 (d-1) Rate reduction for certain foreign insurers. In the  
26 case of a foreign insurer, as defined by Section 35A-5 of the  
27 Illinois Insurance Code, whose state or country of domicile  
28 imposes on insurers domiciled in Illinois a retaliatory tax  
29 (excluding any insurer whose premiums from reinsurance assumed  
30 are 50% or more of its total insurance premiums as determined  
31 under paragraph (2) of subsection (b) of Section 304, except  
32 that for purposes of this determination premiums from  
33 reinsurance do not include premiums from inter-affiliate  
34 reinsurance arrangements), beginning with taxable years ending  
35 on or after December 31, 1999, the sum of the rates of tax  
36 imposed by subsections (b) and (d) shall be reduced (but not

1 increased) to the rate at which the total amount of tax imposed  
2 under this Act, net of all credits allowed under this Act,  
3 shall equal (i) the total amount of tax that would be imposed  
4 on the foreign insurer's net income allocable to Illinois for  
5 the taxable year by such foreign insurer's state or country of  
6 domicile if that net income were subject to all income taxes  
7 and taxes measured by net income imposed by such foreign  
8 insurer's state or country of domicile, net of all credits  
9 allowed or (ii) a rate of zero if no such tax is imposed on such  
10 income by the foreign insurer's state of domicile. For the  
11 purposes of this subsection (d-1), an inter-affiliate includes  
12 a mutual insurer under common management.

13 (1) For the purposes of subsection (d-1), in no event  
14 shall the sum of the rates of tax imposed by subsections  
15 (b) and (d) be reduced below the rate at which the sum of:

16 (A) the total amount of tax imposed on such foreign  
17 insurer under this Act for a taxable year, net of all  
18 credits allowed under this Act, plus

19 (B) the privilege tax imposed by Section 409 of the  
20 Illinois Insurance Code, the fire insurance company  
21 tax imposed by Section 12 of the Fire Investigation  
22 Act, and the fire department taxes imposed under  
23 Section 11-10-1 of the Illinois Municipal Code,  
24 equals 1.25% for taxable years ending prior to December 31,  
25 2003, or 1.75% for taxable years ending on or after  
26 December 31, 2003, of the net taxable premiums written for  
27 the taxable year, as described by subsection (1) of Section  
28 409 of the Illinois Insurance Code. This paragraph will in  
29 no event increase the rates imposed under subsections (b)  
30 and (d).

31 (2) Any reduction in the rates of tax imposed by this  
32 subsection shall be applied first against the rates imposed  
33 by subsection (b) and only after the tax imposed by  
34 subsection (a) net of all credits allowed under this  
35 Section other than the credit allowed under subsection (i)  
36 has been reduced to zero, against the rates imposed by

1 subsection (d).

2 This subsection (d-1) is exempt from the provisions of  
3 Section 250.

4 (e) Investment credit. A taxpayer shall be allowed a credit  
5 against the Personal Property Tax Replacement Income Tax for  
6 investment in qualified property.

7 (1) A taxpayer shall be allowed a credit equal to .5%  
8 of the basis of qualified property placed in service during  
9 the taxable year, provided such property is placed in  
10 service on or after July 1, 1984. There shall be allowed an  
11 additional credit equal to .5% of the basis of qualified  
12 property placed in service during the taxable year,  
13 provided such property is placed in service on or after  
14 July 1, 1986, and the taxpayer's base employment within  
15 Illinois has increased by 1% or more over the preceding  
16 year as determined by the taxpayer's employment records  
17 filed with the Illinois Department of Employment Security.  
18 Taxpayers who are new to Illinois shall be deemed to have  
19 met the 1% growth in base employment for the first year in  
20 which they file employment records with the Illinois  
21 Department of Employment Security. The provisions added to  
22 this Section by Public Act 85-1200 (and restored by Public  
23 Act 87-895) shall be construed as declaratory of existing  
24 law and not as a new enactment. If, in any year, the  
25 increase in base employment within Illinois over the  
26 preceding year is less than 1%, the additional credit shall  
27 be limited to that percentage times a fraction, the  
28 numerator of which is .5% and the denominator of which is  
29 1%, but shall not exceed .5%. The investment credit shall  
30 not be allowed to the extent that it would reduce a  
31 taxpayer's liability in any tax year below zero, nor may  
32 any credit for qualified property be allowed for any year  
33 other than the year in which the property was placed in  
34 service in Illinois. For tax years ending on or after  
35 December 31, 1987, and on or before December 31, 1988, the  
36 credit shall be allowed for the tax year in which the

1 property is placed in service, or, if the amount of the  
2 credit exceeds the tax liability for that year, whether it  
3 exceeds the original liability or the liability as later  
4 amended, such excess may be carried forward and applied to  
5 the tax liability of the 5 taxable years following the  
6 excess credit years if the taxpayer (i) makes investments  
7 which cause the creation of a minimum of 2,000 full-time  
8 equivalent jobs in Illinois, (ii) is located in an  
9 enterprise zone established pursuant to the Illinois  
10 Enterprise Zone Act and (iii) is certified by the  
11 Department of Commerce and Community Affairs (now  
12 Department of Commerce and Economic Opportunity) as  
13 complying with the requirements specified in clause (i) and  
14 (ii) by July 1, 1986. The Department of Commerce and  
15 Community Affairs (now Department of Commerce and Economic  
16 Opportunity) shall notify the Department of Revenue of all  
17 such certifications immediately. For tax years ending  
18 after December 31, 1988, the credit shall be allowed for  
19 the tax year in which the property is placed in service,  
20 or, if the amount of the credit exceeds the tax liability  
21 for that year, whether it exceeds the original liability or  
22 the liability as later amended, such excess may be carried  
23 forward and applied to the tax liability of the 5 taxable  
24 years following the excess credit years. The credit shall  
25 be applied to the earliest year for which there is a  
26 liability. If there is credit from more than one tax year  
27 that is available to offset a liability, earlier credit  
28 shall be applied first.

29 (2) The term "qualified property" means property  
30 which:

31 (A) is tangible, whether new or used, including  
32 buildings and structural components of buildings and  
33 signs that are real property, but not including land or  
34 improvements to real property that are not a structural  
35 component of a building such as landscaping, sewer  
36 lines, local access roads, fencing, parking lots, and

1 other appurtenances;

2 (B) is depreciable pursuant to Section 167 of the  
3 Internal Revenue Code, except that "3-year property"  
4 as defined in Section 168(c)(2)(A) of that Code is not  
5 eligible for the credit provided by this subsection  
6 (e);

7 (C) is acquired by purchase as defined in Section  
8 179(d) of the Internal Revenue Code;

9 (D) is used in Illinois by a taxpayer who is  
10 primarily engaged in manufacturing, or in mining coal  
11 or fluorite, or in retailing; and

12 (E) has not previously been used in Illinois in  
13 such a manner and by such a person as would qualify for  
14 the credit provided by this subsection (e) or  
15 subsection (f).

16 (3) For purposes of this subsection (e),  
17 "manufacturing" means the material staging and production  
18 of tangible personal property by procedures commonly  
19 regarded as manufacturing, processing, fabrication, or  
20 assembling which changes some existing material into new  
21 shapes, new qualities, or new combinations. For purposes of  
22 this subsection (e) the term "mining" shall have the same  
23 meaning as the term "mining" in Section 613(c) of the  
24 Internal Revenue Code. For purposes of this subsection (e),  
25 the term "retailing" means the sale of tangible personal  
26 property or services rendered in conjunction with the sale  
27 of tangible consumer goods or commodities.

28 (4) The basis of qualified property shall be the basis  
29 used to compute the depreciation deduction for federal  
30 income tax purposes.

31 (5) If the basis of the property for federal income tax  
32 depreciation purposes is increased after it has been placed  
33 in service in Illinois by the taxpayer, the amount of such  
34 increase shall be deemed property placed in service on the  
35 date of such increase in basis.

36 (6) The term "placed in service" shall have the same

1 meaning as under Section 46 of the Internal Revenue Code.

2 (7) If during any taxable year, any property ceases to  
3 be qualified property in the hands of the taxpayer within  
4 48 months after being placed in service, or the situs of  
5 any qualified property is moved outside Illinois within 48  
6 months after being placed in service, the Personal Property  
7 Tax Replacement Income Tax for such taxable year shall be  
8 increased. Such increase shall be determined by (i)  
9 recomputing the investment credit which would have been  
10 allowed for the year in which credit for such property was  
11 originally allowed by eliminating such property from such  
12 computation and, (ii) subtracting such recomputed credit  
13 from the amount of credit previously allowed. For the  
14 purposes of this paragraph (7), a reduction of the basis of  
15 qualified property resulting from a redetermination of the  
16 purchase price shall be deemed a disposition of qualified  
17 property to the extent of such reduction.

18 (8) Unless the investment credit is extended by law,  
19 the basis of qualified property shall not include costs  
20 incurred after December 31, 2008, except for costs incurred  
21 pursuant to a binding contract entered into on or before  
22 December 31, 2008.

23 (9) Each taxable year ending before December 31, 2000,  
24 a partnership may elect to pass through to its partners the  
25 credits to which the partnership is entitled under this  
26 subsection (e) for the taxable year. A partner may use the  
27 credit allocated to him or her under this paragraph only  
28 against the tax imposed in subsections (c) and (d) of this  
29 Section. If the partnership makes that election, those  
30 credits shall be allocated among the partners in the  
31 partnership in accordance with the rules set forth in  
32 Section 704(b) of the Internal Revenue Code, and the rules  
33 promulgated under that Section, and the allocated amount of  
34 the credits shall be allowed to the partners for that  
35 taxable year. The partnership shall make this election on  
36 its Personal Property Tax Replacement Income Tax return for



1 that taxable year. The election to pass through the credits  
2 shall be irrevocable.

3 For taxable years ending on or after December 31, 2000,  
4 a partner that qualifies its partnership for a subtraction  
5 under subparagraph (I) of paragraph (2) of subsection (d)  
6 of Section 203 or a shareholder that qualifies a Subchapter  
7 S corporation for a subtraction under subparagraph (S) of  
8 paragraph (2) of subsection (b) of Section 203 shall be  
9 allowed a credit under this subsection (e) equal to its  
10 share of the credit earned under this subsection (e) during  
11 the taxable year by the partnership or Subchapter S  
12 corporation, determined in accordance with the  
13 determination of income and distributive share of income  
14 under Sections 702 and 704 and Subchapter S of the Internal  
15 Revenue Code. This paragraph is exempt from the provisions  
16 of Section 250.

17 (f) Investment credit; Enterprise Zone.

18 (1) A taxpayer shall be allowed a credit against the  
19 tax imposed by subsections (a) and (b) of this Section for  
20 investment in qualified property which is placed in service  
21 in an Enterprise Zone created pursuant to the Illinois  
22 Enterprise Zone Act. For partners, shareholders of  
23 Subchapter S corporations, and owners of limited liability  
24 companies, if the liability company is treated as a  
25 partnership for purposes of federal and State income  
26 taxation, there shall be allowed a credit under this  
27 subsection (f) to be determined in accordance with the  
28 determination of income and distributive share of income  
29 under Sections 702 and 704 and Subchapter S of the Internal  
30 Revenue Code. The credit shall be .5% of the basis for such  
31 property. The credit shall be available only in the taxable  
32 year in which the property is placed in service in the  
33 Enterprise Zone and shall not be allowed to the extent that  
34 it would reduce a taxpayer's liability for the tax imposed  
35 by subsections (a) and (b) of this Section to below zero.  
36 For tax years ending on or after December 31, 1985, the

1 credit shall be allowed for the tax year in which the  
2 property is placed in service, or, if the amount of the  
3 credit exceeds the tax liability for that year, whether it  
4 exceeds the original liability or the liability as later  
5 amended, such excess may be carried forward and applied to  
6 the tax liability of the 5 taxable years following the  
7 excess credit year. The credit shall be applied to the  
8 earliest year for which there is a liability. If there is  
9 credit from more than one tax year that is available to  
10 offset a liability, the credit accruing first in time shall  
11 be applied first.

12 (2) The term qualified property means property which:

13 (A) is tangible, whether new or used, including  
14 buildings and structural components of buildings;

15 (B) is depreciable pursuant to Section 167 of the  
16 Internal Revenue Code, except that "3-year property"  
17 as defined in Section 168(c)(2)(A) of that Code is not  
18 eligible for the credit provided by this subsection  
19 (f);

20 (C) is acquired by purchase as defined in Section  
21 179(d) of the Internal Revenue Code;

22 (D) is used in the Enterprise Zone by the taxpayer;  
23 and

24 (E) has not been previously used in Illinois in  
25 such a manner and by such a person as would qualify for  
26 the credit provided by this subsection (f) or  
27 subsection (e).

28 (3) The basis of qualified property shall be the basis  
29 used to compute the depreciation deduction for federal  
30 income tax purposes.

31 (4) If the basis of the property for federal income tax  
32 depreciation purposes is increased after it has been placed  
33 in service in the Enterprise Zone by the taxpayer, the  
34 amount of such increase shall be deemed property placed in  
35 service on the date of such increase in basis.

36 (5) The term "placed in service" shall have the same

1 meaning as under Section 46 of the Internal Revenue Code.

2 (6) If during any taxable year, any property ceases to  
3 be qualified property in the hands of the taxpayer within  
4 48 months after being placed in service, or the situs of  
5 any qualified property is moved outside the Enterprise Zone  
6 within 48 months after being placed in service, the tax  
7 imposed under subsections (a) and (b) of this Section for  
8 such taxable year shall be increased. Such increase shall  
9 be determined by (i) recomputing the investment credit  
10 which would have been allowed for the year in which credit  
11 for such property was originally allowed by eliminating  
12 such property from such computation, and (ii) subtracting  
13 such recomputed credit from the amount of credit previously  
14 allowed. For the purposes of this paragraph (6), a  
15 reduction of the basis of qualified property resulting from  
16 a redetermination of the purchase price shall be deemed a  
17 disposition of qualified property to the extent of such  
18 reduction.

19 (g) Jobs Tax Credit; Enterprise Zone and Foreign Trade  
20 Zone or Sub-Zone.

21 (1) A taxpayer conducting a trade or business in an  
22 enterprise zone or a High Impact Business designated by the  
23 Department of Commerce and Economic Opportunity conducting  
24 a trade or business in a federally designated Foreign Trade  
25 Zone or Sub-Zone shall be allowed a credit against the tax  
26 imposed by subsections (a) and (b) of this Section in the  
27 amount of \$500 per eligible employee hired to work in the  
28 zone during the taxable year.

29 (2) To qualify for the credit:

30 (A) the taxpayer must hire 5 or more eligible  
31 employees to work in an enterprise zone or federally  
32 designated Foreign Trade Zone or Sub-Zone during the  
33 taxable year;

34 (B) the taxpayer's total employment within the  
35 enterprise zone or federally designated Foreign Trade  
36 Zone or Sub-Zone must increase by 5 or more full-time

1 employees beyond the total employed in that zone at the  
2 end of the previous tax year for which a jobs tax  
3 credit under this Section was taken, or beyond the  
4 total employed by the taxpayer as of December 31, 1985,  
5 whichever is later; and

6 (C) the eligible employees must be employed 180  
7 consecutive days in order to be deemed hired for  
8 purposes of this subsection.

9 (3) An "eligible employee" means an employee who is:

10 (A) Certified by the Department of Commerce and  
11 Economic Opportunity as "eligible for services"  
12 pursuant to regulations promulgated in accordance with  
13 Title II of the Job Training Partnership Act, Training  
14 Services for the Disadvantaged or Title III of the Job  
15 Training Partnership Act, Employment and Training  
16 Assistance for Dislocated Workers Program.

17 (B) Hired after the enterprise zone or federally  
18 designated Foreign Trade Zone or Sub-Zone was  
19 designated or the trade or business was located in that  
20 zone, whichever is later.

21 (C) Employed in the enterprise zone or Foreign  
22 Trade Zone or Sub-Zone. An employee is employed in an  
23 enterprise zone or federally designated Foreign Trade  
24 Zone or Sub-Zone if his services are rendered there or  
25 it is the base of operations for the services  
26 performed.

27 (D) A full-time employee working 30 or more hours  
28 per week.

29 (4) For tax years ending on or after December 31, 1985  
30 and prior to December 31, 1988, the credit shall be allowed  
31 for the tax year in which the eligible employees are hired.  
32 For tax years ending on or after December 31, 1988, the  
33 credit shall be allowed for the tax year immediately  
34 following the tax year in which the eligible employees are  
35 hired. If the amount of the credit exceeds the tax  
36 liability for that year, whether it exceeds the original

1 liability or the liability as later amended, such excess  
2 may be carried forward and applied to the tax liability of  
3 the 5 taxable years following the excess credit year. The  
4 credit shall be applied to the earliest year for which  
5 there is a liability. If there is credit from more than one  
6 tax year that is available to offset a liability, earlier  
7 credit shall be applied first.

8 (5) The Department of Revenue shall promulgate such  
9 rules and regulations as may be deemed necessary to carry  
10 out the purposes of this subsection (g).

11 (6) The credit shall be available for eligible  
12 employees hired on or after January 1, 1986.

13 (h) Investment credit; High Impact Business.

14 (1) Subject to subsections (b) and (b-5) of Section 5.5  
15 of the Illinois Enterprise Zone Act, a taxpayer shall be  
16 allowed a credit against the tax imposed by subsections (a)  
17 and (b) of this Section for investment in qualified  
18 property which is placed in service by a Department of  
19 Commerce and Economic Opportunity designated High Impact  
20 Business. The credit shall be .5% of the basis for such  
21 property. The credit shall not be available (i) until the  
22 minimum investments in qualified property set forth in  
23 subdivision (a)(3)(A) of Section 5.5 of the Illinois  
24 Enterprise Zone Act have been satisfied or (ii) until the  
25 time authorized in subsection (b-5) of the Illinois  
26 Enterprise Zone Act for entities designated as High Impact  
27 Businesses under subdivisions (a)(3)(B), (a)(3)(C), and  
28 (a)(3)(D) of Section 5.5 of the Illinois Enterprise Zone  
29 Act, and shall not be allowed to the extent that it would  
30 reduce a taxpayer's liability for the tax imposed by  
31 subsections (a) and (b) of this Section to below zero. The  
32 credit applicable to such investments shall be taken in the  
33 taxable year in which such investments have been completed.  
34 The credit for additional investments beyond the minimum  
35 investment by a designated high impact business authorized  
36 under subdivision (a)(3)(A) of Section 5.5 of the Illinois

1 Enterprise Zone Act shall be available only in the taxable  
2 year in which the property is placed in service and shall  
3 not be allowed to the extent that it would reduce a  
4 taxpayer's liability for the tax imposed by subsections (a)  
5 and (b) of this Section to below zero. For tax years ending  
6 on or after December 31, 1987, the credit shall be allowed  
7 for the tax year in which the property is placed in  
8 service, or, if the amount of the credit exceeds the tax  
9 liability for that year, whether it exceeds the original  
10 liability or the liability as later amended, such excess  
11 may be carried forward and applied to the tax liability of  
12 the 5 taxable years following the excess credit year. The  
13 credit shall be applied to the earliest year for which  
14 there is a liability. If there is credit from more than one  
15 tax year that is available to offset a liability, the  
16 credit accruing first in time shall be applied first.

17 Changes made in this subdivision (h) (1) by Public Act  
18 88-670 restore changes made by Public Act 85-1182 and  
19 reflect existing law.

20 (2) The term qualified property means property which:

21 (A) is tangible, whether new or used, including  
22 buildings and structural components of buildings;

23 (B) is depreciable pursuant to Section 167 of the  
24 Internal Revenue Code, except that "3-year property"  
25 as defined in Section 168(c) (2) (A) of that Code is not  
26 eligible for the credit provided by this subsection  
27 (h);

28 (C) is acquired by purchase as defined in Section  
29 179(d) of the Internal Revenue Code; and

30 (D) is not eligible for the Enterprise Zone  
31 Investment Credit provided by subsection (f) of this  
32 Section.

33 (3) The basis of qualified property shall be the basis  
34 used to compute the depreciation deduction for federal  
35 income tax purposes.

36 (4) If the basis of the property for federal income tax

1 depreciation purposes is increased after it has been placed  
2 in service in a federally designated Foreign Trade Zone or  
3 Sub-Zone located in Illinois by the taxpayer, the amount of  
4 such increase shall be deemed property placed in service on  
5 the date of such increase in basis.

6 (5) The term "placed in service" shall have the same  
7 meaning as under Section 46 of the Internal Revenue Code.

8 (6) If during any taxable year ending on or before  
9 December 31, 1996, any property ceases to be qualified  
10 property in the hands of the taxpayer within 48 months  
11 after being placed in service, or the situs of any  
12 qualified property is moved outside Illinois within 48  
13 months after being placed in service, the tax imposed under  
14 subsections (a) and (b) of this Section for such taxable  
15 year shall be increased. Such increase shall be determined  
16 by (i) recomputing the investment credit which would have  
17 been allowed for the year in which credit for such property  
18 was originally allowed by eliminating such property from  
19 such computation, and (ii) subtracting such recomputed  
20 credit from the amount of credit previously allowed. For  
21 the purposes of this paragraph (6), a reduction of the  
22 basis of qualified property resulting from a  
23 redetermination of the purchase price shall be deemed a  
24 disposition of qualified property to the extent of such  
25 reduction.

26 (7) Beginning with tax years ending after December 31,  
27 1996, if a taxpayer qualifies for the credit under this  
28 subsection (h) and thereby is granted a tax abatement and  
29 the taxpayer relocates its entire facility in violation of  
30 the explicit terms and length of the contract under Section  
31 18-183 of the Property Tax Code, the tax imposed under  
32 subsections (a) and (b) of this Section shall be increased  
33 for the taxable year in which the taxpayer relocated its  
34 facility by an amount equal to the amount of credit  
35 received by the taxpayer under this subsection (h).

36 (i) Credit for Personal Property Tax Replacement Income

1 Tax. For tax years ending prior to December 31, 2003, a credit  
2 shall be allowed against the tax imposed by subsections (a) and  
3 (b) of this Section for the tax imposed by subsections (c) and  
4 (d) of this Section. This credit shall be computed by  
5 multiplying the tax imposed by subsections (c) and (d) of this  
6 Section by a fraction, the numerator of which is base income  
7 allocable to Illinois and the denominator of which is Illinois  
8 base income, and further multiplying the product by the tax  
9 rate imposed by subsections (a) and (b) of this Section.

10 Any credit earned on or after December 31, 1986 under this  
11 subsection which is unused in the year the credit is computed  
12 because it exceeds the tax liability imposed by subsections (a)  
13 and (b) for that year (whether it exceeds the original  
14 liability or the liability as later amended) may be carried  
15 forward and applied to the tax liability imposed by subsections  
16 (a) and (b) of the 5 taxable years following the excess credit  
17 year, provided that no credit may be carried forward to any  
18 year ending on or after December 31, 2003. This credit shall be  
19 applied first to the earliest year for which there is a  
20 liability. If there is a credit under this subsection from more  
21 than one tax year that is available to offset a liability the  
22 earliest credit arising under this subsection shall be applied  
23 first.

24 If, during any taxable year ending on or after December 31,  
25 1986, the tax imposed by subsections (c) and (d) of this  
26 Section for which a taxpayer has claimed a credit under this  
27 subsection (i) is reduced, the amount of credit for such tax  
28 shall also be reduced. Such reduction shall be determined by  
29 recomputing the credit to take into account the reduced tax  
30 imposed by subsections (c) and (d). If any portion of the  
31 reduced amount of credit has been carried to a different  
32 taxable year, an amended return shall be filed for such taxable  
33 year to reduce the amount of credit claimed.

34 (j) Training expense credit. Beginning with tax years  
35 ending on or after December 31, 1986 and prior to December 31,  
36 2003, a taxpayer shall be allowed a credit against the tax



1 imposed by subsections (a) and (b) under this Section for all  
2 amounts paid or accrued, on behalf of all persons employed by  
3 the taxpayer in Illinois or Illinois residents employed outside  
4 of Illinois by a taxpayer, for educational or vocational  
5 training in semi-technical or technical fields or semi-skilled  
6 or skilled fields, which were deducted from gross income in the  
7 computation of taxable income. The credit against the tax  
8 imposed by subsections (a) and (b) shall be 1.6% of such  
9 training expenses. For partners, shareholders of subchapter S  
10 corporations, and owners of limited liability companies, if the  
11 liability company is treated as a partnership for purposes of  
12 federal and State income taxation, there shall be allowed a  
13 credit under this subsection (j) to be determined in accordance  
14 with the determination of income and distributive share of  
15 income under Sections 702 and 704 and subchapter S of the  
16 Internal Revenue Code.

17 Any credit allowed under this subsection which is unused in  
18 the year the credit is earned may be carried forward to each of  
19 the 5 taxable years following the year for which the credit is  
20 first computed until it is used. This credit shall be applied  
21 first to the earliest year for which there is a liability. If  
22 there is a credit under this subsection from more than one tax  
23 year that is available to offset a liability the earliest  
24 credit arising under this subsection shall be applied first. No  
25 carryforward credit may be claimed in any tax year ending on or  
26 after December 31, 2003.

27 (k) Research and development credit.

28 For tax years ending after July 1, 1990 and prior to  
29 December 31, 2003, and beginning again for tax years ending on  
30 or after December 31, 2004, a taxpayer shall be allowed a  
31 credit against the tax imposed by subsections (a) and (b) of  
32 this Section for increasing research activities in this State.  
33 The credit allowed against the tax imposed by subsections (a)  
34 and (b) shall be equal to 6 1/2% of the qualifying expenditures  
35 for increasing research activities in this State. For partners,  
36 shareholders of subchapter S corporations, and owners of

1 limited liability companies, if the liability company is  
2 treated as a partnership for purposes of federal and State  
3 income taxation, there shall be allowed a credit under this  
4 subsection to be determined in accordance with the  
5 determination of income and distributive share of income under  
6 Sections 702 and 704 and subchapter S of the Internal Revenue  
7 Code.

8 For purposes of this subsection, "qualifying expenditures"  
9 means the qualifying expenditures as defined for the federal  
10 credit for increasing research activities which would be  
11 allowable under Section 41 of the Internal Revenue Code and  
12 which are conducted in this State, "qualifying expenditures for  
13 increasing research activities in this State" means the excess  
14 of qualifying expenditures for the taxable year in which  
15 incurred over qualifying expenditures for the base period,  
16 "qualifying expenditures for the base period" means the average  
17 of the qualifying expenditures for each year in the base  
18 period, and "base period" means the 3 taxable years immediately  
19 preceding the taxable year for which the determination is being  
20 made.

21 Any credit in excess of the tax liability for the taxable  
22 year may be carried forward. A taxpayer may elect to have the  
23 unused credit shown on its final completed return carried over  
24 as a credit against the tax liability for the following 5  
25 taxable years or until it has been fully used, whichever occurs  
26 first; provided that no credit earned in a tax year ending  
27 prior to December 31, 2003 may be carried forward to any year  
28 ending on or after December 31, 2003.

29 If an unused credit is carried forward to a given year from  
30 2 or more earlier years, that credit arising in the earliest  
31 year will be applied first against the tax liability for the  
32 given year. If a tax liability for the given year still  
33 remains, the credit from the next earliest year will then be  
34 applied, and so on, until all credits have been used or no tax  
35 liability for the given year remains. Any remaining unused  
36 credit or credits then will be carried forward to the next

1 following year in which a tax liability is incurred, except  
2 that no credit can be carried forward to a year which is more  
3 than 5 years after the year in which the expense for which the  
4 credit is given was incurred.

5 No inference shall be drawn from this amendatory Act of the  
6 91st General Assembly in construing this Section for taxable  
7 years beginning before January 1, 1999.

8 (1) Environmental Remediation Tax Credit.

9 (i) For tax years ending after December 31, 1997 and on  
10 or before December 31, 2001, a taxpayer shall be allowed a  
11 credit against the tax imposed by subsections (a) and (b)  
12 of this Section for certain amounts paid for unreimbursed  
13 eligible remediation costs, as specified in this  
14 subsection. For purposes of this Section, "unreimbursed  
15 eligible remediation costs" means costs approved by the  
16 Illinois Environmental Protection Agency ("Agency") under  
17 Section 58.14 of the Environmental Protection Act that were  
18 paid in performing environmental remediation at a site for  
19 which a No Further Remediation Letter was issued by the  
20 Agency and recorded under Section 58.10 of the  
21 Environmental Protection Act. The credit must be claimed  
22 for the taxable year in which Agency approval of the  
23 eligible remediation costs is granted. The credit is not  
24 available to any taxpayer if the taxpayer or any related  
25 party caused or contributed to, in any material respect, a  
26 release of regulated substances on, in, or under the site  
27 that was identified and addressed by the remedial action  
28 pursuant to the Site Remediation Program of the  
29 Environmental Protection Act. After the Pollution Control  
30 Board rules are adopted pursuant to the Illinois  
31 Administrative Procedure Act for the administration and  
32 enforcement of Section 58.9 of the Environmental  
33 Protection Act, determinations as to credit availability  
34 for purposes of this Section shall be made consistent with  
35 those rules. For purposes of this Section, "taxpayer"  
36 includes a person whose tax attributes the taxpayer has

1 succeeded to under Section 381 of the Internal Revenue Code  
2 and "related party" includes the persons disallowed a  
3 deduction for losses by paragraphs (b), (c), and (f)(1) of  
4 Section 267 of the Internal Revenue Code by virtue of being  
5 a related taxpayer, as well as any of its partners. The  
6 credit allowed against the tax imposed by subsections (a)  
7 and (b) shall be equal to 25% of the unreimbursed eligible  
8 remediation costs in excess of \$100,000 per site, except  
9 that the \$100,000 threshold shall not apply to any site  
10 contained in an enterprise zone as determined by the  
11 Department of Commerce and Community Affairs (now  
12 Department of Commerce and Economic Opportunity). The  
13 total credit allowed shall not exceed \$40,000 per year with  
14 a maximum total of \$150,000 per site. For partners and  
15 shareholders of subchapter S corporations, there shall be  
16 allowed a credit under this subsection to be determined in  
17 accordance with the determination of income and  
18 distributive share of income under Sections 702 and 704 and  
19 subchapter S of the Internal Revenue Code.

20 (ii) A credit allowed under this subsection that is  
21 unused in the year the credit is earned may be carried  
22 forward to each of the 5 taxable years following the year  
23 for which the credit is first earned until it is used. The  
24 term "unused credit" does not include any amounts of  
25 unreimbursed eligible remediation costs in excess of the  
26 maximum credit per site authorized under paragraph (i).  
27 This credit shall be applied first to the earliest year for  
28 which there is a liability. If there is a credit under this  
29 subsection from more than one tax year that is available to  
30 offset a liability, the earliest credit arising under this  
31 subsection shall be applied first. A credit allowed under  
32 this subsection may be sold to a buyer as part of a sale of  
33 all or part of the remediation site for which the credit  
34 was granted. The purchaser of a remediation site and the  
35 tax credit shall succeed to the unused credit and remaining  
36 carry-forward period of the seller. To perfect the

1 transfer, the assignor shall record the transfer in the  
2 chain of title for the site and provide written notice to  
3 the Director of the Illinois Department of Revenue of the  
4 assignor's intent to sell the remediation site and the  
5 amount of the tax credit to be transferred as a portion of  
6 the sale. In no event may a credit be transferred to any  
7 taxpayer if the taxpayer or a related party would not be  
8 eligible under the provisions of subsection (i).

9 (iii) For purposes of this Section, the term "site"  
10 shall have the same meaning as under Section 58.2 of the  
11 Environmental Protection Act.

12 (m) Education expense credit. Beginning with tax years  
13 ending after December 31, 1999, a taxpayer who is the custodian  
14 of one or more qualifying pupils shall be allowed a credit  
15 against the tax imposed by subsections (a) and (b) of this  
16 Section for qualified education expenses incurred on behalf of  
17 the qualifying pupils. The credit shall be equal to 25% of  
18 qualified education expenses, but in no event may the total  
19 credit under this subsection claimed by a family that is the  
20 custodian of qualifying pupils exceed \$500. In no event shall a  
21 credit under this subsection reduce the taxpayer's liability  
22 under this Act to less than zero. This subsection is exempt  
23 from the provisions of Section 250 of this Act.

24 For purposes of this subsection:

25 "Qualifying pupils" means individuals who (i) are  
26 residents of the State of Illinois, (ii) are under the age of  
27 21 at the close of the school year for which a credit is  
28 sought, and (iii) during the school year for which a credit is  
29 sought were full-time pupils enrolled in a kindergarten through  
30 twelfth grade education program at any school, as defined in  
31 this subsection.

32 "Qualified education expense" means the amount incurred on  
33 behalf of a qualifying pupil in excess of \$250 for tuition,  
34 book fees, and lab fees at the school in which the pupil is  
35 enrolled during the regular school year.

36 "School" means any public or nonpublic elementary or

1 secondary school in Illinois that is in compliance with Title  
2 VI of the Civil Rights Act of 1964 and attendance at which  
3 satisfies the requirements of Section 26-1 of the School Code,  
4 except that nothing shall be construed to require a child to  
5 attend any particular public or nonpublic school to qualify for  
6 the credit under this Section.

7 "Custodian" means, with respect to qualifying pupils, an  
8 Illinois resident who is a parent, the parents, a legal  
9 guardian, or the legal guardians of the qualifying pupils.

10 (Source: P.A. 92-12, eff. 7-1-01; 92-16, eff. 6-28-01; 92-651,  
11 eff. 7-11-02; 93-840, eff. 7-30-04; 92-846, eff. 8-23-02;  
12 93-29, eff. 6-20-03; 93-840, eff. 7-30-04; 93-871, eff. 8-6-04;  
13 revised 10-25-04.)

14 (35 ILCS 5/203) (from Ch. 120, par. 2-203)

15 Sec. 203. Base income defined.

16 (a) Individuals.

17 (1) In general. In the case of an individual, base  
18 income means an amount equal to the taxpayer's adjusted  
19 gross income for the taxable year as modified by paragraph  
20 (2).

21 (2) Modifications. The adjusted gross income referred  
22 to in paragraph (1) shall be modified by adding thereto the  
23 sum of the following amounts:

24 (A) An amount equal to all amounts paid or accrued  
25 to the taxpayer as interest or dividends during the  
26 taxable year to the extent excluded from gross income  
27 in the computation of adjusted gross income, except  
28 stock dividends of qualified public utilities  
29 described in Section 305(e) of the Internal Revenue  
30 Code;

31 (B) An amount equal to the amount of tax imposed by  
32 this Act to the extent deducted from gross income in  
33 the computation of adjusted gross income for the  
34 taxable year;

35 (C) An amount equal to the amount received during

1 the taxable year as a recovery or refund of real  
2 property taxes paid with respect to the taxpayer's  
3 principal residence under the Revenue Act of 1939 and  
4 for which a deduction was previously taken under  
5 subparagraph (L) of this paragraph (2) prior to July 1,  
6 1991, the retrospective application date of Article 4  
7 of Public Act 87-17. In the case of multi-unit or  
8 multi-use structures and farm dwellings, the taxes on  
9 the taxpayer's principal residence shall be that  
10 portion of the total taxes for the entire property  
11 which is attributable to such principal residence;

12 (D) An amount equal to the amount of the capital  
13 gain deduction allowable under the Internal Revenue  
14 Code, to the extent deducted from gross income in the  
15 computation of adjusted gross income;

16 (D-5) An amount, to the extent not included in  
17 adjusted gross income, equal to the amount of money  
18 withdrawn by the taxpayer in the taxable year from a  
19 medical care savings account and the interest earned on  
20 the account in the taxable year of a withdrawal  
21 pursuant to subsection (b) of Section 20 of the Medical  
22 Care Savings Account Act or subsection (b) of Section  
23 20 of the Medical Care Savings Account Act of 2000;

24 (D-10) For taxable years ending after December 31,  
25 1997, an amount equal to any eligible remediation costs  
26 that the individual deducted in computing adjusted  
27 gross income and for which the individual claims a  
28 credit under subsection (l) of Section 201;

29 (D-15) For taxable years 2001 and thereafter, an  
30 amount equal to the bonus depreciation deduction (30%  
31 of the adjusted basis of the qualified property) taken  
32 on the taxpayer's federal income tax return for the  
33 taxable year under subsection (k) of Section 168 of the  
34 Internal Revenue Code;

35 (D-16) If the taxpayer reports a capital gain or  
36 loss on the taxpayer's federal income tax return for

1           the taxable year based on a sale or transfer of  
2           property for which the taxpayer was required in any  
3           taxable year to make an addition modification under  
4           subparagraph (D-15), then an amount equal to the  
5           aggregate amount of the deductions taken in all taxable  
6           years under subparagraph (Z) with respect to that  
7           property.

8           The taxpayer is required to make the addition  
9           modification under this subparagraph only once with  
10          respect to any one piece of property;

11          (D-17) For taxable years ending on or after  
12          December 31, 2004, an amount equal to the amount  
13          otherwise allowed as a deduction in computing base  
14          income for interest paid, accrued, or incurred,  
15          directly or indirectly, to a foreign person who would  
16          be a member of the same unitary business group but for  
17          the fact that foreign person's business activity  
18          outside the United States is 80% or more of the foreign  
19          person's total business activity. The addition  
20          modification required by this subparagraph shall be  
21          reduced to the extent that dividends were included in  
22          base income of the unitary group for the same taxable  
23          year and received by the taxpayer or by a member of the  
24          taxpayer's unitary business group (including amounts  
25          included in gross income under Sections 951 through 964  
26          of the Internal Revenue Code and amounts included in  
27          gross income under Section 78 of the Internal Revenue  
28          Code) with respect to the stock of the same person to  
29          whom the interest was paid, accrued, or incurred.

30          This paragraph shall not apply to the following:

31                 (i) an item of interest paid, accrued, or  
32                 incurred, directly or indirectly, to a foreign  
33                 person who is subject in a foreign country or  
34                 state, other than a state which requires mandatory  
35                 unitary reporting, to a tax on or measured by net  
36                 income with respect to such interest; or



1 (ii) an item of interest paid, accrued, or  
2 incurred, directly or indirectly, to a foreign  
3 person if the taxpayer can establish, based on a  
4 preponderance of the evidence, both of the  
5 following:

6 (a) the foreign person, during the same  
7 taxable year, paid, accrued, or incurred, the  
8 interest to a person that is not a related  
9 member, and

10 (b) the transaction giving rise to the  
11 interest expense between the taxpayer and the  
12 foreign person did not have as a principal  
13 purpose the avoidance of Illinois income tax,  
14 and is paid pursuant to a contract or agreement  
15 that reflects an arm's-length interest rate  
16 and terms; or

17 (iii) the taxpayer can establish, based on  
18 clear and convincing evidence, that the interest  
19 paid, accrued, or incurred relates to a contract or  
20 agreement entered into at arm's-length rates and  
21 terms and the principal purpose for the payment is  
22 not federal or Illinois tax avoidance; or

23 (iv) an item of interest paid, accrued, or  
24 incurred, directly or indirectly, to a foreign  
25 person if the taxpayer establishes by clear and  
26 convincing evidence that the adjustments are  
27 unreasonable; or if the taxpayer and the Director  
28 agree in writing to the application or use of an  
29 alternative method of apportionment under Section  
30 304(f).

31 Nothing in this subsection shall preclude the  
32 Director from making any other adjustment  
33 otherwise allowed under Section 404 of this Act for  
34 any tax year beginning after the effective date of  
35 this amendment provided such adjustment is made  
36 pursuant to regulation adopted by the Department

1           and such regulations provide methods and standards  
2           by which the Department will utilize its authority  
3           under Section 404 of this Act;

4           (D-18) For taxable years ending on or after  
5           December 31, 2004, an amount equal to the amount of  
6           intangible expenses and costs otherwise allowed as a  
7           deduction in computing base income, and that were paid,  
8           accrued, or incurred, directly or indirectly, to a  
9           foreign person who would be a member of the same  
10          unitary business group but for the fact that the  
11          foreign person's business activity outside the United  
12          States is 80% or more of that person's total business  
13          activity. The addition modification required by this  
14          subparagraph shall be reduced to the extent that  
15          dividends were included in base income of the unitary  
16          group for the same taxable year and received by the  
17          taxpayer or by a member of the taxpayer's unitary  
18          business group (including amounts included in gross  
19          income under Sections 951 through 964 of the Internal  
20          Revenue Code and amounts included in gross income under  
21          Section 78 of the Internal Revenue Code) with respect  
22          to the stock of the same person to whom the intangible  
23          expenses and costs were directly or indirectly paid,  
24          incurred, or accrued. The preceding sentence does not  
25          apply to the extent that the same dividends caused a  
26          reduction to the addition modification required under  
27          Section 203(a)(2)(D-17) of this Act. As used in this  
28          subparagraph, the term "intangible expenses and costs"  
29          includes (1) expenses, losses, and costs for, or  
30          related to, the direct or indirect acquisition, use,  
31          maintenance or management, ownership, sale, exchange,  
32          or any other disposition of intangible property; (2)  
33          losses incurred, directly or indirectly, from  
34          factoring transactions or discounting transactions;  
35          (3) royalty, patent, technical, and copyright fees;  
36          (4) licensing fees; and (5) other similar expenses and

1 costs. For purposes of this subparagraph, "intangible  
2 property" includes patents, patent applications, trade  
3 names, trademarks, service marks, copyrights, mask  
4 works, trade secrets, and similar types of intangible  
5 assets.

6 This paragraph shall not apply to the following:

7 (i) any item of intangible expenses or costs  
8 paid, accrued, or incurred, directly or  
9 indirectly, from a transaction with a foreign  
10 person who is subject in a foreign country or  
11 state, other than a state which requires mandatory  
12 unitary reporting, to a tax on or measured by net  
13 income with respect to such item; or

14 (ii) any item of intangible expense or cost  
15 paid, accrued, or incurred, directly or  
16 indirectly, if the taxpayer can establish, based  
17 on a preponderance of the evidence, both of the  
18 following:

19 (a) the foreign person during the same  
20 taxable year paid, accrued, or incurred, the  
21 intangible expense or cost to a person that is  
22 not a related member, and

23 (b) the transaction giving rise to the  
24 intangible expense or cost between the  
25 taxpayer and the foreign person did not have as  
26 a principal purpose the avoidance of Illinois  
27 income tax, and is paid pursuant to a contract  
28 or agreement that reflects arm's-length terms;  
29 or

30 (iii) any item of intangible expense or cost  
31 paid, accrued, or incurred, directly or  
32 indirectly, from a transaction with a foreign  
33 person if the taxpayer establishes by clear and  
34 convincing evidence, that the adjustments are  
35 unreasonable; or if the taxpayer and the Director  
36 agree in writing to the application or use of an

1 alternative method of apportionment under Section  
2 304(f);

3 Nothing in this subsection shall preclude the  
4 Director from making any other adjustment  
5 otherwise allowed under Section 404 of this Act for  
6 any tax year beginning after the effective date of  
7 this amendment provided such adjustment is made  
8 pursuant to regulation adopted by the Department  
9 and such regulations provide methods and standards  
10 by which the Department will utilize its authority  
11 under Section 404 of this Act;

12 (D-20) For taxable years beginning on or after  
13 January 1, 2002, in the case of a distribution from a  
14 qualified tuition program under Section 529 of the  
15 Internal Revenue Code, other than (i) a distribution  
16 from a College Savings Pool created under Section 16.5  
17 of the State Treasurer Act or (ii) a distribution from  
18 the Illinois Prepaid Tuition Trust Fund, an amount  
19 equal to the amount excluded from gross income under  
20 Section 529(c)(3)(B);

21 and by deducting from the total so obtained the sum of the  
22 following amounts:

23 (E) For taxable years ending before December 31,  
24 2001, any amount included in such total in respect of  
25 any compensation (including but not limited to any  
26 compensation paid or accrued to a serviceman while a  
27 prisoner of war or missing in action) paid to a  
28 resident by reason of being on active duty in the Armed  
29 Forces of the United States and in respect of any  
30 compensation paid or accrued to a resident who as a  
31 governmental employee was a prisoner of war or missing  
32 in action, and in respect of any compensation paid to a  
33 resident in 1971 or thereafter for annual training  
34 performed pursuant to Sections 502 and 503, Title 32,  
35 United States Code as a member of the Illinois National  
36 Guard. For taxable years ending on or after December

1 31, 2001, any amount included in such total in respect  
2 of any compensation (including but not limited to any  
3 compensation paid or accrued to a serviceman while a  
4 prisoner of war or missing in action) paid to a  
5 resident by reason of being a member of any component  
6 of the Armed Forces of the United States and in respect  
7 of any compensation paid or accrued to a resident who  
8 as a governmental employee was a prisoner of war or  
9 missing in action, and in respect of any compensation  
10 paid to a resident in 2001 or thereafter by reason of  
11 being a member of the Illinois National Guard. The  
12 provisions of this amendatory Act of the 92nd General  
13 Assembly are exempt from the provisions of Section 250;

14 (F) An amount equal to all amounts included in such  
15 total pursuant to the provisions of Sections 402(a),  
16 402(c), 403(a), 403(b), 406(a), 407(a), and 408 of the  
17 Internal Revenue Code, or included in such total as  
18 distributions under the provisions of any retirement  
19 or disability plan for employees of any governmental  
20 agency or unit, or retirement payments to retired  
21 partners, which payments are excluded in computing net  
22 earnings from self employment by Section 1402 of the  
23 Internal Revenue Code and regulations adopted pursuant  
24 thereto;

25 (G) The valuation limitation amount;

26 (H) An amount equal to the amount of any tax  
27 imposed by this Act which was refunded to the taxpayer  
28 and included in such total for the taxable year;

29 (I) An amount equal to all amounts included in such  
30 total pursuant to the provisions of Section 111 of the  
31 Internal Revenue Code as a recovery of items previously  
32 deducted from adjusted gross income in the computation  
33 of taxable income;

34 (J) An amount equal to those dividends included in  
35 such total which were paid by a corporation which  
36 conducts business operations in an Enterprise Zone or

1 zones created under the Illinois Enterprise Zone Act,  
2 and conducts substantially all of its operations in an  
3 Enterprise Zone or zones;

4 (K) An amount equal to those dividends included in  
5 such total that were paid by a corporation that  
6 conducts business operations in a federally designated  
7 Foreign Trade Zone or Sub-Zone and that is designated a  
8 High Impact Business located in Illinois; provided  
9 that dividends eligible for the deduction provided in  
10 subparagraph (J) of paragraph (2) of this subsection  
11 shall not be eligible for the deduction provided under  
12 this subparagraph (K);

13 (L) For taxable years ending after December 31,  
14 1983, an amount equal to all social security benefits  
15 and railroad retirement benefits included in such  
16 total pursuant to Sections 72(r) and 86 of the Internal  
17 Revenue Code;

18 (M) With the exception of any amounts subtracted  
19 under subparagraph (N), an amount equal to the sum of  
20 all amounts disallowed as deductions by (i) Sections  
21 171(a) (2), and 265(2) of the Internal Revenue Code of  
22 1954, as now or hereafter amended, and all amounts of  
23 expenses allocable to interest and disallowed as  
24 deductions by Section 265(1) of the Internal Revenue  
25 Code of 1954, as now or hereafter amended; and (ii) for  
26 taxable years ending on or after August 13, 1999,  
27 Sections 171(a) (2), 265, 280C, and 832(b) (5) (B) (i) of  
28 the Internal Revenue Code; the provisions of this  
29 subparagraph are exempt from the provisions of Section  
30 250;

31 (N) An amount equal to all amounts included in such  
32 total which are exempt from taxation by this State  
33 either by reason of its statutes or Constitution or by  
34 reason of the Constitution, treaties or statutes of the  
35 United States; provided that, in the case of any  
36 statute of this State that exempts income derived from

1 bonds or other obligations from the tax imposed under  
2 this Act, the amount exempted shall be the interest net  
3 of bond premium amortization;

4 (O) An amount equal to any contribution made to a  
5 job training project established pursuant to the Tax  
6 Increment Allocation Redevelopment Act;

7 (P) An amount equal to the amount of the deduction  
8 used to compute the federal income tax credit for  
9 restoration of substantial amounts held under claim of  
10 right for the taxable year pursuant to Section 1341 of  
11 the Internal Revenue Code of 1986;

12 (Q) An amount equal to any amounts included in such  
13 total, received by the taxpayer as an acceleration in  
14 the payment of life, endowment or annuity benefits in  
15 advance of the time they would otherwise be payable as  
16 an indemnity for a terminal illness;

17 (R) An amount equal to the amount of any federal or  
18 State bonus paid to veterans of the Persian Gulf War;

19 (S) An amount, to the extent included in adjusted  
20 gross income, equal to the amount of a contribution  
21 made in the taxable year on behalf of the taxpayer to a  
22 medical care savings account established under the  
23 Medical Care Savings Account Act or the Medical Care  
24 Savings Account Act of 2000 to the extent the  
25 contribution is accepted by the account administrator  
26 as provided in that Act;

27 (T) An amount, to the extent included in adjusted  
28 gross income, equal to the amount of interest earned in  
29 the taxable year on a medical care savings account  
30 established under the Medical Care Savings Account Act  
31 or the Medical Care Savings Account Act of 2000 on  
32 behalf of the taxpayer, other than interest added  
33 pursuant to item (D-5) of this paragraph (2);

34 (U) For one taxable year beginning on or after  
35 January 1, 1994, an amount equal to the total amount of  
36 tax imposed and paid under subsections (a) and (b) of

1 Section 201 of this Act on grant amounts received by  
2 the taxpayer under the Nursing Home Grant Assistance  
3 Act during the taxpayer's taxable years 1992 and 1993;

4 (V) Beginning with tax years ending on or after  
5 December 31, 1995 and ending with tax years ending on  
6 or before December 31, 2004, an amount equal to the  
7 amount paid by a taxpayer who is a self-employed  
8 taxpayer, a partner of a partnership, or a shareholder  
9 in a Subchapter S corporation for health insurance or  
10 long-term care insurance for that taxpayer or that  
11 taxpayer's spouse or dependents, to the extent that the  
12 amount paid for that health insurance or long-term care  
13 insurance may be deducted under Section 213 of the  
14 Internal Revenue Code of 1986, has not been deducted on  
15 the federal income tax return of the taxpayer, and does  
16 not exceed the taxable income attributable to that  
17 taxpayer's income, self-employment income, or  
18 Subchapter S corporation income; except that no  
19 deduction shall be allowed under this item (V) if the  
20 taxpayer is eligible to participate in any health  
21 insurance or long-term care insurance plan of an  
22 employer of the taxpayer or the taxpayer's spouse. The  
23 amount of the health insurance and long-term care  
24 insurance subtracted under this item (V) shall be  
25 determined by multiplying total health insurance and  
26 long-term care insurance premiums paid by the taxpayer  
27 times a number that represents the fractional  
28 percentage of eligible medical expenses under Section  
29 213 of the Internal Revenue Code of 1986 not actually  
30 deducted on the taxpayer's federal income tax return;

31 (W) For taxable years beginning on or after January  
32 1, 1998, all amounts included in the taxpayer's federal  
33 gross income in the taxable year from amounts converted  
34 from a regular IRA to a Roth IRA. This paragraph is  
35 exempt from the provisions of Section 250;

36 (X) For taxable year 1999 and thereafter, an amount



1 equal to the amount of any (i) distributions, to the  
2 extent includible in gross income for federal income  
3 tax purposes, made to the taxpayer because of his or  
4 her status as a victim of persecution for racial or  
5 religious reasons by Nazi Germany or any other Axis  
6 regime or as an heir of the victim and (ii) items of  
7 income, to the extent includible in gross income for  
8 federal income tax purposes, attributable to, derived  
9 from or in any way related to assets stolen from,  
10 hidden from, or otherwise lost to a victim of  
11 persecution for racial or religious reasons by Nazi  
12 Germany or any other Axis regime immediately prior to,  
13 during, and immediately after World War II, including,  
14 but not limited to, interest on the proceeds receivable  
15 as insurance under policies issued to a victim of  
16 persecution for racial or religious reasons by Nazi  
17 Germany or any other Axis regime by European insurance  
18 companies immediately prior to and during World War II;  
19 provided, however, this subtraction from federal  
20 adjusted gross income does not apply to assets acquired  
21 with such assets or with the proceeds from the sale of  
22 such assets; provided, further, this paragraph shall  
23 only apply to a taxpayer who was the first recipient of  
24 such assets after their recovery and who is a victim of  
25 persecution for racial or religious reasons by Nazi  
26 Germany or any other Axis regime or as an heir of the  
27 victim. The amount of and the eligibility for any  
28 public assistance, benefit, or similar entitlement is  
29 not affected by the inclusion of items (i) and (ii) of  
30 this paragraph in gross income for federal income tax  
31 purposes. This paragraph is exempt from the provisions  
32 of Section 250;

33 (Y) For taxable years beginning on or after January  
34 1, 2002 and ending on or before December 31, 2004,  
35 moneys contributed in the taxable year to a College  
36 Savings Pool account under Section 16.5 of the State

1           Treasurer Act, except that amounts excluded from gross  
2           income under Section 529(c)(3)(C)(i) of the Internal  
3           Revenue Code shall not be considered moneys  
4           contributed under this subparagraph (Y). For taxable  
5           years beginning on or after January 1, 2005, a maximum  
6           of \$10,000 contributed in the taxable year to (i) a  
7           College Savings Pool account under Section 16.5 of the  
8           State Treasurer Act or (ii) the Illinois Prepaid  
9           Tuition Trust Fund, except that amounts excluded from  
10          gross income under Section 529(c)(3)(C)(i) of the  
11          Internal Revenue Code shall not be considered moneys  
12          contributed under this subparagraph (Y). This  
13          subparagraph (Y) is exempt from the provisions of  
14          Section 250;

15                 (Z) For taxable years 2001 and thereafter, for the  
16                 taxable year in which the bonus depreciation deduction  
17                 (30% of the adjusted basis of the qualified property)  
18                 is taken on the taxpayer's federal income tax return  
19                 under subsection (k) of Section 168 of the Internal  
20                 Revenue Code and for each applicable taxable year  
21                 thereafter, an amount equal to "x", where:

22                         (1) "y" equals the amount of the depreciation  
23                         deduction taken for the taxable year on the  
24                         taxpayer's federal income tax return on property  
25                         for which the bonus depreciation deduction (30% of  
26                         the adjusted basis of the qualified property) was  
27                         taken in any year under subsection (k) of Section  
28                         168 of the Internal Revenue Code, but not including  
29                         the bonus depreciation deduction; and

30                         (2) "x" equals "y" multiplied by 30 and then  
31                         divided by 70 (or "y" multiplied by 0.429).

32                 The aggregate amount deducted under this  
33                 subparagraph in all taxable years for any one piece of  
34                 property may not exceed the amount of the bonus  
35                 depreciation deduction (30% of the adjusted basis of  
36                 the qualified property) taken on that property on the

1 taxpayer's federal income tax return under subsection  
2 (k) of Section 168 of the Internal Revenue Code;

3 (AA) If the taxpayer reports a capital gain or loss  
4 on the taxpayer's federal income tax return for the  
5 taxable year based on a sale or transfer of property  
6 for which the taxpayer was required in any taxable year  
7 to make an addition modification under subparagraph  
8 (D-15), then an amount equal to that addition  
9 modification.

10 The taxpayer is allowed to take the deduction under  
11 this subparagraph only once with respect to any one  
12 piece of property;

13 (BB) Any amount included in adjusted gross income,  
14 other than salary, received by a driver in a  
15 ridesharing arrangement using a motor vehicle;

16 (CC) The amount of (i) any interest income (net of  
17 the deductions allocable thereto) taken into account  
18 for the taxable year with respect to a transaction with  
19 a taxpayer that is required to make an addition  
20 modification with respect to such transaction under  
21 Section 203(a)(2)(D-17), 203(b)(2)(E-13),  
22 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed  
23 the amount of that addition modification, and (ii) any  
24 income from intangible property (net of the deductions  
25 allocable thereto) taken into account for the taxable  
26 year with respect to a transaction with a taxpayer that  
27 is required to make an addition modification with  
28 respect to such transaction under Section  
29 203(a)(2)(D-18), 203(b)(2)(E-14), 203(c)(2)(G-13), or  
30 203(d)(2)(D-8), but not to exceed the amount of that  
31 addition modification;

32 (DD) An amount equal to the interest income taken  
33 into account for the taxable year (net of the  
34 deductions allocable thereto) with respect to  
35 transactions with a foreign person who would be a  
36 member of the taxpayer's unitary business group but for

1 the fact that the foreign person's business activity  
2 outside the United States is 80% or more of that  
3 person's total business activity, but not to exceed the  
4 addition modification required to be made for the same  
5 taxable year under Section 203(a)(2)(D-17) for  
6 interest paid, accrued, or incurred, directly or  
7 indirectly, to the same foreign person; and

8 (EE) An amount equal to the income from intangible  
9 property taken into account for the taxable year (net  
10 of the deductions allocable thereto) with respect to  
11 transactions with a foreign person who would be a  
12 member of the taxpayer's unitary business group but for  
13 the fact that the foreign person's business activity  
14 outside the United States is 80% or more of that  
15 person's total business activity, but not to exceed the  
16 addition modification required to be made for the same  
17 taxable year under Section 203(a)(2)(D-18) for  
18 intangible expenses and costs paid, accrued, or  
19 incurred, directly or indirectly, to the same foreign  
20 person.

21 (b) Corporations.

22 (1) In general. In the case of a corporation, base  
23 income means an amount equal to the taxpayer's taxable  
24 income for the taxable year as modified by paragraph (2).

25 (2) Modifications. The taxable income referred to in  
26 paragraph (1) shall be modified by adding thereto the sum  
27 of the following amounts:

28 (A) An amount equal to all amounts paid or accrued  
29 to the taxpayer as interest and all distributions  
30 received from regulated investment companies during  
31 the taxable year to the extent excluded from gross  
32 income in the computation of taxable income;

33 (B) An amount equal to the amount of tax imposed by  
34 this Act to the extent deducted from gross income in  
35 the computation of taxable income for the taxable year;

1 (C) In the case of a regulated investment company,  
2 an amount equal to the excess of (i) the net long-term  
3 capital gain for the taxable year, over (ii) the amount  
4 of the capital gain dividends designated as such in  
5 accordance with Section 852(b)(3)(C) of the Internal  
6 Revenue Code and any amount designated under Section  
7 852(b)(3)(D) of the Internal Revenue Code,  
8 attributable to the taxable year (this amendatory Act  
9 of 1995 (Public Act 89-89) is declarative of existing  
10 law and is not a new enactment);

11 (D) The amount of any net operating loss deduction  
12 taken in arriving at taxable income, other than a net  
13 operating loss carried forward from a taxable year  
14 ending prior to December 31, 1986;

15 (E) For taxable years in which a net operating loss  
16 carryback or carryforward from a taxable year ending  
17 prior to December 31, 1986 is an element of taxable  
18 income under paragraph (1) of subsection (e) or  
19 subparagraph (E) of paragraph (2) of subsection (e),  
20 the amount by which addition modifications other than  
21 those provided by this subparagraph (E) exceeded  
22 subtraction modifications in such earlier taxable  
23 year, with the following limitations applied in the  
24 order that they are listed:

25 (i) the addition modification relating to the  
26 net operating loss carried back or forward to the  
27 taxable year from any taxable year ending prior to  
28 December 31, 1986 shall be reduced by the amount of  
29 addition modification under this subparagraph (E)  
30 which related to that net operating loss and which  
31 was taken into account in calculating the base  
32 income of an earlier taxable year, and

33 (ii) the addition modification relating to the  
34 net operating loss carried back or forward to the  
35 taxable year from any taxable year ending prior to  
36 December 31, 1986 shall not exceed the amount of

1           such carryback or carryforward;

2           For taxable years in which there is a net operating  
3 loss carryback or carryforward from more than one other  
4 taxable year ending prior to December 31, 1986, the  
5 addition modification provided in this subparagraph  
6 (E) shall be the sum of the amounts computed  
7 independently under the preceding provisions of this  
8 subparagraph (E) for each such taxable year;

9           (E-5) For taxable years ending after December 31,  
10 1997, an amount equal to any eligible remediation costs  
11 that the corporation deducted in computing adjusted  
12 gross income and for which the corporation claims a  
13 credit under subsection (l) of Section 201;

14           (E-10) For taxable years 2001 and thereafter, an  
15 amount equal to the bonus depreciation deduction (30%  
16 of the adjusted basis of the qualified property) taken  
17 on the taxpayer's federal income tax return for the  
18 taxable year under subsection (k) of Section 168 of the  
19 Internal Revenue Code; and

20           (E-11) If the taxpayer reports a capital gain or  
21 loss on the taxpayer's federal income tax return for  
22 the taxable year based on a sale or transfer of  
23 property for which the taxpayer was required in any  
24 taxable year to make an addition modification under  
25 subparagraph (E-10), then an amount equal to the  
26 aggregate amount of the deductions taken in all taxable  
27 years under subparagraph (T) with respect to that  
28 property.

29           The taxpayer is required to make the addition  
30 modification under this subparagraph only once with  
31 respect to any one piece of property;

32           (E-12) For taxable years ending on or after  
33 December 31, 2004, an amount equal to the amount  
34 otherwise allowed as a deduction in computing base  
35 income for interest paid, accrued, or incurred,  
36 directly or indirectly, to a foreign person who would

1 be a member of the same unitary business group but for  
2 the fact the foreign person's business activity  
3 outside the United States is 80% or more of the foreign  
4 person's total business activity. The addition  
5 modification required by this subparagraph shall be  
6 reduced to the extent that dividends were included in  
7 base income of the unitary group for the same taxable  
8 year and received by the taxpayer or by a member of the  
9 taxpayer's unitary business group (including amounts  
10 included in gross income pursuant to Sections 951  
11 through 964 of the Internal Revenue Code and amounts  
12 included in gross income under Section 78 of the  
13 Internal Revenue Code) with respect to the stock of the  
14 same person to whom the interest was paid, accrued, or  
15 incurred.

16 This paragraph shall not apply to the following:

17 (i) an item of interest paid, accrued, or  
18 incurred, directly or indirectly, to a foreign  
19 person who is subject in a foreign country or  
20 state, other than a state which requires mandatory  
21 unitary reporting, to a tax on or measured by net  
22 income with respect to such interest; or

23 (ii) an item of interest paid, accrued, or  
24 incurred, directly or indirectly, to a foreign  
25 person if the taxpayer can establish, based on a  
26 preponderance of the evidence, both of the  
27 following:

28 (a) the foreign person, during the same  
29 taxable year, paid, accrued, or incurred, the  
30 interest to a person that is not a related  
31 member, and

32 (b) the transaction giving rise to the  
33 interest expense between the taxpayer and the  
34 foreign person did not have as a principal  
35 purpose the avoidance of Illinois income tax,  
36 and is paid pursuant to a contract or agreement

1           that reflects an arm's-length interest rate  
2           and terms; or

3           (iii) the taxpayer can establish, based on  
4           clear and convincing evidence, that the interest  
5           paid, accrued, or incurred relates to a contract or  
6           agreement entered into at arm's-length rates and  
7           terms and the principal purpose for the payment is  
8           not federal or Illinois tax avoidance; or

9           (iv) an item of interest paid, accrued, or  
10          incurred, directly or indirectly, to a foreign  
11          person if the taxpayer establishes by clear and  
12          convincing evidence that the adjustments are  
13          unreasonable; or if the taxpayer and the Director  
14          agree in writing to the application or use of an  
15          alternative method of apportionment under Section  
16          304(f).

17          Nothing in this subsection shall preclude the  
18          Director from making any other adjustment  
19          otherwise allowed under Section 404 of this Act for  
20          any tax year beginning after the effective date of  
21          this amendment provided such adjustment is made  
22          pursuant to regulation adopted by the Department  
23          and such regulations provide methods and standards  
24          by which the Department will utilize its authority  
25          under Section 404 of this Act;

26          (E-13) For taxable years ending on or after  
27          December 31, 2004, an amount equal to the amount of  
28          intangible expenses and costs otherwise allowed as a  
29          deduction in computing base income, and that were paid,  
30          accrued, or incurred, directly or indirectly, to a  
31          foreign person who would be a member of the same  
32          unitary business group but for the fact that the  
33          foreign person's business activity outside the United  
34          States is 80% or more of that person's total business  
35          activity. The addition modification required by this  
36          subparagraph shall be reduced to the extent that



1 dividends were included in base income of the unitary  
2 group for the same taxable year and received by the  
3 taxpayer or by a member of the taxpayer's unitary  
4 business group (including amounts included in gross  
5 income pursuant to Sections 951 through 964 of the  
6 Internal Revenue Code and amounts included in gross  
7 income under Section 78 of the Internal Revenue Code)  
8 with respect to the stock of the same person to whom  
9 the intangible expenses and costs were directly or  
10 indirectly paid, incurred, or accrued. The preceding  
11 sentence shall not apply to the extent that the same  
12 dividends caused a reduction to the addition  
13 modification required under Section 203(b)(2)(E-12) of  
14 this Act. As used in this subparagraph, the term  
15 "intangible expenses and costs" includes (1) expenses,  
16 losses, and costs for, or related to, the direct or  
17 indirect acquisition, use, maintenance or management,  
18 ownership, sale, exchange, or any other disposition of  
19 intangible property; (2) losses incurred, directly or  
20 indirectly, from factoring transactions or discounting  
21 transactions; (3) royalty, patent, technical, and  
22 copyright fees; (4) licensing fees; and (5) other  
23 similar expenses and costs. For purposes of this  
24 subparagraph, "intangible property" includes patents,  
25 patent applications, trade names, trademarks, service  
26 marks, copyrights, mask works, trade secrets, and  
27 similar types of intangible assets.

28 This paragraph shall not apply to the following:

29 (i) any item of intangible expenses or costs  
30 paid, accrued, or incurred, directly or  
31 indirectly, from a transaction with a foreign  
32 person who is subject in a foreign country or  
33 state, other than a state which requires mandatory  
34 unitary reporting, to a tax on or measured by net  
35 income with respect to such item; or

36 (ii) any item of intangible expense or cost

1           paid, accrued, or incurred, directly or  
2           indirectly, if the taxpayer can establish, based  
3           on a preponderance of the evidence, both of the  
4           following:

5                   (a) the foreign person during the same  
6                   taxable year paid, accrued, or incurred, the  
7                   intangible expense or cost to a person that is  
8                   not a related member, and

9                   (b) the transaction giving rise to the  
10                   intangible expense or cost between the  
11                   taxpayer and the foreign person did not have as  
12                   a principal purpose the avoidance of Illinois  
13                   income tax, and is paid pursuant to a contract  
14                   or agreement that reflects arm's-length terms;  
15                   or

16                   (iii) any item of intangible expense or cost  
17                   paid, accrued, or incurred, directly or  
18                   indirectly, from a transaction with a foreign  
19                   person if the taxpayer establishes by clear and  
20                   convincing evidence, that the adjustments are  
21                   unreasonable; or if the taxpayer and the Director  
22                   agree in writing to the application or use of an  
23                   alternative method of apportionment under Section  
24                   304(f);

25                   Nothing in this subsection shall preclude the  
26                   Director from making any other adjustment  
27                   otherwise allowed under Section 404 of this Act for  
28                   any tax year beginning after the effective date of  
29                   this amendment provided such adjustment is made  
30                   pursuant to regulation adopted by the Department  
31                   and such regulations provide methods and standards  
32                   by which the Department will utilize its authority  
33                   under Section 404 of this Act;

34           and by deducting from the total so obtained the sum of the  
35           following amounts:

36                   (F) An amount equal to the amount of any tax

1 imposed by this Act which was refunded to the taxpayer  
2 and included in such total for the taxable year;

3 (G) An amount equal to any amount included in such  
4 total under Section 78 of the Internal Revenue Code;

5 (H) In the case of a regulated investment company,  
6 an amount equal to the amount of exempt interest  
7 dividends as defined in subsection (b) (5) of Section  
8 852 of the Internal Revenue Code, paid to shareholders  
9 for the taxable year;

10 (I) With the exception of any amounts subtracted  
11 under subparagraph (J), an amount equal to the sum of  
12 all amounts disallowed as deductions by (i) Sections  
13 171(a) (2), and 265(a)(2) and amounts disallowed as  
14 interest expense by Section 291(a)(3) of the Internal  
15 Revenue Code, as now or hereafter amended, and all  
16 amounts of expenses allocable to interest and  
17 disallowed as deductions by Section 265(a)(1) of the  
18 Internal Revenue Code, as now or hereafter amended; and  
19 (ii) for taxable years ending on or after August 13,  
20 1999, Sections 171(a)(2), 265, 280C, 291(a)(3), and  
21 832(b)(5)(B)(i) of the Internal Revenue Code; the  
22 provisions of this subparagraph are exempt from the  
23 provisions of Section 250;

24 (J) An amount equal to all amounts included in such  
25 total which are exempt from taxation by this State  
26 either by reason of its statutes or Constitution or by  
27 reason of the Constitution, treaties or statutes of the  
28 United States; provided that, in the case of any  
29 statute of this State that exempts income derived from  
30 bonds or other obligations from the tax imposed under  
31 this Act, the amount exempted shall be the interest net  
32 of bond premium amortization;

33 (K) An amount equal to those dividends included in  
34 such total which were paid by a corporation which  
35 conducts business operations in an Enterprise Zone or  
36 zones created under the Illinois Enterprise Zone Act

1 and conducts substantially all of its operations in an  
2 Enterprise Zone or zones;

3 (L) An amount equal to those dividends included in  
4 such total that were paid by a corporation that  
5 conducts business operations in a federally designated  
6 Foreign Trade Zone or Sub-Zone and that is designated a  
7 High Impact Business located in Illinois; provided  
8 that dividends eligible for the deduction provided in  
9 subparagraph (K) of paragraph 2 of this subsection  
10 shall not be eligible for the deduction provided under  
11 this subparagraph (L);

12 (M) For any taxpayer that is a financial  
13 organization within the meaning of Section 304(c) of  
14 this Act, an amount included in such total as interest  
15 income from a loan or loans made by such taxpayer to a  
16 borrower, to the extent that such a loan is secured by  
17 property which is eligible for the Enterprise Zone  
18 Investment Credit. To determine the portion of a loan  
19 or loans that is secured by property eligible for a  
20 Section 201(f) investment credit to the borrower, the  
21 entire principal amount of the loan or loans between  
22 the taxpayer and the borrower should be divided into  
23 the basis of the Section 201(f) investment credit  
24 property which secures the loan or loans, using for  
25 this purpose the original basis of such property on the  
26 date that it was placed in service in the Enterprise  
27 Zone. The subtraction modification available to  
28 taxpayer in any year under this subsection shall be  
29 that portion of the total interest paid by the borrower  
30 with respect to such loan attributable to the eligible  
31 property as calculated under the previous sentence;

32 (M-1) For any taxpayer that is a financial  
33 organization within the meaning of Section 304(c) of  
34 this Act, an amount included in such total as interest  
35 income from a loan or loans made by such taxpayer to a  
36 borrower, to the extent that such a loan is secured by

1 property which is eligible for the High Impact Business  
2 Investment Credit. To determine the portion of a loan  
3 or loans that is secured by property eligible for a  
4 Section 201(h) investment credit to the borrower, the  
5 entire principal amount of the loan or loans between  
6 the taxpayer and the borrower should be divided into  
7 the basis of the Section 201(h) investment credit  
8 property which secures the loan or loans, using for  
9 this purpose the original basis of such property on the  
10 date that it was placed in service in a federally  
11 designated Foreign Trade Zone or Sub-Zone located in  
12 Illinois. No taxpayer that is eligible for the  
13 deduction provided in subparagraph (M) of paragraph  
14 (2) of this subsection shall be eligible for the  
15 deduction provided under this subparagraph (M-1). The  
16 subtraction modification available to taxpayers in any  
17 year under this subsection shall be that portion of the  
18 total interest paid by the borrower with respect to  
19 such loan attributable to the eligible property as  
20 calculated under the previous sentence;

21 (N) Two times any contribution made during the  
22 taxable year to a designated zone organization to the  
23 extent that the contribution (i) qualifies as a  
24 charitable contribution under subsection (c) of  
25 Section 170 of the Internal Revenue Code and (ii) must,  
26 by its terms, be used for a project approved by the  
27 Department of Commerce and Economic Opportunity under  
28 Section 11 of the Illinois Enterprise Zone Act;

29 (O) An amount equal to: (i) 85% for taxable years  
30 ending on or before December 31, 1992, or, a percentage  
31 equal to the percentage allowable under Section  
32 243(a)(1) of the Internal Revenue Code of 1986 for  
33 taxable years ending after December 31, 1992, of the  
34 amount by which dividends included in taxable income  
35 and received from a corporation that is not created or  
36 organized under the laws of the United States or any

1 state or political subdivision thereof, including, for  
2 taxable years ending on or after December 31, 1988,  
3 dividends received or deemed received or paid or deemed  
4 paid under Sections 951 through 964 of the Internal  
5 Revenue Code, exceed the amount of the modification  
6 provided under subparagraph (G) of paragraph (2) of  
7 this subsection (b) which is related to such dividends;  
8 plus (ii) 100% of the amount by which dividends,  
9 included in taxable income and received, including,  
10 for taxable years ending on or after December 31, 1988,  
11 dividends received or deemed received or paid or deemed  
12 paid under Sections 951 through 964 of the Internal  
13 Revenue Code, from any such corporation specified in  
14 clause (i) that would but for the provisions of Section  
15 1504 (b) (3) of the Internal Revenue Code be treated as  
16 a member of the affiliated group which includes the  
17 dividend recipient, exceed the amount of the  
18 modification provided under subparagraph (G) of  
19 paragraph (2) of this subsection (b) which is related  
20 to such dividends;

21 (P) An amount equal to any contribution made to a  
22 job training project established pursuant to the Tax  
23 Increment Allocation Redevelopment Act;

24 (Q) An amount equal to the amount of the deduction  
25 used to compute the federal income tax credit for  
26 restoration of substantial amounts held under claim of  
27 right for the taxable year pursuant to Section 1341 of  
28 the Internal Revenue Code of 1986;

29 (R) In the case of an attorney-in-fact with respect  
30 to whom an interinsurer or a reciprocal insurer has  
31 made the election under Section 835 of the Internal  
32 Revenue Code, 26 U.S.C. 835, an amount equal to the  
33 excess, if any, of the amounts paid or incurred by that  
34 interinsurer or reciprocal insurer in the taxable year  
35 to the attorney-in-fact over the deduction allowed to  
36 that interinsurer or reciprocal insurer with respect

1 to the attorney-in-fact under Section 835(b) of the  
2 Internal Revenue Code for the taxable year;

3 (S) For taxable years ending on or after December  
4 31, 1997, in the case of a Subchapter S corporation, an  
5 amount equal to all amounts of income allocable to a  
6 shareholder subject to the Personal Property Tax  
7 Replacement Income Tax imposed by subsections (c) and  
8 (d) of Section 201 of this Act, including amounts  
9 allocable to organizations exempt from federal income  
10 tax by reason of Section 501(a) of the Internal Revenue  
11 Code. This subparagraph (S) is exempt from the  
12 provisions of Section 250;

13 (T) For taxable years 2001 and thereafter, for the  
14 taxable year in which the bonus depreciation deduction  
15 (30% of the adjusted basis of the qualified property)  
16 is taken on the taxpayer's federal income tax return  
17 under subsection (k) of Section 168 of the Internal  
18 Revenue Code and for each applicable taxable year  
19 thereafter, an amount equal to "x", where:

20 (1) "y" equals the amount of the depreciation  
21 deduction taken for the taxable year on the  
22 taxpayer's federal income tax return on property  
23 for which the bonus depreciation deduction (30% of  
24 the adjusted basis of the qualified property) was  
25 taken in any year under subsection (k) of Section  
26 168 of the Internal Revenue Code, but not including  
27 the bonus depreciation deduction; and

28 (2) "x" equals "y" multiplied by 30 and then  
29 divided by 70 (or "y" multiplied by 0.429).

30 The aggregate amount deducted under this  
31 subparagraph in all taxable years for any one piece of  
32 property may not exceed the amount of the bonus  
33 depreciation deduction (30% of the adjusted basis of  
34 the qualified property) taken on that property on the  
35 taxpayer's federal income tax return under subsection  
36 (k) of Section 168 of the Internal Revenue Code;

1 (U) If the taxpayer reports a capital gain or loss  
2 on the taxpayer's federal income tax return for the  
3 taxable year based on a sale or transfer of property  
4 for which the taxpayer was required in any taxable year  
5 to make an addition modification under subparagraph  
6 (E-10), then an amount equal to that addition  
7 modification.

8 The taxpayer is allowed to take the deduction under  
9 this subparagraph only once with respect to any one  
10 piece of property;

11 (V) The amount of: (i) any interest income (net of  
12 the deductions allocable thereto) taken into account  
13 for the taxable year with respect to a transaction with  
14 a taxpayer that is required to make an addition  
15 modification with respect to such transaction under  
16 Section 203(a)(2)(D-17), 203(b)(2)(E-12),  
17 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed  
18 the amount of such addition modification and (ii) any  
19 income from intangible property (net of the deductions  
20 allocable thereto) taken into account for the taxable  
21 year with respect to a transaction with a taxpayer that  
22 is required to make an addition modification with  
23 respect to such transaction under Section  
24 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or  
25 203(d)(2)(D-8), but not to exceed the amount of such  
26 addition modification;

27 (W) An amount equal to the interest income taken  
28 into account for the taxable year (net of the  
29 deductions allocable thereto) with respect to  
30 transactions with a foreign person who would be a  
31 member of the taxpayer's unitary business group but for  
32 the fact that the foreign person's business activity  
33 outside the United States is 80% or more of that  
34 person's total business activity, but not to exceed the  
35 addition modification required to be made for the same  
36 taxable year under Section 203(b)(2)(E-12) for



1 interest paid, accrued, or incurred, directly or  
2 indirectly, to the same foreign person; and

3 (X) An amount equal to the income from intangible  
4 property taken into account for the taxable year (net  
5 of the deductions allocable thereto) with respect to  
6 transactions with a foreign person who would be a  
7 member of the taxpayer's unitary business group but for  
8 the fact that the foreign person's business activity  
9 outside the United States is 80% or more of that  
10 person's total business activity, but not to exceed the  
11 addition modification required to be made for the same  
12 taxable year under Section 203(b)(2)(E-13) for  
13 intangible expenses and costs paid, accrued, or  
14 incurred, directly or indirectly, to the same foreign  
15 person.

16 (3) Special rule. For purposes of paragraph (2) (A),  
17 "gross income" in the case of a life insurance company, for  
18 tax years ending on and after December 31, 1994, shall mean  
19 the gross investment income for the taxable year.

20 (c) Trusts and estates.

21 (1) In general. In the case of a trust or estate, base  
22 income means an amount equal to the taxpayer's taxable  
23 income for the taxable year as modified by paragraph (2).

24 (2) Modifications. Subject to the provisions of  
25 paragraph (3), the taxable income referred to in paragraph  
26 (1) shall be modified by adding thereto the sum of the  
27 following amounts:

28 (A) An amount equal to all amounts paid or accrued  
29 to the taxpayer as interest or dividends during the  
30 taxable year to the extent excluded from gross income  
31 in the computation of taxable income;

32 (B) In the case of (i) an estate, \$600; (ii) a  
33 trust which, under its governing instrument, is  
34 required to distribute all of its income currently,  
35 \$300; and (iii) any other trust, \$100, but in each such

1 case, only to the extent such amount was deducted in  
2 the computation of taxable income;

3 (C) An amount equal to the amount of tax imposed by  
4 this Act to the extent deducted from gross income in  
5 the computation of taxable income for the taxable year;

6 (D) The amount of any net operating loss deduction  
7 taken in arriving at taxable income, other than a net  
8 operating loss carried forward from a taxable year  
9 ending prior to December 31, 1986;

10 (E) For taxable years in which a net operating loss  
11 carryback or carryforward from a taxable year ending  
12 prior to December 31, 1986 is an element of taxable  
13 income under paragraph (1) of subsection (e) or  
14 subparagraph (E) of paragraph (2) of subsection (e),  
15 the amount by which addition modifications other than  
16 those provided by this subparagraph (E) exceeded  
17 subtraction modifications in such taxable year, with  
18 the following limitations applied in the order that  
19 they are listed:

20 (i) the addition modification relating to the  
21 net operating loss carried back or forward to the  
22 taxable year from any taxable year ending prior to  
23 December 31, 1986 shall be reduced by the amount of  
24 addition modification under this subparagraph (E)  
25 which related to that net operating loss and which  
26 was taken into account in calculating the base  
27 income of an earlier taxable year, and

28 (ii) the addition modification relating to the  
29 net operating loss carried back or forward to the  
30 taxable year from any taxable year ending prior to  
31 December 31, 1986 shall not exceed the amount of  
32 such carryback or carryforward;

33 For taxable years in which there is a net operating  
34 loss carryback or carryforward from more than one other  
35 taxable year ending prior to December 31, 1986, the  
36 addition modification provided in this subparagraph

1 (E) shall be the sum of the amounts computed  
2 independently under the preceding provisions of this  
3 subparagraph (E) for each such taxable year;

4 (F) For taxable years ending on or after January 1,  
5 1989, an amount equal to the tax deducted pursuant to  
6 Section 164 of the Internal Revenue Code if the trust  
7 or estate is claiming the same tax for purposes of the  
8 Illinois foreign tax credit under Section 601 of this  
9 Act;

10 (G) An amount equal to the amount of the capital  
11 gain deduction allowable under the Internal Revenue  
12 Code, to the extent deducted from gross income in the  
13 computation of taxable income;

14 (G-5) For taxable years ending after December 31,  
15 1997, an amount equal to any eligible remediation costs  
16 that the trust or estate deducted in computing adjusted  
17 gross income and for which the trust or estate claims a  
18 credit under subsection (l) of Section 201;

19 (G-10) For taxable years 2001 and thereafter, an  
20 amount equal to the bonus depreciation deduction (30%  
21 of the adjusted basis of the qualified property) taken  
22 on the taxpayer's federal income tax return for the  
23 taxable year under subsection (k) of Section 168 of the  
24 Internal Revenue Code; and

25 (G-11) If the taxpayer reports a capital gain or  
26 loss on the taxpayer's federal income tax return for  
27 the taxable year based on a sale or transfer of  
28 property for which the taxpayer was required in any  
29 taxable year to make an addition modification under  
30 subparagraph (G-10), then an amount equal to the  
31 aggregate amount of the deductions taken in all taxable  
32 years under subparagraph (R) with respect to that  
33 property.

34 The taxpayer is required to make the addition  
35 modification under this subparagraph only once with  
36 respect to any one piece of property;

1 (G-12) For taxable years ending on or after  
2 December 31, 2004, an amount equal to the amount  
3 otherwise allowed as a deduction in computing base  
4 income for interest paid, accrued, or incurred,  
5 directly or indirectly, to a foreign person who would  
6 be a member of the same unitary business group but for  
7 the fact that the foreign person's business activity  
8 outside the United States is 80% or more of the foreign  
9 person's total business activity. The addition  
10 modification required by this subparagraph shall be  
11 reduced to the extent that dividends were included in  
12 base income of the unitary group for the same taxable  
13 year and received by the taxpayer or by a member of the  
14 taxpayer's unitary business group (including amounts  
15 included in gross income pursuant to Sections 951  
16 through 964 of the Internal Revenue Code and amounts  
17 included in gross income under Section 78 of the  
18 Internal Revenue Code) with respect to the stock of the  
19 same person to whom the interest was paid, accrued, or  
20 incurred.

21 This paragraph shall not apply to the following:

22 (i) an item of interest paid, accrued, or  
23 incurred, directly or indirectly, to a foreign  
24 person who is subject in a foreign country or  
25 state, other than a state which requires mandatory  
26 unitary reporting, to a tax on or measured by net  
27 income with respect to such interest; or

28 (ii) an item of interest paid, accrued, or  
29 incurred, directly or indirectly, to a foreign  
30 person if the taxpayer can establish, based on a  
31 preponderance of the evidence, both of the  
32 following:

33 (a) the foreign person, during the same  
34 taxable year, paid, accrued, or incurred, the  
35 interest to a person that is not a related  
36 member, and

1 (b) the transaction giving rise to the  
2 interest expense between the taxpayer and the  
3 foreign person did not have as a principal  
4 purpose the avoidance of Illinois income tax,  
5 and is paid pursuant to a contract or agreement  
6 that reflects an arm's-length interest rate  
7 and terms; or

8 (iii) the taxpayer can establish, based on  
9 clear and convincing evidence, that the interest  
10 paid, accrued, or incurred relates to a contract or  
11 agreement entered into at arm's-length rates and  
12 terms and the principal purpose for the payment is  
13 not federal or Illinois tax avoidance; or

14 (iv) an item of interest paid, accrued, or  
15 incurred, directly or indirectly, to a foreign  
16 person if the taxpayer establishes by clear and  
17 convincing evidence that the adjustments are  
18 unreasonable; or if the taxpayer and the Director  
19 agree in writing to the application or use of an  
20 alternative method of apportionment under Section  
21 304(f).

22 Nothing in this subsection shall preclude the  
23 Director from making any other adjustment  
24 otherwise allowed under Section 404 of this Act for  
25 any tax year beginning after the effective date of  
26 this amendment provided such adjustment is made  
27 pursuant to regulation adopted by the Department  
28 and such regulations provide methods and standards  
29 by which the Department will utilize its authority  
30 under Section 404 of this Act;

31 (G-13) For taxable years ending on or after  
32 December 31, 2004, an amount equal to the amount of  
33 intangible expenses and costs otherwise allowed as a  
34 deduction in computing base income, and that were paid,  
35 accrued, or incurred, directly or indirectly, to a  
36 foreign person who would be a member of the same

1 unitary business group but for the fact that the  
2 foreign person's business activity outside the United  
3 States is 80% or more of that person's total business  
4 activity. The addition modification required by this  
5 subparagraph shall be reduced to the extent that  
6 dividends were included in base income of the unitary  
7 group for the same taxable year and received by the  
8 taxpayer or by a member of the taxpayer's unitary  
9 business group (including amounts included in gross  
10 income pursuant to Sections 951 through 964 of the  
11 Internal Revenue Code and amounts included in gross  
12 income under Section 78 of the Internal Revenue Code)  
13 with respect to the stock of the same person to whom  
14 the intangible expenses and costs were directly or  
15 indirectly paid, incurred, or accrued. The preceding  
16 sentence shall not apply to the extent that the same  
17 dividends caused a reduction to the addition  
18 modification required under Section 203(c)(2)(G-12) of  
19 this Act. As used in this subparagraph, the term  
20 "intangible expenses and costs" includes: (1)  
21 expenses, losses, and costs for or related to the  
22 direct or indirect acquisition, use, maintenance or  
23 management, ownership, sale, exchange, or any other  
24 disposition of intangible property; (2) losses  
25 incurred, directly or indirectly, from factoring  
26 transactions or discounting transactions; (3) royalty,  
27 patent, technical, and copyright fees; (4) licensing  
28 fees; and (5) other similar expenses and costs. For  
29 purposes of this subparagraph, "intangible property"  
30 includes patents, patent applications, trade names,  
31 trademarks, service marks, copyrights, mask works,  
32 trade secrets, and similar types of intangible assets.

33 This paragraph shall not apply to the following:

34 (i) any item of intangible expenses or costs  
35 paid, accrued, or incurred, directly or  
36 indirectly, from a transaction with a foreign

1 person who is subject in a foreign country or  
2 state, other than a state which requires mandatory  
3 unitary reporting, to a tax on or measured by net  
4 income with respect to such item; or

5 (ii) any item of intangible expense or cost  
6 paid, accrued, or incurred, directly or  
7 indirectly, if the taxpayer can establish, based  
8 on a preponderance of the evidence, both of the  
9 following:

10 (a) the foreign person during the same  
11 taxable year paid, accrued, or incurred, the  
12 intangible expense or cost to a person that is  
13 not a related member, and

14 (b) the transaction giving rise to the  
15 intangible expense or cost between the  
16 taxpayer and the foreign person did not have as  
17 a principal purpose the avoidance of Illinois  
18 income tax, and is paid pursuant to a contract  
19 or agreement that reflects arm's-length terms;  
20 or

21 (iii) any item of intangible expense or cost  
22 paid, accrued, or incurred, directly or  
23 indirectly, from a transaction with a foreign  
24 person if the taxpayer establishes by clear and  
25 convincing evidence, that the adjustments are  
26 unreasonable; or if the taxpayer and the Director  
27 agree in writing to the application or use of an  
28 alternative method of apportionment under Section  
29 304(f);

30 Nothing in this subsection shall preclude the  
31 Director from making any other adjustment  
32 otherwise allowed under Section 404 of this Act for  
33 any tax year beginning after the effective date of  
34 this amendment provided such adjustment is made  
35 pursuant to regulation adopted by the Department  
36 and such regulations provide methods and standards

1           by which the Department will utilize its authority  
2           under Section 404 of this Act;

3           and by deducting from the total so obtained the sum of the  
4           following amounts:

5           (H) An amount equal to all amounts included in such  
6           total pursuant to the provisions of Sections 402(a),  
7           402(c), 403(a), 403(b), 406(a), 407(a) and 408 of the  
8           Internal Revenue Code or included in such total as  
9           distributions under the provisions of any retirement  
10          or disability plan for employees of any governmental  
11          agency or unit, or retirement payments to retired  
12          partners, which payments are excluded in computing net  
13          earnings from self employment by Section 1402 of the  
14          Internal Revenue Code and regulations adopted pursuant  
15          thereto;

16          (I) The valuation limitation amount;

17          (J) An amount equal to the amount of any tax  
18          imposed by this Act which was refunded to the taxpayer  
19          and included in such total for the taxable year;

20          (K) An amount equal to all amounts included in  
21          taxable income as modified by subparagraphs (A), (B),  
22          (C), (D), (E), (F) and (G) which are exempt from  
23          taxation by this State either by reason of its statutes  
24          or Constitution or by reason of the Constitution,  
25          treaties or statutes of the United States; provided  
26          that, in the case of any statute of this State that  
27          exempts income derived from bonds or other obligations  
28          from the tax imposed under this Act, the amount  
29          exempted shall be the interest net of bond premium  
30          amortization;

31          (L) With the exception of any amounts subtracted  
32          under subparagraph (K), an amount equal to the sum of  
33          all amounts disallowed as deductions by (i) Sections  
34          171(a) (2) and 265(a) (2) of the Internal Revenue Code,  
35          as now or hereafter amended, and all amounts of  
36          expenses allocable to interest and disallowed as



1           deductions by Section 265(1) of the Internal Revenue  
2           Code of 1954, as now or hereafter amended; and (ii) for  
3           taxable years ending on or after August 13, 1999,  
4           Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of  
5           the Internal Revenue Code; the provisions of this  
6           subparagraph are exempt from the provisions of Section  
7           250;

8           (M) An amount equal to those dividends included in  
9           such total which were paid by a corporation which  
10          conducts business operations in an Enterprise Zone or  
11          zones created under the Illinois Enterprise Zone Act  
12          and conducts substantially all of its operations in an  
13          Enterprise Zone or Zones;

14          (N) An amount equal to any contribution made to a  
15          job training project established pursuant to the Tax  
16          Increment Allocation Redevelopment Act;

17          (O) An amount equal to those dividends included in  
18          such total that were paid by a corporation that  
19          conducts business operations in a federally designated  
20          Foreign Trade Zone or Sub-Zone and that is designated a  
21          High Impact Business located in Illinois; provided  
22          that dividends eligible for the deduction provided in  
23          subparagraph (M) of paragraph (2) of this subsection  
24          shall not be eligible for the deduction provided under  
25          this subparagraph (O);

26          (P) An amount equal to the amount of the deduction  
27          used to compute the federal income tax credit for  
28          restoration of substantial amounts held under claim of  
29          right for the taxable year pursuant to Section 1341 of  
30          the Internal Revenue Code of 1986;

31          (Q) For taxable year 1999 and thereafter, an amount  
32          equal to the amount of any (i) distributions, to the  
33          extent includible in gross income for federal income  
34          tax purposes, made to the taxpayer because of his or  
35          her status as a victim of persecution for racial or  
36          religious reasons by Nazi Germany or any other Axis

1 regime or as an heir of the victim and (ii) items of  
2 income, to the extent includible in gross income for  
3 federal income tax purposes, attributable to, derived  
4 from or in any way related to assets stolen from,  
5 hidden from, or otherwise lost to a victim of  
6 persecution for racial or religious reasons by Nazi  
7 Germany or any other Axis regime immediately prior to,  
8 during, and immediately after World War II, including,  
9 but not limited to, interest on the proceeds receivable  
10 as insurance under policies issued to a victim of  
11 persecution for racial or religious reasons by Nazi  
12 Germany or any other Axis regime by European insurance  
13 companies immediately prior to and during World War II;  
14 provided, however, this subtraction from federal  
15 adjusted gross income does not apply to assets acquired  
16 with such assets or with the proceeds from the sale of  
17 such assets; provided, further, this paragraph shall  
18 only apply to a taxpayer who was the first recipient of  
19 such assets after their recovery and who is a victim of  
20 persecution for racial or religious reasons by Nazi  
21 Germany or any other Axis regime or as an heir of the  
22 victim. The amount of and the eligibility for any  
23 public assistance, benefit, or similar entitlement is  
24 not affected by the inclusion of items (i) and (ii) of  
25 this paragraph in gross income for federal income tax  
26 purposes. This paragraph is exempt from the provisions  
27 of Section 250;

28 (R) For taxable years 2001 and thereafter, for the  
29 taxable year in which the bonus depreciation deduction  
30 (30% of the adjusted basis of the qualified property)  
31 is taken on the taxpayer's federal income tax return  
32 under subsection (k) of Section 168 of the Internal  
33 Revenue Code and for each applicable taxable year  
34 thereafter, an amount equal to "x", where:

35 (1) "y" equals the amount of the depreciation  
36 deduction taken for the taxable year on the

1 taxpayer's federal income tax return on property  
2 for which the bonus depreciation deduction (30% of  
3 the adjusted basis of the qualified property) was  
4 taken in any year under subsection (k) of Section  
5 168 of the Internal Revenue Code, but not including  
6 the bonus depreciation deduction; and

7 (2) "x" equals "y" multiplied by 30 and then  
8 divided by 70 (or "y" multiplied by 0.429).

9 The aggregate amount deducted under this  
10 subparagraph in all taxable years for any one piece of  
11 property may not exceed the amount of the bonus  
12 depreciation deduction (30% of the adjusted basis of  
13 the qualified property) taken on that property on the  
14 taxpayer's federal income tax return under subsection  
15 (k) of Section 168 of the Internal Revenue Code;

16 (S) If the taxpayer reports a capital gain or loss  
17 on the taxpayer's federal income tax return for the  
18 taxable year based on a sale or transfer of property  
19 for which the taxpayer was required in any taxable year  
20 to make an addition modification under subparagraph  
21 (G-10), then an amount equal to that addition  
22 modification.

23 The taxpayer is allowed to take the deduction under  
24 this subparagraph only once with respect to any one  
25 piece of property;

26 (T) The amount of (i) any interest income (net of  
27 the deductions allocable thereto) taken into account  
28 for the taxable year with respect to a transaction with  
29 a taxpayer that is required to make an addition  
30 modification with respect to such transaction under  
31 Section 203(a)(2)(D-17), 203(b)(2)(E-12),  
32 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed  
33 the amount of such addition modification and (ii) any  
34 income from intangible property (net of the deductions  
35 allocable thereto) taken into account for the taxable  
36 year with respect to a transaction with a taxpayer that

1 is required to make an addition modification with  
2 respect to such transaction under Section  
3 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or  
4 203(d)(2)(D-8), but not to exceed the amount of such  
5 addition modification;

6 (U) An amount equal to the interest income taken  
7 into account for the taxable year (net of the  
8 deductions allocable thereto) with respect to  
9 transactions with a foreign person who would be a  
10 member of the taxpayer's unitary business group but for  
11 the fact the foreign person's business activity  
12 outside the United States is 80% or more of that  
13 person's total business activity, but not to exceed the  
14 addition modification required to be made for the same  
15 taxable year under Section 203(c)(2)(G-12) for  
16 interest paid, accrued, or incurred, directly or  
17 indirectly, to the same foreign person; and

18 (V) An amount equal to the income from intangible  
19 property taken into account for the taxable year (net  
20 of the deductions allocable thereto) with respect to  
21 transactions with a foreign person who would be a  
22 member of the taxpayer's unitary business group but for  
23 the fact that the foreign person's business activity  
24 outside the United States is 80% or more of that  
25 person's total business activity, but not to exceed the  
26 addition modification required to be made for the same  
27 taxable year under Section 203(c)(2)(G-13) for  
28 intangible expenses and costs paid, accrued, or  
29 incurred, directly or indirectly, to the same foreign  
30 person.

31 (3) Limitation. The amount of any modification  
32 otherwise required under this subsection shall, under  
33 regulations prescribed by the Department, be adjusted by  
34 any amounts included therein which were properly paid,  
35 credited, or required to be distributed, or permanently set  
36 aside for charitable purposes pursuant to Internal Revenue

1 Code Section 642(c) during the taxable year.

2 (d) Partnerships.

3 (1) In general. In the case of a partnership, base  
4 income means an amount equal to the taxpayer's taxable  
5 income for the taxable year as modified by paragraph (2).

6 (2) Modifications. The taxable income referred to in  
7 paragraph (1) shall be modified by adding thereto the sum  
8 of the following amounts:

9 (A) An amount equal to all amounts paid or accrued  
10 to the taxpayer as interest or dividends during the  
11 taxable year to the extent excluded from gross income  
12 in the computation of taxable income;

13 (B) An amount equal to the amount of tax imposed by  
14 this Act to the extent deducted from gross income for  
15 the taxable year;

16 (C) The amount of deductions allowed to the  
17 partnership pursuant to Section 707 (c) of the Internal  
18 Revenue Code in calculating its taxable income;

19 (D) An amount equal to the amount of the capital  
20 gain deduction allowable under the Internal Revenue  
21 Code, to the extent deducted from gross income in the  
22 computation of taxable income;

23 (D-5) For taxable years 2001 and thereafter, an  
24 amount equal to the bonus depreciation deduction (30%  
25 of the adjusted basis of the qualified property) taken  
26 on the taxpayer's federal income tax return for the  
27 taxable year under subsection (k) of Section 168 of the  
28 Internal Revenue Code;

29 (D-6) If the taxpayer reports a capital gain or  
30 loss on the taxpayer's federal income tax return for  
31 the taxable year based on a sale or transfer of  
32 property for which the taxpayer was required in any  
33 taxable year to make an addition modification under  
34 subparagraph (D-5), then an amount equal to the  
35 aggregate amount of the deductions taken in all taxable

1 years under subparagraph (O) with respect to that  
2 property.

3 The taxpayer is required to make the addition  
4 modification under this subparagraph only once with  
5 respect to any one piece of property;

6 (D-7) For taxable years ending on or after December  
7 31, 2004, an amount equal to the amount otherwise  
8 allowed as a deduction in computing base income for  
9 interest paid, accrued, or incurred, directly or  
10 indirectly, to a foreign person who would be a member  
11 of the same unitary business group but for the fact the  
12 foreign person's business activity outside the United  
13 States is 80% or more of the foreign person's total  
14 business activity. The addition modification required  
15 by this subparagraph shall be reduced to the extent  
16 that dividends were included in base income of the  
17 unitary group for the same taxable year and received by  
18 the taxpayer or by a member of the taxpayer's unitary  
19 business group (including amounts included in gross  
20 income pursuant to Sections 951 through 964 of the  
21 Internal Revenue Code and amounts included in gross  
22 income under Section 78 of the Internal Revenue Code)  
23 with respect to the stock of the same person to whom  
24 the interest was paid, accrued, or incurred.

25 This paragraph shall not apply to the following:

26 (i) an item of interest paid, accrued, or  
27 incurred, directly or indirectly, to a foreign  
28 person who is subject in a foreign country or  
29 state, other than a state which requires mandatory  
30 unitary reporting, to a tax on or measured by net  
31 income with respect to such interest; or

32 (ii) an item of interest paid, accrued, or  
33 incurred, directly or indirectly, to a foreign  
34 person if the taxpayer can establish, based on a  
35 preponderance of the evidence, both of the  
36 following:

1 (a) the foreign person, during the same  
2 taxable year, paid, accrued, or incurred, the  
3 interest to a person that is not a related  
4 member, and

5 (b) the transaction giving rise to the  
6 interest expense between the taxpayer and the  
7 foreign person did not have as a principal  
8 purpose the avoidance of Illinois income tax,  
9 and is paid pursuant to a contract or agreement  
10 that reflects an arm's-length interest rate  
11 and terms; or

12 (iii) the taxpayer can establish, based on  
13 clear and convincing evidence, that the interest  
14 paid, accrued, or incurred relates to a contract or  
15 agreement entered into at arm's-length rates and  
16 terms and the principal purpose for the payment is  
17 not federal or Illinois tax avoidance; or

18 (iv) an item of interest paid, accrued, or  
19 incurred, directly or indirectly, to a foreign  
20 person if the taxpayer establishes by clear and  
21 convincing evidence that the adjustments are  
22 unreasonable; or if the taxpayer and the Director  
23 agree in writing to the application or use of an  
24 alternative method of apportionment under Section  
25 304(f).

26 Nothing in this subsection shall preclude the  
27 Director from making any other adjustment  
28 otherwise allowed under Section 404 of this Act for  
29 any tax year beginning after the effective date of  
30 this amendment provided such adjustment is made  
31 pursuant to regulation adopted by the Department  
32 and such regulations provide methods and standards  
33 by which the Department will utilize its authority  
34 under Section 404 of this Act; and

35 (D-8) For taxable years ending on or after December  
36 31, 2004, an amount equal to the amount of intangible

1 expenses and costs otherwise allowed as a deduction in  
2 computing base income, and that were paid, accrued, or  
3 incurred, directly or indirectly, to a foreign person  
4 who would be a member of the same unitary business  
5 group but for the fact that the foreign person's  
6 business activity outside the United States is 80% or  
7 more of that person's total business activity. The  
8 addition modification required by this subparagraph  
9 shall be reduced to the extent that dividends were  
10 included in base income of the unitary group for the  
11 same taxable year and received by the taxpayer or by a  
12 member of the taxpayer's unitary business group  
13 (including amounts included in gross income pursuant  
14 to Sections 951 through 964 of the Internal Revenue  
15 Code and amounts included in gross income under Section  
16 78 of the Internal Revenue Code) with respect to the  
17 stock of the same person to whom the intangible  
18 expenses and costs were directly or indirectly paid,  
19 incurred or accrued. The preceding sentence shall not  
20 apply to the extent that the same dividends caused a  
21 reduction to the addition modification required under  
22 Section 203(d)(2)(D-7) of this Act. As used in this  
23 subparagraph, the term "intangible expenses and costs"  
24 includes (1) expenses, losses, and costs for, or  
25 related to, the direct or indirect acquisition, use,  
26 maintenance or management, ownership, sale, exchange,  
27 or any other disposition of intangible property; (2)  
28 losses incurred, directly or indirectly, from  
29 factoring transactions or discounting transactions;  
30 (3) royalty, patent, technical, and copyright fees;  
31 (4) licensing fees; and (5) other similar expenses and  
32 costs. For purposes of this subparagraph, "intangible  
33 property" includes patents, patent applications, trade  
34 names, trademarks, service marks, copyrights, mask  
35 works, trade secrets, and similar types of intangible  
36 assets;



1 This paragraph shall not apply to the following:

2 (i) any item of intangible expenses or costs  
3 paid, accrued, or incurred, directly or  
4 indirectly, from a transaction with a foreign  
5 person who is subject in a foreign country or  
6 state, other than a state which requires mandatory  
7 unitary reporting, to a tax on or measured by net  
8 income with respect to such item; or

9 (ii) any item of intangible expense or cost  
10 paid, accrued, or incurred, directly or  
11 indirectly, if the taxpayer can establish, based  
12 on a preponderance of the evidence, both of the  
13 following:

14 (a) the foreign person during the same  
15 taxable year paid, accrued, or incurred, the  
16 intangible expense or cost to a person that is  
17 not a related member, and

18 (b) the transaction giving rise to the  
19 intangible expense or cost between the  
20 taxpayer and the foreign person did not have as  
21 a principal purpose the avoidance of Illinois  
22 income tax, and is paid pursuant to a contract  
23 or agreement that reflects arm's-length terms;  
24 or

25 (iii) any item of intangible expense or cost  
26 paid, accrued, or incurred, directly or  
27 indirectly, from a transaction with a foreign  
28 person if the taxpayer establishes by clear and  
29 convincing evidence, that the adjustments are  
30 unreasonable; or if the taxpayer and the Director  
31 agree in writing to the application or use of an  
32 alternative method of apportionment under Section  
33 304(f);

34 Nothing in this subsection shall preclude the  
35 Director from making any other adjustment  
36 otherwise allowed under Section 404 of this Act for

1 any tax year beginning after the effective date of  
2 this amendment provided such adjustment is made  
3 pursuant to regulation adopted by the Department  
4 and such regulations provide methods and standards  
5 by which the Department will utilize its authority  
6 under Section 404 of this Act;

7 and by deducting from the total so obtained the following  
8 amounts:

9 (E) The valuation limitation amount;

10 (F) An amount equal to the amount of any tax  
11 imposed by this Act which was refunded to the taxpayer  
12 and included in such total for the taxable year;

13 (G) An amount equal to all amounts included in  
14 taxable income as modified by subparagraphs (A), (B),  
15 (C) and (D) which are exempt from taxation by this  
16 State either by reason of its statutes or Constitution  
17 or by reason of the Constitution, treaties or statutes  
18 of the United States; provided that, in the case of any  
19 statute of this State that exempts income derived from  
20 bonds or other obligations from the tax imposed under  
21 this Act, the amount exempted shall be the interest net  
22 of bond premium amortization;

23 (H) Any income of the partnership which  
24 constitutes personal service income as defined in  
25 Section 1348 (b) (1) of the Internal Revenue Code (as  
26 in effect December 31, 1981) or a reasonable allowance  
27 for compensation paid or accrued for services rendered  
28 by partners to the partnership, whichever is greater;

29 (I) An amount equal to all amounts of income  
30 distributable to an entity subject to the Personal  
31 Property Tax Replacement Income Tax imposed by  
32 subsections (c) and (d) of Section 201 of this Act  
33 including amounts distributable to organizations  
34 exempt from federal income tax by reason of Section  
35 501(a) of the Internal Revenue Code;

36 (J) With the exception of any amounts subtracted

1 under subparagraph (G), an amount equal to the sum of  
2 all amounts disallowed as deductions by (i) Sections  
3 171(a) (2), and 265(2) of the Internal Revenue Code of  
4 1954, as now or hereafter amended, and all amounts of  
5 expenses allocable to interest and disallowed as  
6 deductions by Section 265(1) of the Internal Revenue  
7 Code, as now or hereafter amended; and (ii) for taxable  
8 years ending on or after August 13, 1999, Sections  
9 171(a) (2), 265, 280C, and 832(b) (5) (B) (i) of the  
10 Internal Revenue Code; the provisions of this  
11 subparagraph are exempt from the provisions of Section  
12 250;

13 (K) An amount equal to those dividends included in  
14 such total which were paid by a corporation which  
15 conducts business operations in an Enterprise Zone or  
16 zones created under the Illinois Enterprise Zone Act,  
17 enacted by the 82nd General Assembly, and conducts  
18 substantially all of its operations in an Enterprise  
19 Zone or Zones;

20 (L) An amount equal to any contribution made to a  
21 job training project established pursuant to the Real  
22 Property Tax Increment Allocation Redevelopment Act;

23 (M) An amount equal to those dividends included in  
24 such total that were paid by a corporation that  
25 conducts business operations in a federally designated  
26 Foreign Trade Zone or Sub-Zone and that is designated a  
27 High Impact Business located in Illinois; provided  
28 that dividends eligible for the deduction provided in  
29 subparagraph (K) of paragraph (2) of this subsection  
30 shall not be eligible for the deduction provided under  
31 this subparagraph (M);

32 (N) An amount equal to the amount of the deduction  
33 used to compute the federal income tax credit for  
34 restoration of substantial amounts held under claim of  
35 right for the taxable year pursuant to Section 1341 of  
36 the Internal Revenue Code of 1986;

1           (O) For taxable years 2001 and thereafter, for the  
2 taxable year in which the bonus depreciation deduction  
3 (30% of the adjusted basis of the qualified property)  
4 is taken on the taxpayer's federal income tax return  
5 under subsection (k) of Section 168 of the Internal  
6 Revenue Code and for each applicable taxable year  
7 thereafter, an amount equal to "x", where:

8           (1) "y" equals the amount of the depreciation  
9 deduction taken for the taxable year on the  
10 taxpayer's federal income tax return on property  
11 for which the bonus depreciation deduction (30% of  
12 the adjusted basis of the qualified property) was  
13 taken in any year under subsection (k) of Section  
14 168 of the Internal Revenue Code, but not including  
15 the bonus depreciation deduction; and

16           (2) "x" equals "y" multiplied by 30 and then  
17 divided by 70 (or "y" multiplied by 0.429).

18           The aggregate amount deducted under this  
19 subparagraph in all taxable years for any one piece of  
20 property may not exceed the amount of the bonus  
21 depreciation deduction (30% of the adjusted basis of  
22 the qualified property) taken on that property on the  
23 taxpayer's federal income tax return under subsection  
24 (k) of Section 168 of the Internal Revenue Code;

25           (P) If the taxpayer reports a capital gain or loss  
26 on the taxpayer's federal income tax return for the  
27 taxable year based on a sale or transfer of property  
28 for which the taxpayer was required in any taxable year  
29 to make an addition modification under subparagraph  
30 (D-5), then an amount equal to that addition  
31 modification.

32           The taxpayer is allowed to take the deduction under  
33 this subparagraph only once with respect to any one  
34 piece of property;

35           (Q) The amount of (i) any interest income (net of  
36 the deductions allocable thereto) taken into account

1 for the taxable year with respect to a transaction with  
2 a taxpayer that is required to make an addition  
3 modification with respect to such transaction under  
4 Section 203(a)(2)(D-17), 203(b)(2)(E-12),  
5 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed  
6 the amount of such addition modification and (ii) any  
7 income from intangible property (net of the deductions  
8 allocable thereto) taken into account for the taxable  
9 year with respect to a transaction with a taxpayer that  
10 is required to make an addition modification with  
11 respect to such transaction under Section  
12 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or  
13 203(d)(2)(D-8), but not to exceed the amount of such  
14 addition modification;

15 (R) An amount equal to the interest income taken  
16 into account for the taxable year (net of the  
17 deductions allocable thereto) with respect to  
18 transactions with a foreign person who would be a  
19 member of the taxpayer's unitary business group but for  
20 the fact that the foreign person's business activity  
21 outside the United States is 80% or more of that  
22 person's total business activity, but not to exceed the  
23 addition modification required to be made for the same  
24 taxable year under Section 203(d)(2)(D-7) for interest  
25 paid, accrued, or incurred, directly or indirectly, to  
26 the same foreign person; and

27 (S) An amount equal to the income from intangible  
28 property taken into account for the taxable year (net  
29 of the deductions allocable thereto) with respect to  
30 transactions with a foreign person who would be a  
31 member of the taxpayer's unitary business group but for  
32 the fact that the foreign person's business activity  
33 outside the United States is 80% or more of that  
34 person's total business activity, but not to exceed the  
35 addition modification required to be made for the same  
36 taxable year under Section 203(d)(2)(D-8) for

1 intangible expenses and costs paid, accrued, or  
2 incurred, directly or indirectly, to the same foreign  
3 person.

4 (e) Gross income; adjusted gross income; taxable income.

5 (1) In general. Subject to the provisions of paragraph  
6 (2) and subsection (b) (3), for purposes of this Section  
7 and Section 803(e), a taxpayer's gross income, adjusted  
8 gross income, or taxable income for the taxable year shall  
9 mean the amount of gross income, adjusted gross income or  
10 taxable income properly reportable for federal income tax  
11 purposes for the taxable year under the provisions of the  
12 Internal Revenue Code. Taxable income may be less than  
13 zero. However, for taxable years ending on or after  
14 December 31, 1986, net operating loss carryforwards from  
15 taxable years ending prior to December 31, 1986, may not  
16 exceed the sum of federal taxable income for the taxable  
17 year before net operating loss deduction, plus the excess  
18 of addition modifications over subtraction modifications  
19 for the taxable year. For taxable years ending prior to  
20 December 31, 1986, taxable income may never be an amount in  
21 excess of the net operating loss for the taxable year as  
22 defined in subsections (c) and (d) of Section 172 of the  
23 Internal Revenue Code, provided that when taxable income of  
24 a corporation (other than a Subchapter S corporation),  
25 trust, or estate is less than zero and addition  
26 modifications, other than those provided by subparagraph  
27 (E) of paragraph (2) of subsection (b) for corporations or  
28 subparagraph (E) of paragraph (2) of subsection (c) for  
29 trusts and estates, exceed subtraction modifications, an  
30 addition modification must be made under those  
31 subparagraphs for any other taxable year to which the  
32 taxable income less than zero (net operating loss) is  
33 applied under Section 172 of the Internal Revenue Code or  
34 under subparagraph (E) of paragraph (2) of this subsection  
35 (e) applied in conjunction with Section 172 of the Internal

1 Revenue Code.

2 (2) Special rule. For purposes of paragraph (1) of this  
3 subsection, the taxable income properly reportable for  
4 federal income tax purposes shall mean:

5 (A) Certain life insurance companies. In the case  
6 of a life insurance company subject to the tax imposed  
7 by Section 801 of the Internal Revenue Code, life  
8 insurance company taxable income, plus the amount of  
9 distribution from pre-1984 policyholder surplus  
10 accounts as calculated under Section 815a of the  
11 Internal Revenue Code;

12 (B) Certain other insurance companies. In the case  
13 of mutual insurance companies subject to the tax  
14 imposed by Section 831 of the Internal Revenue Code,  
15 insurance company taxable income;

16 (C) Regulated investment companies. In the case of  
17 a regulated investment company subject to the tax  
18 imposed by Section 852 of the Internal Revenue Code,  
19 investment company taxable income;

20 (D) Real estate investment trusts. In the case of a  
21 real estate investment trust subject to the tax imposed  
22 by Section 857 of the Internal Revenue Code, real  
23 estate investment trust taxable income;

24 (E) Consolidated corporations. In the case of a  
25 corporation which is a member of an affiliated group of  
26 corporations filing a consolidated income tax return  
27 for the taxable year for federal income tax purposes,  
28 taxable income determined as if such corporation had  
29 filed a separate return for federal income tax purposes  
30 for the taxable year and each preceding taxable year  
31 for which it was a member of an affiliated group. For  
32 purposes of this subparagraph, the taxpayer's separate  
33 taxable income shall be determined as if the election  
34 provided by Section 243(b) (2) of the Internal Revenue  
35 Code had been in effect for all such years;

36 (F) Cooperatives. In the case of a cooperative

1 corporation or association, the taxable income of such  
2 organization determined in accordance with the  
3 provisions of Section 1381 through 1388 of the Internal  
4 Revenue Code;

5 (G) Subchapter S corporations. In the case of: (i)  
6 a Subchapter S corporation for which there is in effect  
7 an election for the taxable year under Section 1362 of  
8 the Internal Revenue Code, the taxable income of such  
9 corporation determined in accordance with Section  
10 1363(b) of the Internal Revenue Code, except that  
11 taxable income shall take into account those items  
12 which are required by Section 1363(b)(1) of the  
13 Internal Revenue Code to be separately stated; and (ii)  
14 a Subchapter S corporation for which there is in effect  
15 a federal election to opt out of the provisions of the  
16 Subchapter S Revision Act of 1982 and have applied  
17 instead the prior federal Subchapter S rules as in  
18 effect on July 1, 1982, the taxable income of such  
19 corporation determined in accordance with the federal  
20 Subchapter S rules as in effect on July 1, 1982; and

21 (H) Partnerships. In the case of a partnership,  
22 taxable income determined in accordance with Section  
23 703 of the Internal Revenue Code, except that taxable  
24 income shall take into account those items which are  
25 required by Section 703(a)(1) to be separately stated  
26 but which would be taken into account by an individual  
27 in calculating his taxable income.

28 (3) Recapture of business expenses on disposition of  
29 asset or business. Notwithstanding any other law to the  
30 contrary, if in prior years income from an asset or  
31 business has been classified as business income and in a  
32 later year is demonstrated to be non-business income, then  
33 all expenses, without limitation, deducted in such later  
34 year and in the 2 immediately preceding taxable years  
35 related to that asset or business that generated the  
36 non-business income shall be added back and recaptured as



1 business income in the year of the disposition of the asset  
2 or business. Such amount shall be apportioned to Illinois  
3 using the greater of the apportionment fraction computed  
4 for the business under Section 304 of this Act for the  
5 taxable year or the average of the apportionment fractions  
6 computed for the business under Section 304 of this Act for  
7 the taxable year and for the 2 immediately preceding  
8 taxable years.

9 (f) Valuation limitation amount.

10 (1) In general. The valuation limitation amount  
11 referred to in subsections (a) (2) (G), (c) (2) (I) and  
12 (d) (2) (E) is an amount equal to:

13 (A) The sum of the pre-August 1, 1969 appreciation  
14 amounts (to the extent consisting of gain reportable  
15 under the provisions of Section 1245 or 1250 of the  
16 Internal Revenue Code) for all property in respect of  
17 which such gain was reported for the taxable year; plus

18 (B) The lesser of (i) the sum of the pre-August 1,  
19 1969 appreciation amounts (to the extent consisting of  
20 capital gain) for all property in respect of which such  
21 gain was reported for federal income tax purposes for  
22 the taxable year, or (ii) the net capital gain for the  
23 taxable year, reduced in either case by any amount of  
24 such gain included in the amount determined under  
25 subsection (a) (2) (F) or (c) (2) (H).

26 (2) Pre-August 1, 1969 appreciation amount.

27 (A) If the fair market value of property referred  
28 to in paragraph (1) was readily ascertainable on August  
29 1, 1969, the pre-August 1, 1969 appreciation amount for  
30 such property is the lesser of (i) the excess of such  
31 fair market value over the taxpayer's basis (for  
32 determining gain) for such property on that date  
33 (determined under the Internal Revenue Code as in  
34 effect on that date), or (ii) the total gain realized  
35 and reportable for federal income tax purposes in  
36 respect of the sale, exchange or other disposition of

1 such property.

2 (B) If the fair market value of property referred  
3 to in paragraph (1) was not readily ascertainable on  
4 August 1, 1969, the pre-August 1, 1969 appreciation  
5 amount for such property is that amount which bears the  
6 same ratio to the total gain reported in respect of the  
7 property for federal income tax purposes for the  
8 taxable year, as the number of full calendar months in  
9 that part of the taxpayer's holding period for the  
10 property ending July 31, 1969 bears to the number of  
11 full calendar months in the taxpayer's entire holding  
12 period for the property.

13 (C) The Department shall prescribe such  
14 regulations as may be necessary to carry out the  
15 purposes of this paragraph.

16 (g) Double deductions. Unless specifically provided  
17 otherwise, nothing in this Section shall permit the same item  
18 to be deducted more than once.

19 (h) Legislative intention. Except as expressly provided by  
20 this Section there shall be no modifications or limitations on  
21 the amounts of income, gain, loss or deduction taken into  
22 account in determining gross income, adjusted gross income or  
23 taxable income for federal income tax purposes for the taxable  
24 year, or in the amount of such items entering into the  
25 computation of base income and net income under this Act for  
26 such taxable year, whether in respect of property values as of  
27 August 1, 1969 or otherwise.

28 (Source: P.A. 92-16, eff. 6-28-01; 92-244, eff. 8-3-01; 92-439,  
29 eff. 8-17-01; 92-603, eff. 6-28-02; 92-626, eff. 7-11-02;  
30 92-651, eff. 7-11-02; 92-846, eff. 8-23-02; 93-812, eff.  
31 7-26-04; 93-840, eff. 7-30-04; revised 10-12-04.)

32 (35 ILCS 5/205) (from Ch. 120, par. 2-205)

33 Sec. 205. Exempt organizations.

1 (a) Charitable, etc. organizations. The base income of an  
2 organization which is exempt from the federal income tax by  
3 reason of Section 501(a) of the Internal Revenue Code shall not  
4 be determined under section 203 of this Act, but shall be its  
5 unrelated business taxable income as determined under section  
6 512 of the Internal Revenue Code, without any deduction for the  
7 tax imposed by this Act. The standard exemption provided by  
8 section 204 of this Act shall not be allowed in determining the  
9 net income of an organization to which this subsection applies.

10 (b) Partnerships. A partnership as such shall not be  
11 subject to the tax imposed by subsection 201 (a) and (b) of  
12 this Act, but shall be subject to the replacement tax imposed  
13 by subsection 201 (c) and (d) of this Act and shall compute its  
14 base income as described in subsection (d) of Section 203 of  
15 this Act. For taxable years ending on or after December 31,  
16 2004, an investment partnership, as defined in Section  
17 1501(a)(11.5) of this Act, shall not be subject to the tax  
18 imposed by subsections (c) and (d) of Section 201 of this Act.  
19 A partnership shall file such returns and other information at  
20 such time and in such manner as may be required under Article 5  
21 of this Act. The partners in a partnership shall be liable for  
22 the replacement tax imposed by subsection 201 (c) and (d) of  
23 this Act on such partnership, to the extent such tax is not  
24 paid by the partnership, as provided under the laws of Illinois  
25 governing the liability of partners for the obligations of a  
26 partnership. Persons carrying on business as partners shall be  
27 liable for the tax imposed by subsection 201 (a) and (b) of  
28 this Act only in their separate or individual capacities.

29 (c) Subchapter S corporations. A Subchapter S corporation  
30 shall not be subject to the tax imposed by subsection 201 (a)  
31 and (b) of this Act but shall be subject to the replacement tax  
32 imposed by subsection 201 (c) and (d) of this Act and shall  
33 file such returns and other information at such time and in  
34 such manner as may be required under Article 5 of this Act.

35 (d) Combat zone death. An individual relieved from the  
36 federal income tax for any taxable year by reason of section

1 692 of the Internal Revenue Code shall not be subject to the  
2 tax imposed by this Act for such taxable year.

3 (e) Certain trusts. A common trust fund described in  
4 Section 584 of the Internal Revenue Code, and any other trust  
5 to the extent that the grantor is treated as the owner thereof  
6 under sections 671 through 678 of the Internal Revenue Code  
7 shall not be subject to the tax imposed by this Act.

8 (f) Certain business activities. A person not otherwise  
9 subject to the tax imposed by this Act shall not become subject  
10 to the tax imposed by this Act by reason of:

11 (1) that person's ownership of tangible personal  
12 property located at the premises of a printer in this State  
13 with which the person has contracted for printing, or

14 (2) activities of the person's employees or agents  
15 located solely at the premises of a printer and related to  
16 quality control, distribution, or printing services  
17 performed by a printer in the State with which the person  
18 has contracted for printing.

19 (g) A nonprofit risk organization that holds a certificate  
20 of authority under Article VIID of the Illinois Insurance Code  
21 is exempt from the tax imposed under this Act with respect to  
22 its activities or operations in furtherance of the powers  
23 conferred upon it under that Article VIID of the Illinois  
24 Insurance Code.

25 (Source: P.A. 93-840, eff. 7-30-04; 93-918, eff. 1-1-05;  
26 revised 10-25-04.)

27 (35 ILCS 5/507X)

28 Sec. 507X. The Multiple Sclerosis Assistance Fund  
29 checkoff. Beginning with taxable years ending on or after  
30 December 31, 2002, the Department shall print on its standard  
31 individual income tax form a provision indicating that if the  
32 taxpayer wishes to contribute to the Multiple Sclerosis  
33 Assistance Fund, as authorized by this amendatory Act of the  
34 92nd General Assembly, he or she may do so by stating the  
35 amount of the contribution (not less than \$1) on the return and

1 that the contribution will reduce the taxpayer's refund or  
2 increase the amount of payment to accompany the return. Failure  
3 to remit any amount of increased payment shall reduce the  
4 contribution accordingly. This Section shall not apply to any  
5 amended return.

6 (Source: P.A. 92-772, eff. 8-6-02.)

7 (35 ILCS 5/507Y)

8 Sec. 507Y ~~507X~~. The Illinois Military Family Relief  
9 checkoff. Beginning with taxable years ending on or after  
10 December 31, 2003, the Department shall print on its standard  
11 individual income tax form a provision indicating that if the  
12 taxpayer wishes to contribute to the Illinois Military Family  
13 Relief Fund, as authorized by this amendatory Act of the 92nd  
14 General Assembly, he or she may do so by stating the amount of  
15 the contribution (not less than \$1) on the return and that the  
16 contribution will reduce the taxpayer's refund or increase the  
17 amount of payment to accompany the return. Failure to remit any  
18 amount of increased payment shall reduce the contribution  
19 accordingly. This Section shall not apply to any amended  
20 return.

21 (Source: P.A. 92-886, eff. 2-7-03; revised 3-11-03.)

22 (35 ILCS 5/507AA)

23 Sec. 507AA ~~507Y~~. The Lou Gehrig's Disease (ALS) Research  
24 Fund checkoff. Beginning with the taxable year ending on  
25 December 31, 2003, the Department shall print on its standard  
26 individual income tax form a provision indicating that if the  
27 taxpayer wishes to contribute to the Lou Gehrig's Disease (ALS)  
28 Research Fund, as authorized by this amendatory Act of the 93rd  
29 General Assembly, he or she may do so by stating the amount of  
30 the contribution (not less than \$1) on the return and that the  
31 contribution will reduce the taxpayer's refund or increase the  
32 amount of payment to accompany the return. Failure to remit any  
33 amount of increased payment shall reduce the contribution  
34 accordingly. This Section shall not apply to any amended

1 return.

2 (Source: P.A. 93-36, eff. 6-24-03; revised 9-24-03.)

3 (35 ILCS 5/507BB)

4 Sec. 507BB ~~507Y~~. Asthma and Lung Research checkoff. The  
5 Department must print on its standard individual income tax  
6 form a provision indicating that if the taxpayer wishes to  
7 contribute to the Asthma and Lung Research Fund, as authorized  
8 by this amendatory Act of the 93rd General Assembly, he or she  
9 may do so by stating the amount of the contribution (not less  
10 than \$1) on the return and that the contribution will reduce  
11 the taxpayer's refund or increase the amount of payment to  
12 accompany the return. Failure to remit any amount of increased  
13 payment reduces the contribution accordingly. This Section  
14 does not apply to an amended return.

15 (Source: P.A. 93-292, eff. 7-22-03; revised 9-24-03.)

16 (35 ILCS 5/507CC)

17 Sec. 507CC ~~507Y~~. The Leukemia Treatment and Education  
18 checkoff. The Department shall print on its standard individual  
19 income tax form a provision indicating that if the taxpayer  
20 wishes to contribute to the Leukemia Treatment and Education  
21 Fund, as authorized by this amendatory Act of the 93rd General  
22 Assembly, he or she may do so by stating the amount of the  
23 contribution (not less than \$1) on the return and that the  
24 contribution will reduce the taxpayer's refund or increase the  
25 amount of payment to accompany the return. Failure to remit any  
26 amount of increased payment shall reduce the contribution  
27 accordingly. This Section shall not apply to any amended  
28 return.

29 (Source: P.A. 93-324, eff. 7-23-03; revised 9-24-03.)

30 (35 ILCS 5/917) (from Ch. 120, par. 9-917)

31 Sec. 917. Confidentiality and information sharing.

32 (a) Confidentiality. Except as provided in this Section,  
33 all information received by the Department from returns filed

1 under this Act, or from any investigation conducted under the  
2 provisions of this Act, shall be confidential, except for  
3 official purposes within the Department or pursuant to official  
4 procedures for collection of any State tax or pursuant to an  
5 investigation or audit by the Illinois State Scholarship  
6 Commission of a delinquent student loan or monetary award or  
7 enforcement of any civil or criminal penalty or sanction  
8 imposed by this Act or by another statute imposing a State tax,  
9 and any person who divulges any such information in any manner,  
10 except for such purposes and pursuant to order of the Director  
11 or in accordance with a proper judicial order, shall be guilty  
12 of a Class A misdemeanor. However, the provisions of this  
13 paragraph are not applicable to information furnished to (i)  
14 the Department of Public Aid, State's Attorneys, and the  
15 Attorney General for child support enforcement purposes and  
16 (ii) a licensed attorney representing the taxpayer where an  
17 appeal or a protest has been filed on behalf of the taxpayer.  
18 If it is necessary to file information obtained pursuant to  
19 this Act in a child support enforcement proceeding, the  
20 information shall be filed under seal.

21 (b) Public information. Nothing contained in this Act shall  
22 prevent the Director from publishing or making available to the  
23 public the names and addresses of persons filing returns under  
24 this Act, or from publishing or making available reasonable  
25 statistics concerning the operation of the tax wherein the  
26 contents of returns are grouped into aggregates in such a way  
27 that the information contained in any individual return shall  
28 not be disclosed.

29 (c) Governmental agencies. The Director may make available  
30 to the Secretary of the Treasury of the United States or his  
31 delegate, or the proper officer or his delegate of any other  
32 state imposing a tax upon or measured by income, for  
33 exclusively official purposes, information received by the  
34 Department in the administration of this Act, but such  
35 permission shall be granted only if the United States or such  
36 other state, as the case may be, grants the Department

1 substantially similar privileges. The Director may exchange  
2 information with the Illinois Department of Public Aid and the  
3 Department of Human Services (acting as successor to the  
4 Department of Public Aid under the Department of Human Services  
5 Act) for the purpose of verifying sources and amounts of income  
6 and for other purposes directly connected with the  
7 administration of this Act and the Illinois Public Aid Code.  
8 The Director may exchange information with the Director of the  
9 Department of Employment Security for the purpose of verifying  
10 sources and amounts of income and for other purposes directly  
11 connected with the administration of this Act and Acts  
12 administered by the Department of Employment Security. The  
13 Director may make available to the Illinois Workers'  
14 Compensation Commission information regarding employers for  
15 the purpose of verifying the insurance coverage required under  
16 the Workers' Compensation Act and Workers' Occupational  
17 Diseases Act. The Director may exchange information with the  
18 Illinois Department on Aging for the purpose of verifying  
19 sources and amounts of income for purposes directly related to  
20 confirming eligibility for participation in the programs of  
21 benefits authorized by the Senior Citizens and Disabled Persons  
22 Property Tax Relief and Pharmaceutical Assistance Act.

23 The Director may make available to any State agency,  
24 including the Illinois Supreme Court, which licenses persons to  
25 engage in any occupation, information that a person licensed by  
26 such agency has failed to file returns under this Act or pay  
27 the tax, penalty and interest shown therein, or has failed to  
28 pay any final assessment of tax, penalty or interest due under  
29 this Act. The Director may make available to any State agency,  
30 including the Illinois Supreme Court, information regarding  
31 whether a bidder, contractor, or an affiliate of a bidder or  
32 contractor has failed to file returns under this Act or pay the  
33 tax, penalty, and interest shown therein, or has failed to pay  
34 any final assessment of tax, penalty, or interest due under  
35 this Act, for the limited purpose of enforcing bidder and  
36 contractor certifications. For purposes of this Section, the



1 term "affiliate" means any entity that (1) directly,  
2 indirectly, or constructively controls another entity, (2) is  
3 directly, indirectly, or constructively controlled by another  
4 entity, or (3) is subject to the control of a common entity.  
5 For purposes of this subsection (a), an entity controls another  
6 entity if it owns, directly or individually, more than 10% of  
7 the voting securities of that entity. As used in this  
8 subsection (a), the term "voting security" means a security  
9 that (1) confers upon the holder the right to vote for the  
10 election of members of the board of directors or similar  
11 governing body of the business or (2) is convertible into, or  
12 entitles the holder to receive upon its exercise, a security  
13 that confers such a right to vote. A general partnership  
14 interest is a voting security.

15 The Director may make available to any State agency,  
16 including the Illinois Supreme Court, units of local  
17 government, and school districts, information regarding  
18 whether a bidder or contractor is an affiliate of a person who  
19 is not collecting and remitting Illinois Use taxes, for the  
20 limited purpose of enforcing bidder and contractor  
21 certifications.

22 The Director may also make available to the Secretary of  
23 State information that a corporation which has been issued a  
24 certificate of incorporation by the Secretary of State has  
25 failed to file returns under this Act or pay the tax, penalty  
26 and interest shown therein, or has failed to pay any final  
27 assessment of tax, penalty or interest due under this Act. An  
28 assessment is final when all proceedings in court for review of  
29 such assessment have terminated or the time for the taking  
30 thereof has expired without such proceedings being instituted.  
31 For taxable years ending on or after December 31, 1987, the  
32 Director may make available to the Director or principal  
33 officer of any Department of the State of Illinois, information  
34 that a person employed by such Department has failed to file  
35 returns under this Act or pay the tax, penalty and interest  
36 shown therein. For purposes of this paragraph, the word

1 "Department" shall have the same meaning as provided in Section  
2 3 of the State Employees Group Insurance Act of 1971.

3 (d) The Director shall make available for public inspection  
4 in the Department's principal office and for publication, at  
5 cost, administrative decisions issued on or after January 1,  
6 1995. These decisions are to be made available in a manner so  
7 that the following taxpayer information is not disclosed:

8 (1) The names, addresses, and identification numbers  
9 of the taxpayer, related entities, and employees.

10 (2) At the sole discretion of the Director, trade  
11 secrets or other confidential information identified as  
12 such by the taxpayer, no later than 30 days after receipt  
13 of an administrative decision, by such means as the  
14 Department shall provide by rule.

15 The Director shall determine the appropriate extent of the  
16 deletions allowed in paragraph (2). In the event the taxpayer  
17 does not submit deletions, the Director shall make only the  
18 deletions specified in paragraph (1).

19 The Director shall make available for public inspection and  
20 publication an administrative decision within 180 days after  
21 the issuance of the administrative decision. The term  
22 "administrative decision" has the same meaning as defined in  
23 Section 3-101 of Article III of the Code of Civil Procedure.  
24 Costs collected under this Section shall be paid into the Tax  
25 Compliance and Administration Fund.

26 (e) Nothing contained in this Act shall prevent the  
27 Director from divulging information to any person pursuant to a  
28 request or authorization made by the taxpayer, by an authorized  
29 representative of the taxpayer, or, in the case of information  
30 related to a joint return, by the spouse filing the joint  
31 return with the taxpayer.

32 (Source: P.A. 93-25, eff. 6-20-03; 93-721, eff. 1-1-05; 93-835;  
33 eff. 7-29-04; 93-841, eff. 7-30-04; revised 10-25-04.)

34 Section 190. The Use Tax Act is amended by changing Section  
35 3-5 as follows:

1 (35 ILCS 105/3-5) (from Ch. 120, par. 439.3-5)

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

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

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

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

29 (4) Personal property purchased by a governmental body, by  
30 a corporation, society, association, foundation, or  
31 institution organized and operated exclusively for charitable,  
32 religious, or educational purposes, or by a not-for-profit  
33 corporation, society, association, foundation, institution, or  
34 organization that has no compensated officers or employees and  
35 that is organized and operated primarily for the recreation of

1 persons 55 years of age or older. A limited liability company  
2 may qualify for the exemption under this paragraph only if the  
3 limited liability company is organized and operated  
4 exclusively for educational purposes. On and after July 1,  
5 1987, however, no entity otherwise eligible for this exemption  
6 shall make tax-free purchases unless it has an active exemption  
7 identification number issued by the Department.

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

11 (6) Until July 1, 2003 and beginning again on September 1,  
12 2004, graphic arts machinery and equipment, including repair  
13 and replacement parts, both new and used, and including that  
14 manufactured on special order, certified by the purchaser to be  
15 used primarily for graphic arts production, and including  
16 machinery and equipment purchased for lease. Equipment  
17 includes chemicals or chemicals acting as catalysts but only if  
18 the chemicals or chemicals acting as catalysts effect a direct  
19 and immediate change upon a graphic arts product.

20 (7) Farm chemicals.

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

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

28 (10) A motor vehicle of the first division, a motor vehicle  
29 of the second division that is a self-contained motor vehicle  
30 designed or permanently converted to provide living quarters  
31 for recreational, camping, or travel use, with direct walk  
32 through to the living quarters from the driver's seat, or a  
33 motor vehicle of the second division that is of the van  
34 configuration designed for the transportation of not less than  
35 7 nor more than 16 passengers, as defined in Section 1-146 of  
36 the Illinois Vehicle Code, that is used for automobile renting,

1 as defined in the Automobile Renting Occupation and Use Tax  
2 Act.

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

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

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

1 provisions of Section 3-90.

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

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

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

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

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

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

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

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

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

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

31           (22) Computers and communications equipment utilized for  
32 any hospital purpose and equipment used in the diagnosis,  
33 analysis, or treatment of hospital patients purchased by a  
34 lessor who leases the equipment, under a lease of one year or  
35 longer executed or in effect at the time the lessor would  
36 otherwise be subject to the tax imposed by this Act, to a

1 hospital that has been issued an active tax exemption  
2 identification number by the Department under Section 1g of the  
3 Retailers' Occupation Tax Act. If the equipment is leased in a  
4 manner that does not qualify for this exemption or is used in  
5 any other non-exempt manner, the lessor shall be liable for the  
6 tax imposed under this Act or the Service Use Tax Act, as the  
7 case may be, based on the fair market value of the property at  
8 the time the non-qualifying use occurs. No lessor shall collect  
9 or attempt to collect an amount (however designated) that  
10 purports to reimburse that lessor for the tax imposed by this  
11 Act or the Service Use Tax Act, as the case may be, if the tax  
12 has not been paid by the lessor. If a lessor improperly  
13 collects any such amount from the lessee, the lessee shall have  
14 a legal right to claim a refund of that amount from the lessor.  
15 If, however, that amount is not refunded to the lessee for any  
16 reason, the lessor is liable to pay that amount to the  
17 Department.

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



1 lessor is liable to pay that amount to the Department.

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

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

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

30 (27) A motor vehicle, as that term is defined in Section  
31 1-146 of the Illinois Vehicle Code, that is donated to a  
32 corporation, limited liability company, society, association,  
33 foundation, or institution that is determined by the Department  
34 to be organized and operated exclusively for educational  
35 purposes. For purposes of this exemption, "a corporation,  
36 limited liability company, society, association, foundation,

1 or institution organized and operated exclusively for  
2 educational purposes" means all tax-supported public schools,  
3 private schools that offer systematic instruction in useful  
4 branches of learning by methods common to public schools and  
5 that compare favorably in their scope and intensity with the  
6 course of study presented in tax-supported schools, and  
7 vocational or technical schools or institutes organized and  
8 operated exclusively to provide a course of study of not less  
9 than 6 weeks duration and designed to prepare individuals to  
10 follow a trade or to pursue a manual, technical, mechanical,  
11 industrial, business, or commercial occupation.

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

26 (29) Beginning January 1, 2000 and through December 31,  
27 2001, new or used automatic vending machines that prepare and  
28 serve hot food and beverages, including coffee, soup, and other  
29 items, and replacement parts for these machines. Beginning  
30 January 1, 2002 and through June 30, 2003, machines and parts  
31 for machines used in commercial, coin-operated amusement and  
32 vending business if a use or occupation tax is paid on the  
33 gross receipts derived from the use of the commercial,  
34 coin-operated amusement and vending machines. This paragraph  
35 is exempt from the provisions of Section 3-90.

36 (30) Food for human consumption that is to be consumed off

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

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

35 (32) Beginning on the effective date of this amendatory Act  
36 of the 92nd General Assembly, personal property purchased by a

1 lessor who leases the property, under a lease of one year or  
2 longer executed or in effect at the time the lessor would  
3 otherwise be subject to the tax imposed by this Act, to a  
4 governmental body that has been issued an active sales tax  
5 exemption identification number by the Department under  
6 Section 1g of the Retailers' Occupation Tax Act. If the  
7 property is leased in a manner that does not qualify for this  
8 exemption or used in any other nonexempt manner, the lessor  
9 shall be liable for the tax imposed under this Act or the  
10 Service Use Tax Act, as the case may be, based on the fair  
11 market value of the property at the time the nonqualifying use  
12 occurs. No lessor shall collect or attempt to collect an amount  
13 (however designated) that purports to reimburse that lessor for  
14 the tax imposed by this Act or the Service Use Tax Act, as the  
15 case may be, if the tax has not been paid by the lessor. If a  
16 lessor improperly collects any such amount from the lessee, the  
17 lessee shall have a legal right to claim a refund of that  
18 amount from the lessor. If, however, that amount is not  
19 refunded to the lessee for any reason, the lessor is liable to  
20 pay that amount to the Department. This paragraph is exempt  
21 from the provisions of Section 3-90.

22 (33) On and after July 1, 2003 and through June 30, 2004,  
23 the use in this State of motor vehicles of the second division  
24 with a gross vehicle weight in excess of 8,000 pounds and that  
25 are subject to the commercial distribution fee imposed under  
26 Section 3-815.1 of the Illinois Vehicle Code. Beginning on July  
27 1, 2004 and through June 30, 2005, the use in this State of  
28 motor vehicles of the second division: (i) with a gross vehicle  
29 weight rating in excess of 8,000 pounds; (ii) that are subject  
30 to the commercial distribution fee imposed under Section  
31 3-815.1 of the Illinois Vehicle Code; and (iii) that are  
32 primarily used for commercial purposes. Through June 30, 2005,  
33 this exemption applies to repair and replacement parts added  
34 after the initial purchase of such a motor vehicle if that  
35 motor vehicle is used in a manner that would qualify for the  
36 rolling stock exemption otherwise provided for in this Act. For

1 purposes of this paragraph, the term "used for commercial  
2 purposes" means the transportation of persons or property in  
3 furtherance of any commercial or industrial enterprise,  
4 whether for-hire or not.

5 (Source: P.A. 92-35, eff. 7-1-01; 92-227, eff. 8-2-01; 92-337,  
6 eff. 8-10-01; 92-484, eff. 8-23-01; 92-651, eff. 7-11-02;  
7 93-23, eff. 6-20-03; 93-24, eff. 6-20-03; 93-840, eff. 7-30-04;  
8 93-1033, eff. 9-3-04; revised 10-21-04.)

9 Section 205. The Retailers' Occupation Tax Act is amended  
10 by changing Sections 2-5 and 3 as follows:

11 (35 ILCS 120/2-5) (from Ch. 120, par. 441-5)

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

15 (1) Farm chemicals.

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

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

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

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

23 (4) Until July 1, 2003 and beginning again September 1,  
24 2004, graphic arts machinery and equipment, including repair  
25 and replacement parts, both new and used, and including that  
26 manufactured on special order or purchased for lease, certified  
27 by the purchaser to be used primarily for graphic arts  
28 production. Equipment includes chemicals or chemicals acting  
29 as catalysts but only if the chemicals or chemicals acting as  
30 catalysts effect a direct and immediate change upon a graphic  
31 arts product.

32 (5) A motor vehicle of the first division, a motor vehicle  
33 of the second division that is a self-contained motor vehicle  
34 designed or permanently converted to provide living quarters  
35 for recreational, camping, or travel use, with direct walk  
36 through access to the living quarters from the driver's seat,

1 or a motor vehicle of the second division that is of the van  
2 configuration designed for the transportation of not less than  
3 7 nor more than 16 passengers, as defined in Section 1-146 of  
4 the Illinois Vehicle Code, that is used for automobile renting,  
5 as defined in the Automobile Renting Occupation and Use Tax  
6 Act.

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

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

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

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

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

1 by the enterprise.

2 (11) Personal property sold to a governmental body, to a  
3 corporation, society, association, foundation, or institution  
4 organized and operated exclusively for charitable, religious,  
5 or educational purposes, or to a not-for-profit corporation,  
6 society, association, foundation, institution, or organization  
7 that has no compensated officers or employees and that is  
8 organized and operated primarily for the recreation of persons  
9 55 years of age or older. A limited liability company may  
10 qualify for the exemption under this paragraph only if the  
11 limited liability company is organized and operated  
12 exclusively for educational purposes. On and after July 1,  
13 1987, however, no entity otherwise eligible for this exemption  
14 shall make tax-free purchases unless it has an active  
15 identification number issued by the Department.

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

25 (12-5) On and after July 1, 2003 and through June 30, 2004,  
26 motor vehicles of the second division with a gross vehicle  
27 weight in excess of 8,000 pounds that are subject to the  
28 commercial distribution fee imposed under Section 3-815.1 of  
29 the Illinois Vehicle Code. Beginning on July 1, 2004 and  
30 through June 30, 2005, the use in this State of motor vehicles  
31 of the second division: (i) with a gross vehicle weight rating  
32 in excess of 8,000 pounds; (ii) that are subject to the  
33 commercial distribution fee imposed under Section 3-815.1 of  
34 the Illinois Vehicle Code; and (iii) that are primarily used  
35 for commercial purposes. Through June 30, 2005, this exemption  
36 applies to repair and replacement parts added after the initial



1 purchase of such a motor vehicle if that motor vehicle is used  
2 in a manner that would qualify for the rolling stock exemption  
3 otherwise provided for in this Act. For purposes of this  
4 paragraph, "used for commercial purposes" means the  
5 transportation of persons or property in furtherance of any  
6 commercial or industrial enterprise whether for-hire or not.

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

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

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

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

36 (17) Tangible personal property sold to a common carrier by

1 rail or motor that receives the physical possession of the  
2 property in Illinois and that transports the property, or  
3 shares with another common carrier in the transportation of the  
4 property, out of Illinois on a standard uniform bill of lading  
5 showing the seller of the property as the shipper or consignor  
6 of the property to a destination outside Illinois, for use  
7 outside Illinois.

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

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

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

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

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

1 to previous or subsequent domestic stopovers.

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

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

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

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

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

31 (28) Computers and communications equipment utilized for  
32 any hospital purpose and equipment used in the diagnosis,  
33 analysis, or treatment of hospital patients sold to a lessor  
34 who leases the equipment, under a lease of one year or longer  
35 executed or in effect at the time of the purchase, to a  
36 hospital that has been issued an active tax exemption

1 identification number by the Department under Section 1g of  
2 this Act.

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

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

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

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

36 (33) A motor vehicle, as that term is defined in Section

1 1-146 of the Illinois Vehicle Code, that is donated to a  
2 corporation, limited liability company, society, association,  
3 foundation, or institution that is determined by the Department  
4 to be organized and operated exclusively for educational  
5 purposes. For purposes of this exemption, "a corporation,  
6 limited liability company, society, association, foundation,  
7 or institution organized and operated exclusively for  
8 educational purposes" means all tax-supported public schools,  
9 private schools that offer systematic instruction in useful  
10 branches of learning by methods common to public schools and  
11 that compare favorably in their scope and intensity with the  
12 course of study presented in tax-supported schools, and  
13 vocational or technical schools or institutes organized and  
14 operated exclusively to provide a course of study of not less  
15 than 6 weeks duration and designed to prepare individuals to  
16 follow a trade or to pursue a manual, technical, mechanical,  
17 industrial, business, or commercial occupation.

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

32 (35) Beginning January 1, 2000 and through December 31,  
33 2001, new or used automatic vending machines that prepare and  
34 serve hot food and beverages, including coffee, soup, and other  
35 items, and replacement parts for these machines. Beginning  
36 January 1, 2002 and through June 30, 2003, machines and parts

1 for machines used in commercial, coin-operated amusement and  
2 vending business if a use or occupation tax is paid on the  
3 gross receipts derived from the use of the commercial,  
4 coin-operated amusement and vending machines. This paragraph  
5 is exempt from the provisions of Section 2-70.

6 (35-5) Food for human consumption that is to be consumed  
7 off the premises where it is sold (other than alcoholic  
8 beverages, soft drinks, and food that has been prepared for  
9 immediate consumption) and prescription and nonprescription  
10 medicines, drugs, medical appliances, and insulin, urine  
11 testing materials, syringes, and needles used by diabetics, for  
12 human use, when purchased for use by a person receiving medical  
13 assistance under Article 5 of the Illinois Public Aid Code who  
14 resides in a licensed long-term care facility, as defined in  
15 the Nursing Home Care Act.

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

25 (37) Beginning August 2, 2001, personal property sold to a  
26 lessor who leases the property, under a lease of one year or  
27 longer executed or in effect at the time of the purchase, to a  
28 governmental body that has been issued an active tax exemption  
29 identification number by the Department under Section 1g of  
30 this Act. This paragraph is exempt from the provisions of  
31 Section 2-70.

32 (38) Beginning on January 1, 2002, tangible personal  
33 property purchased from an Illinois retailer by a taxpayer  
34 engaged in centralized purchasing activities in Illinois who  
35 will, upon receipt of the property in Illinois, temporarily  
36 store the property in Illinois (i) for the purpose of

1 subsequently transporting it outside this State for use or  
2 consumption thereafter solely outside this State or (ii) for  
3 the purpose of being processed, fabricated, or manufactured  
4 into, attached to, or incorporated into other tangible personal  
5 property to be transported outside this State and thereafter  
6 used or consumed solely outside this State. The Director of  
7 Revenue shall, pursuant to rules adopted in accordance with the  
8 Illinois Administrative Procedure Act, issue a permit to any  
9 taxpayer in good standing with the Department who is eligible  
10 for the exemption under this paragraph (38). The permit issued  
11 under this paragraph (38) shall authorize the holder, to the  
12 extent and in the manner specified in the rules adopted under  
13 this Act, to purchase tangible personal property from a  
14 retailer exempt from the taxes imposed by this Act. Taxpayers  
15 shall maintain all necessary books and records to substantiate  
16 the use and consumption of all such tangible personal property  
17 outside of the State of Illinois.

18 (Source: P.A. 92-16, eff. 6-28-01; 92-35, eff. 7-1-01; 92-227,  
19 eff. 8-2-01; 92-337, eff. 8-10-01; 92-484, eff. 8-23-01;  
20 92-488, eff. 8-23-01; 92-651, eff. 7-11-02; 92-680, eff.  
21 7-16-02; 93-23, eff. 6-20-03; 93-24, eff. 6-20-03; 93-840, eff.  
22 7-30-04; 93-1033, eff. 9-3-04; revised 9-14-04.)

23 (35 ILCS 120/3) (from Ch. 120, par. 442)

24 Sec. 3. Except as provided in this Section, on or before  
25 the twentieth day of each calendar month, every person engaged  
26 in the business of selling tangible personal property at retail  
27 in this State during the preceding calendar month shall file a  
28 return with the Department, stating:

29 1. The name of the seller;

30 2. His residence address and the address of his  
31 principal place of business and the address of the  
32 principal place of business (if that is a different  
33 address) from which he engages in the business of selling  
34 tangible personal property at retail in this State;

35 3. Total amount of receipts received by him during the

1 preceding calendar month or quarter, as the case may be,  
2 from sales of tangible personal property, and from services  
3 furnished, by him during such preceding calendar month or  
4 quarter;

5 4. Total amount received by him during the preceding  
6 calendar month or quarter on charge and time sales of  
7 tangible personal property, and from services furnished,  
8 by him prior to the month or quarter for which the return  
9 is filed;

10 5. Deductions allowed by law;

11 6. Gross receipts which were received by him during the  
12 preceding calendar month or quarter and upon the basis of  
13 which the tax is imposed;

14 7. The amount of credit provided in Section 2d of this  
15 Act;

16 8. The amount of tax due;

17 9. The signature of the taxpayer; and

18 10. Such other reasonable information as the  
19 Department may require.

20 If a taxpayer fails to sign a return within 30 days after  
21 the proper notice and demand for signature by the Department,  
22 the return shall be considered valid and any amount shown to be  
23 due on the return shall be deemed assessed.

24 Each return shall be accompanied by the statement of  
25 prepaid tax issued pursuant to Section 2e for which credit is  
26 claimed.

27 Prior to October 1, 2003, and on and after September 1,  
28 2004 a retailer may accept a Manufacturer's Purchase Credit  
29 certification from a purchaser in satisfaction of Use Tax as  
30 provided in Section 3-85 of the Use Tax Act if the purchaser  
31 provides the appropriate documentation as required by Section  
32 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit  
33 certification, accepted by a retailer prior to October 1, 2003  
34 and on and after September 1, 2004 as provided in Section 3-85  
35 of the Use Tax Act, may be used by that retailer to satisfy  
36 Retailers' Occupation Tax liability in the amount claimed in



1 the certification, not to exceed 6.25% of the receipts subject  
2 to tax from a qualifying purchase. A Manufacturer's Purchase  
3 Credit reported on any original or amended return filed under  
4 this Act after October 20, 2003 for reporting periods prior to  
5 September 1, 2004 shall be disallowed. Manufacturer's  
6 Purchaser Credit reported on annual returns due on or after  
7 January 1, 2005 will be disallowed for periods prior to  
8 September 1, 2004. No Manufacturer's Purchase Credit may be  
9 used after September 30, 2003 through August 31, 2004 to  
10 satisfy any tax liability imposed under this Act, including any  
11 audit liability.

12 The Department may require returns to be filed on a  
13 quarterly basis. If so required, a return for each calendar  
14 quarter shall be filed on or before the twentieth day of the  
15 calendar month following the end of such calendar quarter. The  
16 taxpayer shall also file a return with the Department for each  
17 of the first two months of each calendar quarter, on or before  
18 the twentieth day of the following calendar month, stating:

19 1. The name of the seller;

20 2. The address of the principal place of business from  
21 which he engages in the business of selling tangible  
22 personal property at retail in this State;

23 3. The total amount of taxable receipts received by him  
24 during the preceding calendar month from sales of tangible  
25 personal property by him during such preceding calendar  
26 month, including receipts from charge and time sales, but  
27 less all deductions allowed by law;

28 4. The amount of credit provided in Section 2d of this  
29 Act;

30 5. The amount of tax due; and

31 6. Such other reasonable information as the Department  
32 may require.

33 Beginning on October 1, 2003, any person who is not a  
34 licensed distributor, importing distributor, or manufacturer,  
35 as defined in the Liquor Control Act of 1934, but is engaged in  
36 the business of selling, at retail, alcoholic liquor shall file

1 a statement with the Department of Revenue, in a format and at  
2 a time prescribed by the Department, showing the total amount  
3 paid for alcoholic liquor purchased during the preceding month  
4 and such other information as is reasonably required by the  
5 Department. The Department may adopt rules to require that this  
6 statement be filed in an electronic or telephonic format. Such  
7 rules may provide for exceptions from the filing requirements  
8 of this paragraph. For the purposes of this paragraph, the term  
9 "alcoholic liquor" shall have the meaning prescribed in the  
10 Liquor Control Act of 1934.

11 Beginning on October 1, 2003, every distributor, importing  
12 distributor, and manufacturer of alcoholic liquor as defined in  
13 the Liquor Control Act of 1934, shall file a statement with the  
14 Department of Revenue, no later than the 10th day of the month  
15 for the preceding month during which transactions occurred, by  
16 electronic means, showing the total amount of gross receipts  
17 from the sale of alcoholic liquor sold or distributed during  
18 the preceding month to purchasers; identifying the purchaser to  
19 whom it was sold or distributed; the purchaser's tax  
20 registration number; and such other information reasonably  
21 required by the Department. A distributor, importing  
22 distributor, or manufacturer of alcoholic liquor must  
23 personally deliver, mail, or provide by electronic means to  
24 each retailer listed on the monthly statement a report  
25 containing a cumulative total of that distributor's, importing  
26 distributor's, or manufacturer's total sales of alcoholic  
27 liquor to that retailer no later than the 10th day of the month  
28 for the preceding month during which the transaction occurred.  
29 The distributor, importing distributor, or manufacturer shall  
30 notify the retailer as to the method by which the distributor,  
31 importing distributor, or manufacturer will provide the sales  
32 information. If the retailer is unable to receive the sales  
33 information by electronic means, the distributor, importing  
34 distributor, or manufacturer shall furnish the sales  
35 information by personal delivery or by mail. For purposes of  
36 this paragraph, the term "electronic means" includes, but is

1 not limited to, the use of a secure Internet website, e-mail,  
2 or facsimile.

3 If a total amount of less than \$1 is payable, refundable or  
4 creditable, such amount shall be disregarded if it is less than  
5 50 cents and shall be increased to \$1 if it is 50 cents or more.

6 Beginning October 1, 1993, a taxpayer who has an average  
7 monthly tax liability of \$150,000 or more shall make all  
8 payments required by rules of the Department by electronic  
9 funds transfer. Beginning October 1, 1994, a taxpayer who has  
10 an average monthly tax liability of \$100,000 or more shall make  
11 all payments required by rules of the Department by electronic  
12 funds transfer. Beginning October 1, 1995, a taxpayer who has  
13 an average monthly tax liability of \$50,000 or more shall make  
14 all payments required by rules of the Department by electronic  
15 funds transfer. Beginning October 1, 2000, a taxpayer who has  
16 an annual tax liability of \$200,000 or more shall make all  
17 payments required by rules of the Department by electronic  
18 funds transfer. The term "annual tax liability" shall be the  
19 sum of the taxpayer's liabilities under this Act, and under all  
20 other State and local occupation and use tax laws administered  
21 by the Department, for the immediately preceding calendar year.  
22 The term "average monthly tax liability" shall be the sum of  
23 the taxpayer's liabilities under this Act, and under all other  
24 State and local occupation and use tax laws administered by the  
25 Department, for the immediately preceding calendar year  
26 divided by 12. Beginning on October 1, 2002, a taxpayer who has  
27 a tax liability in the amount set forth in subsection (b) of  
28 Section 2505-210 of the Department of Revenue Law shall make  
29 all payments required by rules of the Department by electronic  
30 funds transfer.

31 Before August 1 of each year beginning in 1993, the  
32 Department shall notify all taxpayers required to make payments  
33 by electronic funds transfer. All taxpayers required to make  
34 payments by electronic funds transfer shall make those payments  
35 for a minimum of one year beginning on October 1.

36 Any taxpayer not required to make payments by electronic

1 funds transfer may make payments by electronic funds transfer  
2 with the permission of the Department.

3 All taxpayers required to make payment by electronic funds  
4 transfer and any taxpayers authorized to voluntarily make  
5 payments by electronic funds transfer shall make those payments  
6 in the manner authorized by the Department.

7 The Department shall adopt such rules as are necessary to  
8 effectuate a program of electronic funds transfer and the  
9 requirements of this Section.

10 Any amount which is required to be shown or reported on any  
11 return or other document under this Act shall, if such amount  
12 is not a whole-dollar amount, be increased to the nearest  
13 whole-dollar amount in any case where the fractional part of a  
14 dollar is 50 cents or more, and decreased to the nearest  
15 whole-dollar amount where the fractional part of a dollar is  
16 less than 50 cents.

17 If the retailer is otherwise required to file a monthly  
18 return and if the retailer's average monthly tax liability to  
19 the Department does not exceed \$200, the Department may  
20 authorize his returns to be filed on a quarter annual basis,  
21 with the return for January, February and March of a given year  
22 being due by April 20 of such year; with the return for April,  
23 May and June of a given year being due by July 20 of such year;  
24 with the return for July, August and September of a given year  
25 being due by October 20 of such year, and with the return for  
26 October, November and December of a given year being due by  
27 January 20 of the following year.

28 If the retailer is otherwise required to file a monthly or  
29 quarterly return and if the retailer's average monthly tax  
30 liability with the Department does not exceed \$50, the  
31 Department may authorize his returns to be filed on an annual  
32 basis, with the return for a given year being due by January 20  
33 of the following year.

34 Such quarter annual and annual returns, as to form and  
35 substance, shall be subject to the same requirements as monthly  
36 returns.

1           Notwithstanding any other provision in this Act concerning  
2 the time within which a retailer may file his return, in the  
3 case of any retailer who ceases to engage in a kind of business  
4 which makes him responsible for filing returns under this Act,  
5 such retailer shall file a final return under this Act with the  
6 Department not more than one month after discontinuing such  
7 business.

8           Where the same person has more than one business registered  
9 with the Department under separate registrations under this  
10 Act, such person may not file each return that is due as a  
11 single return covering all such registered businesses, but  
12 shall file separate returns for each such registered business.

13           In addition, with respect to motor vehicles, watercraft,  
14 aircraft, and trailers that are required to be registered with  
15 an agency of this State, every retailer selling this kind of  
16 tangible personal property shall file, with the Department,  
17 upon a form to be prescribed and supplied by the Department, a  
18 separate return for each such item of tangible personal  
19 property which the retailer sells, except that if, in the same  
20 transaction, (i) a retailer of aircraft, watercraft, motor  
21 vehicles or trailers transfers more than one aircraft,  
22 watercraft, motor vehicle or trailer to another aircraft,  
23 watercraft, motor vehicle retailer or trailer retailer for the  
24 purpose of resale or (ii) a retailer of aircraft, watercraft,  
25 motor vehicles, or trailers transfers more than one aircraft,  
26 watercraft, motor vehicle, or trailer to a purchaser for use as  
27 a qualifying rolling stock as provided in Section 2-5 of this  
28 Act, then that seller may report the transfer of all aircraft,  
29 watercraft, motor vehicles or trailers involved in that  
30 transaction to the Department on the same uniform  
31 invoice-transaction reporting return form. For purposes of  
32 this Section, "watercraft" means a Class 2, Class 3, or Class 4  
33 watercraft as defined in Section 3-2 of the Boat Registration  
34 and Safety Act, a personal watercraft, or any boat equipped  
35 with an inboard motor.

36           Any retailer who sells only motor vehicles, watercraft,

1 aircraft, or trailers that are required to be registered with  
2 an agency of this State, so that all retailers' occupation tax  
3 liability is required to be reported, and is reported, on such  
4 transaction reporting returns and who is not otherwise required  
5 to file monthly or quarterly returns, need not file monthly or  
6 quarterly returns. However, those retailers shall be required  
7 to file returns on an annual basis.

8 The transaction reporting return, in the case of motor  
9 vehicles or trailers that are required to be registered with an  
10 agency of this State, shall be the same document as the Uniform  
11 Invoice referred to in Section 5-402 of The Illinois Vehicle  
12 Code and must show the name and address of the seller; the name  
13 and address of the purchaser; the amount of the selling price  
14 including the amount allowed by the retailer for traded-in  
15 property, if any; the amount allowed by the retailer for the  
16 traded-in tangible personal property, if any, to the extent to  
17 which Section 1 of this Act allows an exemption for the value  
18 of traded-in property; the balance payable after deducting such  
19 trade-in allowance from the total selling price; the amount of  
20 tax due from the retailer with respect to such transaction; the  
21 amount of tax collected from the purchaser by the retailer on  
22 such transaction (or satisfactory evidence that such tax is not  
23 due in that particular instance, if that is claimed to be the  
24 fact); the place and date of the sale; a sufficient  
25 identification of the property sold; such other information as  
26 is required in Section 5-402 of The Illinois Vehicle Code, and  
27 such other information as the Department may reasonably  
28 require.

29 The transaction reporting return in the case of watercraft  
30 or aircraft must show the name and address of the seller; the  
31 name and address of the purchaser; the amount of the selling  
32 price including the amount allowed by the retailer for  
33 traded-in property, if any; the amount allowed by the retailer  
34 for the traded-in tangible personal property, if any, to the  
35 extent to which Section 1 of this Act allows an exemption for  
36 the value of traded-in property; the balance payable after

1 deducting such trade-in allowance from the total selling price;  
2 the amount of tax due from the retailer with respect to such  
3 transaction; the amount of tax collected from the purchaser by  
4 the retailer on such transaction (or satisfactory evidence that  
5 such tax is not due in that particular instance, if that is  
6 claimed to be the fact); the place and date of the sale, a  
7 sufficient identification of the property sold, and such other  
8 information as the Department may reasonably require.

9       Such transaction reporting return shall be filed not later  
10 than 20 days after the day of delivery of the item that is  
11 being sold, but may be filed by the retailer at any time sooner  
12 than that if he chooses to do so. The transaction reporting  
13 return and tax remittance or proof of exemption from the  
14 Illinois use tax may be transmitted to the Department by way of  
15 the State agency with which, or State officer with whom the  
16 tangible personal property must be titled or registered (if  
17 titling or registration is required) if the Department and such  
18 agency or State officer determine that this procedure will  
19 expedite the processing of applications for title or  
20 registration.

21       With each such transaction reporting return, the retailer  
22 shall remit the proper amount of tax due (or shall submit  
23 satisfactory evidence that the sale is not taxable if that is  
24 the case), to the Department or its agents, whereupon the  
25 Department shall issue, in the purchaser's name, a use tax  
26 receipt (or a certificate of exemption if the Department is  
27 satisfied that the particular sale is tax exempt) which such  
28 purchaser may submit to the agency with which, or State officer  
29 with whom, he must title or register the tangible personal  
30 property that is involved (if titling or registration is  
31 required) in support of such purchaser's application for an  
32 Illinois certificate or other evidence of title or registration  
33 to such tangible personal property.

34       No retailer's failure or refusal to remit tax under this  
35 Act precludes a user, who has paid the proper tax to the  
36 retailer, from obtaining his certificate of title or other

1 evidence of title or registration (if titling or registration  
2 is required) upon satisfying the Department that such user has  
3 paid the proper tax (if tax is due) to the retailer. The  
4 Department shall adopt appropriate rules to carry out the  
5 mandate of this paragraph.

6 If the user who would otherwise pay tax to the retailer  
7 wants the transaction reporting return filed and the payment of  
8 the tax or proof of exemption made to the Department before the  
9 retailer is willing to take these actions and such user has not  
10 paid the tax to the retailer, such user may certify to the fact  
11 of such delay by the retailer and may (upon the Department  
12 being satisfied of the truth of such certification) transmit  
13 the information required by the transaction reporting return  
14 and the remittance for tax or proof of exemption directly to  
15 the Department and obtain his tax receipt or exemption  
16 determination, in which event the transaction reporting return  
17 and tax remittance (if a tax payment was required) shall be  
18 credited by the Department to the proper retailer's account  
19 with the Department, but without the 2.1% or 1.75% discount  
20 provided for in this Section being allowed. When the user pays  
21 the tax directly to the Department, he shall pay the tax in the  
22 same amount and in the same form in which it would be remitted  
23 if the tax had been remitted to the Department by the retailer.

24 Refunds made by the seller during the preceding return  
25 period to purchasers, on account of tangible personal property  
26 returned to the seller, shall be allowed as a deduction under  
27 subdivision 5 of his monthly or quarterly return, as the case  
28 may be, in case the seller had theretofore included the  
29 receipts from the sale of such tangible personal property in a  
30 return filed by him and had paid the tax imposed by this Act  
31 with respect to such receipts.

32 Where the seller is a corporation, the return filed on  
33 behalf of such corporation shall be signed by the president,  
34 vice-president, secretary or treasurer or by the properly  
35 accredited agent of such corporation.

36 Where the seller is a limited liability company, the return



1 filed on behalf of the limited liability company shall be  
2 signed by a manager, member, or properly accredited agent of  
3 the limited liability company.

4 Except as provided in this Section, the retailer filing the  
5 return under this Section shall, at the time of filing such  
6 return, pay to the Department the amount of tax imposed by this  
7 Act less a discount of 2.1% prior to January 1, 1990 and 1.75%  
8 on and after January 1, 1990, or \$5 per calendar year,  
9 whichever is greater, which is allowed to reimburse the  
10 retailer for the expenses incurred in keeping records,  
11 preparing and filing returns, remitting the tax and supplying  
12 data to the Department on request. Any prepayment made pursuant  
13 to Section 2d of this Act shall be included in the amount on  
14 which such 2.1% or 1.75% discount is computed. In the case of  
15 retailers who report and pay the tax on a transaction by  
16 transaction basis, as provided in this Section, such discount  
17 shall be taken with each such tax remittance instead of when  
18 such retailer files his periodic return.

19 Before October 1, 2000, if the taxpayer's average monthly  
20 tax liability to the Department under this Act, the Use Tax  
21 Act, the Service Occupation Tax Act, and the Service Use Tax  
22 Act, excluding any liability for prepaid sales tax to be  
23 remitted in accordance with Section 2d of this Act, was \$10,000  
24 or more during the preceding 4 complete calendar quarters, he  
25 shall file a return with the Department each month by the 20th  
26 day of the month next following the month during which such tax  
27 liability is incurred and shall make payments to the Department  
28 on or before the 7th, 15th, 22nd and last day of the month  
29 during which such liability is incurred. On and after October  
30 1, 2000, if the taxpayer's average monthly tax liability to the  
31 Department under this Act, the Use Tax Act, the Service  
32 Occupation Tax Act, and the Service Use Tax Act, excluding any  
33 liability for prepaid sales tax to be remitted in accordance  
34 with Section 2d of this Act, was \$20,000 or more during the  
35 preceding 4 complete calendar quarters, he shall file a return  
36 with the Department each month by the 20th day of the month

1 next following the month during which such tax liability is  
2 incurred and shall make payment to the Department on or before  
3 the 7th, 15th, 22nd and last day of the month during which such  
4 liability is incurred. If the month during which such tax  
5 liability is incurred began prior to January 1, 1985, each  
6 payment shall be in an amount equal to 1/4 of the taxpayer's  
7 actual liability for the month or an amount set by the  
8 Department not to exceed 1/4 of the average monthly liability  
9 of the taxpayer to the Department for the preceding 4 complete  
10 calendar quarters (excluding the month of highest liability and  
11 the month of lowest liability in such 4 quarter period). If the  
12 month during which such tax liability is incurred begins on or  
13 after January 1, 1985 and prior to January 1, 1987, each  
14 payment shall be in an amount equal to 22.5% of the taxpayer's  
15 actual liability for the month or 27.5% of the taxpayer's  
16 liability for the same calendar month of the preceding year. If  
17 the month during which such tax liability is incurred begins on  
18 or after January 1, 1987 and prior to January 1, 1988, each  
19 payment shall be in an amount equal to 22.5% of the taxpayer's  
20 actual liability for the month or 26.25% of the taxpayer's  
21 liability for the same calendar month of the preceding year. If  
22 the month during which such tax liability is incurred begins on  
23 or after January 1, 1988, and prior to January 1, 1989, or  
24 begins on or after January 1, 1996, each payment shall be in an  
25 amount equal to 22.5% of the taxpayer's actual liability for  
26 the month or 25% of the taxpayer's liability for the same  
27 calendar month of the preceding year. If the month during which  
28 such tax liability is incurred begins on or after January 1,  
29 1989, and prior to January 1, 1996, each payment shall be in an  
30 amount equal to 22.5% of the taxpayer's actual liability for  
31 the month or 25% of the taxpayer's liability for the same  
32 calendar month of the preceding year or 100% of the taxpayer's  
33 actual liability for the quarter monthly reporting period. The  
34 amount of such quarter monthly payments shall be credited  
35 against the final tax liability of the taxpayer's return for  
36 that month. Before October 1, 2000, once applicable, the

1 requirement of the making of quarter monthly payments to the  
2 Department by taxpayers having an average monthly tax liability  
3 of \$10,000 or more as determined in the manner provided above  
4 shall continue until such taxpayer's average monthly liability  
5 to the Department during the preceding 4 complete calendar  
6 quarters (excluding the month of highest liability and the  
7 month of lowest liability) is less than \$9,000, or until such  
8 taxpayer's average monthly liability to the Department as  
9 computed for each calendar quarter of the 4 preceding complete  
10 calendar quarter period is less than \$10,000. However, if a  
11 taxpayer can show the Department that a substantial change in  
12 the taxpayer's business has occurred which causes the taxpayer  
13 to anticipate that his average monthly tax liability for the  
14 reasonably foreseeable future will fall below the \$10,000  
15 threshold stated above, then such taxpayer may petition the  
16 Department for a change in such taxpayer's reporting status. On  
17 and after October 1, 2000, once applicable, the requirement of  
18 the making of quarter monthly payments to the Department by  
19 taxpayers having an average monthly tax liability of \$20,000 or  
20 more as determined in the manner provided above shall continue  
21 until such taxpayer's average monthly liability to the  
22 Department during the preceding 4 complete calendar quarters  
23 (excluding the month of highest liability and the month of  
24 lowest liability) is less than \$19,000 or until such taxpayer's  
25 average monthly liability to the Department as computed for  
26 each calendar quarter of the 4 preceding complete calendar  
27 quarter period is less than \$20,000. However, if a taxpayer can  
28 show the Department that a substantial change in the taxpayer's  
29 business has occurred which causes the taxpayer to anticipate  
30 that his average monthly tax liability for the reasonably  
31 foreseeable future will fall below the \$20,000 threshold stated  
32 above, then such taxpayer may petition the Department for a  
33 change in such taxpayer's reporting status. The Department  
34 shall change such taxpayer's reporting status unless it finds  
35 that such change is seasonal in nature and not likely to be  
36 long term. If any such quarter monthly payment is not paid at

1 the time or in the amount required by this Section, then the  
2 taxpayer shall be liable for penalties and interest on the  
3 difference between the minimum amount due as a payment and the  
4 amount of such quarter monthly payment actually and timely  
5 paid, except insofar as the taxpayer has previously made  
6 payments for that month to the Department in excess of the  
7 minimum payments previously due as provided in this Section.  
8 The Department shall make reasonable rules and regulations to  
9 govern the quarter monthly payment amount and quarter monthly  
10 payment dates for taxpayers who file on other than a calendar  
11 monthly basis.

12 The provisions of this paragraph apply before October 1,  
13 2001. Without regard to whether a taxpayer is required to make  
14 quarter monthly payments as specified above, any taxpayer who  
15 is required by Section 2d of this Act to collect and remit  
16 prepaid taxes and has collected prepaid taxes which average in  
17 excess of \$25,000 per month during the preceding 2 complete  
18 calendar quarters, shall file a return with the Department as  
19 required by Section 2f and shall make payments to the  
20 Department on or before the 7th, 15th, 22nd and last day of the  
21 month during which such liability is incurred. If the month  
22 during which such tax liability is incurred began prior to the  
23 effective date of this amendatory Act of 1985, each payment  
24 shall be in an amount not less than 22.5% of the taxpayer's  
25 actual liability under Section 2d. If the month during which  
26 such tax liability is incurred begins on or after January 1,  
27 1986, each payment shall be in an amount equal to 22.5% of the  
28 taxpayer's actual liability for the month or 27.5% of the  
29 taxpayer's liability for the same calendar month of the  
30 preceding calendar year. If the month during which such tax  
31 liability is incurred begins on or after January 1, 1987, each  
32 payment shall be in an amount equal to 22.5% of the taxpayer's  
33 actual liability for the month or 26.25% of the taxpayer's  
34 liability for the same calendar month of the preceding year.  
35 The amount of such quarter monthly payments shall be credited  
36 against the final tax liability of the taxpayer's return for

1 that month filed under this Section or Section 2f, as the case  
2 may be. Once applicable, the requirement of the making of  
3 quarter monthly payments to the Department pursuant to this  
4 paragraph shall continue until such taxpayer's average monthly  
5 prepaid tax collections during the preceding 2 complete  
6 calendar quarters is \$25,000 or less. If any such quarter  
7 monthly payment is not paid at the time or in the amount  
8 required, the taxpayer shall be liable for penalties and  
9 interest on such difference, except insofar as the taxpayer has  
10 previously made payments for that month in excess of the  
11 minimum payments previously due.

12 The provisions of this paragraph apply on and after October  
13 1, 2001. Without regard to whether a taxpayer is required to  
14 make quarter monthly payments as specified above, any taxpayer  
15 who is required by Section 2d of this Act to collect and remit  
16 prepaid taxes and has collected prepaid taxes that average in  
17 excess of \$20,000 per month during the preceding 4 complete  
18 calendar quarters shall file a return with the Department as  
19 required by Section 2f and shall make payments to the  
20 Department on or before the 7th, 15th, 22nd and last day of the  
21 month during which the liability is incurred. Each payment  
22 shall be in an amount equal to 22.5% of the taxpayer's actual  
23 liability for the month or 25% of the taxpayer's liability for  
24 the same calendar month of the preceding year. The amount of  
25 the quarter monthly payments shall be credited against the  
26 final tax liability of the taxpayer's return for that month  
27 filed under this Section or Section 2f, as the case may be.  
28 Once applicable, the requirement of the making of quarter  
29 monthly payments to the Department pursuant to this paragraph  
30 shall continue until the taxpayer's average monthly prepaid tax  
31 collections during the preceding 4 complete calendar quarters  
32 (excluding the month of highest liability and the month of  
33 lowest liability) is less than \$19,000 or until such taxpayer's  
34 average monthly liability to the Department as computed for  
35 each calendar quarter of the 4 preceding complete calendar  
36 quarters is less than \$20,000. If any such quarter monthly

1 payment is not paid at the time or in the amount required, the  
2 taxpayer shall be liable for penalties and interest on such  
3 difference, except insofar as the taxpayer has previously made  
4 payments for that month in excess of the minimum payments  
5 previously due.

6 If any payment provided for in this Section exceeds the  
7 taxpayer's liabilities under this Act, the Use Tax Act, the  
8 Service Occupation Tax Act and the Service Use Tax Act, as  
9 shown on an original monthly return, the Department shall, if  
10 requested by the taxpayer, issue to the taxpayer a credit  
11 memorandum no later than 30 days after the date of payment. The  
12 credit evidenced by such credit memorandum may be assigned by  
13 the taxpayer to a similar taxpayer under this Act, the Use Tax  
14 Act, the Service Occupation Tax Act or the Service Use Tax Act,  
15 in accordance with reasonable rules and regulations to be  
16 prescribed by the Department. If no such request is made, the  
17 taxpayer may credit such excess payment against tax liability  
18 subsequently to be remitted to the Department under this Act,  
19 the Use Tax Act, the Service Occupation Tax Act or the Service  
20 Use Tax Act, in accordance with reasonable rules and  
21 regulations prescribed by the Department. If the Department  
22 subsequently determined that all or any part of the credit  
23 taken was not actually due to the taxpayer, the taxpayer's 2.1%  
24 and 1.75% vendor's discount shall be reduced by 2.1% or 1.75%  
25 of the difference between the credit taken and that actually  
26 due, and that taxpayer shall be liable for penalties and  
27 interest on such difference.

28 If a retailer of motor fuel is entitled to a credit under  
29 Section 2d of this Act which exceeds the taxpayer's liability  
30 to the Department under this Act for the month which the  
31 taxpayer is filing a return, the Department shall issue the  
32 taxpayer a credit memorandum for the excess.

33 Beginning January 1, 1990, each month the Department shall  
34 pay into the Local Government Tax Fund, a special fund in the  
35 State treasury which is hereby created, the net revenue  
36 realized for the preceding month from the 1% tax on sales of

1 food for human consumption which is to be consumed off the  
2 premises where it is sold (other than alcoholic beverages, soft  
3 drinks and food which has been prepared for immediate  
4 consumption) and prescription and nonprescription medicines,  
5 drugs, medical appliances and insulin, urine testing  
6 materials, syringes and needles used by diabetics.

7 Beginning January 1, 1990, each month the Department shall  
8 pay into the County and Mass Transit District Fund, a special  
9 fund in the State treasury which is hereby created, 4% of the  
10 net revenue realized for the preceding month from the 6.25%  
11 general rate.

12 Beginning August 1, 2000, each month the Department shall  
13 pay into the County and Mass Transit District Fund 20% of the  
14 net revenue realized for the preceding month from the 1.25%  
15 rate on the selling price of motor fuel and gasohol.

16 Beginning January 1, 1990, each month the Department shall  
17 pay into the Local Government Tax Fund 16% of the net revenue  
18 realized for the preceding month from the 6.25% general rate on  
19 the selling price of tangible personal property.

20 Beginning August 1, 2000, each month the Department shall  
21 pay into the Local Government Tax Fund 80% of the net revenue  
22 realized for the preceding month from the 1.25% rate on the  
23 selling price of motor fuel and gasohol.

24 Of the remainder of the moneys received by the Department  
25 pursuant to this Act, (a) 1.75% thereof shall be paid into the  
26 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on  
27 and after July 1, 1989, 3.8% thereof shall be paid into the  
28 Build Illinois Fund; provided, however, that if in any fiscal  
29 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case  
30 may be, of the moneys received by the Department and required  
31 to be paid into the Build Illinois Fund pursuant to this Act,  
32 Section 9 of the Use Tax Act, Section 9 of the Service Use Tax  
33 Act, and Section 9 of the Service Occupation Tax Act, such Acts  
34 being hereinafter called the "Tax Acts" and such aggregate of  
35 2.2% or 3.8%, as the case may be, of moneys being hereinafter  
36 called the "Tax Act Amount", and (2) the amount transferred to

1 the Build Illinois Fund from the State and Local Sales Tax  
2 Reform Fund shall be less than the Annual Specified Amount (as  
3 hereinafter defined), an amount equal to the difference shall  
4 be immediately paid into the Build Illinois Fund from other  
5 moneys received by the Department pursuant to the Tax Acts; the  
6 "Annual Specified Amount" means the amounts specified below for  
7 fiscal years 1986 through 1993:

8	Fiscal Year	Annual Specified Amount
9	1986	\$54,800,000
10	1987	\$76,650,000
11	1988	\$80,480,000
12	1989	\$88,510,000
13	1990	\$115,330,000
14	1991	\$145,470,000
15	1992	\$182,730,000
16	1993	\$206,520,000;

17 and means the Certified Annual Debt Service Requirement (as  
18 defined in Section 13 of the Build Illinois Bond Act) or the  
19 Tax Act Amount, whichever is greater, for fiscal year 1994 and  
20 each fiscal year thereafter; and further provided, that if on  
21 the last business day of any month the sum of (1) the Tax Act  
22 Amount required to be deposited into the Build Illinois Bond  
23 Account in the Build Illinois Fund during such month and (2)  
24 the amount transferred to the Build Illinois Fund from the  
25 State and Local Sales Tax Reform Fund shall have been less than  
26 1/12 of the Annual Specified Amount, an amount equal to the  
27 difference shall be immediately paid into the Build Illinois  
28 Fund from other moneys received by the Department pursuant to  
29 the Tax Acts; and, further provided, that in no event shall the  
30 payments required under the preceding proviso result in  
31 aggregate payments into the Build Illinois Fund pursuant to  
32 this clause (b) for any fiscal year in excess of the greater of  
33 (i) the Tax Act Amount or (ii) the Annual Specified Amount for  
34 such fiscal year. The amounts payable into the Build Illinois  
35 Fund under clause (b) of the first sentence in this paragraph  
36 shall be payable only until such time as the aggregate amount



1 on deposit under each trust indenture securing Bonds issued and  
2 outstanding pursuant to the Build Illinois Bond Act is  
3 sufficient, taking into account any future investment income,  
4 to fully provide, in accordance with such indenture, for the  
5 defeasance of or the payment of the principal of, premium, if  
6 any, and interest on the Bonds secured by such indenture and on  
7 any Bonds expected to be issued thereafter and all fees and  
8 costs payable with respect thereto, all as certified by the  
9 Director of the Bureau of the Budget (now Governor's Office of  
10 Management and Budget). If on the last business day of any  
11 month in which Bonds are outstanding pursuant to the Build  
12 Illinois Bond Act, the aggregate of moneys deposited in the  
13 Build Illinois Bond Account in the Build Illinois Fund in such  
14 month shall be less than the amount required to be transferred  
15 in such month from the Build Illinois Bond Account to the Build  
16 Illinois Bond Retirement and Interest Fund pursuant to Section  
17 13 of the Build Illinois Bond Act, an amount equal to such  
18 deficiency shall be immediately paid from other moneys received  
19 by the Department pursuant to the Tax Acts to the Build  
20 Illinois Fund; provided, however, that any amounts paid to the  
21 Build Illinois Fund in any fiscal year pursuant to this  
22 sentence shall be deemed to constitute payments pursuant to  
23 clause (b) of the first sentence of this paragraph and shall  
24 reduce the amount otherwise payable for such fiscal year  
25 pursuant to that clause (b). The moneys received by the  
26 Department pursuant to this Act and required to be deposited  
27 into the Build Illinois Fund are subject to the pledge, claim  
28 and charge set forth in Section 12 of the Build Illinois Bond  
29 Act.

30 Subject to payment of amounts into the Build Illinois Fund  
31 as provided in the preceding paragraph or in any amendment  
32 thereto hereafter enacted, the following specified monthly  
33 installment of the amount requested in the certificate of the  
34 Chairman of the Metropolitan Pier and Exposition Authority  
35 provided under Section 8.25f of the State Finance Act, but not  
36 in excess of sums designated as "Total Deposit", shall be

1 deposited in the aggregate from collections under Section 9 of  
2 the Use Tax Act, Section 9 of the Service Use Tax Act, Section  
3 9 of the Service Occupation Tax Act, and Section 3 of the  
4 Retailers' Occupation Tax Act into the McCormick Place  
5 Expansion Project Fund in the specified fiscal years.

	Fiscal Year	Total Deposit
6		
7	1993	\$0
8	1994	53,000,000
9	1995	58,000,000
10	1996	61,000,000
11	1997	64,000,000
12	1998	68,000,000
13	1999	71,000,000
14	2000	75,000,000
15	2001	80,000,000
16	2002	93,000,000
17	2003	99,000,000
18	2004	103,000,000
19	2005	108,000,000
20	2006	113,000,000
21	2007	119,000,000
22	2008	126,000,000
23	2009	132,000,000
24	2010	139,000,000
25	2011	146,000,000
26	2012	153,000,000
27	2013	161,000,000
28	2014	170,000,000
29	2015	179,000,000
30	2016	189,000,000
31	2017	199,000,000
32	2018	210,000,000
33	2019	221,000,000
34	2020	233,000,000
35	2021	246,000,000

1                           2022                           260,000,000  
2                           2023 and                           275,000,000  
3                           each fiscal year  
4                           thereafter that bonds  
5                           are outstanding under  
6                           Section 13.2 of the  
7                           Metropolitan Pier and  
8                           Exposition Authority Act,  
9                           but not after fiscal year 2042.

10           Beginning July 20, 1993 and in each month of each fiscal  
11   year thereafter, one-eighth of the amount requested in the  
12   certificate of the Chairman of the Metropolitan Pier and  
13   Exposition Authority for that fiscal year, less the amount  
14   deposited into the McCormick Place Expansion Project Fund by  
15   the State Treasurer in the respective month under subsection  
16   (g) of Section 13 of the Metropolitan Pier and Exposition  
17   Authority Act, plus cumulative deficiencies in the deposits  
18   required under this Section for previous months and years,  
19   shall be deposited into the McCormick Place Expansion Project  
20   Fund, until the full amount requested for the fiscal year, but  
21   not in excess of the amount specified above as "Total Deposit",  
22   has been deposited.

23           Subject to payment of amounts into the Build Illinois Fund  
24   and the McCormick Place Expansion Project Fund pursuant to the  
25   preceding paragraphs or in any amendments thereto hereafter  
26   enacted, beginning July 1, 1993, the Department shall each  
27   month pay into the Illinois Tax Increment Fund 0.27% of 80% of  
28   the net revenue realized for the preceding month from the 6.25%  
29   general rate on the selling price of tangible personal  
30   property.

31           Subject to payment of amounts into the Build Illinois Fund  
32   and the McCormick Place Expansion Project Fund pursuant to the  
33   preceding paragraphs or in any amendments thereto hereafter  
34   enacted, beginning with the receipt of the first report of  
35   taxes paid by an eligible business and continuing for a 25-year  
36   period, the Department shall each month pay into the Energy

1 Infrastructure Fund 80% of the net revenue realized from the  
2 6.25% general rate on the selling price of Illinois-mined coal  
3 that was sold to an eligible business. For purposes of this  
4 paragraph, the term "eligible business" means a new electric  
5 generating facility certified pursuant to Section 605-332 of  
6 the Department of Commerce and Economic Opportunity Law of the  
7 Civil Administrative Code of Illinois.

8 Of the remainder of the moneys received by the Department  
9 pursuant to this Act, 75% thereof shall be paid into the State  
10 Treasury and 25% shall be reserved in a special account and  
11 used only for the transfer to the Common School Fund as part of  
12 the monthly transfer from the General Revenue Fund in  
13 accordance with Section 8a of the State Finance Act.

14 The Department may, upon separate written notice to a  
15 taxpayer, require the taxpayer to prepare and file with the  
16 Department on a form prescribed by the Department within not  
17 less than 60 days after receipt of the notice an annual  
18 information return for the tax year specified in the notice.  
19 Such annual return to the Department shall include a statement  
20 of gross receipts as shown by the retailer's last Federal  
21 income tax return. If the total receipts of the business as  
22 reported in the Federal income tax return do not agree with the  
23 gross receipts reported to the Department of Revenue for the  
24 same period, the retailer shall attach to his annual return a  
25 schedule showing a reconciliation of the 2 amounts and the  
26 reasons for the difference. The retailer's annual return to the  
27 Department shall also disclose the cost of goods sold by the  
28 retailer during the year covered by such return, opening and  
29 closing inventories of such goods for such year, costs of goods  
30 used from stock or taken from stock and given away by the  
31 retailer during such year, payroll information of the  
32 retailer's business during such year and any additional  
33 reasonable information which the Department deems would be  
34 helpful in determining the accuracy of the monthly, quarterly  
35 or annual returns filed by such retailer as provided for in  
36 this Section.

1           If the annual information return required by this Section  
2 is not filed when and as required, the taxpayer shall be liable  
3 as follows:

4           (i) Until January 1, 1994, the taxpayer shall be liable  
5 for a penalty equal to 1/6 of 1% of the tax due from such  
6 taxpayer under this Act during the period to be covered by  
7 the annual return for each month or fraction of a month  
8 until such return is filed as required, the penalty to be  
9 assessed and collected in the same manner as any other  
10 penalty provided for in this Act.

11           (ii) On and after January 1, 1994, the taxpayer shall  
12 be liable for a penalty as described in Section 3-4 of the  
13 Uniform Penalty and Interest Act.

14           The chief executive officer, proprietor, owner or highest  
15 ranking manager shall sign the annual return to certify the  
16 accuracy of the information contained therein. Any person who  
17 willfully signs the annual return containing false or  
18 inaccurate information shall be guilty of perjury and punished  
19 accordingly. The annual return form prescribed by the  
20 Department shall include a warning that the person signing the  
21 return may be liable for perjury.

22           The provisions of this Section concerning the filing of an  
23 annual information return do not apply to a retailer who is not  
24 required to file an income tax return with the United States  
25 Government.

26           As soon as possible after the first day of each month, upon  
27 certification of the Department of Revenue, the Comptroller  
28 shall order transferred and the Treasurer shall transfer from  
29 the General Revenue Fund to the Motor Fuel Tax Fund an amount  
30 equal to 1.7% of 80% of the net revenue realized under this Act  
31 for the second preceding month. Beginning April 1, 2000, this  
32 transfer is no longer required and shall not be made.

33           Net revenue realized for a month shall be the revenue  
34 collected by the State pursuant to this Act, less the amount  
35 paid out during that month as refunds to taxpayers for  
36 overpayment of liability.

1 For greater simplicity of administration, manufacturers,  
2 importers and wholesalers whose products are sold at retail in  
3 Illinois by numerous retailers, and who wish to do so, may  
4 assume the responsibility for accounting and paying to the  
5 Department all tax accruing under this Act with respect to such  
6 sales, if the retailers who are affected do not make written  
7 objection to the Department to this arrangement.

8 Any person who promotes, organizes, provides retail  
9 selling space for concessionaires or other types of sellers at  
10 the Illinois State Fair, DuQuoin State Fair, county fairs,  
11 local fairs, art shows, flea markets and similar exhibitions or  
12 events, including any transient merchant as defined by Section  
13 2 of the Transient Merchant Act of 1987, is required to file a  
14 report with the Department providing the name of the merchant's  
15 business, the name of the person or persons engaged in  
16 merchant's business, the permanent address and Illinois  
17 Retailers Occupation Tax Registration Number of the merchant,  
18 the dates and location of the event and other reasonable  
19 information that the Department may require. The report must be  
20 filed not later than the 20th day of the month next following  
21 the month during which the event with retail sales was held.  
22 Any person who fails to file a report required by this Section  
23 commits a business offense and is subject to a fine not to  
24 exceed \$250.

25 Any person engaged in the business of selling tangible  
26 personal property at retail as a concessionaire or other type  
27 of seller at the Illinois State Fair, county fairs, art shows,  
28 flea markets and similar exhibitions or events, or any  
29 transient merchants, as defined by Section 2 of the Transient  
30 Merchant Act of 1987, may be required to make a daily report of  
31 the amount of such sales to the Department and to make a daily  
32 payment of the full amount of tax due. The Department shall  
33 impose this requirement when it finds that there is a  
34 significant risk of loss of revenue to the State at such an  
35 exhibition or event. Such a finding shall be based on evidence  
36 that a substantial number of concessionaires or other sellers

1 who are not residents of Illinois will be engaging in the  
2 business of selling tangible personal property at retail at the  
3 exhibition or event, or other evidence of a significant risk of  
4 loss of revenue to the State. The Department shall notify  
5 concessionaires and other sellers affected by the imposition of  
6 this requirement. In the absence of notification by the  
7 Department, the concessionaires and other sellers shall file  
8 their returns as otherwise required in this Section.

9 (Source: P.A. 92-12, eff. 7-1-01; 92-16, eff. 6-28-01; 92-208,  
10 eff. 8-2-01; 92-484, eff. 8-23-01; 92-492, eff. 1-1-02; 92-600,  
11 eff. 6-28-02; 92-651, eff. 7-11-02; 93-22, eff. 6-20-03; 93-24,  
12 eff. 6-20-03; 93-840, eff. 7-30-04; 93-926, eff. 8-12-04;  
13 93-1057, eff. 12-2-04; revised 12-6-04.)

14 Section 207. The Hotel Operators' Occupation Tax Act is  
15 amended by changing Section 6 as follows:

16 (35 ILCS 145/6) (from Ch. 120, par. 481b.36)

17 Sec. 6. Except as provided hereinafter in this Section, on  
18 or before the last day of each calendar month, every person  
19 engaged in the business of renting, leasing or letting rooms in  
20 a hotel in this State during the preceding calendar month shall  
21 file a return with the Department, stating:

22 1. The name of the operator;

23 2. His residence address and the address of his  
24 principal place of business and the address of the  
25 principal place of business (if that is a different  
26 address) from which he engages in the business of renting,  
27 leasing or letting rooms in a hotel in this State;

28 3. Total amount of rental receipts received by him  
29 during the preceding calendar month from renting, leasing  
30 or letting rooms during such preceding calendar month;

31 4. Total amount of rental receipts received by him  
32 during the preceding calendar month from renting, leasing  
33 or letting rooms to permanent residents during such  
34 preceding calendar month;

1           5. Total amount of other exclusions from gross rental  
2 receipts allowed by this Act;

3           6. Gross rental receipts which were received by him  
4 during the preceding calendar month and upon the basis of  
5 which the tax is imposed;

6           7. The amount of tax due;

7           8. Such other reasonable information as the Department  
8 may require.

9           If the operator's average monthly tax liability to the  
10 Department does not exceed \$200, the Department may authorize  
11 his returns to be filed on a quarter annual basis, with the  
12 return for January, February and March of a given year being  
13 due by April 30 of such year; with the return for April, May  
14 and June of a given year being due by July 31 of such year; with  
15 the return for July, August and September of a given year being  
16 due by October 31 of such year, and with the return for  
17 October, November and December of a given year being due by  
18 January 31 of the following year.

19           If the operator's average monthly tax liability to the  
20 Department does not exceed \$50, the Department may authorize  
21 his returns to be filed on an annual basis, with the return for  
22 a given year being due by January 31 of the following year.

23           Such quarter annual and annual returns, as to form and  
24 substance, shall be subject to the same requirements as monthly  
25 returns.

26           Notwithstanding any other provision in this Act concerning  
27 the time within which an operator may file his return, in the  
28 case of any operator who ceases to engage in a kind of business  
29 which makes him responsible for filing returns under this Act,  
30 such operator shall file a final return under this Act with the  
31 Department not more than 1 month after discontinuing such  
32 business.

33           Where the same person has more than 1 business registered  
34 with the Department under separate registrations under this  
35 Act, such person shall not file each return that is due as a  
36 single return covering all such registered businesses, but



1 shall file separate returns for each such registered business.

2 In his return, the operator shall determine the value of  
3 any consideration other than money received by him in  
4 connection with the renting, leasing or letting of rooms in the  
5 course of his business and he shall include such value in his  
6 return. Such determination shall be subject to review and  
7 revision by the Department in the manner hereinafter provided  
8 for the correction of returns.

9 Where the operator is a corporation, the return filed on  
10 behalf of such corporation shall be signed by the president,  
11 vice-president, secretary or treasurer or by the properly  
12 accredited agent of such corporation.

13 The person filing the return herein provided for shall, at  
14 the time of filing such return, pay to the Department the  
15 amount of tax herein imposed. The operator filing the return  
16 under this Section shall, at the time of filing such return,  
17 pay to the Department the amount of tax imposed by this Act  
18 less a discount of 2.1% or \$25 per calendar year, whichever is  
19 greater, which is allowed to reimburse the operator for the  
20 expenses incurred in keeping records, preparing and filing  
21 returns, remitting the tax and supplying data to the Department  
22 on request.

23 There shall be deposited in the Build Illinois Fund in the  
24 State Treasury for each State fiscal year 40% of the amount of  
25 total net proceeds from the tax imposed by subsection (a) of  
26 Section 3. Of the remaining 60%, \$5,000,000 shall be deposited  
27 in the Illinois Sports Facilities Fund and credited to the  
28 Subsidy Account each fiscal year by making monthly deposits in  
29 the amount of 1/8 of \$5,000,000 plus cumulative deficiencies in  
30 such deposits for prior months, and an additional \$8,000,000  
31 shall be deposited in the Illinois Sports Facilities Fund and  
32 credited to the Advance Account each fiscal year by making  
33 monthly deposits in the amount of 1/8 of \$8,000,000 plus any  
34 cumulative deficiencies in such deposits for prior months;  
35 provided, that for fiscal years ending after June 30, 2001, the  
36 amount to be so deposited into the Illinois Sports Facilities

1 Fund and credited to the Advance Account each fiscal year shall  
2 be increased from \$8,000,000 to the then applicable Advance  
3 Amount and the required monthly deposits beginning with July  
4 2001 shall be in the amount of 1/8 of the then applicable  
5 Advance Amount plus any cumulative deficiencies in those  
6 deposits for prior months. (The deposits of the additional  
7 \$8,000,000 or the then applicable Advance Amount, as  
8 applicable, during each fiscal year shall be treated as  
9 advances of funds to the Illinois Sports Facilities Authority  
10 for its corporate purposes to the extent paid to the Authority  
11 or its trustee and shall be repaid into the General Revenue  
12 Fund in the State Treasury by the State Treasurer on behalf of  
13 the Authority pursuant to Section 19 of the Illinois Sports  
14 Facilities Authority Act, as amended. If in any fiscal year the  
15 full amount of the then applicable Advance Amount is not repaid  
16 into the General Revenue Fund, then the deficiency shall be  
17 paid from the amount in the Local Government Distributive Fund  
18 that would otherwise be allocated to the City of Chicago under  
19 the State Revenue Sharing Act.)

20 For purposes of the foregoing paragraph, the term "Advance  
21 Amount" means, for fiscal year 2002, \$22,179,000, and for  
22 subsequent fiscal years through fiscal year 2032, 105.615% of  
23 the Advance Amount for the immediately preceding fiscal year,  
24 rounded up to the nearest \$1,000.

25 Of the remaining 60% of the amount of total net proceeds  
26 from the tax imposed by subsection (a) of Section 3 after all  
27 required deposits in the Illinois Sports Facilities Fund, the  
28 amount equal to 8% of the net revenue realized from the Hotel  
29 Operators' Occupation Tax Act plus an amount equal to 8% of the  
30 net revenue realized from any tax imposed under Section 4.05 of  
31 the Chicago World's Fair-1992 Authority Act during the  
32 preceding month shall be deposited in the Local Tourism Fund  
33 each month for purposes authorized by Section 605-705 of the  
34 Department of Commerce and Economic Opportunity Community  
35 ~~Affairs~~ Law (20 ILCS 605/605-705) ~~in the Local Tourism Fund,~~  
36 and beginning August 1, 1999, the amount equal to 4.5% of the

1 net revenue realized from the Hotel Operators' Occupation Tax  
2 Act during the preceding month shall be deposited into the  
3 International Tourism Fund for the purposes authorized in  
4 Section 605-707 ~~605-725~~ of the Department of Commerce and  
5 Economic Opportunity ~~Community Affairs~~ Law. "Net revenue  
6 realized for a month" means the revenue collected by the State  
7 under that Act during the previous month less the amount paid  
8 out during that same month as refunds to taxpayers for  
9 overpayment of liability under that Act.

10 After making all these deposits, all other proceeds of the  
11 tax imposed under subsection (a) of Section 3 shall be  
12 deposited in the General Revenue Fund in the State Treasury.  
13 All moneys received by the Department from the additional tax  
14 imposed under subsection (b) of Section 3 shall be deposited  
15 into the Build Illinois Fund in the State Treasury.

16 The Department may, upon separate written notice to a  
17 taxpayer, require the taxpayer to prepare and file with the  
18 Department on a form prescribed by the Department within not  
19 less than 60 days after receipt of the notice an annual  
20 information return for the tax year specified in the notice.  
21 Such annual return to the Department shall include a statement  
22 of gross receipts as shown by the operator's last State income  
23 tax return. If the total receipts of the business as reported  
24 in the State income tax return do not agree with the gross  
25 receipts reported to the Department for the same period, the  
26 operator shall attach to his annual information return a  
27 schedule showing a reconciliation of the 2 amounts and the  
28 reasons for the difference. The operator's annual information  
29 return to the Department shall also disclose pay roll  
30 information of the operator's business during the year covered  
31 by such return and any additional reasonable information which  
32 the Department deems would be helpful in determining the  
33 accuracy of the monthly, quarterly or annual tax returns by  
34 such operator as hereinbefore provided for in this Section.

35 If the annual information return required by this Section  
36 is not filed when and as required the taxpayer shall be liable

1 for a penalty in an amount determined in accordance with  
2 Section 3-4 of the Uniform Penalty and Interest Act until such  
3 return is filed as required, the penalty to be assessed and  
4 collected in the same manner as any other penalty provided for  
5 in this Act.

6 The chief executive officer, proprietor, owner or highest  
7 ranking manager shall sign the annual return to certify the  
8 accuracy of the information contained therein. Any person who  
9 willfully signs the annual return containing false or  
10 inaccurate information shall be guilty of perjury and punished  
11 accordingly. The annual return form prescribed by the  
12 Department shall include a warning that the person signing the  
13 return may be liable for perjury.

14 The foregoing portion of this Section concerning the filing  
15 of an annual information return shall not apply to an operator  
16 who is not required to file an income tax return with the  
17 United States Government.

18 (Source: P.A. 92-16, eff. 6-28-01; 92-600, eff. 6-28-02;  
19 revised 10-15-03.)

20 Section 210. The Property Tax Code is amended by changing  
21 Sections 15-25, 15-55, 16-190, 18-177, and 18-185 and by  
22 setting forth and renumbering multiple versions of Section  
23 18-92 as follows:

24 (35 ILCS 200/15-25)

25 Sec. 15-25. Removal of exemptions. If the Department  
26 determines that any property has been unlawfully exempted from  
27 taxation, or is no longer entitled to exemption, the Department  
28 shall, before January 1 of any year, direct the chief county  
29 assessment officer to assess the property and return it to the  
30 assessment rolls for the next assessment year. The Department  
31 shall give notice of its decision to the owner of the property  
32 by certified mail. The decision shall be subject to review and  
33 hearing under Section 8-35, upon application by the owner filed  
34 within 60 days after the notice of decision is mailed. However,

1 the extension of taxes on the assessment shall not be delayed  
2 by any proceedings under this Section. If the property is  
3 determined to be exempt, any taxes extended upon the assessment  
4 shall be abated or, if already paid, be refunded.

5 (Source: P.A. 92-651, eff. 7-11-02; 92-658, eff. 7-16-02;  
6 revised 7-26-02.)

7 (35 ILCS 200/15-55)

8 Sec. 15-55. State property.

9 (a) All property belonging to the State of Illinois is  
10 exempt. However, the State agency holding title shall file the  
11 certificate of ownership and use required by Section 15-10,  
12 together with a copy of any written lease or agreement, in  
13 effect on March 30 of the assessment year, concerning parcels  
14 of 1 acre or more, or an explanation of the terms of any oral  
15 agreement under which the property is leased, subleased or  
16 rented.

17 The leased property shall be assessed to the lessee and the  
18 taxes thereon extended and billed to the lessee, and collected  
19 in the same manner as for property which is not exempt. The  
20 lessee shall be liable for the taxes and no lien shall attach  
21 to the property of the State.

22 For the purposes of this Section, the word "leases"  
23 includes licenses, franchises, operating agreements and other  
24 arrangements under which private individuals, associations or  
25 corporations are granted the right to use property of the  
26 Illinois State Toll Highway Authority and includes all property  
27 of the Authority used by others without regard to the size of  
28 the leased parcel.

29 (b) However, all property of every kind belonging to the  
30 State of Illinois, which is or may hereafter be leased to the  
31 Illinois Prairie Path Corporation, shall be exempt from all  
32 assessments, taxation or collection, despite the making of any  
33 such lease, if it is used for:

34 (1) conservation, nature trail or any other  
35 charitable, scientific, educational or recreational

1 purposes with public benefit, including the preserving and  
2 aiding in the preservation of natural areas, objects,  
3 flora, fauna or biotic communities;

4 (2) the establishment of footpaths, trails and other  
5 protected areas;

6 (3) the conservation of the proper use of natural  
7 resources or the promotion of the study of plant and animal  
8 communities and of other phases of ecology, natural history  
9 and conservation;

10 (4) the promotion of education in the fields of nature,  
11 preservation and conservation; or

12 (5) similar public recreational activities conducted  
13 by the Illinois Prairie Path Corporation.

14 No lien shall attach to the property of the State. No tax  
15 liability shall become the obligation of or be enforceable  
16 against Illinois Prairie Path Corporation.

17 (c) If the State sells the James R. Thompson Center or the  
18 Elgin Mental Health Center and surrounding land located at 750  
19 S. State Street, Elgin, Illinois, as provided in subdivision  
20 (a)(2) of Section 7.4 of the State Property Control Act, to  
21 another entity whose property is not exempt and immediately  
22 thereafter enters into a leaseback or other agreement that  
23 directly or indirectly gives the State a right to use, control,  
24 and possess the property, that portion of the property leased  
25 and occupied exclusively by the State shall remain exempt under  
26 this Section. For the property to remain exempt under this  
27 subsection (c), the State must retain an option to purchase the  
28 property at a future date or, within the limitations period for  
29 reverters, the property must revert back to the State.

30 If the property has been conveyed as described in this  
31 subsection (c), the property is no longer exempt pursuant to  
32 this Section as of the date when:

33 (1) the right of the State to use, control, and possess  
34 the property has been terminated; or

35 (2) the State no longer has an option to purchase or  
36 otherwise acquire the property and there is no provision

1 for a reverter of the property to the State within the  
2 limitations period for reverters.

3 Pursuant to Sections 15-15 and 15-20 of this Code, the  
4 State shall notify the chief county assessment officer of any  
5 transaction under this subsection (c). The chief county  
6 assessment officer shall determine initial and continuing  
7 compliance with the requirements of this Section for tax  
8 exemption. Failure to notify the chief county assessment  
9 officer of a transaction under this subsection (c) or to  
10 otherwise comply with the requirements of Sections 15-15 and  
11 15-20 of this Code shall, in the discretion of the chief county  
12 assessment officer, constitute cause to terminate the  
13 exemption, notwithstanding any other provision of this Code.

14 (c-1) If the Illinois State Toll Highway Authority sells  
15 the Illinois State Toll Highway Authority headquarters  
16 building and surrounding land, located at 2700 Ogden Avenue,  
17 Downers Grove, Illinois as provided in subdivision (a)(2) of  
18 Section 7.5 of the State Property Control Act, to another  
19 entity whose property is not exempt and immediately thereafter  
20 enters into a leaseback or other agreement that directly or  
21 indirectly gives the State or the Illinois State Toll Highway  
22 Authority a right to use, control, and possess the property,  
23 that portion of the property leased and occupied exclusively by  
24 the State or the Authority shall remain exempt under this  
25 Section. For the property to remain exempt under this  
26 subsection (c), the Authority must retain an option to purchase  
27 the property at a future date or, within the limitations period  
28 for reverters, the property must revert back to the Authority.

29 If the property has been conveyed as described in this  
30 subsection (c), the property is no longer exempt pursuant to  
31 this Section as of the date when:

32 (1) the right of the State or the Authority to use,  
33 control, and possess the property has been terminated; or

34 (2) the Authority no longer has an option to purchase  
35 or otherwise acquire the property and there is no provision  
36 for a reverter of the property to the Authority within the

1 limitations period for reverters.

2 Pursuant to Sections 15-15 and 15-20 of this Code, the  
3 Authority shall notify the chief county assessment officer of  
4 any transaction under this subsection (c). The chief county  
5 assessment officer shall determine initial and continuing  
6 compliance with the requirements of this Section for tax  
7 exemption. Failure to notify the chief county assessment  
8 officer of a transaction under this subsection (c) or to  
9 otherwise comply with the requirements of Sections 15-15 and  
10 15-20 of this Code shall, in the discretion of the chief county  
11 assessment officer, constitute cause to terminate the  
12 exemption, notwithstanding any other provision of this Code.

13 (d) ~~However,~~ The fair market rent of each parcel of real  
14 property in Will County owned by the State of Illinois for the  
15 purpose of developing an airport by the Department of  
16 Transportation shall include the assessed value of leasehold  
17 tax. The lessee of each parcel of real property in Will County  
18 owned by the State of Illinois for the purpose of developing an  
19 airport by the Department of Transportation shall not be liable  
20 for the taxes thereon. In order for the State to compensate  
21 taxing districts for the leasehold tax under this paragraph the  
22 Will County Supervisor of Assessments shall certify, in  
23 writing, to the Department of Transportation, the amount of  
24 leasehold taxes extended for the 2002 property tax year for  
25 each such exempt parcel. The Department of Transportation shall  
26 pay to the Will County Treasurer, from the Tax Recovery Fund,  
27 on or before July 1 of each year, the amount of leasehold taxes  
28 for each such exempt parcel as certified by the Will County  
29 Supervisor of Assessments. The tax compensation shall  
30 terminate on December 31, 2010. It is the duty of the  
31 Department of Transportation to file with the Office of the  
32 Will County Supervisor of Assessments an affidavit stating the  
33 termination date for rental of each such parcel due to airport  
34 construction. The affidavit shall include the property  
35 identification number for each such parcel. In no instance  
36 shall tax compensation for property owned by the State be



1 deemed delinquent or bear interest. In no instance shall a lien  
2 attach to the property of the State. In no instance shall the  
3 State be required to pay leasehold tax compensation in excess  
4 of the Tax Recovery Fund's balance.

5 (e) ~~(d)~~ Public Act 81-1026 applies to all leases or  
6 agreements entered into or renewed on or after September 24,  
7 1979.

8 (Source: P.A. 93-19, eff. 6-20-03; 93-658, eff. 1-22-04;  
9 revised 1-22-04.)

10 (35 ILCS 200/16-190)

11 Sec. 16-190. Record of proceedings and orders.

12 (a) The Property Tax Appeal Board shall keep a record of  
13 its proceedings and orders and the record shall be a public  
14 record. In all cases where the contesting party is seeking a  
15 change of \$100,000 or more in assessed valuation, the  
16 contesting party must provide a court reporter at his or her  
17 own expense. The original certified transcript of such hearing  
18 shall be forwarded to the Springfield office of the Property  
19 Tax Appeal Board and shall become part of the Board's official  
20 record of the proceeding on appeal. Each year the Property Tax  
21 Appeal Board shall publish a volume containing a synopsis of  
22 representative cases decided by the Board during that year. The  
23 publication shall be organized by or cross-referenced by the  
24 issue presented before the Board in each case contained in the  
25 publication. The publication shall be available for inspection  
26 by the public at the Property Tax Appeal Board offices and  
27 copies shall be available for a reasonable cost, except as  
28 provided in Section 16-191.

29 (b) The Property Tax Appeal Board shall provide annually,  
30 no later than February 1, to the Governor and the General  
31 Assembly a report that contains for each county the following:

32 (1) the total number of cases for commercial and  
33 industrial property requesting a reduction in assessed  
34 value of \$100,000 or more for each of the last 5 years;

35 (2) the total number of cases for commercial and

1 industrial property decided by the Property Tax Appeal  
2 Board for each of the last 5 years; and

3 (3) the total change in assessed value based on the  
4 Property Tax Appeal Board decisions for commercial  
5 property and industrial property for each of the last 5  
6 years.

7 (c) The requirement for providing a report to the General  
8 Assembly shall be satisfied by filing copies of the report with  
9 the following:

10 (1) the Speaker of the House of Representatives;

11 (2) the Minority Leader of the House of  
12 Representatives;

13 (3) the Clerk of the House of Representatives;

14 (4) the President of the Senate;

15 (5) the Minority Leader of the Senate;

16 (6) the Secretary of the Senate;

17 (7) the Legislative Research Unit, as required by  
18 Section 3.1 of the General Assembly Organization Act; and

19 (8) the State Government Report Distribution Center  
20 for the General Assembly, as required by subsection (t) of  
21 Section 7-320 of the State Library Act.

22 (Source: P.A. 93-248, eff. 7-22-03; revised 10-9-03.)

23 (35 ILCS 200/18-92)

24 Sec. 18-92. Downstate School Finance Authority for  
25 Elementary Districts Law. The provisions of the Truth in  
26 Taxation Law are subject to the Downstate School Finance  
27 Authority for Elementary Districts Law.

28 (Source: P.A. 92-855, eff. 12-6-02.)

29 (35 ILCS 200/18-93)

30 Sec. 18-93 ~~18-92~~. Maywood Public Library District Tax Levy  
31 Validation (2002) Law. The provisions of the Truth in Taxation  
32 Law are subject to the Maywood Public Library District Tax Levy  
33 Validation (2002) Law.

34 (Source: P.A. 92-884, eff. 1-13-03; revised 1-18-03.)

1 (35 ILCS 200/18-177)

2 Sec. 18-177. Leased low-rent housing abatement. In  
3 counties of 3,000,000 or more inhabitants, the county clerk  
4 shall abate property taxes levied by any taxing district under  
5 this Code on property that meets the following requirements:

6 (1) The property does not qualify as exempt property  
7 under Section 15-95 of this Code.

8 (2) The property is situated in a municipality with  
9 1,000,000 or more inhabitants and improved with either a  
10 multifamily dwelling or a multi-building development that  
11 is subject to a leasing agreement, regulatory and operating  
12 agreement, or other similar instrument with a Housing  
13 Authority created under the Housing Authorities Act that  
14 sets forth the terms for leasing low-rent housing.

15 (3) For a period of not less than 20 years, the  
16 property and improvements are used solely for low-rent  
17 housing and related uses.

18 Property and portions of property used or intended to be used  
19 for commercial purposes are not eligible for the abatement  
20 provided in this Section.

21 A housing authority created under the Housing Authorities  
22 Act shall file annually with the county clerk for any property  
23 eligible for an abatement under this Section, on a form  
24 prescribed by the county clerk, a certificate of the property's  
25 use during the immediately preceding year. The certificate  
26 shall certify that the property or a portion of the property  
27 meets the requirements of this Section and that the eligible  
28 residential units have been inspected within the previous 90  
29 days and meet or exceed all housing quality standards of the  
30 authority. If only a portion of the property meets these  
31 requirements, the certificate shall state the amount of that  
32 portion as a percentage of the total equalized and assessed  
33 value of the property. If the property is improved with an  
34 eligible multifamily dwelling or multi-building development  
35 containing residential units that are individually assessed,

1 no more than 40% of those residential units may be certified.  
2 If the property is improved with an eligible multifamily  
3 dwelling or multi-building development containing residential  
4 units that are not individually assessed, the portion of the  
5 property certified shall represent no more than 40% of those  
6 residential units.

7 The county clerk shall abate the taxes only if a  
8 certificate of use has been timely filed for that year. If only  
9 a portion of the property has been certified as eligible, the  
10 county clerk shall abate the taxes in the percentage so  
11 certified.

12 Whenever property receives an abatement under this  
13 Section, the rental rate set under the lease, regulatory and  
14 operating agreement, or other similar instrument for that  
15 property shall not include property taxes.

16 No property shall be eligible for abatement under this  
17 Section if the owner of the property has any outstanding and  
18 overdue debts to the municipality in which the property is  
19 situated.

20 (Source: P.A. 92-621, eff. 7-11-02; revised 11-6-02.)

21 (35 ILCS 200/18-185)

22 Sec. 18-185. Short title; definitions. This Division 5 may  
23 be cited as the Property Tax Extension Limitation Law. As used  
24 in this Division 5:

25 "Consumer Price Index" means the Consumer Price Index for  
26 All Urban Consumers for all items published by the United  
27 States Department of Labor.

28 "Extension limitation" means (a) the lesser of 5% or the  
29 percentage increase in the Consumer Price Index during the  
30 12-month calendar year preceding the levy year or (b) the rate  
31 of increase approved by voters under Section 18-205.

32 "Affected county" means a county of 3,000,000 or more  
33 inhabitants or a county contiguous to a county of 3,000,000 or  
34 more inhabitants.

35 "Taxing district" has the same meaning provided in Section

1 1-150, except as otherwise provided in this Section. For the  
2 1991 through 1994 levy years only, "taxing district" includes  
3 only each non-home rule taxing district having the majority of  
4 its 1990 equalized assessed value within any county or counties  
5 contiguous to a county with 3,000,000 or more inhabitants.  
6 Beginning with the 1995 levy year, "taxing district" includes  
7 only each non-home rule taxing district subject to this Law  
8 before the 1995 levy year and each non-home rule taxing  
9 district not subject to this Law before the 1995 levy year  
10 having the majority of its 1994 equalized assessed value in an  
11 affected county or counties. Beginning with the levy year in  
12 which this Law becomes applicable to a taxing district as  
13 provided in Section 18-213, "taxing district" also includes  
14 those taxing districts made subject to this Law as provided in  
15 Section 18-213.

16 "Aggregate extension" for taxing districts to which this  
17 Law applied before the 1995 levy year means the annual  
18 corporate extension for the taxing district and those special  
19 purpose extensions that are made annually for the taxing  
20 district, excluding special purpose extensions: (a) made for  
21 the taxing district to pay interest or principal on general  
22 obligation bonds that were approved by referendum; (b) made for  
23 any taxing district to pay interest or principal on general  
24 obligation bonds issued before October 1, 1991; (c) made for  
25 any taxing district to pay interest or principal on bonds  
26 issued to refund or continue to refund those bonds issued  
27 before October 1, 1991; (d) made for any taxing district to pay  
28 interest or principal on bonds issued to refund or continue to  
29 refund bonds issued after October 1, 1991 that were approved by  
30 referendum; (e) made for any taxing district to pay interest or  
31 principal on revenue bonds issued before October 1, 1991 for  
32 payment of which a property tax levy or the full faith and  
33 credit of the unit of local government is pledged; however, a  
34 tax for the payment of interest or principal on those bonds  
35 shall be made only after the governing body of the unit of  
36 local government finds that all other sources for payment are

1 insufficient to make those payments; (f) made for payments  
2 under a building commission lease when the lease payments are  
3 for the retirement of bonds issued by the commission before  
4 October 1, 1991, to pay for the building project; (g) made for  
5 payments due under installment contracts entered into before  
6 October 1, 1991; (h) made for payments of principal and  
7 interest on bonds issued under the Metropolitan Water  
8 Reclamation District Act to finance construction projects  
9 initiated before October 1, 1991; (i) made for payments of  
10 principal and interest on limited bonds, as defined in Section  
11 3 of the Local Government Debt Reform Act, in an amount not to  
12 exceed the debt service extension base less the amount in items  
13 (b), (c), (e), and (h) of this definition for non-referendum  
14 obligations, except obligations initially issued pursuant to  
15 referendum; (j) made for payments of principal and interest on  
16 bonds issued under Section 15 of the Local Government Debt  
17 Reform Act; (k) made by a school district that participates in  
18 the Special Education District of Lake County, created by  
19 special education joint agreement under Section 10-22.31 of the  
20 School Code, for payment of the school district's share of the  
21 amounts required to be contributed by the Special Education  
22 District of Lake County to the Illinois Municipal Retirement  
23 Fund under Article 7 of the Illinois Pension Code; the amount  
24 of any extension under this item (k) shall be certified by the  
25 school district to the county clerk; (l) made to fund expenses  
26 of providing joint recreational programs for the handicapped  
27 under Section 5-8 of the Park District Code or Section 11-95-14  
28 of the Illinois Municipal Code; (m) made for temporary  
29 relocation loan repayment purposes pursuant to Sections 2-3.77  
30 and 17-2.2d of the School Code; ~~and~~ (n) made for payment of  
31 principal and interest on any bonds issued under the authority  
32 of Section 17-2.2d of the School Code; and (o) ~~(m)~~ made for  
33 contributions to a firefighter's pension fund created under  
34 Article 4 of the Illinois Pension Code, to the extent of the  
35 amount certified under item (5) of Section 4-134 of the  
36 Illinois Pension Code.

1 "Aggregate extension" for the taxing districts to which  
2 this Law did not apply before the 1995 levy year (except taxing  
3 districts subject to this Law in accordance with Section  
4 18-213) means the annual corporate extension for the taxing  
5 district and those special purpose extensions that are made  
6 annually for the taxing district, excluding special purpose  
7 extensions: (a) made for the taxing district to pay interest or  
8 principal on general obligation bonds that were approved by  
9 referendum; (b) made for any taxing district to pay interest or  
10 principal on general obligation bonds issued before March 1,  
11 1995; (c) made for any taxing district to pay interest or  
12 principal on bonds issued to refund or continue to refund those  
13 bonds issued before March 1, 1995; (d) made for any taxing  
14 district to pay interest or principal on bonds issued to refund  
15 or continue to refund bonds issued after March 1, 1995 that  
16 were approved by referendum; (e) made for any taxing district  
17 to pay interest or principal on revenue bonds issued before  
18 March 1, 1995 for payment of which a property tax levy or the  
19 full faith and credit of the unit of local government is  
20 pledged; however, a tax for the payment of interest or  
21 principal on those bonds shall be made only after the governing  
22 body of the unit of local government finds that all other  
23 sources for payment are insufficient to make those payments;  
24 (f) made for payments under a building commission lease when  
25 the lease payments are for the retirement of bonds issued by  
26 the commission before March 1, 1995 to pay for the building  
27 project; (g) made for payments due under installment contracts  
28 entered into before March 1, 1995; (h) made for payments of  
29 principal and interest on bonds issued under the Metropolitan  
30 Water Reclamation District Act to finance construction  
31 projects initiated before October 1, 1991; (h-4) made for  
32 stormwater management purposes by the Metropolitan Water  
33 Reclamation District of Greater Chicago under Section 12 of the  
34 Metropolitan Water Reclamation District Act; (i) made for  
35 payments of principal and interest on limited bonds, as defined  
36 in Section 3 of the Local Government Debt Reform Act, in an

1 amount not to exceed the debt service extension base less the  
2 amount in items (b), (c), and (e) of this definition for  
3 non-referendum obligations, except obligations initially  
4 issued pursuant to referendum and bonds described in subsection  
5 (h) of this definition; (j) made for payments of principal and  
6 interest on bonds issued under Section 15 of the Local  
7 Government Debt Reform Act; (k) made for payments of principal  
8 and interest on bonds authorized by Public Act 88-503 and  
9 issued under Section 20a of the Chicago Park District Act for  
10 aquarium or museum projects; (l) made for payments of principal  
11 and interest on bonds authorized by Public Act 87-1191 or  
12 93-601 and (i) issued pursuant to Section 21.2 of the Cook  
13 County Forest Preserve District Act, (ii) issued under Section  
14 42 of the Cook County Forest Preserve District Act for  
15 zoological park projects, or (iii) issued under Section 44.1 of  
16 the Cook County Forest Preserve District Act for botanical  
17 gardens projects; (m) made pursuant to Section 34-53.5 of the  
18 School Code, whether levied annually or not; (n) made to fund  
19 expenses of providing joint recreational programs for the  
20 handicapped under Section 5-8 of the Park District Code or  
21 Section 11-95-14 of the Illinois Municipal Code; (o) made by  
22 the Chicago Park District for recreational programs for the  
23 handicapped under subsection (c) of Section 7.06 of the Chicago  
24 Park District Act; and (p) made for contributions to a  
25 firefighter's pension fund created under Article 4 of the  
26 Illinois Pension Code, to the extent of the amount certified  
27 under item (5) of Section 4-134 of the Illinois Pension Code.

28 "Aggregate extension" for all taxing districts to which  
29 this Law applies in accordance with Section 18-213, except for  
30 those taxing districts subject to paragraph (2) of subsection  
31 (e) of Section 18-213, means the annual corporate extension for  
32 the taxing district and those special purpose extensions that  
33 are made annually for the taxing district, excluding special  
34 purpose extensions: (a) made for the taxing district to pay  
35 interest or principal on general obligation bonds that were  
36 approved by referendum; (b) made for any taxing district to pay



1 interest or principal on general obligation bonds issued before  
2 the date on which the referendum making this Law applicable to  
3 the taxing district is held; (c) made for any taxing district  
4 to pay interest or principal on bonds issued to refund or  
5 continue to refund those bonds issued before the date on which  
6 the referendum making this Law applicable to the taxing  
7 district is held; (d) made for any taxing district to pay  
8 interest or principal on bonds issued to refund or continue to  
9 refund bonds issued after the date on which the referendum  
10 making this Law applicable to the taxing district is held if  
11 the bonds were approved by referendum after the date on which  
12 the referendum making this Law applicable to the taxing  
13 district is held; (e) made for any taxing district to pay  
14 interest or principal on revenue bonds issued before the date  
15 on which the referendum making this Law applicable to the  
16 taxing district is held for payment of which a property tax  
17 levy or the full faith and credit of the unit of local  
18 government is pledged; however, a tax for the payment of  
19 interest or principal on those bonds shall be made only after  
20 the governing body of the unit of local government finds that  
21 all other sources for payment are insufficient to make those  
22 payments; (f) made for payments under a building commission  
23 lease when the lease payments are for the retirement of bonds  
24 issued by the commission before the date on which the  
25 referendum making this Law applicable to the taxing district is  
26 held to pay for the building project; (g) made for payments due  
27 under installment contracts entered into before the date on  
28 which the referendum making this Law applicable to the taxing  
29 district is held; (h) made for payments of principal and  
30 interest on limited bonds, as defined in Section 3 of the Local  
31 Government Debt Reform Act, in an amount not to exceed the debt  
32 service extension base less the amount in items (b), (c), and  
33 (e) of this definition for non-referendum obligations, except  
34 obligations initially issued pursuant to referendum; (i) made  
35 for payments of principal and interest on bonds issued under  
36 Section 15 of the Local Government Debt Reform Act; (j) made

1 for a qualified airport authority to pay interest or principal  
2 on general obligation bonds issued for the purpose of paying  
3 obligations due under, or financing airport facilities  
4 required to be acquired, constructed, installed or equipped  
5 pursuant to, contracts entered into before March 1, 1996 (but  
6 not including any amendments to such a contract taking effect  
7 on or after that date); (k) made to fund expenses of providing  
8 joint recreational programs for the handicapped under Section  
9 5-8 of the Park District Code or Section 11-95-14 of the  
10 Illinois Municipal Code; and (l) made for contributions to a  
11 firefighter's pension fund created under Article 4 of the  
12 Illinois Pension Code, to the extent of the amount certified  
13 under item (5) of Section 4-134 of the Illinois Pension Code.

14 "Aggregate extension" for all taxing districts to which  
15 this Law applies in accordance with paragraph (2) of subsection  
16 (e) of Section 18-213 means the annual corporate extension for  
17 the taxing district and those special purpose extensions that  
18 are made annually for the taxing district, excluding special  
19 purpose extensions: (a) made for the taxing district to pay  
20 interest or principal on general obligation bonds that were  
21 approved by referendum; (b) made for any taxing district to pay  
22 interest or principal on general obligation bonds issued before  
23 the effective date of this amendatory Act of 1997; (c) made for  
24 any taxing district to pay interest or principal on bonds  
25 issued to refund or continue to refund those bonds issued  
26 before the effective date of this amendatory Act of 1997; (d)  
27 made for any taxing district to pay interest or principal on  
28 bonds issued to refund or continue to refund bonds issued after  
29 the effective date of this amendatory Act of 1997 if the bonds  
30 were approved by referendum after the effective date of this  
31 amendatory Act of 1997; (e) made for any taxing district to pay  
32 interest or principal on revenue bonds issued before the  
33 effective date of this amendatory Act of 1997 for payment of  
34 which a property tax levy or the full faith and credit of the  
35 unit of local government is pledged; however, a tax for the  
36 payment of interest or principal on those bonds shall be made

1 only after the governing body of the unit of local government  
2 finds that all other sources for payment are insufficient to  
3 make those payments; (f) made for payments under a building  
4 commission lease when the lease payments are for the retirement  
5 of bonds issued by the commission before the effective date of  
6 this amendatory Act of 1997 to pay for the building project;  
7 (g) made for payments due under installment contracts entered  
8 into before the effective date of this amendatory Act of 1997;  
9 (h) made for payments of principal and interest on limited  
10 bonds, as defined in Section 3 of the Local Government Debt  
11 Reform Act, in an amount not to exceed the debt service  
12 extension base less the amount in items (b), (c), and (e) of  
13 this definition for non-referendum obligations, except  
14 obligations initially issued pursuant to referendum; (i) made  
15 for payments of principal and interest on bonds issued under  
16 Section 15 of the Local Government Debt Reform Act; (j) made  
17 for a qualified airport authority to pay interest or principal  
18 on general obligation bonds issued for the purpose of paying  
19 obligations due under, or financing airport facilities  
20 required to be acquired, constructed, installed or equipped  
21 pursuant to, contracts entered into before March 1, 1996 (but  
22 not including any amendments to such a contract taking effect  
23 on or after that date); (k) made to fund expenses of providing  
24 joint recreational programs for the handicapped under Section  
25 5-8 of the Park District Code or Section 11-95-14 of the  
26 Illinois Municipal Code; and (l) made for contributions to a  
27 firefighter's pension fund created under Article 4 of the  
28 Illinois Pension Code, to the extent of the amount certified  
29 under item (5) of Section 4-134 of the Illinois Pension Code.

30 "Debt service extension base" means an amount equal to that  
31 portion of the extension for a taxing district for the 1994  
32 levy year, or for those taxing districts subject to this Law in  
33 accordance with Section 18-213, except for those subject to  
34 paragraph (2) of subsection (e) of Section 18-213, for the levy  
35 year in which the referendum making this Law applicable to the  
36 taxing district is held, or for those taxing districts subject

1 to this Law in accordance with paragraph (2) of subsection (e)  
2 of Section 18-213 for the 1996 levy year, constituting an  
3 extension for payment of principal and interest on bonds issued  
4 by the taxing district without referendum, but not including  
5 excluded non-referendum bonds. For park districts (i) that were  
6 first subject to this Law in 1991 or 1995 and (ii) whose  
7 extension for the 1994 levy year for the payment of principal  
8 and interest on bonds issued by the park district without  
9 referendum (but not including excluded non-referendum bonds)  
10 was less than 51% of the amount for the 1991 levy year  
11 constituting an extension for payment of principal and interest  
12 on bonds issued by the park district without referendum (but  
13 not including excluded non-referendum bonds), "debt service  
14 extension base" means an amount equal to that portion of the  
15 extension for the 1991 levy year constituting an extension for  
16 payment of principal and interest on bonds issued by the park  
17 district without referendum (but not including excluded  
18 non-referendum bonds). The debt service extension base may be  
19 established or increased as provided under Section 18-212.  
20 "Excluded non-referendum bonds" means (i) bonds authorized by  
21 Public Act 88-503 and issued under Section 20a of the Chicago  
22 Park District Act for aquarium and museum projects; (ii) bonds  
23 issued under Section 15 of the Local Government Debt Reform  
24 Act; or (iii) refunding obligations issued to refund or to  
25 continue to refund obligations initially issued pursuant to  
26 referendum.

27 "Special purpose extensions" include, but are not limited  
28 to, extensions for levies made on an annual basis for  
29 unemployment and workers' compensation, self-insurance,  
30 contributions to pension plans, and extensions made pursuant to  
31 Section 6-601 of the Illinois Highway Code for a road  
32 district's permanent road fund whether levied annually or not.  
33 The extension for a special service area is not included in the  
34 aggregate extension.

35 "Aggregate extension base" means the taxing district's  
36 last preceding aggregate extension as adjusted under Sections

1 18-215 through 18-230.

2 "Levy year" has the same meaning as "year" under Section  
3 1-155.

4 "New property" means (i) the assessed value, after final  
5 board of review or board of appeals action, of new improvements  
6 or additions to existing improvements on any parcel of real  
7 property that increase the assessed value of that real property  
8 during the levy year multiplied by the equalization factor  
9 issued by the Department under Section 17-30, (ii) the assessed  
10 value, after final board of review or board of appeals action,  
11 of real property not exempt from real estate taxation, which  
12 real property was exempt from real estate taxation for any  
13 portion of the immediately preceding levy year, multiplied by  
14 the equalization factor issued by the Department under Section  
15 17-30, and (iii) in counties that classify in accordance with  
16 Section 4 of Article IX of the Illinois Constitution, an  
17 incentive property's additional assessed value resulting from  
18 a scheduled increase in the level of assessment as applied to  
19 the first year final board of review market value. In addition,  
20 the county clerk in a county containing a population of  
21 3,000,000 or more shall include in the 1997 recovered tax  
22 increment value for any school district, any recovered tax  
23 increment value that was applicable to the 1995 tax year  
24 calculations.

25 "Qualified airport authority" means an airport authority  
26 organized under the Airport Authorities Act and located in a  
27 county bordering on the State of Wisconsin and having a  
28 population in excess of 200,000 and not greater than 500,000.

29 "Recovered tax increment value" means, except as otherwise  
30 provided in this paragraph, the amount of the current year's  
31 equalized assessed value, in the first year after a  
32 municipality terminates the designation of an area as a  
33 redevelopment project area previously established under the  
34 Tax Increment Allocation Development Act in the Illinois  
35 Municipal Code, previously established under the Industrial  
36 Jobs Recovery Law in the Illinois Municipal Code, or previously

1 established under the Economic Development Area Tax Increment  
2 Allocation Act, of each taxable lot, block, tract, or parcel of  
3 real property in the redevelopment project area over and above  
4 the initial equalized assessed value of each property in the  
5 redevelopment project area. For the taxes which are extended  
6 for the 1997 levy year, the recovered tax increment value for a  
7 non-home rule taxing district that first became subject to this  
8 Law for the 1995 levy year because a majority of its 1994  
9 equalized assessed value was in an affected county or counties  
10 shall be increased if a municipality terminated the designation  
11 of an area in 1993 as a redevelopment project area previously  
12 established under the Tax Increment Allocation Development Act  
13 in the Illinois Municipal Code, previously established under  
14 the Industrial Jobs Recovery Law in the Illinois Municipal  
15 Code, or previously established under the Economic Development  
16 Area Tax Increment Allocation Act, by an amount equal to the  
17 1994 equalized assessed value of each taxable lot, block,  
18 tract, or parcel of real property in the redevelopment project  
19 area over and above the initial equalized assessed value of  
20 each property in the redevelopment project area. In the first  
21 year after a municipality removes a taxable lot, block, tract,  
22 or parcel of real property from a redevelopment project area  
23 established under the Tax Increment Allocation Development Act  
24 in the Illinois Municipal Code, the Industrial Jobs Recovery  
25 Law in the Illinois Municipal Code, or the Economic Development  
26 Area Tax Increment Allocation Act, "recovered tax increment  
27 value" means the amount of the current year's equalized  
28 assessed value of each taxable lot, block, tract, or parcel of  
29 real property removed from the redevelopment project area over  
30 and above the initial equalized assessed value of that real  
31 property before removal from the redevelopment project area.

32 Except as otherwise provided in this Section, "limiting  
33 rate" means a fraction the numerator of which is the last  
34 preceding aggregate extension base times an amount equal to one  
35 plus the extension limitation defined in this Section and the  
36 denominator of which is the current year's equalized assessed

1 value of all real property in the territory under the  
2 jurisdiction of the taxing district during the prior levy year.  
3 For those taxing districts that reduced their aggregate  
4 extension for the last preceding levy year, the highest  
5 aggregate extension in any of the last 3 preceding levy years  
6 shall be used for the purpose of computing the limiting rate.  
7 The denominator shall not include new property. The denominator  
8 shall not include the recovered tax increment value.

9 (Source: P.A. 92-547, eff. 6-13-02; 93-601, eff. 1-1-04;  
10 93-606, eff. 11-18-03; 93-612, eff. 11-18-03; 93-689, eff.  
11 7-1-04; 93-690, eff. 7-1-04; 93-1049, eff. 11-17-04; revised  
12 12-14-04.)

13 (35 ILCS 200/18-101.47 rep.)

14 Section 211. The Property Tax Code is amended by repealing  
15 Section 18-101.47 as added by Public Acts 92-855 and 92-884.

16 Section 215. The Simplified Municipal Telecommunications  
17 Tax Act is amended by changing Section 5-50 as follows:

18 (35 ILCS 636/5-50)

19 Sec. 5-50. Returns to the Department.

20 (a) Commencing on February 1, 2003, for the tax imposed  
21 under subsection (a) of Section 5-20 of this Act, every  
22 retailer maintaining a place of business in this State shall,  
23 on or before the last day of each month make a return to the  
24 Department for the preceding calendar month, stating:

25 (1) Its name;

26 (2) The address of its principal place of business or  
27 the address of the principal place of business (if that is  
28 a different address) from which it engages in the business  
29 of transmitting telecommunications;

30 (3) Total amount of gross charges billed by it during  
31 the preceding calendar month for providing  
32 telecommunications during the calendar month;

33 (4) Total amount received by it during the preceding

1 calendar month on credit extended;

2 (5) Deductions allowed by law;

3 (6) Gross charges that were billed by it during the  
4 preceding calendar month and upon the basis of which the  
5 tax is imposed;

6 (7) Amount of tax (computed upon Item 6);

7 (8) The municipalities to which the Department shall  
8 remit the taxes and the amount of such remittances;

9 (9) Such other reasonable information as the  
10 Department may require.

11 (b) Any retailer required to make payments under this  
12 Section may make the payments by electronic funds transfer. The  
13 Department shall adopt rules necessary to effectuate a program  
14 of electronic funds transfer. Any retailer who has average  
15 monthly tax billings due to the Department under this Act and  
16 the Telecommunications Excise Tax Act that exceed \$1,000 shall  
17 make all payments by electronic funds transfer as required by  
18 rules of the Department.

19 (c) If the retailer's average monthly tax billings due to  
20 the Department under this Act and the Telecommunications Excise  
21 Tax Act do not exceed \$1,000, the Department may authorize such  
22 retailer's returns to be filed on a quarter-annual basis, with  
23 the return for January, February, and March of a given year  
24 being due by April 30th of that year; with the return for  
25 April, May, and June of a given year being due by July 31st of  
26 that year; with the return for July, August, and September of a  
27 given year being due by October 31st of that year; and with the  
28 return for October, November, and December of a given year  
29 being due by January 31st of the following year.

30 (d) If the retailer is otherwise required to file a monthly  
31 or quarterly return and if the retailer's average monthly tax  
32 billings due to the Department under this Act and the  
33 Telecommunications Excise Tax Act do not exceed \$400, the  
34 Department may authorize such retailer's return to be filed on  
35 an annual basis, with the return for a given year being due by  
36 January 31st of the following year.



1 (e) Each retailer whose average monthly remittance to the  
2 Department under this Act and the Telecommunications Excise Tax  
3 Act was \$25,000 or more during the preceding calendar year,  
4 excluding the month of highest remittance and the month of  
5 lowest remittance in such calendar year, and who is not  
6 operated by a unit of local government, shall make estimated  
7 payments to the Department on or before the 7th, 15th, 22nd,  
8 and last day of the month during which the tax remittance is  
9 owed to the Department in an amount not less than the lower of  
10 either 22.5% of the retailer's actual tax collections for the  
11 month or 25% of the retailer's actual tax collections for the  
12 same calendar month of the preceding year. The amount of such  
13 quarter-monthly payments shall be credited against the final  
14 remittance of the retailer's return for that month. Any  
15 outstanding credit, approved by the Department, arising from  
16 the retailer's overpayment of its final remittance for any  
17 month may be applied to reduce the amount of any subsequent  
18 quarter-monthly payment or credited against the final  
19 remittance of the retailer's return for any subsequent month.  
20 If any quarter-monthly payment is not paid at the time or in  
21 the amount required by this Section, the retailer shall be  
22 liable for penalty and interest on the difference between the  
23 minimum amount due as a payment and the amount of such payment  
24 actually and timely paid, except insofar as the retailer has  
25 previously made payments for that month to the Department or  
26 received credits in excess of the minimum payments previously  
27 due.

28 (f) Notwithstanding any other provision of this Section  
29 containing the time within which a retailer may file his or her  
30 return, in the case of any retailer who ceases to engage in a  
31 kind of business that makes him or her responsible for filing  
32 returns under this Section, the retailer shall file a final  
33 return under this Section with the Department not more than one  
34 month after discontinuing such business.

35 (g) In making such return, the retailer shall determine the  
36 value of any consideration other than money received by it and

1 such retailer shall include the value in its return. Such  
2 determination shall be subject to review and revision by the  
3 Department in the manner hereinafter provided for the  
4 correction of returns.

5 (h) Any retailer who has average monthly tax billings due  
6 to the Department under this Act and the Telecommunications  
7 Excise Tax Act that exceed \$1,000 shall file the return  
8 required by this Section by electronic means as required by  
9 rules of the Department.

10 (i) The retailer filing the return herein provided for  
11 shall, at the time of filing the return, pay to the Department  
12 the amounts due pursuant to this Act. The Department shall  
13 immediately pay over to the State Treasurer, ex officio, as  
14 trustee, 99.5% of all taxes, penalties, and interest collected  
15 hereunder for deposit into the Municipal Telecommunications  
16 Fund, which is hereby created. The remaining 0.5% received by  
17 the Department pursuant to this Act shall be deposited into the  
18 Tax Compliance and Administration Fund and shall be used by the  
19 Department, subject to appropriation, to cover the costs of the  
20 Department.

21 On or before the 25th day of each calendar month, the  
22 Department shall prepare and certify to the Comptroller the  
23 disbursement of stated sums of money to be paid to named  
24 municipalities from the Municipal Telecommunications Fund for  
25 amounts collected during the second preceding calendar month.  
26 The named municipalities shall be those municipalities  
27 identified by a retailer in such retailer's return as having  
28 imposed the tax authorized by the Act. The amount of money to  
29 be paid to each municipality shall be the amount (not including  
30 credit memoranda) collected hereunder during the second  
31 preceding calendar month by the Department, plus an amount the  
32 Department determines is necessary to offset any amounts that  
33 were erroneously ~~erronenously~~ paid to a different taxing body,  
34 and not including an amount equal to the amount of refunds made  
35 during the second preceding calendar month by the Department on  
36 behalf of such municipality, and not including any amount that

1 the Department determines is necessary to offset any amount  
2 that were payable to a different taxing body but were  
3 erroneously paid to the municipality. Within 10 days after  
4 receipt by the Comptroller of the disbursement certification  
5 from the Department, the Comptroller shall cause the orders to  
6 be drawn for the respective amounts in accordance with the  
7 directions contained in the certification. When certifying to  
8 the Comptroller the amount of a monthly disbursement to a  
9 municipality under this Section, the Department shall increase  
10 or decrease the amount by an amount necessary to offset any  
11 misallocation of previous disbursements. The offset amount  
12 shall be the amount erroneously disbursed within the previous 6  
13 months from the time a misallocation is discovered.

14 (j) For municipalities with populations of less than  
15 500,000, whenever the Department determines that a refund shall  
16 be made under this Section to a claimant instead of issuing a  
17 credit memorandum, the Department shall notify the State  
18 Comptroller, who shall cause the order to be drawn for the  
19 amount specified and to the person named in the notification  
20 from the Department. The refund shall be paid by the State  
21 Treasurer out of the Municipal Telecommunications Fund.

22 (Source: P.A. 92-526, eff. 7-1-02; revised 2-17-03.)

23 Section 220. The Uniform Penalty and Interest Act is  
24 amended by changing Sections 3-2 and 3-3 as follows:

25 (35 ILCS 735/3-2) (from Ch. 120, par. 2603-2)

26 Sec. 3-2. Interest.

27 (a) Interest paid by the Department to taxpayers and  
28 interest charged to taxpayers by the Department shall be paid  
29 at the annual rate determined by the Department. For periods  
30 prior to January 1, 2004, that rate shall be the underpayment  
31 rate established under Section 6621 of the Internal Revenue  
32 Code. For periods after December 31, 2003, that rate shall be:

33 (1) for the one-year period beginning with the date of  
34 underpayment or overpayment, the short-term federal rate

1 established under Section 6621 of the Internal Revenue  
2 Code.

3 (2) for any period beginning the day after the one-year  
4 period described in paragraph (1) of this subsection (a),  
5 the underpayment rate established under Section 6621 of the  
6 Internal Revenue Code.

7 (b) The interest rate shall be adjusted on a semiannual  
8 basis, on January 1 and July 1, based upon the underpayment  
9 rate or short-term federal rate going into effect on that  
10 January 1 or July 1 under Section 6621 of the Internal Revenue  
11 Code.

12 (c) This subsection (c) is applicable to returns due on and  
13 before December 31, 2000. Interest shall be simple interest  
14 calculated on a daily basis. Interest shall accrue upon tax and  
15 penalty due. If notice and demand is made for the payment of  
16 any amount of tax due and if the amount due is paid within 30  
17 days after the date of such notice and demand, interest under  
18 this Section on the amount so paid shall not be imposed for the  
19 period after the date of the notice and demand.

20 (c-5) This subsection (c-5) is applicable to returns due on  
21 and after January 1, 2001. Interest shall be simple interest  
22 calculated on a daily basis. Interest shall accrue upon tax  
23 due. If notice and demand is made for the payment of any amount  
24 of tax due and if the amount due is paid within 30 days after  
25 the date of the notice and demand, interest under this Section  
26 on the amount so paid shall not be imposed for the period after  
27 the date of the notice and demand.

28 (d) No interest shall be paid upon any overpayment of tax  
29 if the overpayment is refunded or a credit approved within 90  
30 days after the last date prescribed for filing the original  
31 return, or within 90 days of the receipt of the processable  
32 return, or within 90 days after the date of overpayment,  
33 whichever date is latest, as determined without regard to  
34 processing time by the Comptroller or without regard to the  
35 date on which the credit is applied to the taxpayer's account.  
36 In order for an original return to be processable for purposes

1 of this Section, it must be in the form prescribed or approved  
2 by the Department, signed by the person authorized by law, and  
3 contain all information, schedules, and support documents  
4 necessary to determine the tax due and to make allocations of  
5 tax as prescribed by law. For the purposes of computing  
6 interest, a return shall be deemed to be processable unless the  
7 Department notifies the taxpayer that the return is not  
8 processable within 90 days after the receipt of the return;  
9 however, interest shall not accumulate for the period following  
10 this date of notice. Interest on amounts refunded or credited  
11 pursuant to the filing of an amended return or claim for refund  
12 shall be determined from the due date of the original return or  
13 the date of overpayment, whichever is later, to the date of  
14 payment by the Department without regard to processing time by  
15 the Comptroller or the date of credit by the Department or  
16 without regard to the date on which the credit is applied to  
17 the taxpayer's account. If a claim for refund relates to an  
18 overpayment attributable to a net loss carryback as provided by  
19 Section 207 of the Illinois Income Tax Act, the date of  
20 overpayment shall be the last day of the taxable year in which  
21 the loss was incurred.

22 (e) Interest on erroneous refunds. Any portion of the tax  
23 imposed by an Act to which this Act is applicable or any  
24 interest or penalty which has been erroneously refunded and  
25 which is recoverable by the Department shall bear interest from  
26 the date of payment of the refund. However, no interest will be  
27 charged if the erroneous refund is for an amount less than \$500  
28 and is due to a mistake of the Department.

29 (f) If a taxpayer has a tax liability that is eligible for  
30 amnesty under the Tax Delinquency Amnesty Act and the taxpayer  
31 fails to satisfy the tax liability during the amnesty period  
32 provided for in that Act, then the interest charged by the  
33 Department under this Section shall be imposed at a rate that  
34 is 200% of the rate that would otherwise be imposed under this  
35 Section.

36 (Source: P.A. 93-26, eff. 6-20-03; 93-32, eff. 6-20-03; revised

1 8-1-03.)

2 (35 ILCS 735/3-3) (from Ch. 120, par. 2603-3)

3 Sec. 3-3. Penalty for failure to file or pay.

4 (a) This subsection (a) is applicable before January 1,  
5 1996. A penalty of 5% of the tax required to be shown due on a  
6 return shall be imposed for failure to file the tax return on  
7 or before the due date prescribed for filing determined with  
8 regard for any extension of time for filing (penalty for late  
9 filing or nonfiling). If any unprocessable return is corrected  
10 and filed within 21 days after notice by the Department, the  
11 late filing or nonfiling penalty shall not apply. If a penalty  
12 for late filing or nonfiling is imposed in addition to a  
13 penalty for late payment, the total penalty due shall be the  
14 sum of the late filing penalty and the applicable late payment  
15 penalty. Beginning on the effective date of this amendatory Act  
16 of 1995, in the case of any type of tax return required to be  
17 filed more frequently than annually, when the failure to file  
18 the tax return on or before the date prescribed for filing  
19 (including any extensions) is shown to be nonfraudulent and has  
20 not occurred in the 2 years immediately preceding the failure  
21 to file on the prescribed due date, the penalty imposed by  
22 Section 3-3(a) shall be abated.

23 (a-5) This subsection (a-5) is applicable to returns due on  
24 and after January 1, 1996 and on or before December 31, 2000. A  
25 penalty equal to 2% of the tax required to be shown due on a  
26 return, up to a maximum amount of \$250, determined without  
27 regard to any part of the tax that is paid on time or by any  
28 credit that was properly allowable on the date the return was  
29 required to be filed, shall be imposed for failure to file the  
30 tax return on or before the due date prescribed for filing  
31 determined with regard for any extension of time for filing.  
32 However, if any return is not filed within 30 days after notice  
33 of nonfiling mailed by the Department to the last known address  
34 of the taxpayer contained in Department records, an additional  
35 penalty amount shall be imposed equal to the greater of \$250 or

1 2% of the tax shown on the return. However, the additional  
2 penalty amount may not exceed \$5,000 and is determined without  
3 regard to any part of the tax that is paid on time or by any  
4 credit that was properly allowable on the date the return was  
5 required to be filed (penalty for late filing or nonfiling). If  
6 any unprocessable return is corrected and filed within 30 days  
7 after notice by the Department, the late filing or nonfiling  
8 penalty shall not apply. If a penalty for late filing or  
9 nonfiling is imposed in addition to a penalty for late payment,  
10 the total penalty due shall be the sum of the late filing  
11 penalty and the applicable late payment penalty. In the case of  
12 any type of tax return required to be filed more frequently  
13 than annually, when the failure to file the tax return on or  
14 before the date prescribed for filing (including any  
15 extensions) is shown to be nonfraudulent and has not occurred  
16 in the 2 years immediately preceding the failure to file on the  
17 prescribed due date, the penalty imposed by Section 3-3(a-5)  
18 shall be abated.

19 (a-10) This subsection (a-10) is applicable to returns due  
20 on and after January 1, 2001. A penalty equal to 2% of the tax  
21 required to be shown due on a return, up to a maximum amount of  
22 \$250, reduced by any tax that is paid on time or by any credit  
23 that was properly allowable on the date the return was required  
24 to be filed, shall be imposed for failure to file the tax  
25 return on or before the due date prescribed for filing  
26 determined with regard for any extension of time for filing.  
27 However, if any return is not filed within 30 days after notice  
28 of nonfiling mailed by the Department to the last known address  
29 of the taxpayer contained in Department records, an additional  
30 penalty amount shall be imposed equal to the greater of \$250 or  
31 2% of the tax shown on the return. However, the additional  
32 penalty amount may not exceed \$5,000 and is determined without  
33 regard to any part of the tax that is paid on time or by any  
34 credit that was properly allowable on the date the return was  
35 required to be filed (penalty for late filing or nonfiling). If  
36 any unprocessable return is corrected and filed within 30 days

1 after notice by the Department, the late filing or nonfiling  
2 penalty shall not apply. If a penalty for late filing or  
3 nonfiling is imposed in addition to a penalty for late payment,  
4 the total penalty due shall be the sum of the late filing  
5 penalty and the applicable late payment penalty. In the case of  
6 any type of tax return required to be filed more frequently  
7 than annually, when the failure to file the tax return on or  
8 before the date prescribed for filing (including any  
9 extensions) is shown to be nonfraudulent and has not occurred  
10 in the 2 years immediately preceding the failure to file on the  
11 prescribed due date, the penalty imposed by Section 3-3(a-10)  
12 shall be abated.

13 (b) This subsection is applicable before January 1, 1998. A  
14 penalty of 15% of the tax shown on the return or the tax  
15 required to be shown due on the return shall be imposed for  
16 failure to pay:

17 (1) the tax shown due on the return on or before the  
18 due date prescribed for payment of that tax, an amount of  
19 underpayment of estimated tax, or an amount that is  
20 reported in an amended return other than an amended return  
21 timely filed as required by subsection (b) of Section 506  
22 of the Illinois Income Tax Act (penalty for late payment or  
23 nonpayment of admitted liability); or

24 (2) the full amount of any tax required to be shown due  
25 on a return and which is not shown (penalty for late  
26 payment or nonpayment of additional liability), within 30  
27 days after a notice of arithmetic error, notice and demand,  
28 or a final assessment is issued by the Department. In the  
29 case of a final assessment arising following a protest and  
30 hearing, the 30-day period shall not begin until all  
31 proceedings in court for review of the final assessment  
32 have terminated or the period for obtaining a review has  
33 expired without proceedings for a review having been  
34 instituted. In the case of a notice of tax liability that  
35 becomes a final assessment without a protest and hearing,  
36 the penalty provided in this paragraph (2) shall be imposed



1 at the expiration of the period provided for the filing of  
2 a protest.

3 (b-5) This subsection is applicable to returns due on and  
4 after January 1, 1998 and on or before December 31, 2000. A  
5 penalty of 20% of the tax shown on the return or the tax  
6 required to be shown due on the return shall be imposed for  
7 failure to pay:

8 (1) the tax shown due on the return on or before the  
9 due date prescribed for payment of that tax, an amount of  
10 underpayment of estimated tax, or an amount that is  
11 reported in an amended return other than an amended return  
12 timely filed as required by subsection (b) of Section 506  
13 of the Illinois Income Tax Act (penalty for late payment or  
14 nonpayment of admitted liability); or

15 (2) the full amount of any tax required to be shown due  
16 on a return and which is not shown (penalty for late  
17 payment or nonpayment of additional liability), within 30  
18 days after a notice of arithmetic error, notice and demand,  
19 or a final assessment is issued by the Department. In the  
20 case of a final assessment arising following a protest and  
21 hearing, the 30-day period shall not begin until all  
22 proceedings in court for review of the final assessment  
23 have terminated or the period for obtaining a review has  
24 expired without proceedings for a review having been  
25 instituted. In the case of a notice of tax liability that  
26 becomes a final assessment without a protest and hearing,  
27 the penalty provided in this paragraph (2) shall be imposed  
28 at the expiration of the period provided for the filing of  
29 a protest.

30 (b-10) This subsection (b-10) is applicable to returns due  
31 on and after January 1, 2001 and on or before December 31,  
32 2003. A penalty shall be imposed for failure to pay:

33 (1) the tax shown due on a return on or before the due  
34 date prescribed for payment of that tax, an amount of  
35 underpayment of estimated tax, or an amount that is  
36 reported in an amended return other than an amended return

1           timely filed as required by subsection (b) of Section 506  
2           of the Illinois Income Tax Act (penalty for late payment or  
3           nonpayment of admitted liability). The amount of penalty  
4           imposed under this subsection (b-10)(1) shall be 2% of any  
5           amount that is paid no later than 30 days after the due  
6           date, 5% of any amount that is paid later than 30 days  
7           after the due date and not later than 90 days after the due  
8           date, 10% of any amount that is paid later than 90 days  
9           after the due date and not later than 180 days after the  
10          due date, and 15% of any amount that is paid later than 180  
11          days after the due date. If notice and demand is made for  
12          the payment of any amount of tax due and if the amount due  
13          is paid within 30 days after the date of the notice and  
14          demand, then the penalty for late payment or nonpayment of  
15          admitted liability under this subsection (b-10)(1) on the  
16          amount so paid shall not accrue for the period after the  
17          date of the notice and demand.

18           (2) the full amount of any tax required to be shown due  
19          on a return and that is not shown (penalty for late payment  
20          or nonpayment of additional liability), within 30 days  
21          after a notice of arithmetic error, notice and demand, or a  
22          final assessment is issued by the Department. In the case  
23          of a final assessment arising following a protest and  
24          hearing, the 30-day period shall not begin until all  
25          proceedings in court for review of the final assessment  
26          have terminated or the period for obtaining a review has  
27          expired without proceedings for a review having been  
28          instituted. The amount of penalty imposed under this  
29          subsection (b-10)(2) shall be 20% of any amount that is not  
30          paid within the 30-day period. In the case of a notice of  
31          tax liability that becomes a final assessment without a  
32          protest and hearing, the penalty provided in this  
33          subsection (b-10)(2) shall be imposed at the expiration of  
34          the period provided for the filing of a protest.

35           (b-15) This subsection (b-15) is applicable to returns due  
36          on and after January 1, 2004.

1           (1) A penalty shall be imposed for failure to pay the  
2 tax shown due or required to be shown due on a return on or  
3 before the due date prescribed for payment of that tax, an  
4 amount of underpayment of estimated tax, or an amount that  
5 is reported in an amended return other than an amended  
6 return timely filed as required by subsection (b) of  
7 Section 506 of the Illinois Income Tax Act (penalty for  
8 late payment or nonpayment of admitted liability). The  
9 amount of penalty imposed under this subsection (b-15) (1)  
10 shall be 2% of any amount that is paid no later than 30  
11 days after the due date, 10% of any amount that is paid  
12 later than 30 days after the due date and not later than 90  
13 days after the due date, 15% of any amount that is paid  
14 later than 90 days after the due date and not later than  
15 180 days after the due date, and 20% of any amount that is  
16 paid later than 180 days after the due date. If notice and  
17 demand is made for the payment of any amount of tax due and  
18 if the amount due is paid within 30 days after the date of  
19 this notice and demand, then the penalty for late payment  
20 or nonpayment of admitted liability under this subsection  
21 (b-15) (1) on the amount so paid shall not accrue for the  
22 period after the date of the notice and demand.

23           (2) A penalty shall be imposed for failure to file a  
24 return or to show on a timely return the full amount of any  
25 tax required to be shown due. The amount of penalty imposed  
26 under this subsection (b-15) (2) shall be:

27           (A) 5% of any amount of tax (other than an amount  
28 properly reported on an amended return timely filed as  
29 required by subsection (b) of Section 506 of the  
30 Illinois Income Tax Act) that is shown on a return or  
31 amended return filed prior to the date the Department  
32 has initiated an audit or investigation of the  
33 taxpayer;

34           (B) 10% of any amount of tax (other than an amount  
35 properly reported on an amended return timely filed as  
36 required by subsection (b) of Section 506 of the

1 Illinois Income Tax Act) that is shown on a return or  
2 amended return filed on or after the date the  
3 Department has initiated an audit or investigation of  
4 the taxpayer, but prior to the date any notice of  
5 deficiency, notice of tax liability, notice of  
6 assessment or notice of final assessment is issued by  
7 the Department with respect to any portion of such  
8 underreported amount; or

9 (C) 20% of any amount that is not reported on a  
10 return or amended return filed prior to the date any  
11 notice of deficiency, notice of tax liability, notice  
12 of assessment or notice of final assessment is issued  
13 by the Department with respect to any portion of such  
14 underreported amount.

15 (c) For purposes of the late payment penalties, the basis  
16 of the penalty shall be the tax shown or required to be shown  
17 on a return, whichever is applicable, reduced by any part of  
18 the tax which is paid on time and by any credit which was  
19 properly allowable on the date the return was required to be  
20 filed.

21 (d) A penalty shall be applied to the tax required to be  
22 shown even if that amount is less than the tax shown on the  
23 return.

24 (e) This subsection (e) is applicable to returns due before  
25 January 1, 2001. If both a subsection (b)(1) or (b-5)(1)  
26 penalty and a subsection (b)(2) or (b-5)(2) penalty are  
27 assessed against the same return, the subsection (b)(2) or  
28 (b-5)(2) penalty shall be assessed against only the additional  
29 tax found to be due.

30 (e-5) This subsection (e-5) is applicable to returns due on  
31 and after January 1, 2001. If both a subsection (b-10)(1)  
32 penalty and a subsection (b-10)(2) penalty are assessed against  
33 the same return, the subsection (b-10)(2) penalty shall be  
34 assessed against only the additional tax found to be due.

35 (f) If the taxpayer has failed to file the return, the  
36 Department shall determine the correct tax according to its

1 best judgment and information, which amount shall be prima  
2 facie evidence of the correctness of the tax due.

3 (g) The time within which to file a return or pay an amount  
4 of tax due without imposition of a penalty does not extend the  
5 time within which to file a protest to a notice of tax  
6 liability or a notice of deficiency.

7 (h) No return shall be determined to be unprocessable  
8 because of the omission of any information requested on the  
9 return pursuant to Section 2505-575 of the Department of  
10 Revenue Law (20 ILCS 2505/2505-575).

11 (i) If a taxpayer has a tax liability that is eligible for  
12 amnesty under the Tax Delinquency Amnesty Act and the taxpayer  
13 fails to satisfy the tax liability during the amnesty period  
14 provided for in that Act, then the penalty imposed by the  
15 Department under this Section shall be imposed in an amount  
16 that is 200% of the amount that would otherwise be imposed  
17 under this Section.

18 (Source: P.A. 92-742, eff. 7-25-02; 93-26, eff. 6-20-03; 93-32,  
19 eff. 6-20-03; revised 8-1-03.)

20 Section 225. The Illinois Pension Code is amended by  
21 changing Sections 8-138, 11-134, 14-103.04, 14-103.05, 16-150,  
22 and 16-182 and the headings of Articles 9 and 13 as follows:

23 (40 ILCS 5/8-138) (from Ch. 108 1/2, par. 8-138)

24 Sec. 8-138. Minimum annuities - Additional provisions.

25 (a) An employee who withdraws after age 65 or more with at  
26 least 20 years of service, for whom the amount of age and  
27 service and prior service annuity combined is less than the  
28 amount stated in this Section, shall from the date of  
29 withdrawal, instead of all annuities otherwise provided, be  
30 entitled to receive an annuity for life of \$150 a year, plus 1  
31 1/2% for each year of service, to and including 20 years, and 1  
32 2/3% for each year of service over 20 years, of his highest  
33 average annual salary for any 4 consecutive years within the  
34 last 10 years of service immediately preceding the date of

1 withdrawal.

2 An employee who withdraws after 20 or more years of  
3 service, before age 65, shall be entitled to such annuity, to  
4 begin not earlier than upon attained age of 55 years if under  
5 such age at withdrawal, reduced by 2% for each full year or  
6 fractional part thereof that his attained age is less than 65,  
7 plus an additional 2% reduction for each full year or  
8 fractional part thereof that his attained age when annuity is  
9 to begin is less than 60 so that the total reduction at age 55  
10 shall be 30%.

11 (b) An employee who withdraws after July 1, 1957, at age 60  
12 or over, with 20 or more years of service, for whom the age and  
13 service and prior service annuity combined, is less than the  
14 amount stated in this paragraph, shall, from the date of  
15 withdrawal, instead of such annuities, be entitled to receive  
16 an annuity for life equal to 1 2/3% for each year of service,  
17 of the highest average annual salary for any 5 consecutive  
18 years within the last 10 years of service immediately preceding  
19 the date of withdrawal; provided, that in the case of any  
20 employee who withdraws on or after July 1, 1971, such employee  
21 age 60 or over with 20 or more years of service, shall receive  
22 an annuity for life equal to 1.67% for each of the first 10  
23 years of service; 1.90% for each of the next 10 years of  
24 service; 2.10% for each year of service in excess of 20 but not  
25 exceeding 30; and 2.30% for each year of service in excess of  
26 30, based on the highest average annual salary for any 4  
27 consecutive years within the last 10 years of service  
28 immediately preceding the date of withdrawal.

29 An employee who withdraws after July 1, 1957 and before  
30 January 1, 1988, with 20 or more years of service, before age  
31 60 years is entitled to annuity, to begin not earlier than upon  
32 attained age of 55 years, if under such age at withdrawal, as  
33 computed in the last preceding paragraph, reduced 0.25% for  
34 each full month or fractional part thereof that his attained  
35 age when annuity is to begin is less than 60 if the employee  
36 was born before January 1, 1936, or 0.5% for each such month if

1 the employee was born on or after January 1, 1936.

2 Any employee born before January 1, 1936, who withdraws  
3 with 20 or more years of service, and any employee with 20 or  
4 more years of service who withdraws on or after January 1,  
5 1988, may elect to receive, in lieu of any other employee  
6 annuity provided in this Section, an annuity for life equal to  
7 1.80% for each of the first 10 years of service, 2.00% for each  
8 of the next 10 years of service, 2.20% for each year of service  
9 in excess of 20 but not exceeding 30, and 2.40% for each year  
10 of service in excess of 30, of the highest average annual  
11 salary for any 4 consecutive years within the last 10 years of  
12 service immediately preceding the date of withdrawal, to begin  
13 not earlier than upon attained age of 55 years, if under such  
14 age at withdrawal, reduced 0.25% for each full month or  
15 fractional part thereof that his attained age when annuity is  
16 to begin is less than 60; except that an employee retiring on  
17 or after January 1, 1988, at age 55 or over but less than age  
18 60, having at least 35 years of service, or an employee  
19 retiring on or after July 1, 1990, at age 55 or over but less  
20 than age 60, having at least 30 years of service, or an  
21 employee retiring on or after the effective date of this  
22 amendatory Act of 1997, at age 55 or over but less than age 60,  
23 having at least 25 years of service, shall not be subject to  
24 the reduction in retirement annuity because of retirement below  
25 age 60.

26 However, in the case of an employee who retired on or after  
27 January 1, 1985 but before January 1, 1988, at age 55 or older  
28 and with at least 35 years of service, and who was subject  
29 under this subsection (b) to the reduction in retirement  
30 annuity because of retirement below age 60, that reduction  
31 shall cease to be effective January 1, 1991, and the retirement  
32 annuity shall be recalculated accordingly.

33 Any employee who withdraws on or after July 1, 1990, with  
34 20 or more years of service, may elect to receive, in lieu of  
35 any other employee annuity provided in this Section, an annuity  
36 for life equal to 2.20% for each year of service if withdrawal

1 is before January 1, 2002, ~~60 days after the effective date of~~  
2 ~~this amendatory Act of the 92nd General Assembly,~~ or 2.40% for  
3 each year of service if withdrawal is on or after January 1,  
4 2002, ~~60 days after the effective date of this amendatory Act~~  
5 ~~of the 92nd General Assembly or later,~~ of the highest average  
6 annual salary for any 4 consecutive years within the last 10  
7 years of service immediately preceding the date of withdrawal,  
8 to begin not earlier than upon attained age of 55 years, if  
9 under such age at withdrawal, reduced 0.25% for each full month  
10 or fractional part thereof that his attained age when annuity  
11 is to begin is less than 60; except that an employee retiring  
12 at age 55 or over but less than age 60, having at least 30 years  
13 of service, shall not be subject to the reduction in retirement  
14 annuity because of retirement below age 60.

15 Any employee who withdraws on or after the effective date  
16 of this amendatory Act of 1997 with 20 or more years of service  
17 may elect to receive, in lieu of any other employee annuity  
18 provided in this Section, an annuity for life equal to 2.20%  
19 for each year of service, if withdrawal is before January 1,  
20 2002, ~~60 days after the effective date of this amendatory Act~~  
21 ~~of the 92nd General Assembly,~~ or 2.40% for each year of service  
22 if withdrawal is on or after January 1, 2002, ~~60 days after the~~  
23 ~~effective date of this amendatory Act of the 92nd General~~  
24 ~~Assembly or later,~~ of the highest average annual salary for any  
25 4 consecutive years within the last 10 years of service  
26 immediately preceding the date of withdrawal, to begin not  
27 earlier than upon attainment of age 55 (age 50 if the employee  
28 has at least 30 years of service), reduced 0.25% for each full  
29 month or remaining fractional part thereof that the employee's  
30 attained age when annuity is to begin is less than 60; except  
31 that an employee retiring at age 50 or over with at least 30  
32 years of service or at age 55 or over with at least 25 years of  
33 service shall not be subject to the reduction in retirement  
34 annuity because of retirement below age 60.

35 The maximum annuity payable under part (a) and (b) of this  
36 Section shall not exceed 70% of highest average annual salary



1 in the case of an employee who withdraws prior to July 1, 1971,  
2 75% if withdrawal takes place on or after July 1, 1971 and  
3 prior to January 1, 2002, ~~60 days after the effective date of~~  
4 ~~this amendatory Act of the 92nd General Assembly,~~ or 80% if  
5 withdrawal takes place on or after January 1, 2002 ~~is 60 days~~  
6 ~~after the effective date of this amendatory Act of the 92nd~~  
7 ~~General Assembly or later.~~ For the purpose of the minimum  
8 annuity provided in this Section \$1,500 is considered the  
9 minimum annual salary for any year; and the maximum annual  
10 salary for the computation of such annuity is \$4,800 for any  
11 year before 1953, \$6000 for the years 1953 to 1956, inclusive,  
12 and the actual annual salary, as salary is defined in this  
13 Article, for any year thereafter.

14 To preserve rights existing on December 31, 1959, for  
15 participants and contributors on that date to the fund created  
16 by the Court and Law Department Employees' Annuity Act, who  
17 became participants in the fund provided for on January 1,  
18 1960, the maximum annual salary to be considered for such  
19 persons for the years 1955 and 1956 is \$7,500.

20 (c) For an employee receiving disability benefit, his  
21 salary for annuity purposes under paragraphs (a) and (b) of  
22 this Section, for all periods of disability benefit subsequent  
23 to the year 1956, is the amount on which his disability benefit  
24 was based.

25 (d) An employee with 20 or more years of service, whose  
26 entire disability benefit credit period expires before  
27 attainment of age 55 while still disabled for service, is  
28 entitled upon withdrawal to the larger of (1) the minimum  
29 annuity provided above, assuming he is then age 55, and  
30 reducing such annuity to its actuarial equivalent as of his  
31 attained age on such date or (2) the annuity provided from his  
32 age and service and prior service annuity credits.

33 (e) The minimum annuity provisions do not apply to any  
34 former municipal employee receiving an annuity from the fund  
35 who re-enters service as a municipal employee, unless he  
36 renders at least 3 years of additional service after the date

1 of re-entry.

2 (f) An employee in service on July 1, 1947, or who became a  
3 contributor after July 1, 1947 and before attainment of age 70,  
4 who withdraws after age 65, with less than 20 years of service  
5 for whom the annuity has been fixed under this Article shall,  
6 instead of the annuity so fixed, receive an annuity as follows:

7 Such amount as he could have received had the accumulated  
8 amounts for annuity been improved with interest at the  
9 effective rate to the date of his withdrawal, or to attainment  
10 of age 70, whichever is earlier, and had the city contributed  
11 to such earlier date for age and service annuity the amount  
12 that it would have contributed had he been under age 65, after  
13 the date his annuity was fixed in accordance with this Article,  
14 and assuming his annuity were computed from such accumulations  
15 as of his age on such earlier date. The annuity so computed  
16 shall not exceed the annuity which would be payable under the  
17 other provisions of this Section if the employee was credited  
18 with 20 years of service and would qualify for annuity  
19 thereunder.

20 (g) Instead of the annuity provided in this Article, an  
21 employee having attained age 65 with at least 15 years of  
22 service who withdraws from service on or after July 1, 1971 and  
23 whose annuity computed under other provisions of this Article  
24 is less than the amount provided under this paragraph, is  
25 entitled to a minimum annuity for life equal to 1% of the  
26 highest average annual salary, as salary is defined and limited  
27 in this Section for any 4 consecutive years within the last 10  
28 years of service for each year of service, plus the sum of \$25  
29 for each year of service. The annuity shall not exceed 60% of  
30 such highest average annual salary.

31 (g-1) Instead of any other retirement annuity provided in  
32 this Article, an employee who has at least 10 years of service  
33 and withdraws from service on or after January 1, 1999 may  
34 elect to receive a retirement annuity for life, beginning no  
35 earlier than upon attainment of age 60, equal to 2.2% if  
36 withdrawal is before January 1, 2002, ~~60 days after the~~

1 ~~effective date of this amendatory Act of the 92nd General~~  
2 ~~Assembly~~ or 2.4% if withdrawal is on or after January 1, 2002,  
3 ~~60 days after the effective date of this amendatory Act of the~~  
4 ~~92nd General Assembly or later,~~ of final average salary for  
5 each year of service, subject to a maximum of 75% of final  
6 average salary if withdrawal is before January 1, 2002, or 80%  
7 if withdrawal is on or after January 1, 2002. For the purpose  
8 of calculating this annuity, "final average salary" means the  
9 highest average annual salary for any 4 consecutive years in  
10 the last 10 years of service.

11 (h) The minimum annuities provided under this Section shall  
12 be paid in equal monthly installments.

13 (i) The amendatory provisions of part (b) and (g) of this  
14 Section shall be effective July 1, 1971 and apply in the case  
15 of every qualifying employee withdrawing on or after July 1,  
16 1971.

17 (j) The amendatory provisions of this amendatory Act of  
18 1985 (P.A. 84-23) relating to the discount of annuity because  
19 of retirement prior to attainment of age 60, and to the  
20 retirement formula, for those born before January 1, 1936,  
21 shall apply only to qualifying employees withdrawing on or  
22 after July 18, 1985.

23 (j-1) The changes made to this Section by Public Act 92-609  
24 ~~this amendatory Act of the 92nd General Assembly~~ (increasing  
25 the retirement formula to 2.4% per year of service and  
26 increasing the maximum to 80%) apply to persons who withdraw  
27 from service on or after January 1, 2002, regardless of whether  
28 that withdrawal takes place before the effective date of that  
29 ~~this amendatory~~ Act. In the case of a person who withdraws from  
30 service on or after January 1, 2002 but begins to receive a  
31 retirement annuity before July 1, 2002 ~~the effective date of~~  
32 ~~this amendatory~~ Act, the annuity shall be recalculated, with  
33 the increase resulting from Public ~~this amendatory~~ Act 92-609  
34 accruing from the date the retirement annuity began. The  
35 changes made by Public Act 92-609 control over the changes made  
36 by Public Act 92-599, as provided in Section 95 of P.A. 92-609.

1 (k) Beginning on January 1, 1999, the minimum amount of  
2 employee's annuity shall be \$850 per month for life for the  
3 following classes of employees, without regard to the fact that  
4 withdrawal occurred prior to the effective date of this  
5 amendatory Act of 1998:

6 (1) any employee annuitant alive and receiving a life  
7 annuity on the effective date of this amendatory Act of  
8 1998, except a reciprocal annuity;

9 (2) any employee annuitant alive and receiving a term  
10 annuity on the effective date of this amendatory Act of  
11 1998, except a reciprocal annuity;

12 (3) any employee annuitant alive and receiving a  
13 reciprocal annuity on the effective date of this amendatory  
14 Act of 1998, whose service in this fund is at least 5  
15 years;

16 (4) any employee annuitant withdrawing after age 60 on  
17 or after the effective date of this amendatory Act of 1998,  
18 with at least 10 years of service in this fund.

19 The increases granted under items (1), (2) and (3) of this  
20 subsection (k) shall not be limited by any other Section of  
21 this Act.

22 (Source: P.A. 92-599, eff. 6-28-02; 92-609, eff. 7-1-02;  
23 revised 9-11-02.)

24 (40 ILCS 5/Art. 9 heading)

25 ARTICLE 9. COUNTY EMPLOYEES' AND OFFICERS'

26 ANNUITY AND BENEFIT FUND - COUNTIES OVER

27 3,000,000 ~~500,000~~ INHABITANTS

28 (40 ILCS 5/11-134) (from Ch. 108 1/2, par. 11-134)

29 Sec. 11-134. Minimum annuities.

30 (a) An employee whose withdrawal occurs after July 1, 1957  
31 at age 60 or over, with 20 or more years of service, (as  
32 service is defined or computed in Section 11-216), for whom the  
33 age and service and prior service annuity combined is less than  
34 the amount stated in this Section, shall, from and after the

1 date of withdrawal, in lieu of all annuities otherwise provided  
2 in this Article, be entitled to receive an annuity for life of  
3 an amount equal to 1 2/3% for each year of service, of the  
4 highest average annual salary for any 5 consecutive years  
5 within the last 10 years of service immediately preceding the  
6 date of withdrawal; provided, that in the case of any employee  
7 who withdraws on or after July 1, 1971, such employee age 60 or  
8 over with 20 or more years of service, shall be entitled to  
9 instead receive an annuity for life equal to 1.67% for each of  
10 the first 10 years of service; 1.90% for each of the next 10  
11 years of service; 2.10% for each year of service in excess of  
12 20 but not exceeding 30; and 2.30% for each year of service in  
13 excess of 30, based on the highest average annual salary for  
14 any 4 consecutive years within the last 10 years of service  
15 immediately preceding the date of withdrawal.

16 An employee who withdraws after July 1, 1957 and before  
17 January 1, 1988, with 20 or more years of service, before age  
18 60, shall be entitled to an annuity, to begin not earlier than  
19 age 55, if under such age at withdrawal, as computed in the  
20 last preceding paragraph, reduced 0.25% if the employee was  
21 born before January 1, 1936, or 0.5% if the employee was born  
22 on or after January 1, 1936, for each full month or fractional  
23 part thereof that his attained age when such annuity is to  
24 begin is less than 60.

25 Any employee born before January 1, 1936 who withdraws with  
26 20 or more years of service, and any employee with 20 or more  
27 years of service who withdraws on or after January 1, 1988, may  
28 elect to receive, in lieu of any other employee annuity  
29 provided in this Section, an annuity for life equal to 1.80%  
30 for each of the first 10 years of service, 2.00% for each of  
31 the next 10 years of service, 2.20% for each year of service in  
32 excess of 20, but not exceeding 30, and 2.40% for each year of  
33 service in excess of 30, of the highest average annual salary  
34 for any 4 consecutive years within the last 10 years of service  
35 immediately preceding the date of withdrawal, to begin not  
36 earlier than upon attained age of 55 years, if under such age

1 at withdrawal, reduced 0.25% for each full month or fractional  
2 part thereof that his attained age when annuity is to begin is  
3 less than 60; except that an employee retiring on or after  
4 January 1, 1988, at age 55 or over but less than age 60, having  
5 at least 35 years of service, or an employee retiring on or  
6 after July 1, 1990, at age 55 or over but less than age 60,  
7 having at least 30 years of service, or an employee retiring on  
8 or after the effective date of this amendatory Act of 1997, at  
9 age 55 or over but less than age 60, having at least 25 years of  
10 service, shall not be subject to the reduction in retirement  
11 annuity because of retirement below age 60.

12 However, in the case of an employee who retired on or after  
13 January 1, 1985 but before January 1, 1988, at age 55 or older  
14 and with at least 35 years of service, and who was subject  
15 under this subsection (a) to the reduction in retirement  
16 annuity because of retirement below age 60, that reduction  
17 shall cease to be effective January 1, 1991, and the retirement  
18 annuity shall be recalculated accordingly.

19 Any employee who withdraws on or after July 1, 1990, with  
20 20 or more years of service, may elect to receive, in lieu of  
21 any other employee annuity provided in this Section, an annuity  
22 for life equal to 2.20% for each year of service if withdrawal  
23 is before January 1, 2002, ~~60 days after the effective date of~~  
24 ~~this amendatory Act of the 92nd General Assembly,~~ or 2.40% for  
25 each year of service if withdrawal is on or after January 1,  
26 2002, ~~60 days after the effective date of this amendatory Act~~  
27 ~~of the 92nd General Assembly or later,~~ of the highest average  
28 annual salary for any 4 consecutive years within the last 10  
29 years of service immediately preceding the date of withdrawal,  
30 to begin not earlier than upon attained age of 55 years, if  
31 under such age at withdrawal, reduced 0.25% for each full month  
32 or fractional part thereof that his attained age when annuity  
33 is to begin is less than 60; except that an employee retiring  
34 at age 55 or over but less than age 60, having at least 30 years  
35 of service, shall not be subject to the reduction in retirement  
36 annuity because of retirement below age 60.

1 Any employee who withdraws on or after the effective date  
2 of this amendatory Act of 1997 with 20 or more years of service  
3 may elect to receive, in lieu of any other employee annuity  
4 provided in this Section, an annuity for life equal to 2.20%  
5 for each year of service if withdrawal is before January 1,  
6 2002, ~~60 days after the effective date of this amendatory Act~~  
7 ~~of the 92nd General Assembly,~~ or 2.40% for each year of service  
8 if withdrawal is on or after January 1, 2002, ~~60 days after the~~  
9 ~~effective date of this amendatory Act of the 92nd General~~  
10 ~~Assembly or later,~~ of the highest average annual salary for any  
11 4 consecutive years within the last 10 years of service  
12 immediately preceding the date of withdrawal, to begin not  
13 earlier than upon attainment of age 55 (age 50 if the employee  
14 has at least 30 years of service), reduced 0.25% for each full  
15 month or remaining fractional part thereof that the employee's  
16 attained age when annuity is to begin is less than 60; except  
17 that an employee retiring at age 50 or over with at least 30  
18 years of service or at age 55 or over with at least 25 years of  
19 service shall not be subject to the reduction in retirement  
20 annuity because of retirement below age 60.

21 The maximum annuity payable under this paragraph (a) of  
22 this Section shall not exceed 70% of highest average annual  
23 salary in the case of an employee who withdraws prior to July  
24 1, 1971, 75% if withdrawal takes place on or after July 1, 1971  
25 and prior to January 1, 2002, ~~60 days after the effective date~~  
26 ~~of this amendatory Act of the 92nd General Assembly,~~ or 80% if  
27 withdrawal is on or after January 1, 2002 ~~60 days after the~~  
28 ~~effective date of this amendatory Act of the 92nd General~~  
29 ~~Assembly or later.~~ For the purpose of the minimum annuity  
30 provided in said paragraphs \$1,500 shall be considered the  
31 minimum annual salary for any year; and the maximum annual  
32 salary to be considered for the computation of such annuity  
33 shall be \$4,800 for any year prior to 1953, \$6,000 for the  
34 years 1953 to 1956, inclusive, and the actual annual salary, as  
35 salary is defined in this Article, for any year thereafter.

36 (b) For an employee receiving disability benefit, his

1 salary for annuity purposes under this Section shall, for all  
2 periods of disability benefit subsequent to the year 1956, be  
3 the amount on which his disability benefit was based.

4 (c) An employee with 20 or more years of service, whose  
5 entire disability benefit credit period expires prior to  
6 attainment of age 55 while still disabled for service, shall be  
7 entitled upon withdrawal to the larger of (1) the minimum  
8 annuity provided above assuming that he is then age 55, and  
9 reducing such annuity to its actuarial equivalent at his  
10 attained age on such date, or (2) the annuity provided from his  
11 age and service and prior service annuity credits.

12 (d) The minimum annuity provisions as aforesaid shall not  
13 apply to any former employee receiving an annuity from the  
14 fund, and who re-enters service as an employee, unless he  
15 renders at least 3 years of additional service after the date  
16 of re-entry.

17 (e) An employee in service on July 1, 1947, or who became a  
18 contributor after July 1, 1947 and prior to July 1, 1950, or  
19 who shall become a contributor to the fund after July 1, 1950  
20 prior to attainment of age 70, who withdraws after age 65 with  
21 less than 20 years of service, for whom the annuity has been  
22 fixed under the foregoing Sections of this Article shall, in  
23 lieu of the annuity so fixed, receive an annuity as follows:

24 Such amount as he could have received had the accumulated  
25 amounts for annuity been improved with interest at the  
26 effective rate to the date of his withdrawal, or to attainment  
27 of age 70, whichever is earlier, and had the city contributed  
28 to such earlier date for age and service annuity the amount  
29 that would have been contributed had he been under age 65,  
30 after the date his annuity was fixed in accordance with this  
31 Article, and assuming his annuity were computed from such  
32 accumulations as of his age on such earlier date. The annuity  
33 so computed shall not exceed the annuity which would be payable  
34 under the other provisions of this Section if the employee was  
35 credited with 20 years of service and would qualify for annuity  
36 thereunder.



1 (f) In lieu of the annuity provided in this or in any other  
2 Section of this Article, an employee having attained age 65  
3 with at least 15 years of service who withdraws from service on  
4 or after July 1, 1971 and whose annuity computed under other  
5 provisions of this Article is less than the amount provided  
6 under this paragraph shall be entitled to receive a minimum  
7 annual annuity for life equal to 1% of the highest average  
8 annual salary for any 4 consecutive years within the last 10  
9 years of service immediately preceding retirement for each year  
10 of his service plus the sum of \$25 for each year of service.  
11 Such annual annuity shall not exceed the maximum percentages  
12 stated under paragraph (a) of this Section of such highest  
13 average annual salary.

14 (f-1) Instead of any other retirement annuity provided in  
15 this Article, an employee who has at least 10 years of service  
16 and withdraws from service on or after January 1, 1999 may  
17 elect to receive a retirement annuity for life, beginning no  
18 earlier than upon attainment of age 60, equal to 2.2% if  
19 withdrawal is before January 1, 2002, ~~60 days after the~~  
20 ~~effective date of this amendatory Act of the 92nd General~~  
21 ~~Assembly~~ or 2.4% for each year of service if withdrawal is on  
22 or after January 1, 2002, ~~60 days after the effective date of~~  
23 ~~this amendatory Act of the 92nd General Assembly or later,~~ of  
24 final average salary for each year of service, subject to a  
25 maximum of 75% of final average salary if withdrawal is before  
26 January 1, 2002, ~~60 days after the effective date of this~~  
27 ~~amendatory Act of the 92nd General Assembly,~~ or 80% if  
28 withdrawal is on or after January 1, 2002 ~~60 days after the~~  
29 ~~effective date of this amendatory Act of the 92nd General~~  
30 ~~Assembly or later~~. For the purpose of calculating this annuity,  
31 "final average salary" means the highest average annual salary  
32 for any 4 consecutive years in the last 10 years of service.

33 (g) Any annuity payable under the preceding subsections of  
34 this Section 11-134 shall be paid in equal monthly  
35 installments.

36 (h) The amendatory provisions of part (a) and (f) of this

1 Section shall be effective July 1, 1971 and apply in the case  
2 of every qualifying employee withdrawing on or after July 1,  
3 1971.

4 (h-1) The changes made to this Section by Public Act 92-609  
5 ~~this amendatory Act of the 92nd General Assembly~~ (increasing  
6 the retirement formula to 2.4% per year of service and  
7 increasing the maximum to 80%) apply to persons who withdraw  
8 from service on or after January 1, 2002, regardless of whether  
9 that withdrawal takes place before the effective date of that  
10 ~~this amendatory~~ Act. In the case of a person who withdraws from  
11 service on or after January 1, 2002 but begins to receive a  
12 retirement annuity before July 1, 2002 ~~the effective date of~~  
13 ~~this amendatory Act~~, the annuity shall be recalculated, with  
14 the increase resulting from Public ~~this amendatory~~ Act 92-609  
15 accruing from the date the retirement annuity began. The  
16 changes made by Public Act 92-609 control over the changes made  
17 by Public Act 92-599, as provided in Section 95 of P.A. 92-609.

18 (i) The amendatory provisions of this amendatory Act of  
19 1985 relating to the discount of annuity because of retirement  
20 prior to attainment of age 60 and increasing the retirement  
21 formula for those born before January 1, 1936, shall apply only  
22 to qualifying employees withdrawing on or after August 16,  
23 1985.

24 (j) Beginning on January 1, 1999, the minimum amount of  
25 employee's annuity shall be \$850 per month for life for the  
26 following classes of employees, without regard to the fact that  
27 withdrawal occurred prior to the effective date of this  
28 amendatory Act of 1998:

29 (1) any employee annuitant alive and receiving a life  
30 annuity on the effective date of this amendatory Act of  
31 1998, except a reciprocal annuity;

32 (2) any employee annuitant alive and receiving a term  
33 annuity on the effective date of this amendatory Act of  
34 1998, except a reciprocal annuity;

35 (3) any employee annuitant alive and receiving a  
36 reciprocal annuity on the effective date of this amendatory

1 Act of 1998, whose service in this fund is at least 5  
2 years;

3 (4) any employee annuitant withdrawing after age 60 on  
4 or after the effective date of this amendatory Act of 1998,  
5 with at least 10 years of service in this fund.

6 The increases granted under items (1), (2) and (3) of this  
7 subsection (j) shall not be limited by any other Section of  
8 this Act.

9 (Source: P.A. 92-599, eff. 6-28-02; 92-609, eff. 7-1-02;  
10 revised 9-11-02.)

11 (40 ILCS 5/Art. 13 heading)

12 ARTICLE 13. METROPOLITAN WATER RECLAMATION

13 DISTRICT RETIREMENT FUND ~~SANITARY DISTRICT~~

14 ~~EMPLOYEE'S AND TRUSTEES' ANNUITY AND BENEFIT FUND~~

15 (40 ILCS 5/14-103.04) (from Ch. 108 1/2, par. 14-103.04)

16 Sec. 14-103.04. Department. "Department": Any department,  
17 institution, board, commission, officer, court, or any agency  
18 of the State having power to certify payrolls to the State  
19 Comptroller authorizing payments of salary or wages against  
20 State appropriations, or against trust funds held by the State  
21 Treasurer, except those departments included under the term  
22 "employer" in the State Universities Retirement System.  
23 "Department" includes the Illinois Finance Authority.  
24 "Department" also includes the Illinois Comprehensive Health  
25 Insurance Board ~~and the Illinois Finance Authority.~~

26 (Source: P.A. 93-205 (Sections 890-11 and 890-44), eff. 1-1-04;  
27 revised 9-23-03.)

28 (40 ILCS 5/14-103.05) (from Ch. 108 1/2, par. 14-103.05)

29 Sec. 14-103.05. Employee.

30 (a) Any person employed by a Department who receives salary  
31 for personal services rendered to the Department on a warrant  
32 issued pursuant to a payroll voucher certified by a Department  
33 and drawn by the State Comptroller upon the State Treasurer,

1 including an elected official described in subparagraph (d) of  
2 Section 14-104, shall become an employee for purpose of  
3 membership in the Retirement System on the first day of such  
4 employment.

5 A person entering service on or after January 1, 1972 and  
6 prior to January 1, 1984 shall become a member as a condition  
7 of employment and shall begin making contributions as of the  
8 first day of employment.

9 A person entering service on or after January 1, 1984  
10 shall, upon completion of 6 months of continuous service which  
11 is not interrupted by a break of more than 2 months, become a  
12 member as a condition of employment. Contributions shall begin  
13 the first of the month after completion of the qualifying  
14 period.

15 The qualifying period of 6 months of service is not  
16 applicable to: (1) a person who has been granted credit for  
17 service in a position covered by the State Universities  
18 Retirement System, the Teachers' Retirement System of the State  
19 of Illinois, the General Assembly Retirement System, or the  
20 Judges Retirement System of Illinois unless that service has  
21 been forfeited under the laws of those systems; (2) a person  
22 entering service on or after July 1, 1991 in a noncovered  
23 position; or (3) a person to whom Section 14-108.2a or  
24 14-108.2b applies.

25 (b) The term "employee" does not include the following:

26 (1) members of the State Legislature, and persons  
27 electing to become members of the General Assembly  
28 Retirement System pursuant to Section 2-105;

29 (2) incumbents of offices normally filled by vote of  
30 the people;

31 (3) except as otherwise provided in this Section, any  
32 person appointed by the Governor with the advice and  
33 consent of the Senate unless that person elects to  
34 participate in this system;

35 (3.1) any person serving as a commissioner of an ethics  
36 commission created under the State Officials and Employees

1 Ethics Act unless that person elects to participate in this  
2 system with respect to that service as a commissioner;

3 (3.2) any person serving as a part-time employee in any  
4 of the following positions: Legislative Inspector General,  
5 Special Legislative Inspector General, employee of the  
6 Office of the Legislative Inspector General, Executive  
7 Director of the Legislative Ethics Commission, or staff of  
8 the Legislative Ethics Commission, regardless of whether  
9 he or she is in active service on or after July 8, 2004  
10 (the effective date of Public Act 93-685) ~~this amendatory~~  
11 ~~Act of the 93rd General Assembly~~, unless that person elects  
12 to participate in this System with respect to that service;  
13 in this item (3.2), a "part-time employee" is a person who  
14 is not required to work at least 35 hours per week;

15 (4) except as provided in Section 14-108.2 or  
16 14-108.2c, any person who is covered or eligible to be  
17 covered by the Teachers' Retirement System of the State of  
18 Illinois, the State Universities Retirement System, or the  
19 Judges Retirement System of Illinois;

20 (5) an employee of a municipality or any other  
21 political subdivision of the State;

22 (6) any person who becomes an employee after June 30,  
23 1979 as a public service employment program participant  
24 under the Federal Comprehensive Employment and Training  
25 Act and whose wages or fringe benefits are paid in whole or  
26 in part by funds provided under such Act;

27 (7) enrollees of the Illinois Young Adult Conservation  
28 Corps program, administered by the Department of Natural  
29 Resources, authorized grantee pursuant to Title VIII of the  
30 "Comprehensive Employment and Training Act of 1973", 29 USC  
31 993, as now or hereafter amended;

32 (8) enrollees and temporary staff of programs  
33 administered by the Department of Natural Resources under  
34 the Youth Conservation Corps Act of 1970;

35 (9) any person who is a member of any professional  
36 licensing or disciplinary board created under an Act

1 administered by the Department of Professional Regulation  
2 or a successor agency or created or re-created after the  
3 effective date of this amendatory Act of 1997, and who  
4 receives per diem compensation rather than a salary,  
5 notwithstanding that such per diem compensation is paid by  
6 warrant issued pursuant to a payroll voucher; such persons  
7 have never been included in the membership of this System,  
8 and this amendatory Act of 1987 (P.A. 84-1472) is not  
9 intended to effect any change in the status of such  
10 persons;

11 (10) any person who is a member of the Illinois Health  
12 Care Cost Containment Council, and receives per diem  
13 compensation rather than a salary, notwithstanding that  
14 such per diem compensation is paid by warrant issued  
15 pursuant to a payroll voucher; such persons have never been  
16 included in the membership of this System, and this  
17 amendatory Act of 1987 is not intended to effect any change  
18 in the status of such persons;

19 (11) any person who is a member of the Oil and Gas  
20 Board created by Section 1.2 of the Illinois Oil and Gas  
21 Act, and receives per diem compensation rather than a  
22 salary, notwithstanding that such per diem compensation is  
23 paid by warrant issued pursuant to a payroll voucher; or

24 (12) a person employed by the State Board of Higher  
25 Education in a position with the Illinois Century Network  
26 as of June 30, 2004, who remains continuously employed  
27 after that date by the Department of Central Management  
28 Services in a position with the Illinois Century Network  
29 and participates in the Article 15 system with respect to  
30 that employment.

31 (Source: P.A. 92-14, eff. 6-28-01; 93-685, eff. 7-8-04; 93-839,  
32 eff. 7-30-04; revised 9-8-04.)

33 (40 ILCS 5/16-150) (from Ch. 108 1/2, par. 16-150)

34 Sec. 16-150. Re-entry.

35 (a) This Section does not apply to an annuitant who returns

1 to teaching under the program established in Section 16-150.1,  
2 for the duration of his or her participation in that program.

3 (b) If an annuitant under this System is again employed as  
4 a teacher for an aggregate period exceeding that permitted by  
5 Section 16-118, his or her retirement annuity shall be  
6 terminated and the annuitant shall thereupon be regarded as an  
7 active member.

8 Such annuitant is not entitled to a recomputation of his or  
9 her retirement annuity unless at least one full year of  
10 creditable service is rendered after the latest re-entry into  
11 service and the annuitant must have rendered at least 3 years  
12 of creditable service after last re-entry into service to  
13 qualify for a recomputation of the retirement annuity based on  
14 amendments enacted while in receipt of a retirement annuity,  
15 except when retirement was due to disability.

16 However, regardless of age, an annuitant in receipt of a  
17 retirement annuity may be given temporary employment by a  
18 school board not exceeding that permitted under Section 16-118  
19 and continue to receive the retirement annuity.

20 (c) Unless retirement was necessitated by disability, a  
21 retirement shall be considered cancelled and the retirement  
22 allowance must be repaid in full if the annuitant is employed  
23 as a teacher within the school year during which service was  
24 terminated.

25 (d) An annuitant's retirement which does not include a  
26 period of at least one full and complete school year shall be  
27 considered cancelled and the retirement annuity must be repaid  
28 in full unless such retirement was necessitated by disability.  
29 (Source: P.A. 93-320, eff. 7-23-03; 93-469, eff. 8-8-03;  
30 revised 9-11-03.)

31 (40 ILCS 5/16-182) (from Ch. 108 1/2, par. 16-182)

32 Sec. 16-182. Members' Contribution Reserve. ~~(a)~~ On July 1,  
33 2003, the Members' Contribution Reserve is abolished and the  
34 remaining balance shall be transferred from that Reserve to the  
35 Benefit Trust Reserve.

1 (Source: P.A. 93-469, eff. 8-8-03; revised 10-9-03.)

2 Section 230. The Bi-State Development Agency Act is amended  
3 by changing Section 3 as follows:

4 (45 ILCS 105/3) (from Ch. 127, par. 63s-3)

5 Sec. 3. Vacancies occurring in the office of any  
6 commissioner shall be filled by appointment by the Chairman of  
7 the County Board that made the original appointment of that  
8 commissioner, with the advice and consent of the respective  
9 county board, for the unexpired term. Any vacancies occurring  
10 during the transition for the implementation of this amendatory  
11 Act of the 93rd General Assembly that were appointed by the  
12 Governor, and not by the respective County Board Chairmen,  
13 shall be filled by the appointment by the County Board Chairman  
14 of Madison County if occurring in the years 2004, 2006, or 2008  
15 or by the County Board Chairman of St. Clair County if  
16 occurring in the years 2005 or 2007, each with the advice and  
17 consent of the respective county board. ▯

18 (Source: P.A. 93-432, eff. 6-1-04; revised 10-29-04.)

19 Section 235. The Interstate Compact for Adult Offender  
20 Supervision is amended by setting forth and renumbering  
21 multiple versions of Section 110 as follows:

22 (45 ILCS 170/110)

23 Sec. 110. (Amendatory provisions; text omitted.)

24 (Source: P.A. 92-571, eff. 6-26-02; text omitted.)

25 (45 ILCS 170/115)

26 Sec. 115. ~~110.~~ The Unified Code of Corrections is amended  
27 by repealing Section 3-3-11.

28 (Source: P.A. 92-571, eff. 6-26-02; revised 7-15-02.)

29 Section 240. The Special Assessment Supplemental Bond and  
30 Procedures Act is amended by changing Section 55 as follows:



1 (50 ILCS 460/55)

2 Sec. 55. County clerk may collect. Pursuant to the Illinois  
3 constitutional and statutory provisions relating to  
4 intergovernmental cooperation, the county clerk of any county  
5 in which property subject to a special assessment is located  
6 may, but shall not be required to, agree to mail bills for a  
7 special assessment with the regular tax bills of the county, or  
8 otherwise as may be provided by a special assessment law. If  
9 the clerk agrees to mail such bills with the regular tax bills,  
10 then the annual amount due as of January 2 shall become due  
11 instead in even installments with each tax bill made during the  
12 year in which such January 2 date occurs, thus deferring to  
13 later date in the year the obligation to pay the assessments.

14 If ~~in the event that~~ the county clerk does not agree to  
15 mail the ~~such~~ bills, or if ~~in the event that~~ the municipality  
16 declines to request the county clerk to mail the ~~said~~ bills,  
17 the municipality still may bill the annual amount due, as of  
18 January 2 ~~2nd~~, in 2 even installments to become due on or about  
19 the due dates ~~date~~ for the real estate tax bills issued by the  
20 county clerk during the year in which the January 2 ~~2nd~~ date  
21 occurs, thus ~~thereby~~ deferring ~~to later dates in said year~~ the  
22 obligation to pay the assessment installment to later dates in  
23 that year.

24 If ~~in the event that~~ the county clerk agrees to mail the  
25 ~~such~~ bills on behalf of a municipality, the county may charge a  
26 fee for such services to be paid from the special assessment.  
27 The ~~Such~~ fee shall be considered as a cost of making, levying,  
28 and collecting the assessment provided for in Section 9-2-139  
29 of the Illinois Municipal Code.

30 (Source: P.A. 93-196, eff. 7-14-03; 93-222, eff. 1-1-04;  
31 revised 9-11-03.)

32 Section 245. The Public Works Contract Change Order Act is  
33 amended by changing Section 5 as follows:

1 (50 ILCS 525/5)

2 Sec. 5. Change orders; bidding. If a change order for any  
3 public works contract (i) is entered into by a unit of local  
4 government or school district, (ii) is not procured in  
5 accordance with the Illinois Procurement Code and the State  
6 Finance Act, and (iii) authorizes or necessitates any increase  
7 in the contract price that is 50% or more of the original  
8 contract price, then the portion of the contract that is  
9 covered by the change order must be resubmitted for bidding in  
10 the same manner for which the original contract was bid.  
11 Bidding for the portion of the contract covered by the change  
12 order is subject to any requirements to employ females and  
13 minorities on the public works project that existed at the  
14 bidding for the original contract, together with any later  
15 requirements imposed by law.

16 (Source: P.A. 93-656, eff. 6-1-04; revised 12-20-04.)

17 Section 250. The Emergency Telephone System Act is amended  
18 by changing Section 15.3 as follows:

19 (50 ILCS 750/15.3) (from Ch. 134, par. 45.3)

20 Sec. 15.3. Surcharge.

21 (a) The corporate authorities of any municipality or any  
22 county may, subject to the limitations of subsections (c), (d),  
23 and (h), and in addition to any tax levied pursuant to the  
24 Simplified Municipal Telecommunications Tax Act, impose a  
25 monthly surcharge on billed subscribers of network connection  
26 provided by telecommunication carriers engaged in the business  
27 of transmitting messages by means of electricity originating  
28 within the corporate limits of the municipality or county  
29 imposing the surcharge at a rate per network connection  
30 determined in accordance with subsection (c). Provided,  
31 however, that where multiple voice grade communications  
32 channels are connected between the subscriber's premises and a  
33 public switched network through private branch exchange (PBX)  
34 or centrex type service, a municipality imposing a surcharge at

1 a rate per network connection, as determined in accordance with  
2 this Act, shall impose 5 such surcharges per network  
3 connection, as determined in accordance with subsections (a)  
4 and (d) of Section 2.12 of this Act. For mobile  
5 telecommunications services, if a surcharge is imposed it shall  
6 be imposed based upon the municipality or county that  
7 encompasses the customer's place of primary use as defined in  
8 the Mobile Telecommunications Sourcing Conformity Act. A  
9 municipality may enter into an intergovernmental agreement  
10 with any county in which it is partially located, when the  
11 county has adopted an ordinance to impose a surcharge as  
12 provided in subsection (c), to include that portion of the  
13 municipality lying outside the county in that county's  
14 surcharge referendum. If the county's surcharge referendum is  
15 approved, the portion of the municipality identified in the  
16 intergovernmental agreement shall automatically be  
17 disconnected from the county in which it lies and connected to  
18 the county which approved the referendum for purposes of a  
19 surcharge on telecommunications carriers.

20 (b) For purposes of computing the surcharge imposed by  
21 subsection (a), the network connections to which the surcharge  
22 shall apply shall be those in-service network connections,  
23 other than those network connections assigned to the  
24 municipality or county, where the service address for each such  
25 network connection or connections is located within the  
26 corporate limits of the municipality or county levying the  
27 surcharge. Except for mobile telecommunication services, the  
28 "service address" shall mean the location of the primary use of  
29 the network connection or connections. For mobile  
30 telecommunication services, "service address" means the  
31 customer's place of primary use as defined in the Mobile  
32 Telecommunications Sourcing Conformity Act. With respect to  
33 network connections provided for use with pay telephone  
34 services for which there is no billed subscriber, the  
35 telecommunications carrier providing the network connection  
36 shall be deemed to be its own billed subscriber for purposes of

1 applying the surcharge.

2 (c) Upon the passage of an ordinance to impose a surcharge  
3 under this Section the clerk of the municipality or county  
4 shall certify the question of whether the surcharge may be  
5 imposed to the proper election authority who shall submit the  
6 public question to the electors of the municipality or county  
7 in accordance with the general election law; provided that such  
8 question shall not be submitted at a consolidated primary  
9 election. The public question shall be in substantially the  
10 following form:

11 -----

12 Shall the county (or city, village  
13 or incorporated town) of ..... impose YES  
14 a surcharge of up to ...¢ per month per  
15 network connection, which surcharge will  
16 be added to the monthly bill you receive -----  
17 for telephone or telecommunications  
18 charges, for the purpose of installing  
19 (or improving) a 9-1-1 Emergency NO  
20 Telephone System?

21 -----  
22 If a majority of the votes cast upon the public question  
23 are in favor thereof, the surcharge shall be imposed.

24 However, if a Joint Emergency Telephone System Board is to  
25 be created pursuant to an intergovernmental agreement under  
26 Section 15.4, the ordinance to impose the surcharge shall be  
27 subject to the approval of a majority of the total number of  
28 votes cast upon the public question by the electors of all of  
29 the municipalities or counties, or combination thereof, that  
30 are parties to the intergovernmental agreement.

31 The referendum requirement of this subsection (c) shall not  
32 apply to any municipality with a population over 500,000 or to  
33 any county in which a proposition as to whether a sophisticated  
34 9-1-1 Emergency Telephone System should be installed in the  
35 county, at a cost not to exceed a specified monthly amount per  
36 network connection, has previously been approved by a majority

1 of the electors of the county voting on the proposition at an  
2 election conducted before the effective date of this amendatory  
3 Act of 1987.

4 (d) A county may not impose a surcharge, unless requested  
5 by a municipality, in any incorporated area which has  
6 previously approved a surcharge as provided in subsection (c)  
7 or in any incorporated area where the corporate authorities of  
8 the municipality have previously entered into a binding  
9 contract or letter of intent with a telecommunications carrier  
10 to provide sophisticated 9-1-1 service through municipal  
11 funds.

12 (e) A municipality or county may at any time by ordinance  
13 change the rate of the surcharge imposed under this Section if  
14 the new rate does not exceed the rate specified in the  
15 referendum held pursuant to subsection (c).

16 (f) The surcharge authorized by this Section shall be  
17 collected from the subscriber by the telecommunications  
18 carrier providing the subscriber the network connection as a  
19 separately stated item on the subscriber's bill.

20 (g) The amount of surcharge collected by the  
21 telecommunications carrier shall be paid to the particular  
22 municipality or county or Joint Emergency Telephone System  
23 Board not later than 30 days after the surcharge is collected,  
24 net of any network or other 9-1-1 or sophisticated 9-1-1 system  
25 charges then due the particular telecommunications carrier, as  
26 shown on an itemized bill. The telecommunications carrier  
27 collecting the surcharge shall also be entitled to deduct 3% of  
28 the gross amount of surcharge collected to reimburse the  
29 telecommunications carrier for the expense of accounting and  
30 collecting the surcharge.

31 (h) Except as expressly provided in subsection (a) of this  
32 Section, a municipality with a population over 500,000 may not  
33 impose a monthly surcharge in excess of \$1.25 per network  
34 connection.

35 (i) Any municipality or county or joint emergency telephone  
36 system board that has imposed a surcharge pursuant to this

1 Section prior to the effective date of this amendatory Act of  
2 1990 shall hereafter impose the surcharge in accordance with  
3 subsection (b) of this Section.

4 (j) The corporate authorities of any municipality or county  
5 may issue, in accordance with Illinois law, bonds, notes or  
6 other obligations secured in whole or in part by the proceeds  
7 of the surcharge described in this Section. Notwithstanding any  
8 change in law subsequent to the issuance of any bonds, notes or  
9 other obligations secured by the surcharge, every municipality  
10 or county issuing such bonds, notes or other obligations shall  
11 be authorized to impose the surcharge as though the laws  
12 relating to the imposition of the surcharge in effect at the  
13 time of issuance of the bonds, notes or other obligations were  
14 in full force and effect until the bonds, notes or other  
15 obligations are paid in full. The State of Illinois pledges and  
16 agrees that it will not limit or alter the rights and powers  
17 vested in municipalities and counties by this Section to impose  
18 the surcharge so as to impair the terms of or affect the  
19 security for bonds, notes or other obligations secured in whole  
20 or in part with the proceeds of the surcharge described in this  
21 Section.

22 (k) Any surcharge collected by or imposed on a  
23 telecommunications carrier pursuant to this Section shall be  
24 held to be a special fund in trust for the municipality, county  
25 or Joint Emergency Telephone Board imposing the surcharge.  
26 Except for the 3% deduction provided in subsection (g) above,  
27 the special fund shall not be subject to the claims of  
28 creditors of the telecommunication carrier.

29 (Source: P.A. 92-474, eff. 8-1-02; 92-526, eff. 1-1-03; 92-557,  
30 eff. 1-1-03; revised 10-2-02.)

31 Section 255. The Counties Code is amended by changing  
32 Sections 5-1022 and 5-1101 as follows:

33 (55 ILCS 5/5-1022) (from Ch. 34, par. 5-1022)

34 Sec. 5-1022. Competitive bids.

1 (a) Any purchase by a county with fewer than 2,000,000  
2 inhabitants of services, materials, equipment or supplies in  
3 excess of \$20,000, other than professional services, shall be  
4 contracted for in one of the following ways:

5 (1) by a contract let to the lowest responsible bidder  
6 after advertising for bids in a newspaper published within  
7 the county or, if no newspaper is published within the  
8 county, then a newspaper having general circulation within  
9 the county; or

10 (2) by a contract let without advertising for bids in  
11 the case of an emergency if authorized by the county board.

12 (b) In determining the lowest responsible bidder, the  
13 county board shall take into consideration the qualities of the  
14 articles supplied; their conformity with the specifications;  
15 their suitability to the requirements of the county,  
16 availability of support services; uniqueness of the service,  
17 materials, equipment, or supplies as it applies to networked,  
18 integrated computer systems; compatibility to existing  
19 equipment; and the delivery terms. The county board also may  
20 take into consideration whether a bidder is a private  
21 enterprise or a State-controlled enterprise and,  
22 notwithstanding any other provision of this Section or a lower  
23 bid by a State-controlled enterprise, may let a contract to the  
24 lowest responsible bidder that is a private enterprise.

25 (c) This Section does not apply to contracts by a county  
26 with the federal government or to purchases of used equipment,  
27 purchases at auction or similar transactions which by their  
28 very nature are not suitable to competitive bids, pursuant to  
29 an ordinance adopted by the county board.

30 (d) Notwithstanding the provisions of this Section, a  
31 county may let without advertising for bids in the case of  
32 purchases and contracts, when individual orders do not exceed  
33 \$25,000, for the use, purchase, delivery, movement, or  
34 installation of data processing equipment, software, or  
35 services and telecommunications and inter-connect equipment,  
36 software, and services.

1 (e) A county may require, as a condition of any contract  
2 for goods and services, that persons awarded a contract with  
3 the county and all affiliates of the person collect and remit  
4 Illinois Use Tax on all sales of tangible personal property  
5 into the State of Illinois in accordance with the provisions of  
6 the Illinois Use Tax Act regardless of whether the person or  
7 affiliate is a "retailer maintaining a place of business within  
8 this State" as defined in Section 2 of the Use Tax Act. For  
9 purposes of this subsection (e), the term "affiliate" means any  
10 entity that (1) directly, indirectly, or constructively  
11 controls another entity, (2) is directly, indirectly, or  
12 constructively controlled by another entity, or (3) is subject  
13 to the control of a common entity. For purposes of this  
14 subsection (e), an entity controls another entity if it owns,  
15 directly or individually, more than 10% of the voting  
16 securities of that entity. As used in this subsection (e), the  
17 term "voting security" means a security that (1) confers upon  
18 the holder the right to vote for the election of members of the  
19 board of directors or similar governing body of the business or  
20 (2) is convertible into, or entitles the holder to receive upon  
21 its exercise, a security that confers such a right to vote. A  
22 general partnership interest is a voting security.

23 (f) Bids submitted to, and contracts executed by, the  
24 county may require a certification by the bidder or contractor  
25 that the bidder or contractor is not barred from bidding for or  
26 entering into a contract under this Section and that the bidder  
27 or contractor acknowledges that the county may declare the  
28 contract void if the certification completed pursuant to this  
29 subsection (f) is false.

30 (Source: P.A. 93-25, eff. 6-20-03; 93-157, eff. 1-1-04; revised  
31 8-12-03.)

32 (55 ILCS 5/5-1101) (from Ch. 34, par. 5-1101)

33 Sec. 5-1101. Additional fees to finance court system. A  
34 county board may enact by ordinance or resolution the following  
35 fees:



1 (a) A \$5 fee to be paid by the defendant on a judgment of  
2 guilty or a grant of supervision for violation of the Illinois  
3 Vehicle Code other than Section 11-501 or violations of similar  
4 provisions contained in county or municipal ordinances  
5 committed in the county, and up to a \$30 fee to be paid by the  
6 defendant on a judgment of guilty or a grant of supervision for  
7 violation of Section 11-501 of the Illinois Vehicle Code or a  
8 violation of a similar provision contained in county or  
9 municipal ordinances committed in the county.

10 (b) In the case of a county having a population of  
11 1,000,000 or less, a \$5 fee to be collected in all civil cases  
12 by the clerk of the circuit court.

13 (c) A fee to be paid by the defendant on a judgment of  
14 guilty or a grant of supervision under Section 5-9-1 of the  
15 Unified Code of Corrections, as follows:

- 16 (1) for a felony, \$50;
- 17 (2) for a class A misdemeanor, \$25;
- 18 (3) for a class B or class C misdemeanor, \$15;
- 19 (4) for a petty offense, \$10;
- 20 (5) for a business offense, \$10.

21 (d) A \$100 fee for the second and subsequent violations of  
22 Section 11-501 of the Illinois Vehicle Code or violations of  
23 similar provisions contained in county or municipal ordinances  
24 committed in the county. The proceeds of this fee shall be  
25 placed in the county general fund and used to finance education  
26 programs related to driving under the influence of alcohol or  
27 drugs.

28 (d-5) A \$10 fee to be paid by the defendant on a judgment  
29 of guilty or a grant of supervision under Section 5-9-1 of the  
30 Unified Code of Corrections to be placed in the county general  
31 fund and used to finance the county mental health court.

32 (e) In each county in which a teen court, peer court, peer  
33 jury, youth court, or other youth diversion program has been  
34 created, a county may adopt a mandatory fee of up to \$5 to be  
35 assessed as provided in this subsection. Assessments collected  
36 by the clerk of the circuit court pursuant to this subsection

1 must be deposited into an account specifically for the  
2 operation and administration of a teen court, peer court, peer  
3 jury, youth court, or other youth diversion program. The clerk  
4 of the circuit court shall collect the fees established in this  
5 subsection and must remit the fees to the teen court, peer  
6 court, peer jury, youth court, or other youth diversion program  
7 monthly, less 5%, which is to be retained as fee income to the  
8 office of the clerk of the circuit court. The fees are to be  
9 paid as follows:

10 (1) a fee of up to \$5 paid by the defendant on a  
11 judgment of guilty or grant of supervision for violation of  
12 the Illinois Vehicle Code or violations of similar  
13 provisions contained in county or municipal ordinances  
14 committed in the county;

15 (2) a fee of up to \$5 paid by the defendant on a  
16 judgment of guilty or grant of supervision under Section  
17 5-9-1 of the Unified Code of Corrections for a felony; for  
18 a Class A, Class B, or Class C misdemeanor; for a petty  
19 offense; and for a business offense.

20 (f) The proceeds of all fees enacted under this Section  
21 must, except as provided in subsections (d) ~~and~~ (d-5) ~~and~~  
22 (e), be placed in the county general fund and used to finance  
23 the court system in the county, unless the fee is subject to  
24 disbursement by the circuit clerk as provided under Section  
25 27.5 of the Clerks of Courts Act.

26 (Source: P.A. 93-892, eff. 1-1-05; 93-992, eff. 1-1-05; revised  
27 10-14-04.)

28 Section 260. The Township Code is amended by setting forth  
29 and renumbering multiple versions of Sections 30-166 and 85-50  
30 and by changing Section 235-20 as follows:

31 (60 ILCS 1/30-166)

32 Sec. 30-166. Civil penalties for false fire alarms. The  
33 township board of any township providing fire protection  
34 services may impose reasonable civil penalties on individuals

1 who repeatedly cause false fire alarms.

2 (Source: P.A. 93-302, eff. 1-1-04.)

3 (60 ILCS 1/30-167)

4 Sec. 30-167 ~~30-166~~. Charge against non-residents.

5 (a) The township board of each township may fix, charge,  
6 and collect fees not exceeding the reasonable cost of the  
7 service for all services rendered by the township against  
8 persons, businesses, and other entities who are not residents  
9 of the township.

10 (b) The charge may not be assessed against residents of the  
11 township or persons who request fire protection coverage for an  
12 unprotected area and who pay to the township an amount equal to  
13 the township's fire protection tax under Article 200 of this  
14 Code.

15 (c) The charge for such services shall be computed at a  
16 rate not to exceed \$125 per hour per vehicle and not to exceed  
17 \$35 per hour per firefighter responding to a call for  
18 assistance. An additional charge may be levied to reimburse the  
19 township for extraordinary expenses of materials used in  
20 rendering such services. No charge shall be made for services  
21 for which the total charge would be less than \$50.

22 (d) All revenue from the charges assessed pursuant to this  
23 Section shall be deposited into the general fund of the  
24 township.

25 (Source: P.A. 93-304, eff. 7-23-03; revised 9-24-03.)

26 (60 ILCS 1/85-50)

27 Sec. 85-50. Demolition, repair, or enclosure of buildings.

28 (a) The township board of any township may formally request  
29 the county board to commence specified proceedings with respect  
30 to property located within the township but outside the  
31 territory of any municipality as provided in Section 5-1121 of  
32 the Counties Code. If the county board declines the request as  
33 provided in Section 5-1121 of the Counties Code, the township  
34 may exercise its powers under this Section.

1 (b) The township board of each township may demolish,  
2 repair, or enclose or cause the demolition, repair, or  
3 enclosure of dangerous and unsafe buildings or uncompleted and  
4 abandoned buildings within the territory of the township and  
5 may remove or cause the removal of garbage, debris, and other  
6 hazardous, noxious, or unhealthy substances or materials from  
7 those buildings.

8 The township board shall apply to the circuit court of the  
9 county in which the building is located (i) for an order  
10 authorizing action to be taken with respect to a building if  
11 the owner or owners of the building, including the lien holders  
12 of record, after at least 15 days' written notice by mail to do  
13 so, have failed to commence proceedings to put the building in  
14 a safe condition or to demolish it or (ii) for an order  
15 requiring the owner or owners of record to demolish, repair, or  
16 enclose the building or to remove garbage, debris, and other  
17 hazardous, noxious, or unhealthy substances or materials from  
18 the building. It is not a defense to the cause of action that  
19 the building is boarded up or otherwise enclosed, although the  
20 court may order the defendant to have the building boarded up  
21 or otherwise enclosed. Where, upon diligent search, the  
22 identity or whereabouts of the owner or owners of the building,  
23 including the lien holders of record, is not ascertainable,  
24 notice mailed to the person or persons in whose name the real  
25 estate was last assessed and the posting of the notice upon the  
26 premises sought to be demolished or repaired is sufficient  
27 notice under this Section.

28 The hearing upon the application to the circuit court shall  
29 be expedited by the court and shall be given precedence over  
30 all other suits.

31 The cost of the demolition, repair, enclosure, or removal  
32 incurred by the township, by an intervenor, or by a lien holder  
33 of record, including court costs, attorney's fees, and other  
34 costs related to the enforcement of this Section, is  
35 recoverable from the owner or owners of the real estate or the  
36 previous owner or both if the property was transferred during

1 the 15-day notice period and is a lien on the real estate if,  
2 within 180 days after the repair, demolition, enclosure, or  
3 removal, the township, the lien holder of record, or the  
4 intervenor who incurred the cost and expense shall file a  
5 notice of lien for the cost and expense incurred in the office  
6 of the recorder in the county in which the real estate is  
7 located or in the office of the registrar of titles of the  
8 county if the real estate affected is registered under the  
9 Registered Titles (Torrens) Act. The lien becomes effective at  
10 the time of filing.

11 The notice must consist of a sworn statement setting out  
12 (1) a description of the real estate sufficient for its  
13 identification, (2) the amount of money representing the cost  
14 and expense incurred, and (3) the date or dates when the cost  
15 and expense was incurred by the township, the lien holder of  
16 record, or the intervenor. Upon payment of the cost and expense  
17 by the owner of or persons interested in the property after the  
18 notice of lien has been filed, the lien shall be released by  
19 the township, the person in whose name the lien has been filed,  
20 or the assignee of the lien, and the release may be filed of  
21 record as in the case of filing notice of lien. Unless the lien  
22 is enforced under subsection (c), the lien may be enforced by  
23 foreclosure proceedings as in the case of mortgage foreclosures  
24 under Article XV of the Code of Civil Procedure or mechanics'  
25 lien foreclosures. An action to foreclose this lien may be  
26 commenced at any time after the date of filing of the notice of  
27 lien. The costs of foreclosure incurred by the township,  
28 including court costs, reasonable attorney's fees, advances to  
29 preserve the property, and other costs related to the  
30 enforcement of this subsection, plus statutory interest, are a  
31 lien on the real estate and are recoverable by the township  
32 from the owner or owners of the real estate.

33 All liens arising under this subsection (b) shall be  
34 assignable. The assignee of the lien shall have the same power  
35 to enforce the lien as the assigning party, except that the  
36 lien may not be enforced under subsection (c).

1 (c) In any case where a township has obtained a lien under  
2 subsection (b), the township may enforce the lien under this  
3 subsection (c) in the same proceeding in which the lien is  
4 authorized.

5 A township desiring to enforce a lien under this subsection  
6 (c) shall petition the court to retain jurisdiction for  
7 foreclosure proceedings under this subsection. Notice of the  
8 petition shall be served, by certified or registered mail, on  
9 all persons who were served notice under subsection (b). The  
10 court shall conduct a hearing on the petition not less than 15  
11 days after the notice is served. If the court determines that  
12 the requirements of this subsection (c) have been satisfied, it  
13 shall grant the petition and retain jurisdiction over the  
14 matter until the foreclosure proceeding is completed. The costs  
15 of foreclosure incurred by the township, including court costs,  
16 reasonable attorneys' fees, advances to preserve the property,  
17 and other costs related to the enforcement of this subsection,  
18 plus statutory interest, are a lien on the real estate and are  
19 recoverable by the township from the owner or owners of the  
20 real estate. If the court denies the petition, the township may  
21 enforce the lien in a separate action as provided in subsection  
22 (b).

23 All persons designated in Section 15-1501 of the Code of  
24 Civil Procedure as necessary parties in a mortgage foreclosure  
25 action shall be joined as parties before issuance of an order  
26 of foreclosure. Persons designated in Section 15-1501 of the  
27 Code of Civil Procedure as permissible parties may also be  
28 joined as parties in the action.

29 The provisions of Article XV of the Code of Civil Procedure  
30 applicable to mortgage foreclosures shall apply to the  
31 foreclosure of a lien under this subsection (c), except to the  
32 extent that those provisions are inconsistent with this  
33 subsection. For purposes of foreclosures of liens under this  
34 subsection, however, the redemption period described in  
35 subsection (c) of Section 15-1603 of the Code of Civil  
36 Procedure shall end 60 days after the date of entry of the

1 order of foreclosure.

2 (d) In addition to any other remedy provided by law, the  
3 township board of any township may petition the circuit court  
4 to have property declared abandoned under this subsection (d)  
5 if:

6 (1) the property has been tax delinquent for 2 or more  
7 years or bills for water service for the property have been  
8 outstanding for 2 or more years;

9 (2) the property is unoccupied by persons legally in  
10 possession; and

11 (3) the property contains a dangerous or unsafe  
12 building.

13 All persons having an interest of record in the property,  
14 including tax purchasers and beneficial owners of any Illinois  
15 land trust having title to the property, shall be named as  
16 defendants in the petition and shall be served with process. In  
17 addition, service shall be had under Section 2-206 of the Code  
18 of Civil Procedure as in other cases affecting property.

19 The township, however, may proceed under this subsection in  
20 a proceeding brought under subsection (b). Notice of the  
21 petition shall be served by certified or registered mail on all  
22 persons who were served notice under subsection (b).

23 If the township proves that the conditions described in  
24 this subsection exist and the owner of record of the property  
25 does not enter an appearance in the action, or, if title to the  
26 property is held by an Illinois land trust, if neither the  
27 owner of record nor the owner of the beneficial interest of the  
28 trust enters an appearance, the court shall declare the  
29 property abandoned.

30 If that determination is made, notice shall be sent by  
31 certified or registered mail to all persons having an interest  
32 of record in the property, including tax purchasers and  
33 beneficial owners of any Illinois land trust having title to  
34 the property, stating that title to the property will be  
35 transferred to the township unless, within 30 days of the  
36 notice, the owner of record enters an appearance in the action,

1 or unless any other person having an interest in the property  
2 files with the court a request to demolish the dangerous or  
3 unsafe building or to put the building in safe condition.

4 If the owner of record enters an appearance in the action  
5 within the 30-day period, the court shall vacate its order  
6 declaring the property abandoned. In that case, the township  
7 may amend its complaint in order to initiate proceedings under  
8 subsection (b).

9 If a request to demolish or repair the building is filed  
10 within the 30-day period, the court shall grant permission to  
11 the requesting party to demolish the building within 30 days or  
12 to restore the building to safe condition within 60 days after  
13 the request is granted. An extension of that period for up to  
14 60 additional days may be given for good cause. If more than  
15 one person with an interest in the property files a timely  
16 request, preference shall be given to the person with the lien  
17 or other interest of the highest priority.

18 If the requesting party proves to the court that the  
19 building has been demolished or put in a safe condition within  
20 the period of time granted by the court, the court shall issue  
21 a quitclaim judicial deed for the property to the requesting  
22 party, conveying only the interest of the owner of record, upon  
23 proof of payment to the township of all costs incurred by the  
24 township in connection with the action, including but not  
25 limited to court costs, attorney's fees, administrative costs,  
26 the costs, if any, associated with building enclosure or  
27 removal, and receiver's certificates. The interest in the  
28 property so conveyed shall be subject to all liens and  
29 encumbrances on the property. In addition, if the interest is  
30 conveyed to a person holding a certificate of purchase for the  
31 property under the Property Tax Code, the conveyance shall be  
32 subject to the rights of redemption of all persons entitled to  
33 redeem under that Act, including the original owner of record.

34 If no person with an interest in the property files a  
35 timely request or if the requesting party fails to demolish the  
36 building or put the building in safe condition within the time



1 specified by the court, the township may petition the court to  
2 issue a judicial deed for the property to the county. A  
3 conveyance by judicial deed shall operate to extinguish all  
4 existing ownership interests in, liens on, and other interest  
5 in the property, including tax liens.

6 (e) This Section applies only to requests made by townships  
7 under subsection (a) before January 1, 2006 and proceedings to  
8 implement or enforce this Section with respect to matters  
9 related to or arising from those requests.

10 (Source: P.A. 92-347, eff. 8-15-01.)

11 (60 ILCS 1/85-55)

12 Sec. ~~85-55~~ ~~85-50~~. Horse-drawn vehicles. The township board  
13 may, by ordinance, license and regulate horse-drawn vehicles  
14 operating within the township. The ordinance may also (i)  
15 prescribe regulations for the safe operation of horse-drawn  
16 vehicles and (ii) require the examination of persons operating  
17 a horse-drawn vehicle. Any annual fee charged for a license to  
18 operate a horse-drawn vehicle may not exceed \$50. Any fees  
19 charged for a license to operate a horse-drawn vehicle within  
20 the township must be used for the improvement of township  
21 roads.

22 For the purposes of this Section, "horse-drawn vehicle"  
23 means any vehicle powered by any animal of the equine family.

24 (Source: P.A. 92-613, eff. 1-1-03; revised 8-26-02.)

25 (60 ILCS 1/235-20)

26 Sec. 235-20. General assistance tax.

27 (a) The township board may raise money by taxation deemed  
28 necessary to be expended to provide general assistance in the  
29 township to persons needing that assistance as provided in the  
30 Illinois Public Aid Code, including persons eligible for  
31 assistance under the Military Veterans Assistance Act, where  
32 that duty is provided by law. The tax for each fiscal year  
33 shall not be more than 0.10% of value, or more than an amount  
34 approved at a referendum held under this Section, as equalized

1 or assessed by the Department of Revenue, and shall in no case  
2 exceed the amount needed in the township for general  
3 assistance. The board may decrease the maximum tax rate by  
4 ordinance.

5 (b) Except as otherwise provided in this subsection, if the  
6 board desires to increase the maximum tax rate, it shall order  
7 a referendum on that proposition to be held at an election in  
8 accordance with the general election law. The board shall  
9 certify the proposition to the proper election officials, who  
10 shall submit the proposition to the voters at an election in  
11 accordance with the general election law. If a majority of the  
12 votes cast on the proposition is in favor of the proposition,  
13 the board may annually levy the tax at a rate not exceeding the  
14 higher rate approved by the voters at the election. If,  
15 however, the board has decreased the maximum tax rate under  
16 subsection (a), then it may, at any time after the decrease,  
17 increase the maximum tax rate, by ordinance, to a rate less  
18 than or equal to the maximum tax rate immediately prior to the  
19 board's ordinance to decrease the rate.

20 (c) If a city, village, or incorporated town having a  
21 population of more than 500,000 is located within or partially  
22 within a township, then the entire amount of the tax levied by  
23 the township for the purpose of providing general assistance  
24 under this Section on property lying within that city, village,  
25 or incorporated town, less the amount allowed for collecting  
26 the tax, shall be paid over by the treasurer of the township to  
27 the treasurer of the city, village, or incorporated town to be  
28 appropriated and used by the city, village, or incorporated  
29 town for the relief and support of persons needing general  
30 assistance residing in that portion of the city, village, or  
31 incorporated town located within the township in accordance  
32 with the Illinois Public Aid Code.

33 (d) Any taxes levied for general assistance before or after  
34 this Section takes effect may also be used for the payment of  
35 warrants issued against and in anticipation of those taxes and  
36 accrued interest on those warrants and may also be used to pay

1 the cost of administering that assistance.

2 (e) In any township with a population of less than 500,000  
3 that receives no State funding for the general assistance  
4 program and that has not issued anticipation warrants or  
5 otherwise borrowed monies for the administration of the general  
6 assistance program during the township's previous 3 fiscal  
7 years of operation, a one time transfer of monies from the  
8 township's general assistance fund may be made to the general  
9 township fund pursuant to action by the township board. This  
10 transfer may occur only to the extent that the amount of monies  
11 remaining in the general assistance fund after the transfer is  
12 equal to the greater of (i) the amount of the township's  
13 expenditures in the previous fiscal year for general assistance  
14 or (ii) an amount equal to either 0.10% of the last known total  
15 equalized value of all taxable property in the township, or  
16 100% of the highest amount levied for general assistance  
17 purposes in any of the three previous fiscal years. The  
18 transfer shall be completed no later than one year after the  
19 effective date of this amendatory Act of the 92nd General  
20 Assembly. No township that has certified a new levy or an  
21 increase in the levy under this Section during calendar year  
22 2002 may transfer monies under this subsection. No action on  
23 the transfer of monies under this subsection shall be taken by  
24 the township board except at a township board meeting. No  
25 monies transferred under this subsection shall be considered in  
26 determining whether the township qualifies for State funds to  
27 supplement local funds for public aid purposes under Section  
28 12-21.13 of the Illinois Public Aid Code.

29 (Source: P.A. 92-558, eff. 6-24-02; 92-718, eff. 7-25-02;  
30 revised 9-9-02.)

31 Section 265. The Illinois Municipal Code is amended by  
32 changing Sections 3.1-30-20, 8-11-1.2, 11-31-1, 11-74.4-3,  
33 11-74.4-7, and 11-124-1 as follows:

34 (65 ILCS 5/3.1-30-20) (from Ch. 24, par. 3.1-30-20)

1           Sec. 3.1-30-20. Auxiliary policemen.

2           (a) Auxiliary policemen shall not be members of the regular  
3 police department of the municipality. Auxiliary policemen  
4 shall not supplement members of the regular police department  
5 of any municipality in the performance of their assigned and  
6 normal duties, except as otherwise provided in this Code.  
7 Auxiliary policemen shall only be assigned to perform the  
8 following duties in a municipality: (i) to aid or direct  
9 traffic within the municipality, (ii) to aid in control of  
10 natural or man made disasters, and (iii) to aid in case of  
11 civil disorder as directed by the chief of police. When it is  
12 impractical for members of the regular police department to  
13 perform those normal and regular police duties, however, the  
14 chief of police of the regular police department may assign  
15 auxiliary policemen to perform those normal and regular police  
16 duties. Identification symbols worn by auxiliary policemen  
17 shall be different and distinct from those used by members of  
18 the regular police department. Auxiliary policemen shall at all  
19 times during the performance of their duties be subject to the  
20 direction and control of the chief of police of the  
21 municipality. Auxiliary policemen shall not carry firearms,  
22 except with the permission of the chief of police and while in  
23 uniform and in the performance of their duties. Auxiliary  
24 policemen, when on duty, shall also be conservators of the  
25 peace and shall have the powers specified in Section 3.1-15-25.

26           (b) Auxiliary policemen, before entering upon any of their  
27 duties, shall receive a course of training in the use of  
28 weapons and other police procedures appropriate for the  
29 exercise of the powers conferred upon them under this Code. The  
30 training and course of study shall be determined and provided  
31 by the corporate authorities of each municipality employing  
32 auxiliary policemen. The municipal authorities may require  
33 that all auxiliary policemen be residents of the municipality  
34 served by them. Before the appointment of an auxiliary  
35 policeman, the person's fingerprints shall be taken, and no  
36 person shall be appointed as an auxiliary policeman if that

1 person has been convicted of a felony or other crime involving  
2 moral turpitude.

3 (c) The Line of Duty ~~Law Enforcement Officers, Civil~~  
4 ~~Defense Workers, Civil Air Patrol Members, Paramedics and~~  
5 ~~Firemen~~ Compensation Act shall be applicable to auxiliary  
6 policemen upon their death in the line of duty described in  
7 this Code.

8 (Source: P.A. 87-1119; revised 11-15-04.)

9 (65 ILCS 5/8-11-1.2) (from Ch. 24, par. 8-11-1.2)

10 Sec. 8-11-1.2. Definition. As used in Sections 8-11-1.3,  
11 8-11-1.4 and 8-11-1.5 of this Act:

12 (a) "Public infrastructure" means municipal roads and  
13 streets, access roads, bridges, and sidewalks; waste disposal  
14 systems; and water and sewer line extensions, water  
15 distribution and purification facilities, storm water drainage  
16 and retention facilities, and sewage treatment facilities. For  
17 purposes of referenda authorizing the imposition of taxes by  
18 the City of DuQuoin under Sections 8-11-1.3, 8-11-1.4, and  
19 8-11-1.5 of this Act that are approved in November, 2002,  
20 "public infrastructure" shall also include public schools.

21 (b) "Property tax relief" means the action of a  
22 municipality to reduce the levy for real estate taxes or avoid  
23 an increase in the levy for real estate taxes that would  
24 otherwise have been required. Property tax relief or the  
25 avoidance of property tax must uniformly apply to all classes  
26 of property.

27 (Source: P.A. 91-51, eff. 6-30-99; 92-739, eff. 1-1-03; 92-815,  
28 eff. 8-21-02; revised 9-10-02.)

29 (65 ILCS 5/11-31-1) (from Ch. 24, par. 11-31-1)

30 Sec. 11-31-1. Demolition, repair, enclosure, or  
31 remediation.

32 (a) The corporate authorities of each municipality may  
33 demolish, repair, or enclose or cause the demolition, repair,  
34 or enclosure of dangerous and unsafe buildings or uncompleted

1 and abandoned buildings within the territory of the  
2 municipality and may remove or cause the removal of garbage,  
3 debris, and other hazardous, noxious, or unhealthy substances  
4 or materials from those buildings. In any county having adopted  
5 by referendum or otherwise a county health department as  
6 provided by Division 5-25 of the Counties Code or its  
7 predecessor, the county board of that county may exercise those  
8 powers with regard to dangerous and unsafe buildings or  
9 uncompleted and abandoned buildings within the territory of any  
10 city, village, or incorporated town having less than 50,000  
11 population.

12 The corporate authorities shall apply to the circuit court  
13 of the county in which the building is located (i) for an order  
14 authorizing action to be taken with respect to a building if  
15 the owner or owners of the building, including the lien holders  
16 of record, after at least 15 days' written notice by mail so to  
17 do, have failed to put the building in a safe condition or to  
18 demolish it or (ii) for an order requiring the owner or owners  
19 of record to demolish, repair, or enclose the building or to  
20 remove garbage, debris, and other hazardous, noxious, or  
21 unhealthy substances or materials from the building. It is not  
22 a defense to the cause of action that the building is boarded  
23 up or otherwise enclosed, although the court may order the  
24 defendant to have the building boarded up or otherwise  
25 enclosed. Where, upon diligent search, the identity or  
26 whereabouts of the owner or owners of the building, including  
27 the lien holders of record, is not ascertainable, notice mailed  
28 to the person or persons in whose name the real estate was last  
29 assessed is sufficient notice under this Section.

30 The hearing upon the application to the circuit court shall  
31 be expedited by the court and shall be given precedence over  
32 all other suits. Any person entitled to bring an action under  
33 subsection (b) shall have the right to intervene in an action  
34 brought under this Section.

35 The cost of the demolition, repair, enclosure, or removal  
36 incurred by the municipality, by an intervenor, or by a lien

1 holder of record, including court costs, attorney's fees, and  
2 other costs related to the enforcement of this Section, is  
3 recoverable from the owner or owners of the real estate or the  
4 previous owner or both if the property was transferred during  
5 the 15 day notice period and is a lien on the real estate; the  
6 lien is superior to all prior existing liens and encumbrances,  
7 except taxes, if, within 180 days after the repair, demolition,  
8 enclosure, or removal, the municipality, the lien holder of  
9 record, or the intervenor who incurred the cost and expense  
10 shall file a notice of lien for the cost and expense incurred  
11 in the office of the recorder in the county in which the real  
12 estate is located or in the office of the registrar of titles  
13 of the county if the real estate affected is registered under  
14 the Registered Titles (Torrens) Act.

15 The notice must consist of a sworn statement setting out  
16 (1) a description of the real estate sufficient for its  
17 identification, (2) the amount of money representing the cost  
18 and expense incurred, and (3) the date or dates when the cost  
19 and expense was incurred by the municipality, the lien holder  
20 of record, or the intervenor. Upon payment of the cost and  
21 expense by the owner or persons interested in the property  
22 after the notice of lien has been filed, the lien shall be  
23 released by the municipality, the person in whose name the lien  
24 has been filed, or the assignee of the lien, and the release  
25 may be filed of record as in the case of filing notice of lien.  
26 Unless the lien is enforced under subsection (c), the lien may  
27 be enforced by foreclosure proceedings as in the case of  
28 mortgage foreclosures under Article XV of the Code of Civil  
29 Procedure or mechanics' lien foreclosures. An action to  
30 foreclose this lien may be commenced at any time after the date  
31 of filing of the notice of lien. The costs of foreclosure  
32 incurred by the municipality, including court costs,  
33 reasonable attorney's fees, advances to preserve the property,  
34 and other costs related to the enforcement of this subsection,  
35 plus statutory interest, are a lien on the real estate and are  
36 recoverable by the municipality from the owner or owners of the

1 real estate.

2 All liens arising under this subsection (a) shall be  
3 assignable. The assignee of the lien shall have the same power  
4 to enforce the lien as the assigning party, except that the  
5 lien may not be enforced under subsection (c).

6 If the appropriate official of any municipality determines  
7 that any dangerous and unsafe building or uncompleted and  
8 abandoned building within its territory fulfills the  
9 requirements for an action by the municipality under the  
10 Abandoned Housing Rehabilitation Act, the municipality may  
11 petition under that Act in a proceeding brought under this  
12 subsection.

13 (b) Any owner or tenant of real property within 1200 feet  
14 in any direction of any dangerous or unsafe building located  
15 within the territory of a municipality with a population of  
16 500,000 or more may file with the appropriate municipal  
17 authority a request that the municipality apply to the circuit  
18 court of the county in which the building is located for an  
19 order permitting the demolition, removal of garbage, debris,  
20 and other noxious or unhealthy substances and materials from,  
21 or repair or enclosure of the building in the manner prescribed  
22 in subsection (a) of this Section. If the municipality fails to  
23 institute an action in circuit court within 90 days after the  
24 filing of the request, the owner or tenant of real property  
25 within 1200 feet in any direction of the building may institute  
26 an action in circuit court seeking an order compelling the  
27 owner or owners of record to demolish, remove garbage, debris,  
28 and other noxious or unhealthy substances and materials from,  
29 repair or enclose or to cause to be demolished, have garbage,  
30 debris, and other noxious or unhealthy substances and materials  
31 removed from, repaired, or enclosed the building in question. A  
32 private owner or tenant who institutes an action under the  
33 preceding sentence shall not be required to pay any fee to the  
34 clerk of the circuit court. The cost of repair, removal,  
35 demolition, or enclosure shall be borne by the owner or owners  
36 of record of the building. In the event the owner or owners of



1 record fail to demolish, remove garbage, debris, and other  
2 noxious or unhealthy substances and materials from, repair, or  
3 enclose the building within 90 days of the date the court  
4 entered its order, the owner or tenant who instituted the  
5 action may request that the court join the municipality as a  
6 party to the action. The court may order the municipality to  
7 demolish, remove materials from, repair, or enclose the  
8 building, or cause that action to be taken upon the request of  
9 any owner or tenant who instituted the action or upon the  
10 municipality's request. The municipality may file, and the  
11 court may approve, a plan for rehabilitating the building in  
12 question. A court order authorizing the municipality to  
13 demolish, remove materials from, repair, or enclose a building,  
14 or cause that action to be taken, shall not preclude the court  
15 from adjudging the owner or owners of record of the building in  
16 contempt of court due to the failure to comply with the order  
17 to demolish, remove garbage, debris, and other noxious or  
18 unhealthy substances and materials from, repair, or enclose the  
19 building.

20 If a municipality or a person or persons other than the  
21 owner or owners of record pay the cost of demolition, removal  
22 of garbage, debris, and other noxious or unhealthy substances  
23 and materials, repair, or enclosure pursuant to a court order,  
24 the cost, including court costs, attorney's fees, and other  
25 costs related to the enforcement of this subsection, is  
26 recoverable from the owner or owners of the real estate and is  
27 a lien on the real estate; the lien is superior to all prior  
28 existing liens and encumbrances, except taxes, if, within 180  
29 days after the repair, removal, demolition, or enclosure, the  
30 municipality or the person or persons who paid the costs of  
31 demolition, removal, repair, or enclosure shall file a notice  
32 of lien of the cost and expense incurred in the office of the  
33 recorder in the county in which the real estate is located or  
34 in the office of the registrar of the county if the real estate  
35 affected is registered under the Registered Titles (Torrens)  
36 Act. The notice shall be in a form as is provided in subsection

1 (a). An owner or tenant who institutes an action in circuit  
2 court seeking an order to compel the owner or owners of record  
3 to demolish, remove materials from, repair, or enclose any  
4 dangerous or unsafe building, or to cause that action to be  
5 taken under this subsection may recover court costs and  
6 reasonable attorney's fees for instituting the action from the  
7 owner or owners of record of the building. Upon payment of the  
8 costs and expenses by the owner of or a person interested in  
9 the property after the notice of lien has been filed, the lien  
10 shall be released by the municipality or the person in whose  
11 name the lien has been filed or his or her assignee, and the  
12 release may be filed of record as in the case of filing a  
13 notice of lien. Unless the lien is enforced under subsection  
14 (c), the lien may be enforced by foreclosure proceedings as in  
15 the case of mortgage foreclosures under Article XV of the Code  
16 of Civil Procedure or mechanics' lien foreclosures. An action  
17 to foreclose this lien may be commenced at any time after the  
18 date of filing of the notice of lien. The costs of foreclosure  
19 incurred by the municipality, including court costs,  
20 reasonable attorneys' fees, advances to preserve the property,  
21 and other costs related to the enforcement of this subsection,  
22 plus statutory interest, are a lien on the real estate and are  
23 recoverable by the municipality from the owner or owners of the  
24 real estate.

25 All liens arising under the terms of this subsection (b)  
26 shall be assignable. The assignee of the lien shall have the  
27 same power to enforce the lien as the assigning party, except  
28 that the lien may not be enforced under subsection (c).

29 (c) In any case where a municipality has obtained a lien  
30 under subsection (a), (b), or (f), the municipality may enforce  
31 the lien under this subsection (c) in the same proceeding in  
32 which the lien is authorized.

33 A municipality desiring to enforce a lien under this  
34 subsection (c) shall petition the court to retain jurisdiction  
35 for foreclosure proceedings under this subsection. Notice of  
36 the petition shall be served, by certified or registered mail,

1 on all persons who were served notice under subsection (a),  
2 (b), or (f). The court shall conduct a hearing on the petition  
3 not less than 15 days after the notice is served. If the court  
4 determines that the requirements of this subsection (c) have  
5 been satisfied, it shall grant the petition and retain  
6 jurisdiction over the matter until the foreclosure proceeding  
7 is completed. The costs of foreclosure incurred by the  
8 municipality, including court costs, reasonable attorneys'  
9 fees, advances to preserve the property, and other costs  
10 related to the enforcement of this subsection, plus statutory  
11 interest, are a lien on the real estate and are recoverable by  
12 the municipality from the owner or owners of the real estate.  
13 If the court denies the petition, the municipality may enforce  
14 the lien in a separate action as provided in subsection (a),  
15 (b), or (f).

16 All persons designated in Section 15-1501 of the Code of  
17 Civil Procedure as necessary parties in a mortgage foreclosure  
18 action shall be joined as parties before issuance of an order  
19 of foreclosure. Persons designated in Section 15-1501 of the  
20 Code of Civil Procedure as permissible parties may also be  
21 joined as parties in the action.

22 The provisions of Article XV of the Code of Civil Procedure  
23 applicable to mortgage foreclosures shall apply to the  
24 foreclosure of a lien under this subsection (c), except to the  
25 extent that those provisions are inconsistent with this  
26 subsection. For purposes of foreclosures of liens under this  
27 subsection, however, the redemption period described in  
28 subsection (b) of Section 15-1603 of the Code of Civil  
29 Procedure shall end 60 days after the date of entry of the  
30 order of foreclosure.

31 (d) In addition to any other remedy provided by law, the  
32 corporate authorities of any municipality may petition the  
33 circuit court to have property declared abandoned under this  
34 subsection (d) if:

35 (1) the property has been tax delinquent for 2 or more  
36 years or bills for water service for the property have been

1 outstanding for 2 or more years;

2 (2) the property is unoccupied by persons legally in  
3 possession; and

4 (3) the property contains a dangerous or unsafe  
5 building.

6 All persons having an interest of record in the property,  
7 including tax purchasers and beneficial owners of any Illinois  
8 land trust having title to the property, shall be named as  
9 defendants in the petition and shall be served with process. In  
10 addition, service shall be had under Section 2-206 of the Code  
11 of Civil Procedure as in other cases affecting property.

12 The municipality, however, may proceed under this  
13 subsection in a proceeding brought under subsection (a) or (b).  
14 Notice of the petition shall be served by certified or  
15 registered mail on all persons who were served notice under  
16 subsection (a) or (b).

17 If the municipality proves that the conditions described in  
18 this subsection exist and the owner of record of the property  
19 does not enter an appearance in the action, or, if title to the  
20 property is held by an Illinois land trust, if neither the  
21 owner of record nor the owner of the beneficial interest of the  
22 trust enters an appearance, the court shall declare the  
23 property abandoned.

24 If that determination is made, notice shall be sent by  
25 certified or registered mail to all persons having an interest  
26 of record in the property, including tax purchasers and  
27 beneficial owners of any Illinois land trust having title to  
28 the property, stating that title to the property will be  
29 transferred to the municipality unless, within 30 days of the  
30 notice, the owner of record enters an appearance in the action,  
31 or unless any other person having an interest in the property  
32 files with the court a request to demolish the dangerous or  
33 unsafe building or to put the building in safe condition.

34 If the owner of record enters an appearance in the action  
35 within the 30 day period, the court shall vacate its order  
36 declaring the property abandoned. In that case, the

1 municipality may amend its complaint in order to initiate  
2 proceedings under subsection (a).

3 If a request to demolish or repair the building is filed  
4 within the 30 day period, the court shall grant permission to  
5 the requesting party to demolish the building within 30 days or  
6 to restore the building to safe condition within 60 days after  
7 the request is granted. An extension of that period for up to  
8 60 additional days may be given for good cause. If more than  
9 one person with an interest in the property files a timely  
10 request, preference shall be given to the person with the lien  
11 or other interest of the highest priority.

12 If the requesting party proves to the court that the  
13 building has been demolished or put in a safe condition within  
14 the period of time granted by the court, the court shall issue  
15 a quitclaim judicial deed for the property to the requesting  
16 party, conveying only the interest of the owner of record, upon  
17 proof of payment to the municipality of all costs incurred by  
18 the municipality in connection with the action, including but  
19 not limited to court costs, attorney's fees, administrative  
20 costs, the costs, if any, associated with building enclosure or  
21 removal, and receiver's certificates. The interest in the  
22 property so conveyed shall be subject to all liens and  
23 encumbrances on the property. In addition, if the interest is  
24 conveyed to a person holding a certificate of purchase for the  
25 property under the Property Tax Code, the conveyance shall be  
26 subject to the rights of redemption of all persons entitled to  
27 redeem under that Act, including the original owner of record.

28 If no person with an interest in the property files a  
29 timely request or if the requesting party fails to demolish the  
30 building or put the building in safe condition within the time  
31 specified by the court, the municipality may petition the court  
32 to issue a judicial deed for the property to the municipality.  
33 A conveyance by judicial deed shall operate to extinguish all  
34 existing ownership interests in, liens on, and other interest  
35 in the property, including tax liens, and shall extinguish the  
36 rights and interests of any and all holders of a bona fide

1 certificate of purchase of the property for delinquent taxes.  
2 Any such bona fide certificate of purchase holder shall be  
3 entitled to a sale in error as prescribed under Section 21-310  
4 of the Property Tax Code.

5 (e) Each municipality may use the provisions of this  
6 subsection to expedite the removal of certain buildings that  
7 are a continuing hazard to the community in which they are  
8 located.

9 If a residential or commercial building is 3 stories or  
10 less in height as defined by the municipality's building code,  
11 and the corporate official designated to be in charge of  
12 enforcing the municipality's building code determines that the  
13 building is open and vacant and an immediate and continuing  
14 hazard to the community in which the building is located, then  
15 the official shall be authorized to post a notice not less than  
16 2 feet by 2 feet in size on the front of the building. The  
17 notice shall be dated as of the date of the posting and shall  
18 state that unless the building is demolished, repaired, or  
19 enclosed, and unless any garbage, debris, and other hazardous,  
20 noxious, or unhealthy substances or materials are removed so  
21 that an immediate and continuing hazard to the community no  
22 longer exists, then the building may be demolished, repaired,  
23 or enclosed, or any garbage, debris, and other hazardous,  
24 noxious, or unhealthy substances or materials may be removed,  
25 by the municipality.

26 Not later than 30 days following the posting of the notice,  
27 the municipality shall do all of the following:

28 (1) Cause to be sent, by certified mail, return receipt  
29 requested, a Notice to Remediate to all owners of record of  
30 the property, the beneficial owners of any Illinois land  
31 trust having title to the property, and all lienholders of  
32 record in the property, stating the intent of the  
33 municipality to demolish, repair, or enclose the building  
34 or remove any garbage, debris, or other hazardous, noxious,  
35 or unhealthy substances or materials if that action is not  
36 taken by the owner or owners.

1           (2) Cause to be published, in a newspaper published or  
2           circulated in the municipality where the building is  
3           located, a notice setting forth (i) the permanent tax index  
4           number and the address of the building, (ii) a statement  
5           that the property is open and vacant and constitutes an  
6           immediate and continuing hazard to the community, and (iii)  
7           a statement that the municipality intends to demolish,  
8           repair, or enclose the building or remove any garbage,  
9           debris, or other hazardous, noxious, or unhealthy  
10          substances or materials if the owner or owners or  
11          lienholders of record fail to do so. This notice shall be  
12          published for 3 consecutive days.

13          (3) Cause to be recorded the Notice to Remediate mailed  
14          under paragraph (1) in the office of the recorder in the  
15          county in which the real estate is located or in the office  
16          of the registrar of titles of the county if the real estate  
17          is registered under the Registered Title (Torrens) Act.

18          Any person or persons with a current legal or equitable  
19          interest in the property objecting to the proposed actions of  
20          the corporate authorities may file his or her objection in an  
21          appropriate form in a court of competent jurisdiction.

22          If the building is not demolished, repaired, or enclosed,  
23          or the garbage, debris, or other hazardous, noxious, or  
24          unhealthy substances or materials are not removed, within 30  
25          days of mailing the notice to the owners of record, the  
26          beneficial owners of any Illinois land trust having title to  
27          the property, and all lienholders of record in the property, or  
28          within 30 days of the last day of publication of the notice,  
29          whichever is later, the corporate authorities shall have the  
30          power to demolish, repair, or enclose the building or to remove  
31          any garbage, debris, or other hazardous, noxious, or unhealthy  
32          substances or materials.

33          The municipality may proceed to demolish, repair, or  
34          enclose a building or remove any garbage, debris, or other  
35          hazardous, noxious, or unhealthy substances or materials under  
36          this subsection within a 120-day period following the date of

1 the mailing of the notice if the appropriate official  
2 determines that the demolition, repair, enclosure, or removal  
3 of any garbage, debris, or other hazardous, noxious, or  
4 unhealthy substances or materials is necessary to remedy the  
5 immediate and continuing hazard. If, however, before the  
6 municipality proceeds with any of the actions authorized by  
7 this subsection, any person with a legal or equitable interest  
8 in the property has sought a hearing under this subsection  
9 before a court and has served a copy of the complaint on the  
10 chief executive officer of the municipality, then the  
11 municipality shall not proceed with the demolition, repair,  
12 enclosure, or removal of garbage, debris, or other substances  
13 until the court determines that that action is necessary to  
14 remedy the hazard and issues an order authorizing the  
15 municipality to do so. If the court dismisses the action for  
16 want of prosecution, the municipality must send the objector a  
17 copy of the dismissal order and a letter stating that the  
18 demolition, repair, enclosure, or removal of garbage, debris,  
19 or other substances will proceed unless, within 30 days after  
20 the copy of the order and the letter are mailed, the objector  
21 moves to vacate the dismissal and serves a copy of the motion  
22 on the chief executive officer of the municipality.  
23 Notwithstanding any other law to the contrary, if the objector  
24 does not file a motion and give the required notice, if the  
25 motion is denied by the court, or if the action is again  
26 dismissed for want of prosecution, then the dismissal is with  
27 prejudice and the demolition, repair, enclosure, or removal may  
28 proceed forthwith.

29 Following the demolition, repair, or enclosure of a  
30 building, or the removal of garbage, debris, or other  
31 hazardous, noxious, or unhealthy substances or materials under  
32 this subsection, the municipality may file a notice of lien  
33 against the real estate for the cost of the demolition, repair,  
34 enclosure, or removal within 180 days after the repair,  
35 demolition, enclosure, or removal occurred, for the cost and  
36 expense incurred, in the office of the recorder in the county



1 in which the real estate is located or in the office of the  
2 registrar of titles of the county if the real estate affected  
3 is registered under the Registered Titles (Torrens) Act; this  
4 lien has priority over the interests of those parties named in  
5 the Notice to Remediate mailed under paragraph (1), but not  
6 over the interests of third party purchasers or encumbrancers  
7 for value who obtained their interests in the property before  
8 obtaining actual or constructive notice of the lien. The notice  
9 of lien shall consist of a sworn statement setting forth (i) a  
10 description of the real estate, such as the address or other  
11 description of the property, sufficient for its  
12 identification; (ii) the expenses incurred by the municipality  
13 in undertaking the remedial actions authorized under this  
14 subsection; (iii) the date or dates the expenses were incurred  
15 by the municipality; (iv) a statement by the corporate official  
16 responsible for enforcing the building code that the building  
17 was open and vacant and constituted an immediate and continuing  
18 hazard to the community; (v) a statement by the corporate  
19 official that the required sign was posted on the building,  
20 that notice was sent by certified mail to the owners of record,  
21 and that notice was published in accordance with this  
22 subsection; and (vi) a statement as to when and where the  
23 notice was published. The lien authorized by this subsection  
24 may thereafter be released or enforced by the municipality as  
25 provided in subsection (a).

26 (f) The corporate authorities of each municipality may  
27 remove or cause the removal of, or otherwise environmentally  
28 remediate hazardous substances and petroleum products on, in,  
29 or under any abandoned and unsafe property within the territory  
30 of a municipality. In addition, where preliminary evidence  
31 indicates the presence or likely presence of a hazardous  
32 substance or a petroleum product or a release or a substantial  
33 threat of a release of a hazardous substance or a petroleum  
34 product on, in, or under the property, the corporate  
35 authorities of the municipality may inspect the property and  
36 test for the presence or release of hazardous substances and

1 petroleum products. In any county having adopted by referendum  
2 or otherwise a county health department as provided by Division  
3 5-25 of the Counties Code or its predecessor, the county board  
4 of that county may exercise the above-described powers with  
5 regard to property within the territory of any city, village,  
6 or incorporated town having less than 50,000 population.

7 For purposes of this subsection (f):

8 (1) "property" or "real estate" means all real  
9 property, whether or not improved by a structure;

10 (2) "abandoned" means;

11 (A) the property has been tax delinquent for 2 or  
12 more years;

13 (B) the property is unoccupied by persons legally  
14 in possession; and

15 (3) "unsafe" means property that presents an actual or  
16 imminent threat to public health and safety caused by the  
17 release of hazardous substances; and

18 (4) "hazardous substances" means the same as in Section  
19 3.215 of the Environmental Protection Act.

20 The corporate authorities shall apply to the circuit court  
21 of the county in which the property is located (i) for an order  
22 allowing the municipality to enter the property and inspect and  
23 test substances on, in, or under the property; or (ii) for an  
24 order authorizing the corporate authorities to take action with  
25 respect to remediation of the property if conditions on the  
26 property, based on the inspection and testing authorized in  
27 paragraph (i), indicate the presence of hazardous substances or  
28 petroleum products. Remediation shall be deemed complete for  
29 purposes of paragraph (ii) above when the property satisfies  
30 Tier I, II, or III remediation objectives for the property's  
31 most recent usage, as established by the Environmental  
32 Protection Act, and the rules and regulations promulgated  
33 thereunder. Where, upon diligent search, the identity or  
34 whereabouts of the owner or owners of the property, including  
35 the lien holders of record, is not ascertainable, notice mailed  
36 to the person or persons in whose name the real estate was last

1 assessed is sufficient notice under this Section.

2 The court shall grant an order authorizing testing under  
3 paragraph (i) above upon a showing of preliminary evidence  
4 indicating the presence or likely presence of a hazardous  
5 substance or a petroleum product or a release of or a  
6 substantial threat of a release of a hazardous substance or a  
7 petroleum product on, in, or under abandoned property. The  
8 preliminary evidence may include, but is not limited to,  
9 evidence of prior use, visual site inspection, or records of  
10 prior environmental investigations. The testing authorized by  
11 paragraph (i) above shall include any type of investigation  
12 which is necessary for an environmental professional to  
13 determine the environmental condition of the property,  
14 including but not limited to performance of soil borings and  
15 groundwater monitoring. The court shall grant a remediation  
16 order under paragraph (ii) above where testing of the property  
17 indicates that it fails to meet the applicable remediation  
18 objectives. The hearing upon the application to the circuit  
19 court shall be expedited by the court and shall be given  
20 precedence over all other suits.

21 The cost of the inspection, testing, or remediation  
22 incurred by the municipality or by a lien holder of record,  
23 including court costs, attorney's fees, and other costs related  
24 to the enforcement of this Section, is a lien on the real  
25 estate; except that in any instances where a municipality  
26 incurs costs of inspection and testing but finds no hazardous  
27 substances or petroleum products on the property that present  
28 an actual or imminent threat to public health and safety, such  
29 costs are not recoverable from the owners nor are such costs a  
30 lien on the real estate. The lien is superior to all prior  
31 existing liens and encumbrances, except taxes and any lien  
32 obtained under subsection (a) or (e), if, within 180 days after  
33 the completion of the inspection, testing, or remediation, the  
34 municipality or the lien holder of record who incurred the cost  
35 and expense shall file a notice of lien for the cost and  
36 expense incurred in the office of the recorder in the county in

1 which the real estate is located or in the office of the  
2 registrar of titles of the county if the real estate affected  
3 is registered under the Registered Titles (Torrens) Act.

4 The notice must consist of a sworn statement setting out  
5 (i) a description of the real estate sufficient for its  
6 identification, (ii) the amount of money representing the cost  
7 and expense incurred, and (iii) the date or dates when the cost  
8 and expense was incurred by the municipality or the lien holder  
9 of record. Upon payment of the lien amount by the owner of or  
10 persons interested in the property after the notice of lien has  
11 been filed, a release of lien shall be issued by the  
12 municipality, the person in whose name the lien has been filed,  
13 or the assignee of the lien, and the release may be filed of  
14 record as in the case of filing notice of lien.

15 The lien may be enforced under subsection (c) or by  
16 foreclosure proceedings as in the case of mortgage foreclosures  
17 under Article XV of the Code of Civil Procedure or mechanics'  
18 lien foreclosures; provided that where the lien is enforced by  
19 foreclosure under subsection (c) or under either statute, the  
20 municipality may not proceed against the other assets of the  
21 owner or owners of the real estate for any costs that otherwise  
22 would be recoverable under this Section but that remain  
23 unsatisfied after foreclosure except where such additional  
24 recovery is authorized by separate environmental laws. An  
25 action to foreclose this lien may be commenced at any time  
26 after the date of filing of the notice of lien. The costs of  
27 foreclosure incurred by the municipality, including court  
28 costs, reasonable attorney's fees, advances to preserve the  
29 property, and other costs related to the enforcement of this  
30 subsection, plus statutory interest, are a lien on the real  
31 estate.

32 All liens arising under this subsection (f) shall be  
33 assignable. The assignee of the lien shall have the same power  
34 to enforce the lien as the assigning party, except that the  
35 lien may not be enforced under subsection (c).

36 (g) In any case where a municipality has obtained a lien

1 under subsection (a), the municipality may also bring an action  
2 for a money judgment against the owner or owners of the real  
3 estate in the amount of the lien in the same manner as provided  
4 for bringing causes of action in Article II of the Code of  
5 Civil Procedure and, upon obtaining a judgment, file a judgment  
6 lien against all of the real estate of the owner or owners and  
7 enforce that lien as provided for in Article XII of the Code of  
8 Civil Procedure.

9 (Source: P.A. 91-162, eff. 7-16-99; 91-177, eff. 1-1-00;  
10 91-357, eff. 7-29-99; 91-542, eff. 1-1-00; 91-561, eff. 1-1-00;  
11 92-16, eff. 6-28-01; 92-574, eff. 6-26-02; 92-681, eff. 1-1-03;  
12 revised 2-18-03.)

13 (65 ILCS 5/11-74.4-3) (from Ch. 24, par. 11-74.4-3)

14 Sec. 11-74.4-3. Definitions. The following terms, wherever  
15 used or referred to in this Division 74.4 shall have the  
16 following respective meanings, unless in any case a different  
17 meaning clearly appears from the context.

18 (a) For any redevelopment project area that has been  
19 designated pursuant to this Section by an ordinance adopted  
20 prior to November 1, 1999 (the effective date of Public Act  
21 91-478), "blighted area" shall have the meaning set forth in  
22 this Section prior to that date.

23 On and after November 1, 1999, "blighted area" means any  
24 improved or vacant area within the boundaries of a  
25 redevelopment project area located within the territorial  
26 limits of the municipality where:

27 (1) If improved, industrial, commercial, and  
28 residential buildings or improvements are detrimental to  
29 the public safety, health, or welfare because of a  
30 combination of 5 or more of the following factors, each of  
31 which is (i) present, with that presence documented, to a  
32 meaningful extent so that a municipality may reasonably  
33 find that the factor is clearly present within the intent  
34 of the Act and (ii) reasonably distributed throughout the  
35 improved part of the redevelopment project area:

1 (A) Dilapidation. An advanced state of disrepair  
2 or neglect of necessary repairs to the primary  
3 structural components of buildings or improvements in  
4 such a combination that a documented building  
5 condition analysis determines that major repair is  
6 required or the defects are so serious and so extensive  
7 that the buildings must be removed.

8 (B) Obsolescence. The condition or process of  
9 falling into disuse. Structures have become ill-suited  
10 for the original use.

11 (C) Deterioration. With respect to buildings,  
12 defects including, but not limited to, major defects in  
13 the secondary building components such as doors,  
14 windows, porches, gutters and downspouts, and fascia.  
15 With respect to surface improvements, that the  
16 condition of roadways, alleys, curbs, gutters,  
17 sidewalks, off-street parking, and surface storage  
18 areas evidence deterioration, including, but not  
19 limited to, surface cracking, crumbling, potholes,  
20 depressions, loose paving material, and weeds  
21 protruding through paved surfaces.

22 (D) Presence of structures below minimum code  
23 standards. All structures that do not meet the  
24 standards of zoning, subdivision, building, fire, and  
25 other governmental codes applicable to property, but  
26 not including housing and property maintenance codes.

27 (E) Illegal use of individual structures. The use  
28 of structures in violation of applicable federal,  
29 State, or local laws, exclusive of those applicable to  
30 the presence of structures below minimum code  
31 standards.

32 (F) Excessive vacancies. The presence of buildings  
33 that are unoccupied or under-utilized and that  
34 represent an adverse influence on the area because of  
35 the frequency, extent, or duration of the vacancies.

36 (G) Lack of ventilation, light, or sanitary

1 facilities. The absence of adequate ventilation for  
2 light or air circulation in spaces or rooms without  
3 windows, or that require the removal of dust, odor,  
4 gas, smoke, or other noxious airborne materials.  
5 Inadequate natural light and ventilation means the  
6 absence of skylights or windows for interior spaces or  
7 rooms and improper window sizes and amounts by room  
8 area to window area ratios. Inadequate sanitary  
9 facilities refers to the absence or inadequacy of  
10 garbage storage and enclosure, bathroom facilities,  
11 hot water and kitchens, and structural inadequacies  
12 preventing ingress and egress to and from all rooms and  
13 units within a building.

14 (H) Inadequate utilities. Underground and overhead  
15 utilities such as storm sewers and storm drainage,  
16 sanitary sewers, water lines, and gas, telephone, and  
17 electrical services that are shown to be inadequate.  
18 Inadequate utilities are those that are: (i) of  
19 insufficient capacity to serve the uses in the  
20 redevelopment project area, (ii) deteriorated,  
21 antiquated, obsolete, or in disrepair, or (iii)  
22 lacking within the redevelopment project area.

23 (I) Excessive land coverage and overcrowding of  
24 structures and community facilities. The  
25 over-intensive use of property and the crowding of  
26 buildings and accessory facilities onto a site.  
27 Examples of problem conditions warranting the  
28 designation of an area as one exhibiting excessive land  
29 coverage are: (i) the presence of buildings either  
30 improperly situated on parcels or located on parcels of  
31 inadequate size and shape in relation to present-day  
32 standards of development for health and safety and (ii)  
33 the presence of multiple buildings on a single parcel.  
34 For there to be a finding of excessive land coverage,  
35 these parcels must exhibit one or more of the following  
36 conditions: insufficient provision for light and air

1 within or around buildings, increased threat of spread  
2 of fire due to the close proximity of buildings, lack  
3 of adequate or proper access to a public right-of-way,  
4 lack of reasonably required off-street parking, or  
5 inadequate provision for loading and service.

6 (J) Deleterious land use or layout. The existence  
7 of incompatible land-use relationships, buildings  
8 occupied by inappropriate mixed-uses, or uses  
9 considered to be noxious, offensive, or unsuitable for  
10 the surrounding area.

11 (K) Environmental clean-up. The proposed  
12 redevelopment project area has incurred Illinois  
13 Environmental Protection Agency or United States  
14 Environmental Protection Agency remediation costs for,  
15 or a study conducted by an independent consultant  
16 recognized as having expertise in environmental  
17 remediation has determined a need for, the clean-up of  
18 hazardous waste, hazardous substances, or underground  
19 storage tanks required by State or federal law,  
20 provided that the remediation costs constitute a  
21 material impediment to the development or  
22 redevelopment of the redevelopment project area.

23 (L) Lack of community planning. The proposed  
24 redevelopment project area was developed prior to or  
25 without the benefit or guidance of a community plan.  
26 This means that the development occurred prior to the  
27 adoption by the municipality of a comprehensive or  
28 other community plan or that the plan was not followed  
29 at the time of the area's development. This factor must  
30 be documented by evidence of adverse or incompatible  
31 land-use relationships, inadequate street layout,  
32 improper subdivision, parcels of inadequate shape and  
33 size to meet contemporary development standards, or  
34 other evidence demonstrating an absence of effective  
35 community planning.

36 (M) The total equalized assessed value of the



1 proposed redevelopment project area has declined for 3  
2 of the last 5 calendar years prior to the year in which  
3 the redevelopment project area is designated or is  
4 increasing at an annual rate that is less than the  
5 balance of the municipality for 3 of the last 5  
6 calendar years for which information is available or is  
7 increasing at an annual rate that is less than the  
8 Consumer Price Index for All Urban Consumers published  
9 by the United States Department of Labor or successor  
10 agency for 3 of the last 5 calendar years prior to the  
11 year in which the redevelopment project area is  
12 designated.

13 (2) If vacant, the sound growth of the redevelopment  
14 project area is impaired by a combination of 2 or more of  
15 the following factors, each of which is (i) present, with  
16 that presence documented, to a meaningful extent so that a  
17 municipality may reasonably find that the factor is clearly  
18 present within the intent of the Act and (ii) reasonably  
19 distributed throughout the vacant part of the  
20 redevelopment project area to which it pertains:

21 (A) Obsolete platting of vacant land that results  
22 in parcels of limited or narrow size or configurations  
23 of parcels of irregular size or shape that would be  
24 difficult to develop on a planned basis and in a manner  
25 compatible with contemporary standards and  
26 requirements, or platting that failed to create  
27 rights-of-ways for streets or alleys or that created  
28 inadequate right-of-way widths for streets, alleys, or  
29 other public rights-of-way or that omitted easements  
30 for public utilities.

31 (B) Diversity of ownership of parcels of vacant  
32 land sufficient in number to retard or impede the  
33 ability to assemble the land for development.

34 (C) Tax and special assessment delinquencies exist  
35 or the property has been the subject of tax sales under  
36 the Property Tax Code within the last 5 years.

1           (D) Deterioration of structures or site  
2           improvements in neighboring areas adjacent to the  
3           vacant land.

4           (E) The area has incurred Illinois Environmental  
5           Protection Agency or United States Environmental  
6           Protection Agency remediation costs for, or a study  
7           conducted by an independent consultant recognized as  
8           having expertise in environmental remediation has  
9           determined a need for, the clean-up of hazardous waste,  
10          hazardous substances, or underground storage tanks  
11          required by State or federal law, provided that the  
12          remediation costs constitute a material impediment to  
13          the development or redevelopment of the redevelopment  
14          project area.

15          (F) The total equalized assessed value of the  
16          proposed redevelopment project area has declined for 3  
17          of the last 5 calendar years prior to the year in which  
18          the redevelopment project area is designated or is  
19          increasing at an annual rate that is less than the  
20          balance of the municipality for 3 of the last 5  
21          calendar years for which information is available or is  
22          increasing at an annual rate that is less than the  
23          Consumer Price Index for All Urban Consumers published  
24          by the United States Department of Labor or successor  
25          agency for 3 of the last 5 calendar years prior to the  
26          year in which the redevelopment project area is  
27          designated.

28          (3) If vacant, the sound growth of the redevelopment  
29          project area is impaired by one of the following factors  
30          that (i) is present, with that presence documented, to a  
31          meaningful extent so that a municipality may reasonably  
32          find that the factor is clearly present within the intent  
33          of the Act and (ii) is reasonably distributed throughout  
34          the vacant part of the redevelopment project area to which  
35          it pertains:

36                (A) The area consists of one or more unused

1 quarries, mines, or strip mine ponds.

2 (B) The area consists of unused rail yards, rail  
3 tracks, or railroad rights-of-way.

4 (C) The area, prior to its designation, is subject  
5 to (i) chronic flooding that adversely impacts on real  
6 property in the area as certified by a registered  
7 professional engineer or appropriate regulatory agency  
8 or (ii) surface water that discharges from all or a  
9 part of the area and contributes to flooding within the  
10 same watershed, but only if the redevelopment project  
11 provides for facilities or improvements to contribute  
12 to the alleviation of all or part of the flooding.

13 (D) The area consists of an unused or illegal  
14 disposal site containing earth, stone, building  
15 debris, or similar materials that were removed from  
16 construction, demolition, excavation, or dredge sites.

17 (E) Prior to November 1, 1999, the area is not less  
18 than 50 nor more than 100 acres and 75% of which is  
19 vacant (notwithstanding that the area has been used for  
20 commercial agricultural purposes within 5 years prior  
21 to the designation of the redevelopment project area),  
22 and the area meets at least one of the factors itemized  
23 in paragraph (1) of this subsection, the area has been  
24 designated as a town or village center by ordinance or  
25 comprehensive plan adopted prior to January 1, 1982,  
26 and the area has not been developed for that designated  
27 purpose.

28 (F) The area qualified as a blighted improved area  
29 immediately prior to becoming vacant, unless there has  
30 been substantial private investment in the immediately  
31 surrounding area.

32 (b) For any redevelopment project area that has been  
33 designated pursuant to this Section by an ordinance adopted  
34 prior to November 1, 1999 (the effective date of Public Act  
35 91-478), "conservation area" shall have the meaning set forth  
36 in this Section prior to that date.

1           On and after November 1, 1999, "conservation area" means  
2 any improved area within the boundaries of a redevelopment  
3 project area located within the territorial limits of the  
4 municipality in which 50% or more of the structures in the area  
5 have an age of 35 years or more. Such an area is not yet a  
6 blighted area but because of a combination of 3 or more of the  
7 following factors is detrimental to the public safety, health,  
8 morals or welfare and such an area may become a blighted area:

9           (1) Dilapidation. An advanced state of disrepair or  
10 neglect of necessary repairs to the primary structural  
11 components of buildings or improvements in such a  
12 combination that a documented building condition analysis  
13 determines that major repair is required or the defects are  
14 so serious and so extensive that the buildings must be  
15 removed.

16           (2) Obsolescence. The condition or process of falling  
17 into disuse. Structures have become ill-suited for the  
18 original use.

19           (3) Deterioration. With respect to buildings, defects  
20 including, but not limited to, major defects in the  
21 secondary building components such as doors, windows,  
22 porches, gutters and downspouts, and fascia. With respect  
23 to surface improvements, that the condition of roadways,  
24 alleys, curbs, gutters, sidewalks, off-street parking, and  
25 surface storage areas evidence deterioration, including,  
26 but not limited to, surface cracking, crumbling, potholes,  
27 depressions, loose paving material, and weeds protruding  
28 through paved surfaces.

29           (4) Presence of structures below minimum code  
30 standards. All structures that do not meet the standards of  
31 zoning, subdivision, building, fire, and other  
32 governmental codes applicable to property, but not  
33 including housing and property maintenance codes.

34           (5) Illegal use of individual structures. The use of  
35 structures in violation of applicable federal, State, or  
36 local laws, exclusive of those applicable to the presence

1 of structures below minimum code standards.

2 (6) Excessive vacancies. The presence of buildings  
3 that are unoccupied or under-utilized and that represent an  
4 adverse influence on the area because of the frequency,  
5 extent, or duration of the vacancies.

6 (7) Lack of ventilation, light, or sanitary  
7 facilities. The absence of adequate ventilation for light  
8 or air circulation in spaces or rooms without windows, or  
9 that require the removal of dust, odor, gas, smoke, or  
10 other noxious airborne materials. Inadequate natural light  
11 and ventilation means the absence or inadequacy of  
12 skylights or windows for interior spaces or rooms and  
13 improper window sizes and amounts by room area to window  
14 area ratios. Inadequate sanitary facilities refers to the  
15 absence or inadequacy of garbage storage and enclosure,  
16 bathroom facilities, hot water and kitchens, and  
17 structural inadequacies preventing ingress and egress to  
18 and from all rooms and units within a building.

19 (8) Inadequate utilities. Underground and overhead  
20 utilities such as storm sewers and storm drainage, sanitary  
21 sewers, water lines, and gas, telephone, and electrical  
22 services that are shown to be inadequate. Inadequate  
23 utilities are those that are: (i) of insufficient capacity  
24 to serve the uses in the redevelopment project area, (ii)  
25 deteriorated, antiquated, obsolete, or in disrepair, or  
26 (iii) lacking within the redevelopment project area.

27 (9) Excessive land coverage and overcrowding of  
28 structures and community facilities. The over-intensive  
29 use of property and the crowding of buildings and accessory  
30 facilities onto a site. Examples of problem conditions  
31 warranting the designation of an area as one exhibiting  
32 excessive land coverage are: the presence of buildings  
33 either improperly situated on parcels or located on parcels  
34 of inadequate size and shape in relation to present-day  
35 standards of development for health and safety and the  
36 presence of multiple buildings on a single parcel. For

1           there to be a finding of excessive land coverage, these  
2           parcels must exhibit one or more of the following  
3           conditions: insufficient provision for light and air  
4           within or around buildings, increased threat of spread of  
5           fire due to the close proximity of buildings, lack of  
6           adequate or proper access to a public right-of-way, lack of  
7           reasonably required off-street parking, or inadequate  
8           provision for loading and service.

9           (10) Deleterious land use or layout. The existence of  
10          incompatible land-use relationships, buildings occupied by  
11          inappropriate mixed-uses, or uses considered to be  
12          noxious, offensive, or unsuitable for the surrounding  
13          area.

14          (11) Lack of community planning. The proposed  
15          redevelopment project area was developed prior to or  
16          without the benefit or guidance of a community plan. This  
17          means that the development occurred prior to the adoption  
18          by the municipality of a comprehensive or other community  
19          plan or that the plan was not followed at the time of the  
20          area's development. This factor must be documented by  
21          evidence of adverse or incompatible land-use  
22          relationships, inadequate street layout, improper  
23          subdivision, parcels of inadequate shape and size to meet  
24          contemporary development standards, or other evidence  
25          demonstrating an absence of effective community planning.

26          (12) The area has incurred Illinois Environmental  
27          Protection Agency or United States Environmental  
28          Protection Agency remediation costs for, or a study  
29          conducted by an independent consultant recognized as  
30          having expertise in environmental remediation has  
31          determined a need for, the clean-up of hazardous waste,  
32          hazardous substances, or underground storage tanks  
33          required by State or federal law, provided that the  
34          remediation costs constitute a material impediment to the  
35          development or redevelopment of the redevelopment project  
36          area.

1           (13) The total equalized assessed value of the proposed  
2           redevelopment project area has declined for 3 of the last 5  
3           calendar years for which information is available or is  
4           increasing at an annual rate that is less than the balance  
5           of the municipality for 3 of the last 5 calendar years for  
6           which information is available or is increasing at an  
7           annual rate that is less than the Consumer Price Index for  
8           All Urban Consumers published by the United States  
9           Department of Labor or successor agency for 3 of the last 5  
10          calendar years for which information is available.

11          (c) "Industrial park" means an area in a blighted or  
12          conservation area suitable for use by any manufacturing,  
13          industrial, research or transportation enterprise, of  
14          facilities to include but not be limited to factories, mills,  
15          processing plants, assembly plants, packing plants,  
16          fabricating plants, industrial distribution centers,  
17          warehouses, repair overhaul or service facilities, freight  
18          terminals, research facilities, test facilities or railroad  
19          facilities.

20          (d) "Industrial park conservation area" means an area  
21          within the boundaries of a redevelopment project area located  
22          within the territorial limits of a municipality that is a labor  
23          surplus municipality or within 1 1/2 miles of the territorial  
24          limits of a municipality that is a labor surplus municipality  
25          if the area is annexed to the municipality; which area is zoned  
26          as industrial no later than at the time the municipality by  
27          ordinance designates the redevelopment project area, and which  
28          area includes both vacant land suitable for use as an  
29          industrial park and a blighted area or conservation area  
30          contiguous to such vacant land.

31          (e) "Labor surplus municipality" means a municipality in  
32          which, at any time during the 6 months before the municipality  
33          by ordinance designates an industrial park conservation area,  
34          the unemployment rate was over 6% and was also 100% or more of  
35          the national average unemployment rate for that same time as  
36          published in the United States Department of Labor Bureau of

1 Labor Statistics publication entitled "The Employment  
2 Situation" or its successor publication. For the purpose of  
3 this subsection, if unemployment rate statistics for the  
4 municipality are not available, the unemployment rate in the  
5 municipality shall be deemed to be the same as the unemployment  
6 rate in the principal county in which the municipality is  
7 located.

8 (f) "Municipality" shall mean a city, village or  
9 incorporated town.

10 (g) "Initial Sales Tax Amounts" means the amount of taxes  
11 paid under the Retailers' Occupation Tax Act, Use Tax Act,  
12 Service Use Tax Act, the Service Occupation Tax Act, the  
13 Municipal Retailers' Occupation Tax Act, and the Municipal  
14 Service Occupation Tax Act by retailers and servicemen on  
15 transactions at places located in a State Sales Tax Boundary  
16 during the calendar year 1985.

17 (g-1) "Revised Initial Sales Tax Amounts" means the amount  
18 of taxes paid under the Retailers' Occupation Tax Act, Use Tax  
19 Act, Service Use Tax Act, the Service Occupation Tax Act, the  
20 Municipal Retailers' Occupation Tax Act, and the Municipal  
21 Service Occupation Tax Act by retailers and servicemen on  
22 transactions at places located within the State Sales Tax  
23 Boundary revised pursuant to Section 11-74.4-8a(9) of this Act.

24 (h) "Municipal Sales Tax Increment" means an amount equal  
25 to the increase in the aggregate amount of taxes paid to a  
26 municipality from the Local Government Tax Fund arising from  
27 sales by retailers and servicemen within the redevelopment  
28 project area or State Sales Tax Boundary, as the case may be,  
29 for as long as the redevelopment project area or State Sales  
30 Tax Boundary, as the case may be, exist over and above the  
31 aggregate amount of taxes as certified by the Illinois  
32 Department of Revenue and paid under the Municipal Retailers'  
33 Occupation Tax Act and the Municipal Service Occupation Tax Act  
34 by retailers and servicemen, on transactions at places of  
35 business located in the redevelopment project area or State  
36 Sales Tax Boundary, as the case may be, during the base year



1 which shall be the calendar year immediately prior to the year  
2 in which the municipality adopted tax increment allocation  
3 financing. For purposes of computing the aggregate amount of  
4 such taxes for base years occurring prior to 1985, the  
5 Department of Revenue shall determine the Initial Sales Tax  
6 Amounts for such taxes and deduct therefrom an amount equal to  
7 4% of the aggregate amount of taxes per year for each year the  
8 base year is prior to 1985, but not to exceed a total deduction  
9 of 12%. The amount so determined shall be known as the  
10 "Adjusted Initial Sales Tax Amounts". For purposes of  
11 determining the Municipal Sales Tax Increment, the Department  
12 of Revenue shall for each period subtract from the amount paid  
13 to the municipality from the Local Government Tax Fund arising  
14 from sales by retailers and servicemen on transactions located  
15 in the redevelopment project area or the State Sales Tax  
16 Boundary, as the case may be, the certified Initial Sales Tax  
17 Amounts, the Adjusted Initial Sales Tax Amounts or the Revised  
18 Initial Sales Tax Amounts for the Municipal Retailers'  
19 Occupation Tax Act and the Municipal Service Occupation Tax  
20 Act. For the State Fiscal Year 1989, this calculation shall be  
21 made by utilizing the calendar year 1987 to determine the tax  
22 amounts received. For the State Fiscal Year 1990, this  
23 calculation shall be made by utilizing the period from January  
24 1, 1988, until September 30, 1988, to determine the tax amounts  
25 received from retailers and servicemen pursuant to the  
26 Municipal Retailers' Occupation Tax and the Municipal Service  
27 Occupation Tax Act, which shall have deducted therefrom  
28 nine-twelfths of the certified Initial Sales Tax Amounts, the  
29 Adjusted Initial Sales Tax Amounts or the Revised Initial Sales  
30 Tax Amounts as appropriate. For the State Fiscal Year 1991,  
31 this calculation shall be made by utilizing the period from  
32 October 1, 1988, to June 30, 1989, to determine the tax amounts  
33 received from retailers and servicemen pursuant to the  
34 Municipal Retailers' Occupation Tax and the Municipal Service  
35 Occupation Tax Act which shall have deducted therefrom  
36 nine-twelfths of the certified Initial Sales Tax Amounts,

1 Adjusted Initial Sales Tax Amounts or the Revised Initial Sales  
2 Tax Amounts as appropriate. For every State Fiscal Year  
3 thereafter, the applicable period shall be the 12 months  
4 beginning July 1 and ending June 30 to determine the tax  
5 amounts received which shall have deducted therefrom the  
6 certified Initial Sales Tax Amounts, the Adjusted Initial Sales  
7 Tax Amounts or the Revised Initial Sales Tax Amounts, as the  
8 case may be.

9 (i) "Net State Sales Tax Increment" means the sum of the  
10 following: (a) 80% of the first \$100,000 of State Sales Tax  
11 Increment annually generated within a State Sales Tax Boundary;  
12 (b) 60% of the amount in excess of \$100,000 but not exceeding  
13 \$500,000 of State Sales Tax Increment annually generated within  
14 a State Sales Tax Boundary; and (c) 40% of all amounts in  
15 excess of \$500,000 of State Sales Tax Increment annually  
16 generated within a State Sales Tax Boundary. If, however, a  
17 municipality established a tax increment financing district in  
18 a county with a population in excess of 3,000,000 before  
19 January 1, 1986, and the municipality entered into a contract  
20 or issued bonds after January 1, 1986, but before December 31,  
21 1986, to finance redevelopment project costs within a State  
22 Sales Tax Boundary, then the Net State Sales Tax Increment  
23 means, for the fiscal years beginning July 1, 1990, and July 1,  
24 1991, 100% of the State Sales Tax Increment annually generated  
25 within a State Sales Tax Boundary; and notwithstanding any  
26 other provision of this Act, for those fiscal years the  
27 Department of Revenue shall distribute to those municipalities  
28 100% of their Net State Sales Tax Increment before any  
29 distribution to any other municipality and regardless of  
30 whether or not those other municipalities will receive 100% of  
31 their Net State Sales Tax Increment. For Fiscal Year 1999, and  
32 every year thereafter until the year 2007, for any municipality  
33 that has not entered into a contract or has not issued bonds  
34 prior to June 1, 1988 to finance redevelopment project costs  
35 within a State Sales Tax Boundary, the Net State Sales Tax  
36 Increment shall be calculated as follows: By multiplying the

1 Net State Sales Tax Increment by 90% in the State Fiscal Year  
2 1999; 80% in the State Fiscal Year 2000; 70% in the State  
3 Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the  
4 State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30%  
5 in the State Fiscal Year 2005; 20% in the State Fiscal Year  
6 2006; and 10% in the State Fiscal Year 2007. No payment shall  
7 be made for State Fiscal Year 2008 and thereafter.

8 Municipalities that issued bonds in connection with a  
9 redevelopment project in a redevelopment project area within  
10 the State Sales Tax Boundary prior to July 29, 1991, or that  
11 entered into contracts in connection with a redevelopment  
12 project in a redevelopment project area before June 1, 1988,  
13 shall continue to receive their proportional share of the  
14 Illinois Tax Increment Fund distribution until the date on  
15 which the redevelopment project is completed or terminated. If,  
16 however, a municipality that issued bonds in connection with a  
17 redevelopment project in a redevelopment project area within  
18 the State Sales Tax Boundary prior to July 29, 1991 retires the  
19 bonds prior to June 30, 2007 or a municipality that entered  
20 into contracts in connection with a redevelopment project in a  
21 redevelopment project area before June 1, 1988 completes the  
22 contracts prior to June 30, 2007, then so long as the  
23 redevelopment project is not completed or is not terminated,  
24 the Net State Sales Tax Increment shall be calculated,  
25 beginning on the date on which the bonds are retired or the  
26 contracts are completed, as follows: By multiplying the Net  
27 State Sales Tax Increment by 60% in the State Fiscal Year 2002;  
28 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year  
29 2004; 30% in the State Fiscal Year 2005; 20% in the State  
30 Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No  
31 payment shall be made for State Fiscal Year 2008 and  
32 thereafter. Refunding of any bonds issued prior to July 29,  
33 1991, shall not alter the Net State Sales Tax Increment.

34 (j) "State Utility Tax Increment Amount" means an amount  
35 equal to the aggregate increase in State electric and gas tax  
36 charges imposed on owners and tenants, other than residential

1 customers, of properties located within the redevelopment  
2 project area under Section 9-222 of the Public Utilities Act,  
3 over and above the aggregate of such charges as certified by  
4 the Department of Revenue and paid by owners and tenants, other  
5 than residential customers, of properties within the  
6 redevelopment project area during the base year, which shall be  
7 the calendar year immediately prior to the year of the adoption  
8 of the ordinance authorizing tax increment allocation  
9 financing.

10 (k) "Net State Utility Tax Increment" means the sum of the  
11 following: (a) 80% of the first \$100,000 of State Utility Tax  
12 Increment annually generated by a redevelopment project area;  
13 (b) 60% of the amount in excess of \$100,000 but not exceeding  
14 \$500,000 of the State Utility Tax Increment annually generated  
15 by a redevelopment project area; and (c) 40% of all amounts in  
16 excess of \$500,000 of State Utility Tax Increment annually  
17 generated by a redevelopment project area. For the State Fiscal  
18 Year 1999, and every year thereafter until the year 2007, for  
19 any municipality that has not entered into a contract or has  
20 not issued bonds prior to June 1, 1988 to finance redevelopment  
21 project costs within a redevelopment project area, the Net  
22 State Utility Tax Increment shall be calculated as follows: By  
23 multiplying the Net State Utility Tax Increment by 90% in the  
24 State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70%  
25 in the State Fiscal Year 2001; 60% in the State Fiscal Year  
26 2002; 50% in the State Fiscal Year 2003; 40% in the State  
27 Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the  
28 State Fiscal Year 2006; and 10% in the State Fiscal Year 2007.  
29 No payment shall be made for the State Fiscal Year 2008 and  
30 thereafter.

31 Municipalities that issue bonds in connection with the  
32 redevelopment project during the period from June 1, 1988 until  
33 3 years after the effective date of this Amendatory Act of 1988  
34 shall receive the Net State Utility Tax Increment, subject to  
35 appropriation, for 15 State Fiscal Years after the issuance of  
36 such bonds. For the 16th through the 20th State Fiscal Years

1 after issuance of the bonds, the Net State Utility Tax  
2 Increment shall be calculated as follows: By multiplying the  
3 Net State Utility Tax Increment by 90% in year 16; 80% in year  
4 17; 70% in year 18; 60% in year 19; and 50% in year 20.  
5 Refunding of any bonds issued prior to June 1, 1988, shall not  
6 alter the revised Net State Utility Tax Increment payments set  
7 forth above.

8 (l) "Obligations" mean bonds, loans, debentures, notes,  
9 special certificates or other evidence of indebtedness issued  
10 by the municipality to carry out a redevelopment project or to  
11 refund outstanding obligations.

12 (m) "Payment in lieu of taxes" means those estimated tax  
13 revenues from real property in a redevelopment project area  
14 derived from real property that has been acquired by a  
15 municipality which according to the redevelopment project or  
16 plan is to be used for a private use which taxing districts  
17 would have received had a municipality not acquired the real  
18 property and adopted tax increment allocation financing and  
19 which would result from levies made after the time of the  
20 adoption of tax increment allocation financing to the time the  
21 current equalized value of real property in the redevelopment  
22 project area exceeds the total initial equalized value of real  
23 property in said area.

24 (n) "Redevelopment plan" means the comprehensive program  
25 of the municipality for development or redevelopment intended  
26 by the payment of redevelopment project costs to reduce or  
27 eliminate those conditions the existence of which qualified the  
28 redevelopment project area as a "blighted area" or  
29 "conservation area" or combination thereof or "industrial park  
30 conservation area," and thereby to enhance the tax bases of the  
31 taxing districts which extend into the redevelopment project  
32 area. On and after November 1, 1999 (the effective date of  
33 Public Act 91-478), no redevelopment plan may be approved or  
34 amended that includes the development of vacant land (i) with a  
35 golf course and related clubhouse and other facilities or (ii)  
36 designated by federal, State, county, or municipal government

1 as public land for outdoor recreational activities or for  
2 nature preserves and used for that purpose within 5 years prior  
3 to the adoption of the redevelopment plan. For the purpose of  
4 this subsection, "recreational activities" is limited to mean  
5 camping and hunting. Each redevelopment plan shall set forth in  
6 writing the program to be undertaken to accomplish the  
7 objectives and shall include but not be limited to:

8 (A) an itemized list of estimated redevelopment  
9 project costs;

10 (B) evidence indicating that the redevelopment project  
11 area on the whole has not been subject to growth and  
12 development through investment by private enterprise;

13 (C) an assessment of any financial impact of the  
14 redevelopment project area on or any increased demand for  
15 services from any taxing district affected by the plan and  
16 any program to address such financial impact or increased  
17 demand;

18 (D) the sources of funds to pay costs;

19 (E) the nature and term of the obligations to be  
20 issued;

21 (F) the most recent equalized assessed valuation of the  
22 redevelopment project area;

23 (G) an estimate as to the equalized assessed valuation  
24 after redevelopment and the general land uses to apply in  
25 the redevelopment project area;

26 (H) a commitment to fair employment practices and an  
27 affirmative action plan;

28 (I) if it concerns an industrial park conservation  
29 area, the plan shall also include a general description of  
30 any proposed developer, user and tenant of any property, a  
31 description of the type, structure and general character of  
32 the facilities to be developed, a description of the type,  
33 class and number of new employees to be employed in the  
34 operation of the facilities to be developed; and

35 (J) if property is to be annexed to the municipality,  
36 the plan shall include the terms of the annexation

1 agreement.

2 The provisions of items (B) and (C) of this subsection (n)  
3 shall not apply to a municipality that before March 14, 1994  
4 (the effective date of Public Act 88-537) had fixed, either by  
5 its corporate authorities or by a commission designated under  
6 subsection (k) of Section 11-74.4-4, a time and place for a  
7 public hearing as required by subsection (a) of Section  
8 11-74.4-5. No redevelopment plan shall be adopted unless a  
9 municipality complies with all of the following requirements:

10 (1) The municipality finds that the redevelopment  
11 project area on the whole has not been subject to growth  
12 and development through investment by private enterprise  
13 and would not reasonably be anticipated to be developed  
14 without the adoption of the redevelopment plan.

15 (2) The municipality finds that the redevelopment plan  
16 and project conform to the comprehensive plan for the  
17 development of the municipality as a whole, or, for  
18 municipalities with a population of 100,000 or more,  
19 regardless of when the redevelopment plan and project was  
20 adopted, the redevelopment plan and project either: (i)  
21 conforms to the strategic economic development or  
22 redevelopment plan issued by the designated planning  
23 authority of the municipality, or (ii) includes land uses  
24 that have been approved by the planning commission of the  
25 municipality.

26 (3) The redevelopment plan establishes the estimated  
27 dates of completion of the redevelopment project and  
28 retirement of obligations issued to finance redevelopment  
29 project costs. Those dates shall not be later than December  
30 31 of the year in which the payment to the municipal  
31 treasurer as provided in subsection (b) of Section  
32 11-74.4-8 of this Act is to be made with respect to ad  
33 valorem taxes levied in the twenty-third calendar year  
34 after the year in which the ordinance approving the  
35 redevelopment project area is adopted if the ordinance was  
36 adopted on or after January 15, 1981, and not later than

1 December 31 of the year in which the payment to the  
2 municipal treasurer as provided in subsection (b) of  
3 Section 11-74.4-8 of this Act is to be made with respect to  
4 ad valorem taxes levied in the thirty-fifth calendar year  
5 after the year in which the ordinance approving the  
6 redevelopment project area is adopted:

7 (A) if the ordinance was adopted before January 15,  
8 1981, or

9 (B) if the ordinance was adopted in December 1983,  
10 April 1984, July 1985, or December 1989, or

11 (C) if the ordinance was adopted in December 1987  
12 and the redevelopment project is located within one  
13 mile of Midway Airport, or

14 (D) if the ordinance was adopted before January 1,  
15 1987 by a municipality in Mason County, or

16 (E) if the municipality is subject to the Local  
17 Government Financial Planning and Supervision Act or  
18 the Financially Distressed City Law, or

19 (F) if the ordinance was adopted in December 1984  
20 by the Village of Rosemont, or

21 (G) if the ordinance was adopted on December 31,  
22 1986 by a municipality located in Clinton County for  
23 which at least \$250,000 of tax increment bonds were  
24 authorized on June 17, 1997, or if the ordinance was  
25 adopted on December 31, 1986 by a municipality with a  
26 population in 1990 of less than 3,600 that is located  
27 in a county with a population in 1990 of less than  
28 34,000 and for which at least \$250,000 of tax increment  
29 bonds were authorized on June 17, 1997, or

30 (H) if the ordinance was adopted on October 5, 1982  
31 by the City of Kankakee, or if the ordinance was  
32 adopted on December 29, 1986 by East St. Louis, or

33 (I) if the ordinance was adopted on November 12,  
34 1991 by the Village of Sauget, or

35 (J) if the ordinance was adopted on February 11,  
36 1985 by the City of Rock Island, or



1 (K) if the ordinance was adopted before December  
2 18, 1986 by the City of Moline, or

3 (L) if the ordinance was adopted in September 1988  
4 by Sauk Village, or

5 (M) if the ordinance was adopted in October 1993 by  
6 Sauk Village, or

7 (N) if the ordinance was adopted on December 29,  
8 1986 by the City of Galva, or

9 (O) if the ordinance was adopted in March 1991 by  
10 the City of Centreville, or

11 (P) if the ordinance was adopted on January 23,  
12 1991 by the City of East St. Louis, or

13 (Q) if the ordinance was adopted on December 22,  
14 1986 by the City of Aledo, or

15 (R) if the ordinance was adopted on February 5,  
16 1990 by the City of Clinton, or

17 (S) if the ordinance was adopted on September 6,  
18 1994 by the City of Freeport, or

19 (T) if the ordinance was adopted on December 22,  
20 1986 by the City of Tuscola, or

21 (U) if the ordinance was adopted on December 23,  
22 1986 by the City of Sparta, or

23 (V) if the ordinance was adopted on December 23,  
24 1986 by the City of Beardstown, or

25 (W) if the ordinance was adopted on April 27, 1981,  
26 October 21, 1985, or December 30, 1986 by the City of  
27 Belleville, or

28 (X) if the ordinance was adopted on December 29,  
29 1986 by the City of Collinsville, or

30 (Y) if the ordinance was adopted on September 14,  
31 1994 by the City of Alton, or

32 (Z) if the ordinance was adopted on November 11,  
33 1996 by the City of Lexington, or

34 (AA) if the ordinance was adopted on November 5,  
35 1984 by the City of LeRoy, or

36 (BB) if the ordinance was adopted on April 3, 1991

1 or June 3, 1992 by the City of Markham, or

2 (CC) if the ordinance was adopted on November 11,  
3 1986 by the City of Pekin, or

4 (DD) ~~(CC)~~ if the ordinance was adopted on December  
5 15, 1981 by the City of Champaign, or

6 (EE) ~~(CC)~~ if the ordinance was adopted on December  
7 15, 1986 by the City of Urbana, or

8 (FF) ~~(CC)~~ if the ordinance was adopted on December  
9 15, 1986 by the Village of Heyworth, or

10 (GG) ~~(CC)~~ if the ordinance was adopted on February  
11 24, 1992 by the Village of Heyworth, or

12 (HH) ~~(CC)~~ if the ordinance was adopted on March 16,  
13 1995 by the Village of Heyworth, or

14 (II) ~~(CC)~~ if the ordinance was adopted on December  
15 23, 1986 by the Town of Cicero, or

16 (JJ) ~~(CC)~~ if the ordinance was adopted on December  
17 30, 1986 by the City of Effingham, or

18 (KK) ~~(CC)~~ if the ordinance was adopted on May 9,  
19 1991 by the Village of Tilton, or

20 (LL) ~~(CC)~~ if the ordinance was adopted on October  
21 20, 1986 by the City of Elmhurst.

22 However, for redevelopment project areas for which  
23 bonds were issued before July 29, 1991, or for which  
24 contracts were entered into before June 1, 1988, in  
25 connection with a redevelopment project in the area within  
26 the State Sales Tax Boundary, the estimated dates of  
27 completion of the redevelopment project and retirement of  
28 obligations to finance redevelopment project costs may be  
29 extended by municipal ordinance to December 31, 2013. The  
30 termination procedures of subsection (b) of Section  
31 11-74.4-8 are not required for these redevelopment project  
32 areas in 2009 but are required in 2013. The extension  
33 allowed by this amendatory Act of 1993 shall not apply to  
34 real property tax increment allocation financing under  
35 Section 11-74.4-8.

36 A municipality may by municipal ordinance amend an

1 existing redevelopment plan to conform to this paragraph  
2 (3) as amended by Public Act 91-478, which municipal  
3 ordinance may be adopted without further hearing or notice  
4 and without complying with the procedures provided in this  
5 Act pertaining to an amendment to or the initial approval  
6 of a redevelopment plan and project and designation of a  
7 redevelopment project area.

8 Those dates, for purposes of real property tax  
9 increment allocation financing pursuant to Section  
10 11-74.4-8 only, shall be not more than 35 years for  
11 redevelopment project areas that were adopted on or after  
12 December 16, 1986 and for which at least \$8 million worth  
13 of municipal bonds were authorized on or after December 19,  
14 1989 but before January 1, 1990; provided that the  
15 municipality elects to extend the life of the redevelopment  
16 project area to 35 years by the adoption of an ordinance  
17 after at least 14 but not more than 30 days' written notice  
18 to the taxing bodies, that would otherwise constitute the  
19 joint review board for the redevelopment project area,  
20 before the adoption of the ordinance.

21 Those dates, for purposes of real property tax  
22 increment allocation financing pursuant to Section  
23 11-74.4-8 only, shall be not more than 35 years for  
24 redevelopment project areas that were established on or  
25 after December 1, 1981 but before January 1, 1982 and for  
26 which at least \$1,500,000 worth of tax increment revenue  
27 bonds were authorized on or after September 30, 1990 but  
28 before July 1, 1991; provided that the municipality elects  
29 to extend the life of the redevelopment project area to 35  
30 years by the adoption of an ordinance after at least 14 but  
31 not more than 30 days' written notice to the taxing bodies,  
32 that would otherwise constitute the joint review board for  
33 the redevelopment project area, before the adoption of the  
34 ordinance.

35 (3.5) The municipality finds, in the case of an  
36 industrial park conservation area, also that the

1 municipality is a labor surplus municipality and that the  
2 implementation of the redevelopment plan will reduce  
3 unemployment, create new jobs and by the provision of new  
4 facilities enhance the tax base of the taxing districts  
5 that extend into the redevelopment project area.

6 (4) If any incremental revenues are being utilized  
7 under Section 8(a)(1) or 8(a)(2) of this Act in  
8 redevelopment project areas approved by ordinance after  
9 January 1, 1986, the municipality finds: (a) that the  
10 redevelopment project area would not reasonably be  
11 developed without the use of such incremental revenues, and  
12 (b) that such incremental revenues will be exclusively  
13 utilized for the development of the redevelopment project  
14 area.

15 (5) If the redevelopment plan will not result in  
16 displacement of residents from 10 or more inhabited  
17 residential units, and the municipality certifies in the  
18 plan that such displacement will not result from the plan,  
19 a housing impact study need not be performed. If, however,  
20 the redevelopment plan would result in the displacement of  
21 residents from 10 or more inhabited residential units, or  
22 if the redevelopment project area contains 75 or more  
23 inhabited residential units and no certification is made,  
24 then the municipality shall prepare, as part of the  
25 separate feasibility report required by subsection (a) of  
26 Section 11-74.4-5, a housing impact study.

27 Part I of the housing impact study shall include (i)  
28 data as to whether the residential units are single family  
29 or multi-family units, (ii) the number and type of rooms  
30 within the units, if that information is available, (iii)  
31 whether the units are inhabited or uninhabited, as  
32 determined not less than 45 days before the date that the  
33 ordinance or resolution required by subsection (a) of  
34 Section 11-74.4-5 is passed, and (iv) data as to the racial  
35 and ethnic composition of the residents in the inhabited  
36 residential units. The data requirement as to the racial

1 and ethnic composition of the residents in the inhabited  
2 residential units shall be deemed to be fully satisfied by  
3 data from the most recent federal census.

4 Part II of the housing impact study shall identify the  
5 inhabited residential units in the proposed redevelopment  
6 project area that are to be or may be removed. If inhabited  
7 residential units are to be removed, then the housing  
8 impact study shall identify (i) the number and location of  
9 those units that will or may be removed, (ii) the  
10 municipality's plans for relocation assistance for those  
11 residents in the proposed redevelopment project area whose  
12 residences are to be removed, (iii) the availability of  
13 replacement housing for those residents whose residences  
14 are to be removed, and shall identify the type, location,  
15 and cost of the housing, and (iv) the type and extent of  
16 relocation assistance to be provided.

17 (6) On and after November 1, 1999, the housing impact  
18 study required by paragraph (5) shall be incorporated in  
19 the redevelopment plan for the redevelopment project area.

20 (7) On and after November 1, 1999, no redevelopment  
21 plan shall be adopted, nor an existing plan amended, nor  
22 shall residential housing that is occupied by households of  
23 low-income and very low-income persons in currently  
24 existing redevelopment project areas be removed after  
25 November 1, 1999 unless the redevelopment plan provides,  
26 with respect to inhabited housing units that are to be  
27 removed for households of low-income and very low-income  
28 persons, affordable housing and relocation assistance not  
29 less than that which would be provided under the federal  
30 Uniform Relocation Assistance and Real Property  
31 Acquisition Policies Act of 1970 and the regulations under  
32 that Act, including the eligibility criteria. Affordable  
33 housing may be either existing or newly constructed  
34 housing. For purposes of this paragraph (7), "low-income  
35 households", "very low-income households", and "affordable  
36 housing" have the meanings set forth in the Illinois

1 Affordable Housing Act. The municipality shall make a good  
2 faith effort to ensure that this affordable housing is  
3 located in or near the redevelopment project area within  
4 the municipality.

5 (8) On and after November 1, 1999, if, after the  
6 adoption of the redevelopment plan for the redevelopment  
7 project area, any municipality desires to amend its  
8 redevelopment plan to remove more inhabited residential  
9 units than specified in its original redevelopment plan,  
10 that change shall be made in accordance with the procedures  
11 in subsection (c) of Section 11-74.4-5.

12 (9) For redevelopment project areas designated prior  
13 to November 1, 1999, the redevelopment plan may be amended  
14 without further joint review board meeting or hearing,  
15 provided that the municipality shall give notice of any  
16 such changes by mail to each affected taxing district and  
17 registrant on the interested party registry, to authorize  
18 the municipality to expend tax increment revenues for  
19 redevelopment project costs defined by paragraphs (5) and  
20 (7.5), subparagraphs (E) and (F) of paragraph (11), and  
21 paragraph (11.5) of subsection (q) of Section 11-74.4-3, so  
22 long as the changes do not increase the total estimated  
23 redevelopment project costs set out in the redevelopment  
24 plan by more than 5% after adjustment for inflation from  
25 the date the plan was adopted.

26 (o) "Redevelopment project" means any public and private  
27 development project in furtherance of the objectives of a  
28 redevelopment plan. On and after November 1, 1999 (the  
29 effective date of Public Act 91-478), no redevelopment plan may  
30 be approved or amended that includes the development of vacant  
31 land (i) with a golf course and related clubhouse and other  
32 facilities or (ii) designated by federal, State, county, or  
33 municipal government as public land for outdoor recreational  
34 activities or for nature preserves and used for that purpose  
35 within 5 years prior to the adoption of the redevelopment plan.  
36 For the purpose of this subsection, "recreational activities"

1 is limited to mean camping and hunting.

2 (p) "Redevelopment project area" means an area designated  
3 by the municipality, which is not less in the aggregate than 1  
4 1/2 acres and in respect to which the municipality has made a  
5 finding that there exist conditions which cause the area to be  
6 classified as an industrial park conservation area or a  
7 blighted area or a conservation area, or a combination of both  
8 blighted areas and conservation areas.

9 (q) "Redevelopment project costs" mean and include the sum  
10 total of all reasonable or necessary costs incurred or  
11 estimated to be incurred, and any such costs incidental to a  
12 redevelopment plan and a redevelopment project. Such costs  
13 include, without limitation, the following:

14 (1) Costs of studies, surveys, development of plans,  
15 and specifications, implementation and administration of  
16 the redevelopment plan including but not limited to staff  
17 and professional service costs for architectural,  
18 engineering, legal, financial, planning or other services,  
19 provided however that no charges for professional services  
20 may be based on a percentage of the tax increment  
21 collected; except that on and after November 1, 1999 (the  
22 effective date of Public Act 91-478), no contracts for  
23 professional services, excluding architectural and  
24 engineering services, may be entered into if the terms of  
25 the contract extend beyond a period of 3 years. In  
26 addition, "redevelopment project costs" shall not include  
27 lobbying expenses. After consultation with the  
28 municipality, each tax increment consultant or advisor to a  
29 municipality that plans to designate or has designated a  
30 redevelopment project area shall inform the municipality  
31 in writing of any contracts that the consultant or advisor  
32 has entered into with entities or individuals that have  
33 received, or are receiving, payments financed by tax  
34 increment revenues produced by the redevelopment project  
35 area with respect to which the consultant or advisor has  
36 performed, or will be performing, service for the

1 municipality. This requirement shall be satisfied by the  
2 consultant or advisor before the commencement of services  
3 for the municipality and thereafter whenever any other  
4 contracts with those individuals or entities are executed  
5 by the consultant or advisor;

6 (1.5) After July 1, 1999, annual administrative costs  
7 shall not include general overhead or administrative costs  
8 of the municipality that would still have been incurred by  
9 the municipality if the municipality had not designated a  
10 redevelopment project area or approved a redevelopment  
11 plan;

12 (1.6) The cost of marketing sites within the  
13 redevelopment project area to prospective businesses,  
14 developers, and investors;

15 (2) Property assembly costs, including but not limited  
16 to acquisition of land and other property, real or  
17 personal, or rights or interests therein, demolition of  
18 buildings, site preparation, site improvements that serve  
19 as an engineered barrier addressing ground level or below  
20 ground environmental contamination, including, but not  
21 limited to parking lots and other concrete or asphalt  
22 barriers, and the clearing and grading of land;

23 (3) Costs of rehabilitation, reconstruction or repair  
24 or remodeling of existing public or private buildings,  
25 fixtures, and leasehold improvements; and the cost of  
26 replacing an existing public building if pursuant to the  
27 implementation of a redevelopment project the existing  
28 public building is to be demolished to use the site for  
29 private investment or devoted to a different use requiring  
30 private investment;

31 (4) Costs of the construction of public works or  
32 improvements, except that on and after November 1, 1999,  
33 redevelopment project costs shall not include the cost of  
34 constructing a new municipal public building principally  
35 used to provide offices, storage space, or conference  
36 facilities or vehicle storage, maintenance, or repair for



1 administrative, public safety, or public works personnel  
2 and that is not intended to replace an existing public  
3 building as provided under paragraph (3) of subsection (q)  
4 of Section 11-74.4-3 unless either (i) the construction of  
5 the new municipal building implements a redevelopment  
6 project that was included in a redevelopment plan that was  
7 adopted by the municipality prior to November 1, 1999 or  
8 (ii) the municipality makes a reasonable determination in  
9 the redevelopment plan, supported by information that  
10 provides the basis for that determination, that the new  
11 municipal building is required to meet an increase in the  
12 need for public safety purposes anticipated to result from  
13 the implementation of the redevelopment plan;

14 (5) Costs of job training and retraining projects,  
15 including the cost of "welfare to work" programs  
16 implemented by businesses located within the redevelopment  
17 project area;

18 (6) Financing costs, including but not limited to all  
19 necessary and incidental expenses related to the issuance  
20 of obligations and which may include payment of interest on  
21 any obligations issued hereunder including interest  
22 accruing during the estimated period of construction of any  
23 redevelopment project for which such obligations are  
24 issued and for not exceeding 36 months thereafter and  
25 including reasonable reserves related thereto;

26 (7) To the extent the municipality by written agreement  
27 accepts and approves the same, all or a portion of a taxing  
28 district's capital costs resulting from the redevelopment  
29 project necessarily incurred or to be incurred within a  
30 taxing district in furtherance of the objectives of the  
31 redevelopment plan and project.

32 (7.5) For redevelopment project areas designated (or  
33 redevelopment project areas amended to add or increase the  
34 number of tax-increment-financing assisted housing units)  
35 on or after November 1, 1999, an elementary, secondary, or  
36 unit school district's increased costs attributable to

1           assisted housing units located within the redevelopment  
2           project area for which the developer or redeveloper  
3           receives financial assistance through an agreement with  
4           the municipality or because the municipality incurs the  
5           cost of necessary infrastructure improvements within the  
6           boundaries of the assisted housing sites necessary for the  
7           completion of that housing as authorized by this Act, and  
8           which costs shall be paid by the municipality from the  
9           Special Tax Allocation Fund when the tax increment revenue  
10          is received as a result of the assisted housing units and  
11          shall be calculated annually as follows:

12                   (A) for foundation districts, excluding any school  
13                   district in a municipality with a population in excess  
14                   of 1,000,000, by multiplying the district's increase  
15                   in attendance resulting from the net increase in new  
16                   students enrolled in that school district who reside in  
17                   housing units within the redevelopment project area  
18                   that have received financial assistance through an  
19                   agreement with the municipality or because the  
20                   municipality incurs the cost of necessary  
21                   infrastructure improvements within the boundaries of  
22                   the housing sites necessary for the completion of that  
23                   housing as authorized by this Act since the designation  
24                   of the redevelopment project area by the most recently  
25                   available per capita tuition cost as defined in Section  
26                   10-20.12a of the School Code less any increase in  
27                   general State aid as defined in Section 18-8.05 of the  
28                   School Code attributable to these added new students  
29                   subject to the following annual limitations:

30                           (i) for unit school districts with a district  
31                           average 1995-96 Per Capita Tuition Charge of less  
32                           than \$5,900, no more than 25% of the total amount  
33                           of property tax increment revenue produced by  
34                           those housing units that have received tax  
35                           increment finance assistance under this Act;

36                           (ii) for elementary school districts with a

1 district average 1995-96 Per Capita Tuition Charge  
2 of less than \$5,900, no more than 17% of the total  
3 amount of property tax increment revenue produced  
4 by those housing units that have received tax  
5 increment finance assistance under this Act; and

6 (iii) for secondary school districts with a  
7 district average 1995-96 Per Capita Tuition Charge  
8 of less than \$5,900, no more than 8% of the total  
9 amount of property tax increment revenue produced  
10 by those housing units that have received tax  
11 increment finance assistance under this Act.

12 (B) For alternate method districts, flat grant  
13 districts, and foundation districts with a district  
14 average 1995-96 Per Capita Tuition Charge equal to or  
15 more than \$5,900, excluding any school district with a  
16 population in excess of 1,000,000, by multiplying the  
17 district's increase in attendance resulting from the  
18 net increase in new students enrolled in that school  
19 district who reside in housing units within the  
20 redevelopment project area that have received  
21 financial assistance through an agreement with the  
22 municipality or because the municipality incurs the  
23 cost of necessary infrastructure improvements within  
24 the boundaries of the housing sites necessary for the  
25 completion of that housing as authorized by this Act  
26 since the designation of the redevelopment project  
27 area by the most recently available per capita tuition  
28 cost as defined in Section 10-20.12a of the School Code  
29 less any increase in general state aid as defined in  
30 Section 18-8.05 of the School Code attributable to  
31 these added new students subject to the following  
32 annual limitations:

33 (i) for unit school districts, no more than 40%  
34 of the total amount of property tax increment  
35 revenue produced by those housing units that have  
36 received tax increment finance assistance under

1           this Act;

2           (ii) for elementary school districts, no more  
3           than 27% of the total amount of property tax  
4           increment revenue produced by those housing units  
5           that have received tax increment finance  
6           assistance under this Act; and

7           (iii) for secondary school districts, no more  
8           than 13% of the total amount of property tax  
9           increment revenue produced by those housing units  
10          that have received tax increment finance  
11          assistance under this Act.

12          (C) For any school district in a municipality with  
13          a population in excess of 1,000,000, the following  
14          restrictions shall apply to the reimbursement of  
15          increased costs under this paragraph (7.5):

16           (i) no increased costs shall be reimbursed  
17           unless the school district certifies that each of  
18           the schools affected by the assisted housing  
19           project is at or over its student capacity;

20           (ii) the amount reimbursable shall be reduced  
21           by the value of any land donated to the school  
22           district by the municipality or developer, and by  
23           the value of any physical improvements made to the  
24           schools by the municipality or developer; and

25           (iii) the amount reimbursed may not affect  
26           amounts otherwise obligated by the terms of any  
27           bonds, notes, or other funding instruments, or the  
28           terms of any redevelopment agreement.

29          Any school district seeking payment under this  
30          paragraph (7.5) shall, after July 1 and before  
31          September 30 of each year, provide the municipality  
32          with reasonable evidence to support its claim for  
33          reimbursement before the municipality shall be  
34          required to approve or make the payment to the school  
35          district. If the school district fails to provide the  
36          information during this period in any year, it shall

1           forfeit any claim to reimbursement for that year.  
2           School districts may adopt a resolution waiving the  
3           right to all or a portion of the reimbursement  
4           otherwise required by this paragraph (7.5). By  
5           acceptance of this reimbursement the school district  
6           waives the right to directly or indirectly set aside,  
7           modify, or contest in any manner the establishment of  
8           the redevelopment project area or projects;

9           (7.7) For redevelopment project areas designated (or  
10          redevelopment project areas amended to add or increase the  
11          number of tax-increment-financing assisted housing units)  
12          on or after January 1, 2005 (the effective date of Public  
13          Act 93-961) ~~this amendatory Act of the 93rd General~~  
14          ~~Assembly~~, a public library district's increased costs  
15          attributable to assisted housing units located within the  
16          redevelopment project area for which the developer or  
17          redeveloper receives financial assistance through an  
18          agreement with the municipality or because the  
19          municipality incurs the cost of necessary infrastructure  
20          improvements within the boundaries of the assisted housing  
21          sites necessary for the completion of that housing as  
22          authorized by this Act shall be paid to the library  
23          district by the municipality from the Special Tax  
24          Allocation Fund when the tax increment revenue is received  
25          as a result of the assisted housing units. This paragraph  
26          (7.7) applies only if (i) the library district is located  
27          in a county that is subject to the Property Tax Extension  
28          Limitation Law or (ii) the library district is not located  
29          in a county that is subject to the Property Tax Extension  
30          Limitation Law but the district is prohibited by any other  
31          law from increasing its tax levy rate without a prior voter  
32          referendum.

33          The amount paid to a library district under this  
34          paragraph (7.7) shall be calculated by multiplying (i) the  
35          net increase in the number of persons eligible to obtain a  
36          library card in that district who reside in housing units

1 within the redevelopment project area that have received  
2 financial assistance through an agreement with the  
3 municipality or because the municipality incurs the cost of  
4 necessary infrastructure improvements within the  
5 boundaries of the housing sites necessary for the  
6 completion of that housing as authorized by this Act since  
7 the designation of the redevelopment project area by (ii)  
8 the per-patron cost of providing library services so long  
9 as it does not exceed \$120. The per-patron cost shall be  
10 the Total Operating Expenditures Per Capita as stated in  
11 the most recent Illinois Public Library Statistics  
12 produced by the Library Research Center at the University  
13 of Illinois. The municipality may deduct from the amount  
14 that it must pay to a library district under this paragraph  
15 any amount that it has voluntarily paid to the library  
16 district from the tax increment revenue. The amount paid to  
17 a library district under this paragraph (7.7) shall be no  
18 more than 2% of the amount produced by the assisted housing  
19 units and deposited into the Special Tax Allocation Fund.

20 A library district is not eligible for any payment  
21 under this paragraph (7.7) unless the library district has  
22 experienced an increase in the number of patrons from the  
23 municipality that created the tax-increment-financing  
24 district since the designation of the redevelopment  
25 project area.

26 Any library district seeking payment under this  
27 paragraph (7.7) shall, after July 1 and before September 30  
28 of each year, provide the municipality with convincing  
29 evidence to support its claim for reimbursement before the  
30 municipality shall be required to approve or make the  
31 payment to the library district. If the library district  
32 fails to provide the information during this period in any  
33 year, it shall forfeit any claim to reimbursement for that  
34 year. Library districts may adopt a resolution waiving the  
35 right to all or a portion of the reimbursement otherwise  
36 required by this paragraph (7.7). By acceptance of such

1 reimbursement, the library district shall forfeit any  
2 right to directly or indirectly set aside, modify, or  
3 contest in any manner whatsoever the establishment of the  
4 redevelopment project area or projects;

5 (8) Relocation costs to the extent that a municipality  
6 determines that relocation costs shall be paid or is  
7 required to make payment of relocation costs by federal or  
8 State law or in order to satisfy subparagraph (7) of  
9 subsection (n);

10 (9) Payment in lieu of taxes;

11 (10) Costs of job training, retraining, advanced  
12 vocational education or career education, including but  
13 not limited to courses in occupational, semi-technical or  
14 technical fields leading directly to employment, incurred  
15 by one or more taxing districts, provided that such costs  
16 (i) are related to the establishment and maintenance of  
17 additional job training, advanced vocational education or  
18 career education programs for persons employed or to be  
19 employed by employers located in a redevelopment project  
20 area; and (ii) when incurred by a taxing district or taxing  
21 districts other than the municipality, are set forth in a  
22 written agreement by or among the municipality and the  
23 taxing district or taxing districts, which agreement  
24 describes the program to be undertaken, including but not  
25 limited to the number of employees to be trained, a  
26 description of the training and services to be provided,  
27 the number and type of positions available or to be  
28 available, itemized costs of the program and sources of  
29 funds to pay for the same, and the term of the agreement.  
30 Such costs include, specifically, the payment by community  
31 college districts of costs pursuant to Sections 3-37, 3-38,  
32 3-40 and 3-40.1 of the Public Community College Act and by  
33 school districts of costs pursuant to Sections 10-22.20a  
34 and 10-23.3a of The School Code;

35 (11) Interest cost incurred by a redeveloper related to  
36 the construction, renovation or rehabilitation of a

1 redevelopment project provided that:

2 (A) such costs are to be paid directly from the  
3 special tax allocation fund established pursuant to  
4 this Act;

5 (B) such payments in any one year may not exceed  
6 30% of the annual interest costs incurred by the  
7 redeveloper with regard to the redevelopment project  
8 during that year;

9 (C) if there are not sufficient funds available in  
10 the special tax allocation fund to make the payment  
11 pursuant to this paragraph (11) then the amounts so due  
12 shall accrue and be payable when sufficient funds are  
13 available in the special tax allocation fund;

14 (D) the total of such interest payments paid  
15 pursuant to this Act may not exceed 30% of the total  
16 (i) cost paid or incurred by the redeveloper for the  
17 redevelopment project plus (ii) redevelopment project  
18 costs excluding any property assembly costs and any  
19 relocation costs incurred by a municipality pursuant  
20 to this Act; and

21 (E) the cost limits set forth in subparagraphs (B)  
22 and (D) of paragraph (11) shall be modified for the  
23 financing of rehabilitated or new housing units for  
24 low-income households and very low-income households,  
25 as defined in Section 3 of the Illinois Affordable  
26 Housing Act. The percentage of 75% shall be substituted  
27 for 30% in subparagraphs (B) and (D) of paragraph (11).

28 (F) Instead of the eligible costs provided by  
29 subparagraphs (B) and (D) of paragraph (11), as  
30 modified by this subparagraph, and notwithstanding any  
31 other provisions of this Act to the contrary, the  
32 municipality may pay from tax increment revenues up to  
33 50% of the cost of construction of new housing units to  
34 be occupied by low-income households and very  
35 low-income households as defined in Section 3 of the  
36 Illinois Affordable Housing Act. The cost of



1 construction of those units may be derived from the  
2 proceeds of bonds issued by the municipality under this  
3 Act or other constitutional or statutory authority or  
4 from other sources of municipal revenue that may be  
5 reimbursed from tax increment revenues or the proceeds  
6 of bonds issued to finance the construction of that  
7 housing.

8 The eligible costs provided under this  
9 subparagraph (F) of paragraph (11) shall be an eligible  
10 cost for the construction, renovation, and  
11 rehabilitation of all low and very low-income housing  
12 units, as defined in Section 3 of the Illinois  
13 Affordable Housing Act, within the redevelopment  
14 project area. If the low and very low-income units are  
15 part of a residential redevelopment project that  
16 includes units not affordable to low and very  
17 low-income households, only the low and very  
18 low-income units shall be eligible for benefits under  
19 subparagraph (F) of paragraph (11). The standards for  
20 maintaining the occupancy by low-income households and  
21 very low-income households, as defined in Section 3 of  
22 the Illinois Affordable Housing Act, of those units  
23 constructed with eligible costs made available under  
24 the provisions of this subparagraph (F) of paragraph  
25 (11) shall be established by guidelines adopted by the  
26 municipality. The responsibility for annually  
27 documenting the initial occupancy of the units by  
28 low-income households and very low-income households,  
29 as defined in Section 3 of the Illinois Affordable  
30 Housing Act, shall be that of the then current owner of  
31 the property. For ownership units, the guidelines will  
32 provide, at a minimum, for a reasonable recapture of  
33 funds, or other appropriate methods designed to  
34 preserve the original affordability of the ownership  
35 units. For rental units, the guidelines will provide,  
36 at a minimum, for the affordability of rent to low and

1 very low-income households. As units become available,  
2 they shall be rented to income-eligible tenants. The  
3 municipality may modify these guidelines from time to  
4 time; the guidelines, however, shall be in effect for  
5 as long as tax increment revenue is being used to pay  
6 for costs associated with the units or for the  
7 retirement of bonds issued to finance the units or for  
8 the life of the redevelopment project area, whichever  
9 is later.

10 (11.5) If the redevelopment project area is located  
11 within a municipality with a population of more than  
12 100,000, the cost of day care services for children of  
13 employees from low-income families working for businesses  
14 located within the redevelopment project area and all or a  
15 portion of the cost of operation of day care centers  
16 established by redevelopment project area businesses to  
17 serve employees from low-income families working in  
18 businesses located in the redevelopment project area. For  
19 the purposes of this paragraph, "low-income families"  
20 means families whose annual income does not exceed 80% of  
21 the municipal, county, or regional median income, adjusted  
22 for family size, as the annual income and municipal,  
23 county, or regional median income are determined from time  
24 to time by the United States Department of Housing and  
25 Urban Development.

26 (12) Unless explicitly stated herein the cost of  
27 construction of new privately-owned buildings shall not be  
28 an eligible redevelopment project cost.

29 (13) After November 1, 1999 (the effective date of  
30 Public Act 91-478), none of the redevelopment project costs  
31 enumerated in this subsection shall be eligible  
32 redevelopment project costs if those costs would provide  
33 direct financial support to a retail entity initiating  
34 operations in the redevelopment project area while  
35 terminating operations at another Illinois location within  
36 10 miles of the redevelopment project area but outside the

1 boundaries of the redevelopment project area municipality.

2 For purposes of this paragraph, termination means a closing  
3 of a retail operation that is directly related to the  
4 opening of the same operation or like retail entity owned  
5 or operated by more than 50% of the original ownership in a  
6 redevelopment project area, but it does not mean closing an  
7 operation for reasons beyond the control of the retail  
8 entity, as documented by the retail entity, subject to a  
9 reasonable finding by the municipality that the current  
10 location contained inadequate space, had become  
11 economically obsolete, or was no longer a viable location  
12 for the retailer or serviceman.

13 If a special service area has been established pursuant to  
14 the Special Service Area Tax Act or Special Service Area Tax  
15 Law, then any tax increment revenues derived from the tax  
16 imposed pursuant to the Special Service Area Tax Act or Special  
17 Service Area Tax Law may be used within the redevelopment  
18 project area for the purposes permitted by that Act or Law as  
19 well as the purposes permitted by this Act.

20 (r) "State Sales Tax Boundary" means the redevelopment  
21 project area or the amended redevelopment project area  
22 boundaries which are determined pursuant to subsection (9) of  
23 Section 11-74.4-8a of this Act. The Department of Revenue shall  
24 certify pursuant to subsection (9) of Section 11-74.4-8a the  
25 appropriate boundaries eligible for the determination of State  
26 Sales Tax Increment.

27 (s) "State Sales Tax Increment" means an amount equal to  
28 the increase in the aggregate amount of taxes paid by retailers  
29 and servicemen, other than retailers and servicemen subject to  
30 the Public Utilities Act, on transactions at places of business  
31 located within a State Sales Tax Boundary pursuant to the  
32 Retailers' Occupation Tax Act, the Use Tax Act, the Service Use  
33 Tax Act, and the Service Occupation Tax Act, except such  
34 portion of such increase that is paid into the State and Local  
35 Sales Tax Reform Fund, the Local Government Distributive Fund,  
36 the Local Government Tax Fund and the County and Mass Transit

1 District Fund, for as long as State participation exists, over  
2 and above the Initial Sales Tax Amounts, Adjusted Initial Sales  
3 Tax Amounts or the Revised Initial Sales Tax Amounts for such  
4 taxes as certified by the Department of Revenue and paid under  
5 those Acts by retailers and servicemen on transactions at  
6 places of business located within the State Sales Tax Boundary  
7 during the base year which shall be the calendar year  
8 immediately prior to the year in which the municipality adopted  
9 tax increment allocation financing, less 3.0% of such amounts  
10 generated under the Retailers' Occupation Tax Act, Use Tax Act  
11 and Service Use Tax Act and the Service Occupation Tax Act,  
12 which sum shall be appropriated to the Department of Revenue to  
13 cover its costs of administering and enforcing this Section.  
14 For purposes of computing the aggregate amount of such taxes  
15 for base years occurring prior to 1985, the Department of  
16 Revenue shall compute the Initial Sales Tax Amount for such  
17 taxes and deduct therefrom an amount equal to 4% of the  
18 aggregate amount of taxes per year for each year the base year  
19 is prior to 1985, but not to exceed a total deduction of 12%.  
20 The amount so determined shall be known as the "Adjusted  
21 Initial Sales Tax Amount". For purposes of determining the  
22 State Sales Tax Increment the Department of Revenue shall for  
23 each period subtract from the tax amounts received from  
24 retailers and servicemen on transactions located in the State  
25 Sales Tax Boundary, the certified Initial Sales Tax Amounts,  
26 Adjusted Initial Sales Tax Amounts or Revised Initial Sales Tax  
27 Amounts for the Retailers' Occupation Tax Act, the Use Tax Act,  
28 the Service Use Tax Act and the Service Occupation Tax Act. For  
29 the State Fiscal Year 1989 this calculation shall be made by  
30 utilizing the calendar year 1987 to determine the tax amounts  
31 received. For the State Fiscal Year 1990, this calculation  
32 shall be made by utilizing the period from January 1, 1988,  
33 until September 30, 1988, to determine the tax amounts received  
34 from retailers and servicemen, which shall have deducted  
35 therefrom nine-twelfths of the certified Initial Sales Tax  
36 Amounts, Adjusted Initial Sales Tax Amounts or the Revised

1 Initial Sales Tax Amounts as appropriate. For the State Fiscal  
2 Year 1991, this calculation shall be made by utilizing the  
3 period from October 1, 1988, until June 30, 1989, to determine  
4 the tax amounts received from retailers and servicemen, which  
5 shall have deducted therefrom nine-twelfths of the certified  
6 Initial State Sales Tax Amounts, Adjusted Initial Sales Tax  
7 Amounts or the Revised Initial Sales Tax Amounts as  
8 appropriate. For every State Fiscal Year thereafter, the  
9 applicable period shall be the 12 months beginning July 1 and  
10 ending on June 30, to determine the tax amounts received which  
11 shall have deducted therefrom the certified Initial Sales Tax  
12 Amounts, Adjusted Initial Sales Tax Amounts or the Revised  
13 Initial Sales Tax Amounts. Municipalities intending to receive  
14 a distribution of State Sales Tax Increment must report a list  
15 of retailers to the Department of Revenue by October 31, 1988  
16 and by July 31, of each year thereafter.

17 (t) "Taxing districts" means counties, townships, cities  
18 and incorporated towns and villages, school, road, park,  
19 sanitary, mosquito abatement, forest preserve, public health,  
20 fire protection, river conservancy, tuberculosis sanitarium  
21 and any other municipal corporations or districts with the  
22 power to levy taxes.

23 (u) "Taxing districts' capital costs" means those costs of  
24 taxing districts for capital improvements that are found by the  
25 municipal corporate authorities to be necessary and directly  
26 result from the redevelopment project.

27 (v) As used in subsection (a) of Section 11-74.4-3 of this  
28 Act, "vacant land" means any parcel or combination of parcels  
29 of real property without industrial, commercial, and  
30 residential buildings which has not been used for commercial  
31 agricultural purposes within 5 years prior to the designation  
32 of the redevelopment project area, unless the parcel is  
33 included in an industrial park conservation area or the parcel  
34 has been subdivided; provided that if the parcel was part of a  
35 larger tract that has been divided into 3 or more smaller  
36 tracts that were accepted for recording during the period from

1 1950 to 1990, then the parcel shall be deemed to have been  
2 subdivided, and all proceedings and actions of the municipality  
3 taken in that connection with respect to any previously  
4 approved or designated redevelopment project area or amended  
5 redevelopment project area are hereby validated and hereby  
6 declared to be legally sufficient for all purposes of this Act.  
7 For purposes of this Section and only for land subject to the  
8 subdivision requirements of the Plat Act, land is subdivided  
9 when the original plat of the proposed Redevelopment Project  
10 Area or relevant portion thereof has been properly certified,  
11 acknowledged, approved, and recorded or filed in accordance  
12 with the Plat Act and a preliminary plat, if any, for any  
13 subsequent phases of the proposed Redevelopment Project Area or  
14 relevant portion thereof has been properly approved and filed  
15 in accordance with the applicable ordinance of the  
16 municipality.

17 (w) "Annual Total Increment" means the sum of each  
18 municipality's annual Net Sales Tax Increment and each  
19 municipality's annual Net Utility Tax Increment. The ratio of  
20 the Annual Total Increment of each municipality to the Annual  
21 Total Increment for all municipalities, as most recently  
22 calculated by the Department, shall determine the proportional  
23 shares of the Illinois Tax Increment Fund to be distributed to  
24 each municipality.

25 (Source: P.A. 92-263, eff. 8-7-01; 92-406, eff. 1-1-02; 92-624,  
26 eff. 7-11-02; 92-651, eff. 7-11-02; 93-298, eff. 7-23-03;  
27 93-708, eff. 1-1-05; 93-747, eff. 7-15-04; 93-924, eff.  
28 8-12-04; 93-961, eff. 1-1-05; 93-983, eff. 8-23-04; 93-984,  
29 eff. 8-23-04; 93-985, eff. 8-23-04; 93-986, eff. 8-23-04;  
30 93-987, eff. 8-23-04; 93-995, eff. 8-23-04; 93-1024, eff.  
31 8-25-04; revised 10-21-04.)

32 (65 ILCS 5/11-74.4-7) (from Ch. 24, par. 11-74.4-7)

33 Sec. 11-74.4-7. Obligations secured by the special tax  
34 allocation fund set forth in Section 11-74.4-8 for the  
35 redevelopment project area may be issued to provide for

1 redevelopment project costs. Such obligations, when so issued,  
2 shall be retired in the manner provided in the ordinance  
3 authorizing the issuance of such obligations by the receipts of  
4 taxes levied as specified in Section 11-74.4-9 against the  
5 taxable property included in the area, by revenues as specified  
6 by Section 11-74.4-8a and other revenue designated by the  
7 municipality. A municipality may in the ordinance pledge all or  
8 any part of the funds in and to be deposited in the special tax  
9 allocation fund created pursuant to Section 11-74.4-8 to the  
10 payment of the redevelopment project costs and obligations. Any  
11 pledge of funds in the special tax allocation fund shall  
12 provide for distribution to the taxing districts and to the  
13 Illinois Department of Revenue of moneys not required, pledged,  
14 earmarked, or otherwise designated for payment and securing of  
15 the obligations and anticipated redevelopment project costs  
16 and such excess funds shall be calculated annually and deemed  
17 to be "surplus" funds. In the event a municipality only applies  
18 or pledges a portion of the funds in the special tax allocation  
19 fund for the payment or securing of anticipated redevelopment  
20 project costs or of obligations, any such funds remaining in  
21 the special tax allocation fund after complying with the  
22 requirements of the application or pledge, shall also be  
23 calculated annually and deemed "surplus" funds. All surplus  
24 funds in the special tax allocation fund shall be distributed  
25 annually within 180 days after the close of the municipality's  
26 fiscal year by being paid by the municipal treasurer to the  
27 County Collector, to the Department of Revenue and to the  
28 municipality in direct proportion to the tax incremental  
29 revenue received as a result of an increase in the equalized  
30 assessed value of property in the redevelopment project area,  
31 tax incremental revenue received from the State and tax  
32 incremental revenue received from the municipality, but not to  
33 exceed as to each such source the total incremental revenue  
34 received from that source. The County Collector shall  
35 thereafter make distribution to the respective taxing  
36 districts in the same manner and proportion as the most recent

1 distribution by the county collector to the affected districts  
2 of real property taxes from real property in the redevelopment  
3 project area.

4 Without limiting the foregoing in this Section, the  
5 municipality may in addition to obligations secured by the  
6 special tax allocation fund pledge for a period not greater  
7 than the term of the obligations towards payment of such  
8 obligations any part or any combination of the following: (a)  
9 net revenues of all or part of any redevelopment project; (b)  
10 taxes levied and collected on any or all property in the  
11 municipality; (c) the full faith and credit of the  
12 municipality; (d) a mortgage on part or all of the  
13 redevelopment project; or (e) any other taxes or anticipated  
14 receipts that the municipality may lawfully pledge.

15 Such obligations may be issued in one or more series  
16 bearing interest at such rate or rates as the corporate  
17 authorities of the municipality shall determine by ordinance.  
18 Such obligations shall bear such date or dates, mature at such  
19 time or times not exceeding 20 years from their respective  
20 dates, be in such denomination, carry such registration  
21 privileges, be executed in such manner, be payable in such  
22 medium of payment at such place or places, contain such  
23 covenants, terms and conditions, and be subject to redemption  
24 as such ordinance shall provide. Obligations issued pursuant to  
25 this Act may be sold at public or private sale at such price as  
26 shall be determined by the corporate authorities of the  
27 municipalities. No referendum approval of the electors shall be  
28 required as a condition to the issuance of obligations pursuant  
29 to this Division except as provided in this Section.

30 In the event the municipality authorizes issuance of  
31 obligations pursuant to the authority of this Division secured  
32 by the full faith and credit of the municipality, which  
33 obligations are other than obligations which may be issued  
34 under home rule powers provided by Article VII, Section 6 of  
35 the Illinois Constitution, or pledges taxes pursuant to (b) or  
36 (c) of the second paragraph of this section, the ordinance



1 authorizing the issuance of such obligations or pledging such  
2 taxes shall be published within 10 days after such ordinance  
3 has been passed in one or more newspapers, with general  
4 circulation within such municipality. The publication of the  
5 ordinance shall be accompanied by a notice of (1) the specific  
6 number of voters required to sign a petition requesting the  
7 question of the issuance of such obligations or pledging taxes  
8 to be submitted to the electors; (2) the time in which such  
9 petition must be filed; and (3) the date of the prospective  
10 referendum. The municipal clerk shall provide a petition form  
11 to any individual requesting one.

12 If no petition is filed with the municipal clerk, as  
13 hereinafter provided in this Section, within 30 days after the  
14 publication of the ordinance, the ordinance shall be in effect.  
15 But, if within that 30 day period a petition is filed with the  
16 municipal clerk, signed by electors in the municipality  
17 numbering 10% or more of the number of registered voters in the  
18 municipality, asking that the question of issuing obligations  
19 using full faith and credit of the municipality as security for  
20 the cost of paying for redevelopment project costs, or of  
21 pledging taxes for the payment of such obligations, or both, be  
22 submitted to the electors of the municipality, the corporate  
23 authorities of the municipality shall call a special election  
24 in the manner provided by law to vote upon that question, or,  
25 if a general, State or municipal election is to be held within  
26 a period of not less than 30 or more than 90 days from the date  
27 such petition is filed, shall submit the question at the next  
28 general, State or municipal election. If it appears upon the  
29 canvass of the election by the corporate authorities that a  
30 majority of electors voting upon the question voted in favor  
31 thereof, the ordinance shall be in effect, but if a majority of  
32 the electors voting upon the question are not in favor thereof,  
33 the ordinance shall not take effect.

34 The ordinance authorizing the obligations may provide that  
35 the obligations shall contain a recital that they are issued  
36 pursuant to this Division, which recital shall be conclusive

1 evidence of their validity and of the regularity of their  
2 issuance.

3 In the event the municipality authorizes issuance of  
4 obligations pursuant to this Section secured by the full faith  
5 and credit of the municipality, the ordinance authorizing the  
6 obligations may provide for the levy and collection of a direct  
7 annual tax upon all taxable property within the municipality  
8 sufficient to pay the principal thereof and interest thereon as  
9 it matures, which levy may be in addition to and exclusive of  
10 the maximum of all other taxes authorized to be levied by the  
11 municipality, which levy, however, shall be abated to the  
12 extent that monies from other sources are available for payment  
13 of the obligations and the municipality certifies the amount of  
14 said monies available to the county clerk.

15 A certified copy of such ordinance shall be filed with the  
16 county clerk of each county in which any portion of the  
17 municipality is situated, and shall constitute the authority  
18 for the extension and collection of the taxes to be deposited  
19 in the special tax allocation fund.

20 A municipality may also issue its obligations to refund in  
21 whole or in part, obligations theretofore issued by such  
22 municipality under the authority of this Act, whether at or  
23 prior to maturity, provided however, that the last maturity of  
24 the refunding obligations shall not be expressed to mature  
25 later than December 31 of the year in which the payment to the  
26 municipal treasurer as provided in subsection (b) of Section  
27 11-74.4-8 of this Act is to be made with respect to ad valorem  
28 taxes levied in the twenty-third calendar year after the year  
29 in which the ordinance approving the redevelopment project area  
30 is adopted if the ordinance was adopted on or after January 15,  
31 1981, and not later than December 31 of the year in which the  
32 payment to the municipal treasurer as provided in subsection  
33 (b) of Section 11-74.4-8 of this Act is to be made with respect  
34 to ad valorem taxes levied in the thirty-fifth calendar year  
35 after the year in which the ordinance approving the  
36 redevelopment project area is adopted (A) if the ordinance was

1 adopted before January 15, 1981, or (B) if the ordinance was  
2 adopted in December 1983, April 1984, July 1985, or December  
3 1989, or (C) if the ordinance was adopted in December, 1987 and  
4 the redevelopment project is located within one mile of Midway  
5 Airport, or (D) if the ordinance was adopted before January 1,  
6 1987 by a municipality in Mason County, or (E) if the  
7 municipality is subject to the Local Government Financial  
8 Planning and Supervision Act or the Financially Distressed City  
9 Law, or (F) if the ordinance was adopted in December 1984 by  
10 the Village of Rosemont, or (G) if the ordinance was adopted on  
11 December 31, 1986 by a municipality located in Clinton County  
12 for which at least \$250,000 of tax increment bonds were  
13 authorized on June 17, 1997, or if the ordinance was adopted on  
14 December 31, 1986 by a municipality with a population in 1990  
15 of less than 3,600 that is located in a county with a  
16 population in 1990 of less than 34,000 and for which at least  
17 \$250,000 of tax increment bonds were authorized on June 17,  
18 1997, or (H) if the ordinance was adopted on October 5, 1982 by  
19 the City of Kankakee, or (I) if the ordinance was adopted on  
20 December 29, 1986 by East St. Louis, or if the ordinance was  
21 adopted on November 12, 1991 by the Village of Sauget, or (J)  
22 if the ordinance was adopted on February 11, 1985 by the City  
23 of Rock Island, or (K) if the ordinance was adopted before  
24 December 18, 1986 by the City of Moline, or (L) if the  
25 ordinance was adopted in September 1988 by Sauk Village, or (M)  
26 if the ordinance was adopted in October 1993 by Sauk Village,  
27 or (N) if the ordinance was adopted on December 29, 1986 by the  
28 City of Galva, or (O) if the ordinance was adopted in March  
29 1991 by the City of Centreville, or (P) if the ordinance was  
30 adopted on January 23, 1991 by the City of East St. Louis, or  
31 (Q) if the ordinance was adopted on December 22, 1986 by the  
32 City of Aledo, or (R) if the ordinance was adopted on February  
33 5, 1990 by the City of Clinton, or (S) if the ordinance was  
34 adopted on September 6, 1994 by the City of Freeport, or (T) if  
35 the ordinance was adopted on December 22, 1986 by the City of  
36 Tuscola, or (U) if the ordinance was adopted on December 23,

1 1986 by the City of Sparta, or (V) if the ordinance was adopted  
2 on December 23, 1986 by the City of Beardstown, or (W) if the  
3 ordinance was adopted on April 27, 1981, October 21, 1985, or  
4 December 30, 1986 by the City of Belleville, or (X) if the  
5 ordinance was adopted on December 29, 1986 by the City of  
6 Collinsville, or (Y) if the ordinance was adopted on September  
7 14, 1994 by the City of Alton, or (Z) if the ordinance was  
8 adopted on November 11, 1996 by the City of Lexington, or (AA)  
9 if the ordinance was adopted on November 5, 1984 by the City of  
10 LeRoy, or (BB) if the ordinance was adopted on April 3, 1991 or  
11 June 3, 1992 by the City of Markham, or (CC) if the ordinance  
12 was adopted on November 11, 1986 by the City of Pekin, or (DD)  
13 ~~(CC)~~ if the ordinance was adopted on December 15, 1981 by the  
14 City of Champaign, or (EE) ~~(CC)~~ if the ordinance was adopted on  
15 December 15, 1986 by the City of Urbana, or (FF) ~~(CC)~~ if the  
16 ordinance was adopted on December 15, 1986 by the Village of  
17 Heyworth, or (GG) ~~(CC)~~ if the ordinance was adopted on February  
18 24, 1992 by the Village of Heyworth, or (HH) ~~(CC)~~ if the  
19 ordinance was adopted on March 16, 1995 by the Village of  
20 Heyworth, or (II) ~~(CC)~~ if the ordinance was adopted on December  
21 23, 1986 by the Town of Cicero, or (JJ) ~~(CC)~~ if the ordinance  
22 was adopted on December 30, 1986 by the City of Effingham, or  
23 (KK) ~~(CC)~~ if the ordinance was adopted on May 9, 1991 by the  
24 Village of Tilton, or (LL) ~~(CC)~~ if the ordinance was adopted on  
25 October 20, 1986 by the City of Elmhurst and, for redevelopment  
26 project areas for which bonds were issued before July 29, 1991,  
27 in connection with a redevelopment project in the area within  
28 the State Sales Tax Boundary and which were extended by  
29 municipal ordinance under subsection (n) of Section 11-74.4-3,  
30 the last maturity of the refunding obligations shall not be  
31 expressed to mature later than the date on which the  
32 redevelopment project area is terminated or December 31, 2013,  
33 whichever date occurs first.

34 In the event a municipality issues obligations under home  
35 rule powers or other legislative authority the proceeds of  
36 which are pledged to pay for redevelopment project costs, the

1 municipality may, if it has followed the procedures in  
2 conformance with this division, retire said obligations from  
3 funds in the special tax allocation fund in amounts and in such  
4 manner as if such obligations had been issued pursuant to the  
5 provisions of this division.

6 All obligations heretofore or hereafter issued pursuant to  
7 this Act shall not be regarded as indebtedness of the  
8 municipality issuing such obligations or any other taxing  
9 district for the purpose of any limitation imposed by law.

10 (Source: P.A. 92-263, eff. 8-7-01; 92-406, eff. 1-1-02; 92-624,  
11 eff. 7-11-02; 92-651, eff. 7-11-02; 93-298, eff. 7-23-03;  
12 93-708, eff. 1-1-05; 93-747, eff. 7-15-04; 93-924, eff.  
13 8-12-04; 93-983, eff. 8-23-04; 93-984, eff. 8-23-04; 93-985,  
14 eff. 8-23-04; 93-986, eff. 8-23-04; 93-987, eff. 8-23-04;  
15 93-995, eff. 8-23-04; 93-1024, eff. 8-25-04; revised  
16 10-21-04.)

17 (65 ILCS 5/11-124-1) (from Ch. 24, par. 11-124-1)

18 Sec. 11-124-1. Contracts for supply of water.

19 (a) The corporate authorities of each municipality may  
20 contract with any person, corporation, municipal corporation,  
21 political subdivision, public water district or any other  
22 agency for a supply of water. Any such contract entered into by  
23 a municipality shall provide that payments to be made  
24 thereunder shall be solely from the revenues to be derived from  
25 the operation of the waterworks system of the municipality, and  
26 the contract shall be a continuing valid and binding obligation  
27 of the municipality payable from the revenues derived from the  
28 operation of the waterworks system of the municipality for the  
29 period of years, not to exceed 40, as may be provided in such  
30 contract. Any such contract shall not be a debt within the  
31 meaning of any constitutional or statutory limitation. No prior  
32 appropriation shall be required before entering into such a  
33 contract and no appropriation shall be required to authorize  
34 payments to be made under the terms of any such contract  
35 notwithstanding any provision in this Code to the contrary.

1        (b) ~~(a)~~ Payments to be made under any such contract shall  
2 be an operation and maintenance expense of the waterworks  
3 system of the municipality. Any such contract made by a  
4 municipality for a supply of water may contain provisions  
5 whereby the municipality is obligated to pay for such supply of  
6 water without setoff or counterclaim and irrespective of  
7 whether such supply of water is ever furnished, made available  
8 or delivered to the municipality or whether any project for the  
9 supply of water contemplated by any such contract is completed,  
10 operable or operating and notwithstanding any suspension,  
11 interruption, interference, reduction or curtailment of the  
12 supply of water from such project. Any such contract may  
13 provide that if one or more of the other purchasers of water  
14 defaults in the payment of its obligations under such contract  
15 or a similar contract made with the supplier of the water, one  
16 or more of the remaining purchasers party to such contract or  
17 such similar contract shall be required to pay for all or a  
18 portion of the obligations of the defaulting purchasers.

19        (c) ~~(b)~~ Payments to be made under any such contract with a  
20 municipal joint action water agency under the  
21 Intergovernmental Cooperation Act shall be an operation and  
22 maintenance expense of the waterworks system of the  
23 municipality. Any such contract made by a municipality for a  
24 supply of water with a municipal joint action water agency  
25 under the provisions of the Intergovernmental Cooperation Act  
26 may contain provisions whereby the municipality is obligated to  
27 pay for such supply of water without setoff or counterclaim and  
28 irrespective of whether such supply of water is ever furnished,  
29 made available or delivered to the municipality or whether any  
30 project for the supply of water contemplated by any such  
31 contract is completed, operable or operating and  
32 notwithstanding any suspension, interruption, interference,  
33 reduction or curtailment of the supply of water from such  
34 project. Any such contract with a municipal joint action water  
35 agency may provide that if one or more of the other purchasers  
36 of water defaults in the payment of its obligations under such

1 contract or a similar contract made with the supplier of the  
2 water, one or more of the remaining purchasers party to such  
3 contract or such similar contract shall be required to pay for  
4 all or a portion of the obligations of the defaulting  
5 purchasers.

6 The changes in this Section made by these amendatory Acts  
7 of 1984 are intended to be declarative of existing law.

8 (d) ~~(b)~~ A municipality with a water supply contract with a  
9 county water commission organized pursuant to the Water  
10 Commission Act of 1985 shall provide water to unincorporated  
11 areas of that home county in accordance with the terms of this  
12 subsection. The provision of water by the municipality shall be  
13 in accordance with a mandate of the home county as provided in  
14 Section 0.01 of the Water Commission Act of 1985. A home rule  
15 unit may not provide water in a manner that is inconsistent  
16 with the provisions of this amendatory Act of the 93rd General  
17 Assembly. This subsection is a limitation under subsection (i)  
18 of Section 6 of Article VII of the Illinois Constitution on the  
19 concurrent exercise by home rule units of powers and functions  
20 exercised by the State.

21 (Source: P.A. 93-226, eff. 7-22-03; revised 10-9-03.)

22 Section 270. The Joliet Arsenal Development Authority Act  
23 is amended by changing Section 40 as follows:

24 (70 ILCS 508/40)

25 Sec. 40. Acquisition.

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

28 (b) The Authority shall have power to acquire by purchase,  
29 lease, gift, or otherwise any property or rights therein from  
30 any person, the State of Illinois, any municipal corporation,  
31 any local unit of government, the government of the United  
32 States, any agency or instrumentality of the United States, any  
33 body politic, or any county useful for its purposes, whether  
34 improved for the purposes of any prospective project or

1 unimproved. The Authority may also accept any donation of funds  
2 for its purposes from any of those sources.

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

11 (d) The Authority shall have the power to enter into  
12 intergovernmental agreements with the State of Illinois, the  
13 county of Will, the Illinois Finance Authority, the  
14 Metropolitan Pier and Exposition Authority, the United States  
15 government, any agency or instrumentality of the United States,  
16 any unit of local government located within the territory of  
17 the Authority, or any other unit of government to the extent  
18 allowed by Article VII, Section 10 of the Illinois Constitution  
19 and the Intergovernmental Cooperation Act.

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

24 (f) Subject to subsection (i) of Section 35 of this Act,  
25 the Authority shall have the power to exercise powers and issue  
26 revenue bonds as if it were a municipality so authorized in  
27 Divisions 12.1, 74, 74.1, 74.3, and 74.5 of Article 11 of the  
28 Illinois Municipal Code.

29 (g) All property owned by the Joliet Arsenal Development  
30 Authority is exempt from property taxes. Any property owned by  
31 the Joliet Arsenal Development Authority and leased to an  
32 entity that is not exempt shall remain exempt. The leasehold  
33 interest of the lessee shall be assessed under Section 9-195 of  
34 the Property Tax Code.

35 (Source: P.A. 93-205, eff. 1-1-04; 93-421, eff. 8-5-03; revised  
36 9-11-03.)



1 Section 275. The Fire Protection District Act is amended by  
2 changing Sections 4a and 6 as follows:

3 (70 ILCS 705/4a) (from Ch. 127 1/2, par. 24.1)

4 Sec. 4a. Change to elected board of trustees; petition;  
5 election; ballot; nomination and election of trustees. Any fire  
6 protection district organized under this Act may determine, in  
7 either manner provided in the following items (1) and (2) of  
8 this Section, to have an elected, rather than an appointed,  
9 board of trustees.

10 (1) If the district lies wholly within a single  
11 township but does not also lie wholly within a  
12 municipality, the township board of trustees may  
13 determine, by ordinance, to have an elected board of  
14 trustees.

15 (2) Upon presentation to the board of trustees of a  
16 petition, signed by not less than 10% of the electors of  
17 the district, requesting that a proposition for the  
18 election of trustees be submitted to the electors of the  
19 district, the secretary of the board of trustees shall  
20 certify the proposition to the appropriate election  
21 authorities who shall submit the proposition at a regular  
22 election in accordance with the general election law. The  
23 general election law shall apply to and govern such  
24 election. The proposition shall be in substantially the  
25 following form:

26 -----  
27 Shall the trustees of..... YES  
28 Fire Protection District be -----  
29 elected, rather than appointed? NO  
30 -----

31 If a majority of the votes cast on such proposition are  
32 in the affirmative, the trustees of the district shall  
33 thereafter be elected as provided by this Section.

34 At the next regular election for trustees as provided by

1 the general election law, a district that has approved by  
2 ordinance or referendum to have its trustees elected rather  
3 than appointed shall elect 3, 5, or 7 trustees, as previously  
4 determined by the organization of the district or as increased  
5 under Section 4.01 or 4.02. The initial elected trustees shall  
6 be elected for 2, 4, and 6 year terms. In a district with 3  
7 trustees, one trustee shall be elected for a term of 2 years,  
8 one for a term of 4 years, and one for a term of 6 years. In a  
9 district with 5 trustees, 2 shall be elected for terms of 2  
10 years, 2 for terms of 4 years, and one for a term of 6 years. In  
11 a district with 7 trustees, 3 shall be elected for terms of 2  
12 years, 2 for terms of 4 years, and 2 for terms of 6 years.  
13 Except as otherwise provided in Section 2A-54 of the Election  
14 Code, the term of each elected trustee shall commence on the  
15 third Monday of the month following the month of his election  
16 and until his successor is elected and qualified. The length of  
17 the terms of the trustees first elected shall be determined by  
18 lot at their first meeting. Except as otherwise provided in  
19 Section 2A-54 of the Election Code, thereafter, each trustee  
20 shall be elected to serve for a term of 6 years commencing on  
21 the third Monday of the month following the month of his  
22 election and until his successor is elected and qualified.

23 No party designation shall appear on the ballot for  
24 election of trustees. The provisions of the general election  
25 law shall apply to and govern the nomination and election of  
26 trustees.

27 Nominations for members of the board of trustees shall be  
28 made by a petition signed by at least 25 voters or 5% of the  
29 voters, whichever is less, residing within the district and  
30 shall be filed with the secretary of the board. In addition to  
31 the requirements of general election law, the form of the  
32 petition shall be as follows:

#### 33 NOMINATING PETITIONS

34 To the Secretary of the Board of Trustees of (name of fire  
35 protection district):

36 We, the undersigned, being (number of signatories or 5% or

1 more) of the voters residing within the district, hereby  
2 petition that (name of candidate) who resides at (address of  
3 candidate) in this district shall be a candidate for the office  
4 of (office) of the Board of Trustees (full-term or vacancy) to  
5 be voted for at the election to be held (date of election).

6 The secretary of the board shall notify each candidate for  
7 whom a petition for nomination has been filed of their  
8 obligations under the Campaign Financing Act, as required by  
9 the general election law. The notice shall be given on a form  
10 prescribed by the State Board of Elections and in accordance  
11 with the requirements of the general election law.

12 The secretary shall, within 7 days of filing or on the last  
13 day for filing, whichever is earlier, acknowledge to the  
14 petitioner in writing his acceptance of the petition.

15 The provisions of Section 4 relating to eligibility, powers  
16 and disabilities of trustees shall apply equally to elected  
17 trustees.

18 Whenever a fire protection district determines to elect  
19 trustees as provided in this Section, the trustees appointed  
20 pursuant to Section 4 shall continue to constitute the board of  
21 trustees until the third Monday of the month following the  
22 month of the first election of trustees. If the term of office  
23 of any appointed trustees expires before the first election of  
24 trustees, the authority which appointed that trustee under  
25 Section 4 of this Act shall appoint a successor to serve until  
26 a successor is elected and has qualified. The terms of all  
27 appointed trustees in such district shall expire on the third  
28 Monday of the month following the month of the first election  
29 of trustees under this Section or when successors have been  
30 elected and have qualified, whichever occurs later.

31 (Source: P.A. 93-847, eff. 7-30-04; 93-952, eff. 1-1-05;  
32 revised 10-14-04.)

33 (70 ILCS 705/6) (from Ch. 127 1/2, par. 26)

34 Sec. 6. Board of trustees; powers.

35 (a) The trustees shall constitute a board of trustees for

1 the district for which they are appointed, which board of  
2 trustees is declared to be the corporate authority of the fire  
3 protection district, and shall exercise all of the powers and  
4 control all the affairs and property of such district.

5 The board of trustees at their initial meeting and at their  
6 first meeting following the commencement of the term of any  
7 trustee shall elect one of their number as president and one of  
8 their number as secretary and shall elect a treasurer for the  
9 district, who may be one of the trustees or may be any other  
10 citizen of the district and who shall hold office during the  
11 pleasure of the board and who shall give such bond as may be  
12 required by the board.

13 (b) Except as otherwise provided in Sections 16.01 through  
14 16.18, the board may appoint and enter into a multi-year  
15 contract not exceeding 3 years with a fire chief and may  
16 appoint any firemen that may be necessary for the district, who  
17 shall hold office during the pleasure of the board and who  
18 shall give any bond that the board may require. The board may  
19 prescribe the duties and fix the compensation of all the  
20 officers and employees of the fire protection district.

21 (c) A member of the board of trustees of a fire protection  
22 district may be compensated as follows: in a district having  
23 fewer than 4 full time paid firemen, a sum not to exceed \$1,000  
24 per annum; in a district having more than 3 but less than 10  
25 full time paid firemen, a sum not to exceed \$1,500 per annum;  
26 in a district having either 10 or more full time paid firemen,  
27 a sum not to exceed \$2,000 per annum. In addition, fire  
28 districts that operate an ambulance service pursuant to  
29 authorization by referendum, as provided in Section 22, may pay  
30 trustees an additional annual compensation not to exceed 50% of  
31 the amount otherwise authorized herein. The additional  
32 compensation shall be an administrative expense of the  
33 ambulance service and shall be paid from revenues raised by the  
34 ambulance tax levy.

35 (d) The trustees also have the express power to execute a  
36 note or notes and to execute a mortgage or trust deed to secure

1 the payment of such note or notes; such trust deed or mortgage  
2 shall cover real estate, or some part thereof, or personal  
3 property owned by the district and the lien of the mortgage  
4 shall apply to the real estate or personal property so  
5 mortgaged by the district, and the proceeds of the note or  
6 notes may be used in the acquisition of personal property or of  
7 real estate or in the erection of improvements on such real  
8 estate.

9 The trustees have express power to purchase either real  
10 estate or personal property to be used for the purposes of the  
11 fire protection district through contracts which provide for  
12 the consideration for such purchase to be paid through  
13 installments to be made at stated intervals during a certain  
14 period of time, but, in no case, shall such contracts provide  
15 for the consideration to be paid during a period of time in  
16 excess of 25 years.

17 (e) The trustees have express power to provide for the  
18 benefit of its employees, volunteer firemen and paid firemen,  
19 group life, health, accident, hospital and medical insurance,  
20 or any combination thereof; and to pay for all or any portion  
21 of the premiums on such insurance. Such insurance may include  
22 provisions for employees who rely on treatment by spiritual  
23 means alone through prayer for healing in accord with the  
24 tenets and practice of a well recognized religious  
25 denomination.

26 (f) To encourage continued service with the district, the  
27 board of trustees has the express power to award monetary  
28 incentives, not to exceed \$240 per year, to volunteer  
29 firefighters of the district based on the length of service. To  
30 be eligible for the incentives, the volunteer firefighters must  
31 have at least 5 years of service with the district. The amount  
32 of the incentives may not be greater than 2% of the annual levy  
33 amount when all incentive awards are combined.

34 (g) The board of trustees has express power to change the  
35 corporate name of the fire protection district by ordinance,  
36 provided that notification of any change is given to the

1 circuit clerk and the Office of the State Fire Marshal.

2 (h) The board of trustees may impose reasonable civil  
3 penalties on individuals who repeatedly cause false fire  
4 alarms.

5 (i) The board of trustees has full power to pass all  
6 necessary ordinances, and rules and regulations for the proper  
7 management and conduct of the business of the board of trustees  
8 of the fire protection district for carrying into effect the  
9 objects for which the district was formed.

10 (Source: P.A. 93-302, eff. 1-1-04; 93-589, eff. 1-1-04; revised  
11 10-3-03.)

12 Section 280. The Park District Code is amended by changing  
13 Section 5-1 as follows:

14 (70 ILCS 1205/5-1) (from Ch. 105, par. 5-1)

15 Sec. 5-1. Each Park District has the power to levy and  
16 collect taxes on all the taxable property in the district for  
17 all corporate purposes. The commissioners may accumulate funds  
18 for the purposes of building repairs and improvements and may  
19 annually levy taxes for such purposes in excess of current  
20 requirements for its other purposes but subject to the tax rate  
21 limitation as herein provided.

22 All general taxes proposed by the board to be levied upon  
23 the taxable property within the district shall be levied by  
24 ordinance. A certified copy of such levy ordinance shall be  
25 filed with the county clerk of the county in which the same is  
26 to be collected not later than the last Tuesday in December in  
27 each year. The county clerk shall extend such tax; provided,  
28 the aggregate amount of taxes levied for any one year,  
29 exclusive of the amount levied for the payment of the principal  
30 and interest on bonded indebtedness of the district and taxes  
31 authorized by special referenda, shall not exceed, except as  
32 otherwise provided in this Section, the rate of .10%, or the  
33 rate limitation in effect on July 1, 1967, whichever is  
34 greater, of the value, as equalized or assessed by the

1 Department of Revenue.

2 Notwithstanding any other provision of this Section, a park  
3 district board of a park district lying wholly within one  
4 county is authorized to increase property taxes under this  
5 Section for corporate purposes for any one year so long as the  
6 increase is offset by a like property tax levy reduction in one  
7 or more of the park district's funds. At the time that such  
8 park district files its levy with the county clerk, it shall  
9 also certify to the county clerk that the park district has  
10 complied with and is authorized to act under this Section 5-1  
11 of the Park District Code. In no instance shall the increase  
12 either exceed or result in a reduction to the extension  
13 limitation to which any park district is subject under Section  
14 18-195 of the Property Tax Code.

15 Any funds on hand at the end of the fiscal year that are  
16 not pledged for or allocated to a particular purpose may, by  
17 action of the board of commissioners, be transferred to a  
18 capital improvement fund and accumulated therein, but the total  
19 amount accumulated in the fund may not exceed 1.5% of the  
20 aggregate assessed valuation of all taxable property in the  
21 park district.

22 The foregoing limitations upon tax rates may be decreased  
23 under the referendum provisions of the General Revenue Law of  
24 the State of Illinois.

25 (Source: P.A. 93-434, eff. 8-5-03; 93-625, eff. 12-19-03;  
26 revised 1-13-04.)

27 Section 285. The Metropolitan Water Reclamation District  
28 Act is amended by setting forth, changing, and renumbering  
29 multiple versions of Section 288 as follows:

30 (70 ILCS 2605/288)

31 Sec. 288. District enlarged. On March 7, 2002 ~~Upon the~~  
32 ~~effective date of this amendatory Act of the 92nd General~~  
33 ~~Assembly,~~ the corporate limits of the Metropolitan Water  
34 Reclamation District Act are extended to include within those

1 limits the following described tracts of land, and those tracts  
2 are annexed to the District.

3 (1) Parcel 1 (Canter Parcel)

4 THAT PART OF SECTION 21 TOWNSHIP 41 NORTH, RANGE 9, EAST OF  
5 THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:  
6 COMMENCING AT NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE  
7 NORTHWEST 1/4 OF SAID SECTION 21; THENCE SOUTH 00 DEGREES  
8 12 MINUTES 00 SECONDS WEST (DEED BEING SOUTH), ALONG THE  
9 WEST LINE OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4, A  
10 DISTANCE OF 574.20 FEET; THENCE SOUTH 69 DEGREES 48 MINUTES  
11 00 SECONDS EAST, A DISTANCE OF 181.20 FEET; THENCE SOUTH 28  
12 DEGREES 49 MINUTES 00 SECONDS EAST, A DISTANCE OF 720.45  
13 FEET; THENCE SOUTH 38 DEGREES 25 MINUTES 33 SECONDS WEST, A  
14 DISTANCE OF 222.79 FEET (DEED BEING SOUTH 33 DEGREES 37  
15 MINUTES 00 SECONDS WEST, 238.50 FEET) TO AN IRON STAKE;  
16 THENCE SOUTH 60 DEGREES 26 MINUTES 25 SECONDS EAST (DEED  
17 BEING SOUTH 59 DEGREES 41 MINUTES 00 SECONDS EAST), ALONG A  
18 LINE THAT WOULD INTERSECT THE EAST LINE OF SAID NORTHWEST  
19 1/4 OF SECTION 21 AT A POINT THAT IS 669.25 FEET NORTHERLY  
20 OF (AS MEASURED ALONG SAID EAST LINE) THE CENTER OF SAID  
21 SECTION 21, A DISTANCE OF 24.03 FEET FOR THE POINT OF  
22 BEGINNING; THENCE CONTINUING SOUTH 60 DEGREES 26 MINUTES 25  
23 SECONDS EAST, ALONG SAID LINE, A DISTANCE OF 629.56 FEET TO  
24 THE INTERSECTION WITH THE NORTHEASTERLY EXTENSION OF A LINE  
25 PREVIOUSLY SURVEYED AND MONUMENTED; THENCE SOUTH 38  
26 DEGREES 40 MINUTES 02 SECONDS WEST, ALONG SAID LINE, A  
27 DISTANCE OF 1100.29 FEET (DEED BEING SOUTH 39 DEGREES 55  
28 MINUTES 00 SECONDS WEST, 1098.70 FEET) TO THE CENTER LINE  
29 OF THE CHICAGO-ELGIN ROAD, (NOW KNOWN AS IRVING PARK  
30 BOULEVARD AND STATE ROUTE NO. 19) AS SHOWN ON THE PLAT OF  
31 DEDICATION RECORDED JUNE 9, 1933 AS DOCUMENT NO. 11245764  
32 AND AS SHOWN ON A PLAT OF SURVEY DATED SEPTEMBER 22, 1932  
33 APPROVED BY THE SUPERINTENDENT OF HIGHWAYS OF COOK COUNTY,  
34 ILLINOIS ON DECEMBER 17, 1933; THENCE SOUTH 51 DEGREES 24  
35 MINUTES 19 SECONDS EAST, ALONG SAID CENTER LINE, A DISTANCE



1 OF 597.60 FEET (DEED BEING SOUTHEASTERLY ALONG CENTER LINE,  
2 620.50 FEET) TO A POINT OF CURVE IN SAID CENTER LINE,  
3 ACCORDING TO THE PLAT OF DEDICATION RECORDED FEBRUARY 16,  
4 1933 AS DOCUMENT NO. 11200330 AND AFORESAID PLAT OF SURVEY;  
5 THENCE SOUTHEASTERLY, ALONG THE SAID CENTER LINE, BEING  
6 ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 4645.69 FEET  
7 AND BEING TANGENT TO THE LAST DESCRIBED COURSE AT THE LAST  
8 DESCRIBED POINT, A DISTANCE OF 341.66 FEET (DEED BEING  
9 ALONG SAID CURVE, 338.30 FEET) TO THE INTERSECTION WITH A  
10 PREVIOUSLY SURVEYED AND MONUMENTED LINE; THENCE SOUTH 42  
11 DEGREES 46 MINUTES 09 SECONDS WEST, ALONG SAID LINE, A  
12 DISTANCE OF 65.95 FEET (DEED BEING SOUTH 44 DEGREES 41  
13 MINUTES 00 SECONDS WEST, 65 FEET) TO THE CENTER LINE OF THE  
14 OLD CHICAGO-ELGIN ROAD, ACCORDING TO THE AFORESAID PLAT OF  
15 SURVEY; THENCE NORTH 56 DEGREES 45 MINUTES 03 SECONDS WEST,  
16 ALONG THE CENTER LINE OF THE SAID OLD CHICAGO-ELGIN ROAD, A  
17 DISTANCE OF 685.80 FEET (DEED BEING NORTH 54 DEGREES 52  
18 MINUTES 00 SECONDS WEST, 635.0 FEET) TO AN ANGLE IN SAID  
19 CENTER LINE; THENCE NORTH 44 DEGREES 23 MINUTES 58 SECONDS  
20 WEST, ALONG SAID CENTER LINE, A DISTANCE OF 878.23 FEET  
21 (DEED BEING NORTH 44 DEGREES 23 MINUTES 00 SECONDS WEST) TO  
22 A LINE THAT IS DRAWN SOUTH 38 DEGREES 35 MINUTES 41 SECONDS  
23 WEST FROM THE POINT OF BEGINNING AND BEING PERPENDICULAR TO  
24 THE NORTHERLY RIGHT OF WAY LINE OF THE CHICAGO-ELGIN ROAD,  
25 AS DESCRIBED ON THE AFORESAID PLAT OF DEDICATION PER  
26 DOCUMENT NO. 11245764 AND SHOWN ON THE AFORESAID PLAT OF  
27 SURVEY; THENCE NORTH 38 DEGREES 35 MINUTES 41 SECONDS EAST,  
28 ALONG SAID PERPENDICULAR LINE, A DISTANCE OF 1011.41 FEET  
29 TO THE POINT OF BEGINNING, (EXCEPTING THEREFROM SUCH  
30 PORTIONS THEREOF AS MAY HAVE BEEN HERETOFORE CONVEYED OR  
31 DEDICATED FOR HIGHWAY PURPOSES) IN COOK COUNTY, ILLINOIS.  
32 P.I.N.: 06-21-101-024-0000

33 (2) Parcel 2 (T Bar J Ranch Parcel)

34 PARCEL 1:

35 THAT PART OF SECTION 21, TOWNSHIP 41 NORTH; RANGE 9 EAST OF

1 THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

2 COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF  
3 THE NORTHWEST 1/4 OF SAID SECTION 21; THENCE SOUTH ALONG  
4 THE WEST LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF  
5 SAID SECTION, 574.20 FEET; THENCE SOUTH 69 DEGREES 48  
6 MINUTES EAST, 181.20 FEET; THENCE SOUTH 28 DEGREES 49  
7 MINUTES EAST, 720.45 FEET; THENCE SOUTH 33 DEGREES 37  
8 MINUTES WEST, 238.50 FEET; THENCE SOUTH 75 DEGREES 29  
9 MINUTES WEST, ALONG A FENCE LINE 510.8 FEET; THENCE SOUTH  
10 29 DEGREES 48 MINUTES WEST, ALONG A FENCE LINE, 275.05 FEET  
11 TO THE POINT OF BEGINNING; THENCE NORTH 67 DEGREES 40  
12 MINUTES WEST, 277.64 FEET; THENCE SOUTH 19 DEGREES 47  
13 MINUTES WEST, ALONG A FENCE LINE, 175.5 FEET TO THE  
14 NORTHERLY RIGHT OF WAY LINE OF A PUBLIC HIGHWAY KNOWN AS  
15 IRVING PARK BOULEVARD; THENCE SOUTH 50 DEGREES 21 MINUTES  
16 EAST ALONG SAID NORTHERLY RIGHT OF WAY LINE OF PUBLIC  
17 HIGHWAY, A DISTANCE OF 248.3 FEET TO A POINT THAT IS SOUTH  
18 29 DEGREES 48 MINUTES WEST, 251.15 FEET FROM THE POINT OF  
19 BEGINNING; THENCE NORTH 29 DEGREES 48 MINUTES, EAST ALONG A  
20 FENCE LINE 251.15 FEET TO A POINT OF BEGINNING, IN COOK  
21 COUNTY, ILLINOIS.

22 P.I.N.: 06-21-101-018-0000

23 PARCEL 2:

24 THAT PART OF SECTION 21, TOWNSHIP 41 NORTH, RANGE 9 EAST OF  
25 THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:  
26 COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF  
27 THE NORTHWEST 1/4 OF SECTION 21 AFORESAID; THENCE SOUTH  
28 ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST  
29 1/4 OF SAID SECTION, 574.2 FEET; THENCE SOUTH 69 DEGREES 48  
30 MINUTES EAST, 181.2 FEET; THENCE SOUTH 28 DEGREES 49  
31 MINUTES EAST, 720.45 FEET; THENCE SOUTH 33 DEGREES 37  
32 MINUTES WEST, 238.5 FEET; THENCE SOUTH 75 DEGREES 29  
33 MINUTES WEST, 203.4 FEET TO THE POINT OF BEGINNING; THENCE  
34 CONTINUING SOUTH 75 DEGREES 29 MINUTES WEST, 307.4 FEET;  
35 THENCE SOUTH 29 DEGREES 48 MINUTES WEST, 275.05 FEET;  
36 THENCE NORTH 67 DEGREES 40 MINUTES WEST, 277.64 FEET;

1           THENCE SOUTH 19 DEGREES 47 MINUTES WEST ALONG A FENCE LINE,  
2           175.5 FEET TO NORTHERLY RIGHT OF WAY LINE OF PUBLIC HIGHWAY  
3           KNOWN AS IRVING PARK BOULEVARD; THENCE NORTH 50 DEGREES 21  
4           MINUTES WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE OF  
5           HIGHWAY 566.2 FEET; THENCE NORTH 17 DEGREES 17 MINUTES EAST  
6           ALONG A FENCE LINE 193.07 FEET; THENCE NORTH 84 DEGREES 47  
7           MINUTES EAST 988.44 FEET TO A FENCE LINE; THENCE SOUTH 31  
8           DEGREES 51 MINUTES EAST ALONG SAID FENCE LINE, A DISTANCE  
9           OF 282.19 FEET TO THE POINT OF BEGINNING IN HANOVER  
10          TOWNSHIP IN COOK COUNTY, ILLINOIS.

11          P.I.N.: 06-21-101-022-0000

12          (3) Parcel 3 (Gibas parcel)

13          A PARCEL OF LAND IN SECTION 21, TOWNSHIP 41 NORTH, RANGE 9  
14          EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY,  
15          ILLINOIS, DESCRIBED AS FOLLOWS:

16          COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF  
17          THE NORTHWEST 1/4 OF SAID SECTION 21, THENCE SOUTH ALONG  
18          THE WEST LINE OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4,  
19          574.20 FEET; THENCE SOUTH 69 DEGREES 48 MINUTES EAST,  
20          181.20 FEET FOR A POINT OF BEGINNING, THENCE SOUTH 28  
21          DEGREES 49 MINUTES EAST, 720.45 FEET; THENCE SOUTH 33  
22          DEGREES 37 MINUTES WEST, 238.5 FEET; THENCE SOUTH 75  
23          DEGREES 29 MINUTES WEST, 203.4 FEET TO A FENCE CORNER;  
24          THENCE NORTH 31 DEGREES 51 MINUTES WEST ALONG A FENCE LINE,  
25          512.8 FEET; THENCE NORTH 3 DEGREES 29 MINUTES WEST ALONG  
26          SAID FENCE LINE 263.6 FEET TO A POINT ON THE SOUTHERLY  
27          RIGHT OF WAY LINE OF NEW SCHAUMBURG ROAD THAT IS 311.0 FEET  
28          MORE OR LESS SOUTHWESTERLY OF THE POINT OF BEGINNING;  
29          THENCE NORTHEASTERLY ALONG THE SAID SOUTHERLY RIGHT OF WAY  
30          LINE OF ROAD 311.0 FEET MORE OR LESS TO THE POINT OF  
31          BEGINNING, (EXCEPTING SUCH PORTIONS THEREOF AS MAY FALL  
32          WITHIN LOTS 10 OR 26 OF COUNTY CLERK'S DIVISION OF SECTION  
33          21 ACCORDING TO THE PLAT THEREOF RECORDED, MAY 31, 1895 IN  
34          BOOK 65 OF PLATS PAGE 35) IN COOK COUNTY, ILLINOIS.

35          P.I.N.: 06-21-101-015-0000

1 (4) Parcel 4 (Blake parcel)

2 THAT PART OF SECTIONS 20 AND 21 IN TOWNSHIP 41 NORTH, RANGE  
3 9 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS  
4 FOLLOWS:

5 COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER  
6 OF THE NORTHWEST QUARTER OF SECTION 21 AFORESAID; THENCE  
7 SOUTH ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE  
8 NORTHWEST QUARTER OF SAID SECTION, 574.2 FEET; THENCE SOUTH  
9 69 DEGREES 48 MINUTES EAST, 181.2 FEET; THENCE SOUTH 28  
10 DEGREES 49 MINUTES EAST, 720.45 FEET; THENCE SOUTH 33  
11 DEGREES 37 MINUTES WEST, 238.5 FEET; THENCE SOUTH 75  
12 DEGREES 29 MINUTES WEST, 203.4 FEET; THENCE NORTH 31  
13 DEGREES 51 MINUTES WEST ALONG A FENCE LINE, 282.19 FEET TO  
14 A POINT OF BEGINNING; THENCE SOUTH 84 DEGREES 47 MINUTES  
15 WEST, 988.44 FEET TO A POINT ON A FENCE LINE THAT LIES  
16 NORTH 17 DEGREES 17 MINUTES EAST, 193.07 FEET FROM A POINT  
17 ON THE NORTHERLY RIGHT OF WAY LINE OF IRVING PARK  
18 BOULEVARD; THENCE NORTH 17 DEGREES 17 MINUTES EAST ALONG  
19 SAID FENCE LINE, 276.03 FEET TO THE SOUTHERLY RIGHT OF WAY  
20 LINE OF SCHAUMBURG ROAD (AS NOW DEDICATED); THENCE EASTERLY  
21 AND NORTHEASTERLY ALONG SAID SOUTHERLY RIGHT OF WAY LINE ON  
22 A CURVE TO LEFT HAVING A RADIUS OF 1425.4 FEET A DISTANCE  
23 OF 829.0 FEET; THENCE SOUTH 3 DEGREES 29 MINUTES EAST ALONG  
24 A FENCE LINE 263.6 FEET; THENCE SOUTH 31 DEGREES 51 MINUTES  
25 EAST ALONG A FENCE LINE A DISTANCE OF 230.61 FEET TO THE  
26 POINT OF BEGINNING, IN HANOVER TOWNSHIP, COOK COUNTY,  
27 ILLINOIS.

28 P.I.N. ~~P.I.N.~~: 06-21-101-021-0000.

29 (Source: P.A. 92-532, eff. 3-7-02; revised 1-27-03.)

30 (70 ILCS 2605/289)

31 Sec. 289 ~~288~~. District enlarged. On August 22, 2002 ~~Upon~~  
32 ~~the effective date of this amendatory Act of the 92nd General~~  
33 ~~Assembly,~~ the corporate limits of the Metropolitan Water  
34 Reclamation District are extended to include within those

1 limits the following described tract of land, and that tract is  
2 annexed to the District.

3 LEGAL DESCRIPTION

4 5.425 ACRES

5 THAT PART OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP  
6 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN,  
7 DESCRIBED AS FOLLOWS:

8 COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER  
9 OF SAID SECTION 25; THENCE NORTH 00°00'00" EAST ALONG THE  
10 EAST LINE OF SAID NORTHWEST QUARTER OF SECTION 25, A  
11 DISTANCE OF 1314.40 FEET TO THE NORTH LINE OF THE SOUTH  
12 HALF OF SAID NORTHWEST QUARTER OF SECTION 25; THENCE SOUTH  
13 89°15'17" WEST ALONG THE NORTH LINE OF SAID SOUTH HALF OF  
14 THE NORTHWEST QUARTER OF SECTION 25, A DISTANCE OF 170.00  
15 FEET; THENCE SOUTH 44°22'03" WEST, 410.93 FEET TO THE POINT  
16 OF BEGINNING; THENCE SOUTH 89°15'17" WEST PARALLEL WITH THE  
17 NORTH LINE OF SAID SOUTH HALF OF THE NORTHWEST QUARTER OF  
18 SECTION 25, A DISTANCE OF 420.04 FEET TO A LINE 1755.25  
19 FEET EAST OF, MEASURED AT RIGHT ANGLES, AND PARALLEL WITH  
20 THE WEST LINE OF SAID NORTHWEST QUARTER OF SECTION 25;  
21 THENCE NORTH 00°02'28" WEST ALONG SAID PARALLEL LINE,  
22 105.23 FEET; THENCE SOUTH 89°15'17" WEST PARALLEL WITH THE  
23 NORTH LINE OF SAID SOUTH HALF OF THE NORTHWEST QUARTER OF  
24 SECTION 25, A DISTANCE OF 300.13 FEET; THENCE SOUTH  
25 00°02'28" EAST, 150.68 FEET; THENCE NORTH 89°57'32" EAST  
26 120.37 FEET; THENCE SOUTH 00°02'28" EAST PARALLEL WITH THE  
27 WEST LINE OF SAID NORTHWEST QUARTER OF SECTION 25, A  
28 DISTANCE OF 353.10 FEET; THENCE NORTH 89°15'17" EAST  
29 PARALLEL WITH THE NORTH LINE OF SAID SOUTH HALF OF THE  
30 NORTHWEST QUARTER OF SECTION 25, A DISTANCE OF 479.77 FEET;  
31 THENCE NORTH 00°02'28" WEST, 278.99 FEET; THENCE NORTH  
32 44°22'03" EAST, 171.50 FEET TO THE PLACE OF BEGINNING, IN  
33 COOK COUNTY, ILLINOIS.

34 (Source: P.A. 92-843, eff. 8-22-02; revised 2-18-03.)

35 Section 290. The Local Mass Transit District Act is amended

1 by changing Section 2 as follows:

2 (70 ILCS 3610/2) (from Ch. 111 2/3, par. 352)

3 Sec. 2. For the purposes of this Act:

4 (a) "Mass transit facility" means any local public  
5 transportation facility, whether buses, trolley-buses, or  
6 railway systems, utilized by a substantial number of persons  
7 for their daily transportation, and includes not only the local  
8 public transportation facility itself but ancillary and  
9 supporting facilities such as, for example, motor vehicle  
10 parking facilities, as well.

11 (b) "Participating municipality and county" means the  
12 municipality or municipalities, county or counties creating  
13 the local Mass Transit District pursuant to Section 3 of this  
14 Act.

15 (c) "Municipality" means a city, village, township, or  
16 incorporated town.

17 (d) "Corporate authorities" means (1) the city council or  
18 similar body of a city, (2) the board of trustees or similar  
19 body of a village or incorporated town, (3) the council of a  
20 municipality under the commission form of municipal  
21 government, and (4) the board of trustees in a township.

22 (e) "County board" means the governing board of a county.

23 (f) "District" means a local Mass Transit District created  
24 pursuant to Section 3 of this Act.

25 (g) "Board" means the Board of Trustees of a local Mass  
26 Transit District created pursuant to Section 3 of this Act.

27 (h) "Interstate transportation authority" shall mean any  
28 political subdivision created by compact between this State and  
29 another state, which is a body corporate and politic and a  
30 political subdivision of both contracting states, and which  
31 operates a public mass transportation system.

32 (i) "Metro East Mass Transit District" means one or more  
33 local mass transit districts created pursuant to this Act,  
34 composed only of Madison, St. Clair or Monroe Counties, or any  
35 combination thereof or any territory annexed to such district.

1 (j) "Public mass transportation system" shall mean a  
2 transportation system or systems owned and operated by an  
3 interstate transportation authority, a municipality, District,  
4 or other public or private authority, employing motor busses,  
5 rails or any other means of conveyance, by whatsoever type or  
6 power, operated for public use in the conveyance of persons,  
7 mainly providing local transportation service within an  
8 interstate transportation district, municipality, or county.

9 (Source: P.A. 93-590, eff. 1-1-04; revised 10-9-03.)

10 Section 295. The School Code is amended by changing  
11 Sections 2-3.64, 10-17a, 10-20.21a, 18-8.05, 19-1, 21-1b,  
12 21-12, 27-8.1, 27-23.5, and 34-8.1 and by setting forth and  
13 renumbering multiple versions of Sections 2-3.131, 2-3.134,  
14 10-20.35, 10-20.37, 34-18.23, 34-18.26, and 34-18.30 as  
15 follows:

16 (105 ILCS 5/2-3.64) (from Ch. 122, par. 2-3.64)

17 Sec. 2-3.64. State goals and assessment.

18 (a) Beginning in the 1998-1999 school year, the State Board  
19 of Education shall establish standards and periodically, in  
20 collaboration with local school districts, conduct studies of  
21 student performance in the learning areas of fine arts and  
22 physical development/health.

23 Beginning with the 1998-1999 school year until the  
24 2004-2005 school year, the State Board of Education shall  
25 annually test: (i) all pupils enrolled in the 3rd, 5th, and 8th  
26 grades in English language arts (reading, writing, and English  
27 grammar) and mathematics; and (ii) all pupils enrolled in the  
28 4th and 7th grades in the biological and physical sciences and  
29 the social sciences (history, geography, civics, economics,  
30 and government). Unless the testing required to be implemented  
31 no later than the 2005-2006 school year under this subsection  
32 (a) is implemented for the 2004-2005 school year, for the  
33 2004-2005 school year, the State Board of Education shall test:  
34 (i) all pupils enrolled in the 3rd, 5th, and 8th grades in

1 English language arts (reading and English grammar) and  
2 mathematics and (ii) all pupils enrolled in the 4th and 7th  
3 grades in the biological and physical sciences. The maximum  
4 time allowed for all actual testing required under this  
5 paragraph shall not exceed 25 hours, as allocated among the  
6 required tests by the State Board of Education, across all  
7 grades tested.

8 Beginning no later than the 2005-2006 school year, the  
9 State Board of Education shall annually test: (i) all pupils  
10 enrolled in the 3rd, 4th, 5th, 6th, 7th, and 8th grades in  
11 reading and mathematics and (ii) all pupils enrolled in the 4th  
12 and 7th grades in the biological and physical sciences. After  
13 the addition of grades and change in subjects as delineated in  
14 this paragraph and including whatever other tests that may be  
15 approved from time to time no later than the 2005-2006 school  
16 year, the maximum time allowed for all State testing in grades  
17 3 through 8 shall not exceed 38 hours across those grades.

18 Beginning with the 2004-2005 school year, the State Board  
19 of Education shall not test pupils under this subsection (a) in  
20 writing, physical development and health, fine arts, and the  
21 social sciences (history, geography, civics, economics, and  
22 government).

23 The State Board of Education shall establish the academic  
24 standards that are to be applicable to pupils who are subject  
25 to State tests under this Section beginning with the 1998-1999  
26 school year. However, the State Board of Education shall not  
27 establish any such standards in final form without first  
28 providing opportunities for public participation and local  
29 input in the development of the final academic standards. Those  
30 opportunities shall include a well-publicized period of public  
31 comment, public hearings throughout the State, and  
32 opportunities to file written comments. Beginning with the  
33 1998-99 school year and thereafter, the State tests will  
34 identify pupils in the 3rd grade or 5th grade who do not meet  
35 the State standards.

36 If, by performance on the State tests or local assessments



1 or by teacher judgment, a student's performance is determined  
2 to be 2 or more grades below current placement, the student  
3 shall be provided a remediation program developed by the  
4 district in consultation with a parent or guardian. Such  
5 remediation programs may include, but shall not be limited to,  
6 increased or concentrated instructional time, a remedial  
7 summer school program of not less than 90 hours, improved  
8 instructional approaches, tutorial sessions, retention in  
9 grade, and modifications to instructional materials. Each  
10 pupil for whom a remediation program is developed under this  
11 subsection shall be required to enroll in and attend whatever  
12 program the district determines is appropriate for the pupil.  
13 Districts may combine students in remediation programs where  
14 appropriate and may cooperate with other districts in the  
15 design and delivery of those programs. The parent or guardian  
16 of a student required to attend a remediation program under  
17 this Section shall be given written notice of that requirement  
18 by the school district a reasonable time prior to commencement  
19 of the remediation program that the student is to attend. The  
20 State shall be responsible for providing school districts with  
21 the new and additional funding, under Section 2-3.51.5 or by  
22 other or additional means, that is required to enable the  
23 districts to operate remediation programs for the pupils who  
24 are required to enroll in and attend those programs under this  
25 Section. Every individualized educational program as described  
26 in Article 14 shall identify if the State test or components  
27 thereof are appropriate for that student. The State Board of  
28 Education shall develop rules and regulations governing the  
29 administration of alternative tests prescribed within each  
30 student's individualized educational program which are  
31 appropriate to the disability of each student.

32 All pupils who are in a State approved transitional  
33 bilingual education program or transitional program of  
34 instruction shall participate in the State tests. Any student  
35 who has been enrolled in a State approved bilingual education  
36 program less than 3 cumulative academic years may take an

1 accommodated State test, to be known as the Illinois Measure of  
2 Annual Growth in English (IMAGE), if the student's lack of  
3 English as determined by an English language proficiency test  
4 would keep the student from understanding the regular State  
5 test. If the school district determines, on a case-by-case  
6 individual basis, that IMAGE would likely yield more accurate  
7 and reliable information on what the student knows and can do,  
8 the school district may make a determination to assess the  
9 student using IMAGE for a period that does not exceed 2  
10 additional consecutive years, provided that the student has not  
11 yet reached a level of English language proficiency sufficient  
12 to yield valid and reliable information on what the student  
13 knows and can do on the regular State test.

14 Reasonable accommodations as prescribed by the State Board  
15 of Education shall be provided for individual students in the  
16 testing procedure. All test procedures prescribed by the State  
17 Board of Education shall require: (i) that each test used for  
18 State and local student testing under this Section identify by  
19 name the pupil taking the test; (ii) that the name of the pupil  
20 taking the test be placed on the test at the time the test is  
21 taken; (iii) that the results or scores of each test taken  
22 under this Section by a pupil of the school district be  
23 reported to that district and identify by name the pupil who  
24 received the reported results or scores; and (iv) that the  
25 results or scores of each test taken under this Section be made  
26 available to the parents of the pupil. In addition, in each  
27 school year the highest scores attained by a student on the  
28 Prairie State Achievement Examination administered under  
29 subsection (c) of this Section and any Prairie State  
30 Achievement Awards received by the student shall become part of  
31 the student's permanent record and shall be entered on the  
32 student's transcript pursuant to regulations that the State  
33 Board of Education shall promulgate for that purpose in  
34 accordance with Section 3 and subsection (e) of Section 2 of  
35 the Illinois School Student Records Act. Beginning with the  
36 1998-1999 school year and in every school year thereafter,

1 scores received by students on the State assessment tests  
2 administered in grades 3 through 8 shall be placed into  
3 students' temporary records.

4 The State Board of Education shall establish a period of  
5 time, to be referred to as the State test window, in each  
6 school year for which State testing shall occur to meet the  
7 objectives of this Section. However, if the schools of a  
8 district are closed and classes are not scheduled during any  
9 week that is established by the State Board of Education as the  
10 State test window, the school district may (at the discretion  
11 of the State Board of Education) move its State test window one  
12 week earlier or one week later than the established State test  
13 window, so long as the school district gives the State Board of  
14 Education written notice of its intention to deviate from the  
15 established schedule by December 1 of the school year in which  
16 falls the State test window established by the State Board of  
17 Education for the testing.

18 (a-5) All tests administered pursuant to this Section shall  
19 be academically based. For the purposes of this Section  
20 "academically based tests" shall mean tests consisting of  
21 questions and answers that are measurable and quantifiable to  
22 measure the knowledge, skill, and ability of students in the  
23 subject matters covered by tests. The scoring of academically  
24 based tests shall be reliable, valid, unbiased and shall meet  
25 the guidelines for test development and use prescribed by the  
26 American Psychological Association, the National Council of  
27 Measurement and Evaluation, and the American Educational  
28 Research Association. Academically based tests shall not  
29 include assessments or evaluations of attitudes, values, or  
30 beliefs, or testing of personality, self-esteem, or  
31 self-concept. Nothing in this amendatory Act is intended, nor  
32 shall it be construed, to nullify, supersede, or contradict the  
33 legislative intent on academic testing expressed during the  
34 passage of HB 1005/P.A. 90-296. Nothing in this Section is  
35 intended, nor shall it be construed, to nullify, supersede, or  
36 contradict the legislative intent on academic testing

1 expressed in the preamble of this amendatory Act of the 93rd  
2 General Assembly.

3 The State Board of Education shall monitor the use of short  
4 answer questions in the math and reading assessments or in  
5 other assessments in order to demonstrate that the use of short  
6 answer questions results in a statistically significant  
7 improvement in student achievement as measured on the State  
8 assessments for math and reading or on other State assessments  
9 and is justifiable in terms of cost and student performance.

10 (b) It shall be the policy of the State to encourage school  
11 districts to continuously test pupil proficiency in the  
12 fundamental learning areas in order to: (i) provide timely  
13 information on individual students' performance relative to  
14 State standards that is adequate to guide instructional  
15 strategies; (ii) improve future instruction; and (iii)  
16 complement the information provided by the State testing system  
17 described in this Section. Each district's school improvement  
18 plan must address specific activities the district intends to  
19 implement to assist pupils who by teacher judgment and test  
20 results as prescribed in subsection (a) of this Section  
21 demonstrate that they are not meeting State standards or local  
22 objectives. Such activities may include, but shall not be  
23 limited to, summer school, extended school day, special  
24 homework, tutorial sessions, modified instructional materials,  
25 other modifications in the instructional program, reduced  
26 class size or retention in grade. To assist school districts in  
27 testing pupil proficiency in reading in the primary grades, the  
28 State Board shall make optional reading inventories for  
29 diagnostic purposes available to each school district that  
30 requests such assistance. Districts that administer the  
31 reading inventories may develop remediation programs for  
32 students who perform in the bottom half of the student  
33 population. Those remediation programs may be funded by moneys  
34 provided under the School Safety and Educational Improvement  
35 Block Grant Program established under Section 2-3.51.5.  
36 Nothing in this Section shall prevent school districts from

1 implementing testing and remediation policies for grades not  
2 required under this Section.

3 (c) Beginning with the 2000-2001 school year, each school  
4 district that operates a high school program for students in  
5 grades 9 through 12 shall annually administer the Prairie State  
6 Achievement Examination established under this subsection to  
7 its students as set forth below. The Prairie State Achievement  
8 Examination shall be developed by the State Board of Education  
9 to measure student performance in the academic areas of  
10 reading, writing, mathematics, science, and social sciences.  
11 Beginning with the 2004-2005 school year, however, the State  
12 Board of Education shall not test a student in writing and the  
13 social sciences (history, geography, civics, economics, and  
14 government) as part of the Prairie State Achievement  
15 Examination unless the student is retaking the Prairie State  
16 Achievement Examination in the fall of 2004. The State Board of  
17 Education shall establish the academic standards that are to  
18 apply in measuring student performance on the Prairie State  
19 Achievement Examination including the minimum examination  
20 score in each area that will qualify a student to receive a  
21 Prairie State Achievement Award from the State in recognition  
22 of the student's excellent performance. Each school district  
23 that is subject to the requirements of this subsection (c)  
24 shall afford all students 2 opportunities to take the Prairie  
25 State Achievement Examination beginning as late as practical  
26 during the second semester of grade 11, but in no event before  
27 March 1. The State Board of Education shall annually notify  
28 districts of the weeks during which these test administrations  
29 shall be required to occur. Every individualized educational  
30 program as described in Article 14 shall identify if the  
31 Prairie State Achievement Examination or components thereof  
32 are appropriate for that student. Each student, exclusive of a  
33 student whose individualized educational program developed  
34 under Article 14 identifies the Prairie State Achievement  
35 Examination as inappropriate for the student, shall be required  
36 to take the examination in grade 11. For each academic area the

1 State Board of Education shall establish the score that  
2 qualifies for the Prairie State Achievement Award on that  
3 portion of the examination. Any student who fails to earn a  
4 qualifying score for a Prairie State Achievement Award in any  
5 one or more of the academic areas on the initial test  
6 administration or who wishes to improve his or her score on any  
7 portion of the examination shall be permitted to retake such  
8 portion or portions of the examination during grade 12.  
9 Districts shall inform their students of the timelines and  
10 procedures applicable to their participation in every yearly  
11 administration of the Prairie State Achievement Examination.  
12 Students receiving special education services whose  
13 individualized educational programs identify the Prairie State  
14 Achievement Examination as inappropriate for them nevertheless  
15 shall have the option of taking the examination, which shall be  
16 administered to those students in accordance with standards  
17 adopted by the State Board of Education to accommodate the  
18 respective disabilities of those students. A student who  
19 successfully completes all other applicable high school  
20 graduation requirements but fails to receive a score on the  
21 Prairie State Achievement Examination that qualifies the  
22 student for receipt of a Prairie State Achievement Award shall  
23 nevertheless qualify for the receipt of a regular high school  
24 diploma. In no case, however, shall a student receive a regular  
25 high school diploma without taking the Prairie State  
26 Achievement Examination, unless the student is exempted from  
27 taking the Prairie State Achievement Examination under this  
28 subsection (c) because the student's individualized  
29 educational program developed under Article 14 of this Code  
30 identifies the Prairie State Achievement Examination as  
31 inappropriate for the student, (ii) the student is exempt due  
32 to the student's lack of English language proficiency under  
33 subsection (a) of this Section, or (iii) the student is  
34 enrolled in a program of Adult and Continuing Education as  
35 defined in the Adult Education Act.

36 (d) Beginning with the 2002-2003 school year, all schools

1 in this State that are part of the sample drawn by the National  
2 Center for Education Statistics, in collaboration with their  
3 school districts and the State Board of Education, shall  
4 administer the biennial State academic assessments of 4th and  
5 8th grade reading and mathematics under the National Assessment  
6 of Educational Progress carried out under Section m11(b) (2) of  
7 the National Education Statistics Act of 1994 (20 U.S.C. 9010)  
8 if the Secretary of Education pays the costs of administering  
9 the assessments.

10 (e) Beginning no later than the 2005-2006 school year,  
11 subject to available federal funds to this State for the  
12 purpose of student assessment, the State Board of Education  
13 shall provide additional tests and assessment resources that  
14 may be used by school districts for local diagnostic purposes.  
15 These tests and resources shall include without limitation  
16 additional high school writing, physical development and  
17 health, and fine arts assessments. The State Board of Education  
18 shall annually distribute a listing of these additional tests  
19 and resources, using funds available from appropriations made  
20 for student assessment purposes.

21 (f) For the assessment and accountability purposes of this  
22 Section, "all pupils" includes those pupils enrolled in a  
23 public or State-operated elementary school, secondary school,  
24 or cooperative or joint agreement with a governing body or  
25 board of control, a charter school operating in compliance with  
26 the Charter Schools Law, a school operated by a regional office  
27 of education under Section 13A-3 of this Code, or a public  
28 school administered by a local public agency or the Department  
29 of Human Services.

30 (Source: P.A. 92-604, eff. 7-1-02; 93-426, eff. 8-5-03; 93-838,  
31 eff. 7-30-04; 93-857, eff. 8-3-04; revised 10-25-04.)

32 (105 ILCS 5/2-3.131)

33 Sec. 2-3.131. Transitional assistance payments.

34 (a) If the amount that the State Board of Education will  
35 pay to a school district from fiscal year 2004 appropriations,

1 as estimated by the State Board of Education on April 1, 2004,  
2 is less than the amount that the State Board of Education paid  
3 to the school district from fiscal year 2003 appropriations,  
4 then, subject to appropriation, the State Board of Education  
5 shall make a fiscal year 2004 transitional assistance payment  
6 to the school district in an amount equal to the difference  
7 between the estimated amount to be paid from fiscal year 2004  
8 appropriations and the amount paid from fiscal year 2003  
9 appropriations.

10 (b) If the amount that the State Board of Education will  
11 pay to a school district from fiscal year 2005 appropriations,  
12 as estimated by the State Board of Education on April 1, 2005,  
13 is less than the amount that the State Board of Education paid  
14 to the school district from fiscal year 2004 appropriations,  
15 then the State Board of Education shall make a fiscal year 2005  
16 transitional assistance payment to the school district in an  
17 amount equal to the difference between the estimated amount to  
18 be paid from fiscal year 2005 appropriations and the amount  
19 paid from fiscal year 2004 appropriations.

20 (Source: P.A. 93-21, eff. 7-1-03; 93-838, eff. 7-30-04.)

21 (105 ILCS 5/2-3.132)

22 Sec. 2-3.132 ~~2-3.131~~. Sharing information on school lunch  
23 applicants. The State Board of Education shall, whenever  
24 requested by the Department of Public Aid, agree in writing  
25 with the Department of Public Aid (as the State agency that  
26 administers the State Medical Assistance Program as provided in  
27 Title XIX of the federal Social Security Act and the State  
28 Children's Health Insurance Program as provided in Title XXI of  
29 the federal Social Security Act) to share with the Department  
30 of Public Aid information on applicants for free or  
31 reduced-price lunches. This sharing of information shall be for  
32 the sole purpose of helping the Department of Public Aid  
33 identify and enroll children in the State Medical Assistance  
34 Program or the State Children's Health Insurance Program or  
35 both as allowed under 42 U.S.C. Sec. 1758(b)(2)(C)(iii)(IV) and



1 under the restrictions set forth in 42 U.S.C. Sec.  
2 1758(b)(2)(C)(vi) and (vii). The State Board of Education may  
3 not adopt any rule that would prohibit a child from receiving  
4 any form of subsidy or benefit due to his or her parent or  
5 guardian withholding consent under Section 22-35 of this Code.  
6 (Source: P.A. 93-404, eff. 8-1-03; revised 9-24-03.)

7 (105 ILCS 5/2-3.133)

8 Sec. 2-3.133 ~~2-3.131~~. Homework assistance information for  
9 parents. The State Board of Education shall provide information  
10 on its Internet web site regarding strategies that parents can  
11 use to assist their children in successfully completing  
12 homework assignments. The State Board of Education shall notify  
13 all school districts about this information's availability on  
14 the State Board of Education's Internet web site.  
15 (Source: P.A. 93-471, eff. 1-1-04; revised 9-24-03.)

16 (105 ILCS 5/2-3.134)

17 Sec. 2-3.134. ~~2-3.131~~. Persistently dangerous schools. The  
18 State Board of Education shall maintain data and publish a list  
19 of persistently dangerous schools on an annual basis.  
20 (Source: P.A. 93-633, eff. 12-23-03; revised 1-12-04.)

21 (105 ILCS 5/2-3.136)

22 Sec. 2-3.136 ~~2-3.134~~. K-3 class size reduction grant  
23 program. A class size reduction grant program is created. The  
24 program shall be implemented and administered by the State  
25 Board of Education. From appropriations made for purposes of  
26 this Section, the State Board shall award grants to schools  
27 that meet the criteria established by this Section for the  
28 award of those grants.

29 Grants shall be awarded pursuant to application. The form  
30 and manner of applications and the criteria for the award of  
31 grants shall be prescribed by the State Board of Education. The  
32 grant criteria as so prescribed, however, shall provide that  
33 only those schools that are on the State Board of Education

1 Early Academic Warning List or the academic watch list under  
2 Section 2-3.25d that maintain grades kindergarten through 3 are  
3 grant eligible.

4 Grants awarded to eligible schools under this Section shall  
5 be used and applied by the schools to defray the costs and  
6 expenses of operating and maintaining classes in grades  
7 kindergarten through 3 with an average class size within a  
8 specific grade of no more than 20 pupils. If a school's  
9 facilities are inadequate to allow for this specified class  
10 size, then a school may use the grant funds for teacher aides  
11 instead.

12 The State Board of Education shall adopt any rules,  
13 consistent with the requirements of this Section, that are  
14 necessary to implement and administer the K-3 class size  
15 reduction grant program.

16 (Source: P.A. 93-814, eff. 7-27-04; revised 11-10-04.)

17 (105 ILCS 5/10-17a) (from Ch. 122, par. 10-17a)

18 Sec. 10-17a. Better schools accountability.

19 (1) Policy and Purpose. It shall be the policy of the State  
20 of Illinois that each school district in this State, including  
21 special charter districts and districts subject to the  
22 provisions of Article 34, shall submit to parents, taxpayers of  
23 such district, the Governor, the General Assembly, and the  
24 State Board of Education a school report card assessing the  
25 performance of its schools and students. The report card shall  
26 be an index of school performance measured against statewide  
27 and local standards and will provide information to make prior  
28 year comparisons and to set future year targets through the  
29 school improvement plan.

30 (2) Reporting Requirements. Each school district shall  
31 prepare a report card in accordance with the guidelines set  
32 forth in this Section which describes the performance of its  
33 students by school attendance centers and by district and the  
34 district's financial resources and use of financial resources.  
35 Such report card shall be presented at a regular school board

1 meeting subject to applicable notice requirements, posted on  
2 the school district's Internet web site, if the district  
3 maintains an Internet web site, made available to a newspaper  
4 of general circulation serving the district, and, upon request,  
5 sent home to a parent (unless the district does not maintain an  
6 Internet web site, in which case the report card shall be sent  
7 home to parents without request). If the district posts the  
8 report card on its Internet web site, the district shall send a  
9 written notice home to parents stating (i) that the report card  
10 is available on the web site, (ii) the address of the web site,  
11 (iii) that a printed copy of the report card will be sent to  
12 parents upon request, and (iv) the telephone number that  
13 parents may call to request a printed copy of the report card.  
14 In addition, each school district shall submit the completed  
15 report card to the office of the district's Regional  
16 Superintendent which shall make copies available to any  
17 individuals requesting them.

18 The report card shall be completed and disseminated prior  
19 to October 31 in each school year. The report card shall  
20 contain, but not be limited to, actual local school attendance  
21 center, school district and statewide data indicating the  
22 present performance of the school, the State norms and the  
23 areas for planned improvement for the school and school  
24 district.

25 (3) (a) The report card shall include the following  
26 applicable indicators of attendance center, district, and  
27 statewide student performance: percent of students who exceed,  
28 meet, or do not meet standards established by the State Board  
29 of Education pursuant to Section 2-3.25a; composite and subtest  
30 means on nationally normed achievement tests for college bound  
31 students; student attendance rates; chronic truancy rate;  
32 dropout rate; graduation rate; and student mobility, turnover  
33 shown as a percent of transfers out and a percent of transfers  
34 in.

35 (b) The report card shall include the following  
36 descriptions for the school, district, and State: average class

1 size; amount of time per day devoted to mathematics, science,  
2 English and social science at primary, middle and junior high  
3 school grade levels; number of students taking the Prairie  
4 State Achievement Examination under subsection (c) of Section  
5 2-3.64, the number of those students who received a score of  
6 excellent, and the average score by school of students taking  
7 the examination; pupil-teacher ratio; pupil-administrator  
8 ratio; operating expenditure per pupil; district expenditure  
9 by fund; average administrator salary; and average teacher  
10 salary. The report card shall also specify the amount of money  
11 that the district receives from all sources, including without  
12 limitation subcategories specifying the amount from local  
13 property taxes, the amount from general State aid, the amount  
14 from other State funding, and the amount from other income.

15 (c) The report card shall include applicable indicators of  
16 parental involvement in each attendance center. The parental  
17 involvement component of the report card shall include the  
18 percentage of students whose parents or guardians have had one  
19 or more personal contacts with the students' teachers during  
20 the school year concerning the students' education, and such  
21 other information, commentary, and suggestions as the school  
22 district desires. For the purposes of this paragraph, "personal  
23 contact" includes, but is not limited to, parent-teacher  
24 conferences, parental visits to school, school visits to home,  
25 telephone conversations, and written correspondence. The  
26 parental involvement component shall not single out or identify  
27 individual students, parents, or guardians by name.

28 (d) The report card form shall be prepared by the State  
29 Board of Education and provided to school districts by the most  
30 efficient, economic, and appropriate means.

31 (Source: P.A. 92-604, eff. 7-1-02; 92-631, eff. 7-11-02;  
32 revised 7-26-02.)

33 (105 ILCS 5/10-20.21a)

34 Sec. 10-20.21a. Contracts for charter bus services. To  
35 award contracts for providing charter bus services for the sole

1 purpose of transporting students regularly enrolled in grade 12  
2 or below to or from interscholastic athletic or interscholastic  
3 or school sponsored activities.

4 All contracts for providing charter bus services for the  
5 sole purpose of transporting students regularly enrolled in  
6 grade 12 or below to or from interscholastic athletic or  
7 interscholastic or school sponsored activities must contain  
8 clause (A) as set forth below, except that a contract with an  
9 out-of-state company may contain clause (B), as set forth  
10 below, or clause (A). The clause must be set forth in the body  
11 of the contract in typeface of at least 12 points and all upper  
12 case letters:

13 (A) "ALL OF THE CHARTER BUS DRIVERS WHO WILL BE PROVIDING  
14 SERVICES UNDER THIS CONTRACT HAVE, OR WILL HAVE BEFORE ANY  
15 SERVICES ARE PROVIDED:

16 (1) SUBMITTED THEIR FINGERPRINTS TO THE DEPARTMENT OF  
17 STATE POLICE IN THE FORM AND MANNER PRESCRIBED BY THE  
18 DEPARTMENT OF STATE POLICE. THESE FINGERPRINTS SHALL BE  
19 CHECKED AGAINST THE FINGERPRINT RECORDS NOW AND HEREAFTER  
20 FILED IN THE DEPARTMENT OF STATE POLICE AND FEDERAL BUREAU  
21 OF INVESTIGATION CRIMINAL HISTORY RECORDS DATABASES. THE  
22 FINGERPRINT CHECK HAS RESULTED ~~A STATE POLICE AGENCY AND~~  
23 ~~THE FEDERAL BUREAU OF INVESTIGATION FOR A CRIMINAL~~  
24 ~~BACKGROUND CHECK, RESULTING~~ IN A DETERMINATION THAT THEY  
25 HAVE NOT BEEN CONVICTED OF COMMITTING ANY OF THE OFFENSES  
26 SET FORTH IN SUBDIVISION (C-1) (4) OF SECTION 6-508 OF THE  
27 ILLINOIS VEHICLE CODE; AND

28 (2) DEMONSTRATED PHYSICAL FITNESS TO OPERATE SCHOOL  
29 BUSES BY SUBMITTING THE RESULTS OF A MEDICAL EXAMINATION,  
30 INCLUDING TESTS FOR DRUG USE, TO A STATE REGULATORY  
31 AGENCY."

32 (B) "NOT ALL OF THE CHARTER BUS DRIVERS WHO WILL BE  
33 PROVIDING SERVICES UNDER THIS CONTRACT HAVE, OR WILL HAVE  
34 BEFORE ANY SERVICES ARE PROVIDED:

35 (1) SUBMITTED THEIR FINGERPRINTS TO THE DEPARTMENT OF  
36 STATE POLICE IN THE FORM AND MANNER PRESCRIBED BY THE

1 DEPARTMENT OF STATE POLICE. THESE FINGERPRINTS SHALL BE  
2 CHECKED AGAINST THE FINGERPRINT RECORDS NOW AND HEREAFTER  
3 FILED IN THE DEPARTMENT OF STATE POLICE AND FEDERAL BUREAU  
4 OF INVESTIGATION CRIMINAL HISTORY RECORDS DATABASES. THE  
5 FINGERPRINT CHECK HAS RESULTED ~~A STATE POLICE AGENCY AND~~  
6 ~~THE FEDERAL BUREAU OF INVESTIGATION FOR A CRIMINAL~~  
7 ~~BACKGROUND CHECK, RESULTING~~ IN A DETERMINATION THAT THEY  
8 HAVE NOT BEEN CONVICTED OF COMMITTING ANY OF THE OFFENSES  
9 SET FORTH IN SUBDIVISION (C-1) (4) OF SECTION 6-508 OF THE  
10 ILLINOIS VEHICLE CODE; AND

11 (2) DEMONSTRATED PHYSICAL FITNESS TO OPERATE SCHOOL  
12 BUSES BY SUBMITTING THE RESULTS OF A MEDICAL EXAMINATION,  
13 INCLUDING TESTS FOR DRUG USE, TO A STATE REGULATORY  
14 AGENCY."

15 (Source: P.A. 93-476, eff. 1-1-04; 93-644, eff. 6-1-04; revised  
16 12-6-04.)

17 (105 ILCS 5/10-20.35)

18 Sec. 10-20.35. Medical information form for bus drivers and  
19 emergency medical technicians. School districts are encouraged  
20 to create and use an emergency medical information form for bus  
21 drivers and emergency medical technicians for those students  
22 with special needs or medical conditions. The form may include  
23 without limitation information to be provided by the student's  
24 parent or legal guardian concerning the student's relevant  
25 medical conditions, medications that the student is taking, the  
26 student's communication skills, and how a bus driver or an  
27 emergency medical technician is to respond to certain behaviors  
28 of the student. If the form is used, the school district is  
29 encouraged to notify parents and legal guardians of the  
30 availability of the form. The parent or legal guardian of the  
31 student may fill out the form and submit it to the school that  
32 the student is attending. The school district is encouraged to  
33 keep one copy of the form on file at the school and another  
34 copy on the student's school bus in a secure location.

35 (Source: P.A. 92-580, eff. 7-1-02.)

1 (105 ILCS 5/10-20.36)

2 Sec. 10-20.36 ~~10-20.35~~. Psychotropic or psychostimulant  
3 medication; disciplinary action.

4 (a) In this Section:

5 "Psychostimulant medication" means medication that  
6 produces increased levels of mental and physical energy and  
7 alertness and an elevated mood by stimulating the central  
8 nervous system.

9 "Psychotropic medication" means psychotropic medication as  
10 defined in Section 1-121.1 of the Mental Health and  
11 Developmental Disabilities Code.

12 (b) Each school board must adopt and implement a policy  
13 that prohibits any disciplinary action that is based totally or  
14 in part on the refusal of a student's parent or guardian to  
15 administer or consent to the administration of psychotropic or  
16 psychostimulant medication to the student.

17 The policy must require that, at least once every 2 years,  
18 the in-service training of certified school personnel and  
19 administrators include training on current best practices  
20 regarding the identification and treatment of attention  
21 deficit disorder and attention deficit hyperactivity disorder,  
22 the application of non-aversive behavioral interventions in  
23 the school environment, and the use of psychotropic or  
24 psychostimulant medication for school-age children.

25 (c) This Section does not prohibit school medical staff, an  
26 individualized educational program team, or a professional  
27 worker (as defined in Section 14-1.10 of this Code) from  
28 recommending that a student be evaluated by an appropriate  
29 medical practitioner or prohibit school personnel from  
30 consulting with the practitioner with the consent of the  
31 student's parents or guardian.

32 (Source: P.A. 92-663, eff. 1-1-03; revised 9-3-02.)

33 (105 ILCS 5/10-20.37)

34 Sec. 10-20.37. Summer kindergarten. A school board may

1 establish, maintain, and operate, in connection with the  
2 kindergarten program of the school district, a summer  
3 kindergarten program that begins 2 months before the beginning  
4 of the regular school year and a summer kindergarten program  
5 for grade one readiness for those pupils making unsatisfactory  
6 progress during the regular kindergarten session that will  
7 continue for 2 months after the regular school year. The summer  
8 kindergarten program may be held within the school district or,  
9 pursuant to a contract that must be approved by the State Board  
10 of Education, may be operated by 2 or more adjacent school  
11 districts or by a public or private university or college.  
12 Transportation for students attending the summer kindergarten  
13 program shall be the responsibility of the school district. The  
14 expense of establishing, maintaining, and operating the summer  
15 kindergarten program may be paid from funds contributed or  
16 otherwise made available to the school district for that  
17 purpose by federal or State appropriation.

18 (Source: P.A. 93-472, eff. 8-8-03.)

19 (105 ILCS 5/10-20.38)

20 Sec. 10-20.38 ~~10-20.37~~. Provision of student information  
21 prohibited. A school district may not provide a student's name,  
22 address, telephone number, social security number, e-mail  
23 address, or other personal identifying information to a  
24 business organization or financial institution that issues  
25 credit or debit cards.

26 (Source: P.A. 93-549, eff. 8-19-03; revised 9-28-03.)

27 (105 ILCS 5/18-8.05)

28 Sec. 18-8.05. Basis for apportionment of general State  
29 financial aid and supplemental general State aid to the common  
30 schools for the 1998-1999 and subsequent school years.

31 (A) General Provisions.

32 (1) The provisions of this Section apply to the 1998-1999  
33 and subsequent school years. The system of general State



1 financial aid provided for in this Section is designed to  
2 assure that, through a combination of State financial aid and  
3 required local resources, the financial support provided each  
4 pupil in Average Daily Attendance equals or exceeds a  
5 prescribed per pupil Foundation Level. This formula approach  
6 imputes a level of per pupil Available Local Resources and  
7 provides for the basis to calculate a per pupil level of  
8 general State financial aid that, when added to Available Local  
9 Resources, equals or exceeds the Foundation Level. The amount  
10 of per pupil general State financial aid for school districts,  
11 in general, varies in inverse relation to Available Local  
12 Resources. Per pupil amounts are based upon each school  
13 district's Average Daily Attendance as that term is defined in  
14 this Section.

15 (2) In addition to general State financial aid, school  
16 districts with specified levels or concentrations of pupils  
17 from low income households are eligible to receive supplemental  
18 general State financial aid grants as provided pursuant to  
19 subsection (H). The supplemental State aid grants provided for  
20 school districts under subsection (H) shall be appropriated for  
21 distribution to school districts as part of the same line item  
22 in which the general State financial aid of school districts is  
23 appropriated under this Section.

24 (3) To receive financial assistance under this Section,  
25 school districts are required to file claims with the State  
26 Board of Education, subject to the following requirements:

27 (a) Any school district which fails for any given  
28 school year to maintain school as required by law, or to  
29 maintain a recognized school is not eligible to file for  
30 such school year any claim upon the Common School Fund. In  
31 case of nonrecognition of one or more attendance centers in  
32 a school district otherwise operating recognized schools,  
33 the claim of the district shall be reduced in the  
34 proportion which the Average Daily Attendance in the  
35 attendance center or centers bear to the Average Daily  
36 Attendance in the school district. A "recognized school"

1 means any public school which meets the standards as  
2 established for recognition by the State Board of  
3 Education. A school district or attendance center not  
4 having recognition status at the end of a school term is  
5 entitled to receive State aid payments due upon a legal  
6 claim which was filed while it was recognized.

7 (b) School district claims filed under this Section are  
8 subject to Sections 18-9, 18-10, and 18-12, except as  
9 otherwise provided in this Section.

10 (c) If a school district operates a full year school  
11 under Section 10-19.1, the general State aid to the school  
12 district shall be determined by the State Board of  
13 Education in accordance with this Section as near as may be  
14 applicable.

15 (d) (Blank).

16 (4) Except as provided in subsections (H) and (L), the  
17 board of any district receiving any of the grants provided for  
18 in this Section may apply those funds to any fund so received  
19 for which that board is authorized to make expenditures by law.

20 School districts are not required to exert a minimum  
21 Operating Tax Rate in order to qualify for assistance under  
22 this Section.

23 (5) As used in this Section the following terms, when  
24 capitalized, shall have the meaning ascribed herein:

25 (a) "Average Daily Attendance": A count of pupil  
26 attendance in school, averaged as provided for in  
27 subsection (C) and utilized in deriving per pupil financial  
28 support levels.

29 (b) "Available Local Resources": A computation of  
30 local financial support, calculated on the basis of Average  
31 Daily Attendance and derived as provided pursuant to  
32 subsection (D).

33 (c) "Corporate Personal Property Replacement Taxes":  
34 Funds paid to local school districts pursuant to "An Act in  
35 relation to the abolition of ad valorem personal property  
36 tax and the replacement of revenues lost thereby, and

1 amending and repealing certain Acts and parts of Acts in  
2 connection therewith", certified August 14, 1979, as  
3 amended (Public Act 81-1st S.S.-1).

4 (d) "Foundation Level": A prescribed level of per pupil  
5 financial support as provided for in subsection (B).

6 (e) "Operating Tax Rate": All school district property  
7 taxes extended for all purposes, except Bond and Interest,  
8 Summer School, Rent, Capital Improvement, and Vocational  
9 Education Building purposes.

10 (B) Foundation Level.

11 (1) The Foundation Level is a figure established by the  
12 State representing the minimum level of per pupil financial  
13 support that should be available to provide for the basic  
14 education of each pupil in Average Daily Attendance. As set  
15 forth in this Section, each school district is assumed to exert  
16 a sufficient local taxing effort such that, in combination with  
17 the aggregate of general State financial aid provided the  
18 district, an aggregate of State and local resources are  
19 available to meet the basic education needs of pupils in the  
20 district.

21 (2) For the 1998-1999 school year, the Foundation Level of  
22 support is \$4,225. For the 1999-2000 school year, the  
23 Foundation Level of support is \$4,325. For the 2000-2001 school  
24 year, the Foundation Level of support is \$4,425. For the  
25 2001-2002 school year and 2002-2003 school year, the Foundation  
26 Level of support is \$4,560. For the 2003-2004 school year, the  
27 Foundation Level of support is \$4,810.

28 (3) For the 2004-2005 school year and each school year  
29 thereafter, the Foundation Level of support is \$4,964 ~~\$5,060~~ or  
30 such greater amount as may be established by law by the General  
31 Assembly.

32 (C) Average Daily Attendance.

33 (1) For purposes of calculating general State aid pursuant  
34 to subsection (E), an Average Daily Attendance figure shall be

1 utilized. The Average Daily Attendance figure for formula  
2 calculation purposes shall be the monthly average of the actual  
3 number of pupils in attendance of each school district, as  
4 further averaged for the best 3 months of pupil attendance for  
5 each school district. In compiling the figures for the number  
6 of pupils in attendance, school districts and the State Board  
7 of Education shall, for purposes of general State aid funding,  
8 conform attendance figures to the requirements of subsection  
9 (F).

10 (2) The Average Daily Attendance figures utilized in  
11 subsection (E) shall be the requisite attendance data for the  
12 school year immediately preceding the school year for which  
13 general State aid is being calculated or the average of the  
14 attendance data for the 3 preceding school years, whichever is  
15 greater. The Average Daily Attendance figures utilized in  
16 subsection (H) shall be the requisite attendance data for the  
17 school year immediately preceding the school year for which  
18 general State aid is being calculated.

19 (D) Available Local Resources.

20 (1) For purposes of calculating general State aid pursuant  
21 to subsection (E), a representation of Available Local  
22 Resources per pupil, as that term is defined and determined in  
23 this subsection, shall be utilized. Available Local Resources  
24 per pupil shall include a calculated dollar amount representing  
25 local school district revenues from local property taxes and  
26 from Corporate Personal Property Replacement Taxes, expressed  
27 on the basis of pupils in Average Daily Attendance. Calculation  
28 of Available Local Resources shall exclude any tax amnesty  
29 funds received as a result of Public Act 93-26.

30 (2) In determining a school district's revenue from local  
31 property taxes, the State Board of Education shall utilize the  
32 equalized assessed valuation of all taxable property of each  
33 school district as of September 30 of the previous year. The  
34 equalized assessed valuation utilized shall be obtained and  
35 determined as provided in subsection (G).

1           (3) For school districts maintaining grades kindergarten  
2 through 12, local property tax revenues per pupil shall be  
3 calculated as the product of the applicable equalized assessed  
4 valuation for the district multiplied by 3.00%, and divided by  
5 the district's Average Daily Attendance figure. For school  
6 districts maintaining grades kindergarten through 8, local  
7 property tax revenues per pupil shall be calculated as the  
8 product of the applicable equalized assessed valuation for the  
9 district multiplied by 2.30%, and divided by the district's  
10 Average Daily Attendance figure. For school districts  
11 maintaining grades 9 through 12, local property tax revenues  
12 per pupil shall be the applicable equalized assessed valuation  
13 of the district multiplied by 1.05%, and divided by the  
14 district's Average Daily Attendance figure.

15           (4) The Corporate Personal Property Replacement Taxes paid  
16 to each school district during the calendar year 2 years before  
17 the calendar year in which a school year begins, divided by the  
18 Average Daily Attendance figure for that district, shall be  
19 added to the local property tax revenues per pupil as derived  
20 by the application of the immediately preceding paragraph (3).  
21 The sum of these per pupil figures for each school district  
22 shall constitute Available Local Resources as that term is  
23 utilized in subsection (E) in the calculation of general State  
24 aid.

25           (E) Computation of General State Aid.

26           (1) For each school year, the amount of general State aid  
27 allotted to a school district shall be computed by the State  
28 Board of Education as provided in this subsection.

29           (2) For any school district for which Available Local  
30 Resources per pupil is less than the product of 0.93 times the  
31 Foundation Level, general State aid for that district shall be  
32 calculated as an amount equal to the Foundation Level minus  
33 Available Local Resources, multiplied by the Average Daily  
34 Attendance of the school district.

35           (3) For any school district for which Available Local

1 Resources per pupil is equal to or greater than the product of  
2 0.93 times the Foundation Level and less than the product of  
3 1.75 times the Foundation Level, the general State aid per  
4 pupil shall be a decimal proportion of the Foundation Level  
5 derived using a linear algorithm. Under this linear algorithm,  
6 the calculated general State aid per pupil shall decline in  
7 direct linear fashion from 0.07 times the Foundation Level for  
8 a school district with Available Local Resources equal to the  
9 product of 0.93 times the Foundation Level, to 0.05 times the  
10 Foundation Level for a school district with Available Local  
11 Resources equal to the product of 1.75 times the Foundation  
12 Level. The allocation of general State aid for school districts  
13 subject to this paragraph 3 shall be the calculated general  
14 State aid per pupil figure multiplied by the Average Daily  
15 Attendance of the school district.

16 (4) For any school district for which Available Local  
17 Resources per pupil equals or exceeds the product of 1.75 times  
18 the Foundation Level, the general State aid for the school  
19 district shall be calculated as the product of \$218 multiplied  
20 by the Average Daily Attendance of the school district.

21 (5) The amount of general State aid allocated to a school  
22 district for the 1999-2000 school year meeting the requirements  
23 set forth in paragraph (4) of subsection (G) shall be increased  
24 by an amount equal to the general State aid that would have  
25 been received by the district for the 1998-1999 school year by  
26 utilizing the Extension Limitation Equalized Assessed  
27 Valuation as calculated in paragraph (4) of subsection (G) less  
28 the general State aid allotted for the 1998-1999 school year.  
29 This amount shall be deemed a one time increase, and shall not  
30 affect any future general State aid allocations.

31 (F) Compilation of Average Daily Attendance.

32 (1) Each school district shall, by July 1 of each year,  
33 submit to the State Board of Education, on forms prescribed by  
34 the State Board of Education, attendance figures for the school  
35 year that began in the preceding calendar year. The attendance

1 information so transmitted shall identify the average daily  
2 attendance figures for each month of the school year. Beginning  
3 with the general State aid claim form for the 2002-2003 school  
4 year, districts shall calculate Average Daily Attendance as  
5 provided in subdivisions (a), (b), and (c) of this paragraph  
6 (1).

7 (a) In districts that do not hold year-round classes,  
8 days of attendance in August shall be added to the month of  
9 September and any days of attendance in June shall be added  
10 to the month of May.

11 (b) In districts in which all buildings hold year-round  
12 classes, days of attendance in July and August shall be  
13 added to the month of September and any days of attendance  
14 in June shall be added to the month of May.

15 (c) In districts in which some buildings, but not all,  
16 hold year-round classes, for the non-year-round buildings,  
17 days of attendance in August shall be added to the month of  
18 September and any days of attendance in June shall be added  
19 to the month of May. The average daily attendance for the  
20 year-round buildings shall be computed as provided in  
21 subdivision (b) of this paragraph (1). To calculate the  
22 Average Daily Attendance for the district, the average  
23 daily attendance for the year-round buildings shall be  
24 multiplied by the days in session for the non-year-round  
25 buildings for each month and added to the monthly  
26 attendance of the non-year-round buildings.

27 Except as otherwise provided in this Section, days of  
28 attendance by pupils shall be counted only for sessions of not  
29 less than 5 clock hours of school work per day under direct  
30 supervision of: (i) teachers, or (ii) non-teaching personnel or  
31 volunteer personnel when engaging in non-teaching duties and  
32 supervising in those instances specified in subsection (a) of  
33 Section 10-22.34 and paragraph 10 of Section 34-18, with pupils  
34 of legal school age and in kindergarten and grades 1 through  
35 12.

36 Days of attendance by tuition pupils shall be accredited

1 only to the districts that pay the tuition to a recognized  
2 school.

3 (2) Days of attendance by pupils of less than 5 clock hours  
4 of school shall be subject to the following provisions in the  
5 compilation of Average Daily Attendance.

6 (a) Pupils regularly enrolled in a public school for  
7 only a part of the school day may be counted on the basis  
8 of 1/6 day for every class hour of instruction of 40  
9 minutes or more attended pursuant to such enrollment,  
10 unless a pupil is enrolled in a block-schedule format of 80  
11 minutes or more of instruction, in which case the pupil may  
12 be counted on the basis of the proportion of minutes of  
13 school work completed each day to the minimum number of  
14 minutes that school work is required to be held that day.

15 (b) Days of attendance may be less than 5 clock hours  
16 on the opening and closing of the school term, and upon the  
17 first day of pupil attendance, if preceded by a day or days  
18 utilized as an institute or teachers' workshop.

19 (c) A session of 4 or more clock hours may be counted  
20 as a day of attendance upon certification by the regional  
21 superintendent, and approved by the State Superintendent  
22 of Education to the extent that the district has been  
23 forced to use daily multiple sessions.

24 (d) A session of 3 or more clock hours may be counted  
25 as a day of attendance (1) when the remainder of the school  
26 day or at least 2 hours in the evening of that day is  
27 utilized for an in-service training program for teachers,  
28 up to a maximum of 5 days per school year of which a  
29 maximum of 4 days of such 5 days may be used for  
30 parent-teacher conferences, provided a district conducts  
31 an in-service training program for teachers which has been  
32 approved by the State Superintendent of Education; or, in  
33 lieu of 4 such days, 2 full days may be used, in which  
34 event each such day may be counted as a day of attendance;  
35 and (2) when days in addition to those provided in item (1)  
36 are scheduled by a school pursuant to its school



1 improvement plan adopted under Article 34 or its revised or  
2 amended school improvement plan adopted under Article 2,  
3 provided that (i) such sessions of 3 or more clock hours  
4 are scheduled to occur at regular intervals, (ii) the  
5 remainder of the school days in which such sessions occur  
6 are utilized for in-service training programs or other  
7 staff development activities for teachers, and (iii) a  
8 sufficient number of minutes of school work under the  
9 direct supervision of teachers are added to the school days  
10 between such regularly scheduled sessions to accumulate  
11 not less than the number of minutes by which such sessions  
12 of 3 or more clock hours fall short of 5 clock hours. Any  
13 full days used for the purposes of this paragraph shall not  
14 be considered for computing average daily attendance. Days  
15 scheduled for in-service training programs, staff  
16 development activities, or parent-teacher conferences may  
17 be scheduled separately for different grade levels and  
18 different attendance centers of the district.

19 (e) A session of not less than one clock hour of  
20 teaching hospitalized or homebound pupils on-site or by  
21 telephone to the classroom may be counted as 1/2 day of  
22 attendance, however these pupils must receive 4 or more  
23 clock hours of instruction to be counted for a full day of  
24 attendance.

25 (f) A session of at least 4 clock hours may be counted  
26 as a day of attendance for first grade pupils, and pupils  
27 in full day kindergartens, and a session of 2 or more hours  
28 may be counted as 1/2 day of attendance by pupils in  
29 kindergartens which provide only 1/2 day of attendance.

30 (g) For children with disabilities who are below the  
31 age of 6 years and who cannot attend 2 or more clock hours  
32 because of their disability or immaturity, a session of not  
33 less than one clock hour may be counted as 1/2 day of  
34 attendance; however for such children whose educational  
35 needs so require a session of 4 or more clock hours may be  
36 counted as a full day of attendance.

1 (h) A recognized kindergarten which provides for only  
2 1/2 day of attendance by each pupil shall not have more  
3 than 1/2 day of attendance counted in any one day. However,  
4 kindergartens may count 2 1/2 days of attendance in any 5  
5 consecutive school days. When a pupil attends such a  
6 kindergarten for 2 half days on any one school day, the  
7 pupil shall have the following day as a day absent from  
8 school, unless the school district obtains permission in  
9 writing from the State Superintendent of Education.  
10 Attendance at kindergartens which provide for a full day of  
11 attendance by each pupil shall be counted the same as  
12 attendance by first grade pupils. Only the first year of  
13 attendance in one kindergarten shall be counted, except in  
14 case of children who entered the kindergarten in their  
15 fifth year whose educational development requires a second  
16 year of kindergarten as determined under the rules and  
17 regulations of the State Board of Education.

18 (G) Equalized Assessed Valuation Data.

19 (1) For purposes of the calculation of Available Local  
20 Resources required pursuant to subsection (D), the State Board  
21 of Education shall secure from the Department of Revenue the  
22 value as equalized or assessed by the Department of Revenue of  
23 all taxable property of every school district, together with  
24 (i) the applicable tax rate used in extending taxes for the  
25 funds of the district as of September 30 of the previous year  
26 and (ii) the limiting rate for all school districts subject to  
27 property tax extension limitations as imposed under the  
28 Property Tax Extension Limitation Law.

29 The Department of Revenue shall add to the equalized  
30 assessed value of all taxable property of each school district  
31 situated entirely or partially within a county that is or was  
32 subject to the alternative general homestead exemption  
33 provisions of Section 15-176 of the Property Tax Code (a) ~~(i)~~  
34 an amount equal to the total amount by which the homestead  
35 exemption allowed under Section 15-176 of the Property Tax Code

1 for real property situated in that school district exceeds the  
2 total amount that would have been allowed in that school  
3 district if the maximum reduction under Section 15-176 was (i)  
4 \$4,500 in Cook County or \$3,500 in all other counties in tax  
5 year 2003 or (ii) \$5,000 in all counties in tax year 2004 and  
6 thereafter and (b) ~~(ii)~~ an amount equal to the aggregate amount  
7 for the taxable year of all additional exemptions under Section  
8 15-175 of the Property Tax Code for owners with a household  
9 income of \$30,000 or less. The county clerk of any county that  
10 is or was subject to the alternative general homestead  
11 exemption provisions of Section 15-176 of the Property Tax Code  
12 shall annually calculate and certify to the Department of  
13 Revenue for each school district all homestead exemption  
14 amounts under Section 15-176 of the Property Tax Code and all  
15 amounts of additional exemptions under Section 15-175 of the  
16 Property Tax Code for owners with a household income of \$30,000  
17 or less. It is the intent of this paragraph that if the general  
18 homestead exemption for a parcel of property is determined  
19 under Section 15-176 of the Property Tax Code rather than  
20 Section 15-175, then the calculation of Available Local  
21 Resources shall not be affected by the difference, if any,  
22 between the amount of the general homestead exemption allowed  
23 for that parcel of property under Section 15-176 of the  
24 Property Tax Code and the amount that would have been allowed  
25 had the general homestead exemption for that parcel of property  
26 been determined under Section 15-175 of the Property Tax Code.  
27 It is further the intent of this paragraph that if additional  
28 exemptions are allowed under Section 15-175 of the Property Tax  
29 Code for owners with a household income of less than \$30,000,  
30 then the calculation of Available Local Resources shall not be  
31 affected by the difference, if any, because of those additional  
32 exemptions.

33 This equalized assessed valuation, as adjusted further by  
34 the requirements of this subsection, shall be utilized in the  
35 calculation of Available Local Resources.

36 (2) The equalized assessed valuation in paragraph (1) shall

1 be adjusted, as applicable, in the following manner:

2 (a) For the purposes of calculating State aid under  
3 this Section, with respect to any part of a school district  
4 within a redevelopment project area in respect to which a  
5 municipality has adopted tax increment allocation  
6 financing pursuant to the Tax Increment Allocation  
7 Redevelopment Act, Sections 11-74.4-1 through 11-74.4-11  
8 of the Illinois Municipal Code or the Industrial Jobs  
9 Recovery Law, Sections 11-74.6-1 through 11-74.6-50 of the  
10 Illinois Municipal Code, no part of the current equalized  
11 assessed valuation of real property located in any such  
12 project area which is attributable to an increase above the  
13 total initial equalized assessed valuation of such  
14 property shall be used as part of the equalized assessed  
15 valuation of the district, until such time as all  
16 redevelopment project costs have been paid, as provided in  
17 Section 11-74.4-8 of the Tax Increment Allocation  
18 Redevelopment Act or in Section 11-74.6-35 of the  
19 Industrial Jobs Recovery Law. For the purpose of the  
20 equalized assessed valuation of the district, the total  
21 initial equalized assessed valuation or the current  
22 equalized assessed valuation, whichever is lower, shall be  
23 used until such time as all redevelopment project costs  
24 have been paid.

25 (b) The real property equalized assessed valuation for  
26 a school district shall be adjusted by subtracting from the  
27 real property value as equalized or assessed by the  
28 Department of Revenue for the district an amount computed  
29 by dividing the amount of any abatement of taxes under  
30 Section 18-170 of the Property Tax Code by 3.00% for a  
31 district maintaining grades kindergarten through 12, by  
32 2.30% for a district maintaining grades kindergarten  
33 through 8, or by 1.05% for a district maintaining grades 9  
34 through 12 and adjusted by an amount computed by dividing  
35 the amount of any abatement of taxes under subsection (a)  
36 of Section 18-165 of the Property Tax Code by the same

1 percentage rates for district type as specified in this  
2 subparagraph (b).

3 (3) For the 1999-2000 school year and each school year  
4 thereafter, if a school district meets all of the criteria of  
5 this subsection (G) (3), the school district's Available Local  
6 Resources shall be calculated under subsection (D) using the  
7 district's Extension Limitation Equalized Assessed Valuation  
8 as calculated under this subsection (G) (3).

9 For purposes of this subsection (G) (3) the following terms  
10 shall have the following meanings:

11 "Budget Year": The school year for which general State  
12 aid is calculated and awarded under subsection (E).

13 "Base Tax Year": The property tax levy year used to  
14 calculate the Budget Year allocation of general State aid.

15 "Preceding Tax Year": The property tax levy year  
16 immediately preceding the Base Tax Year.

17 "Base Tax Year's Tax Extension": The product of the  
18 equalized assessed valuation utilized by the County Clerk  
19 in the Base Tax Year multiplied by the limiting rate as  
20 calculated by the County Clerk and defined in the Property  
21 Tax Extension Limitation Law.

22 "Preceding Tax Year's Tax Extension": The product of  
23 the equalized assessed valuation utilized by the County  
24 Clerk in the Preceding Tax Year multiplied by the Operating  
25 Tax Rate as defined in subsection (A).

26 "Extension Limitation Ratio": A numerical ratio,  
27 certified by the County Clerk, in which the numerator is  
28 the Base Tax Year's Tax Extension and the denominator is  
29 the Preceding Tax Year's Tax Extension.

30 "Operating Tax Rate": The operating tax rate as defined  
31 in subsection (A).

32 If a school district is subject to property tax extension  
33 limitations as imposed under the Property Tax Extension  
34 Limitation Law, the State Board of Education shall calculate  
35 the Extension Limitation Equalized Assessed Valuation of that  
36 district. For the 1999-2000 school year, the Extension

1 Limitation Equalized Assessed Valuation of a school district as  
2 calculated by the State Board of Education shall be equal to  
3 the product of the district's 1996 Equalized Assessed Valuation  
4 and the district's Extension Limitation Ratio. For the  
5 2000-2001 school year and each school year thereafter, the  
6 Extension Limitation Equalized Assessed Valuation of a school  
7 district as calculated by the State Board of Education shall be  
8 equal to the product of the Equalized Assessed Valuation last  
9 used in the calculation of general State aid and the district's  
10 Extension Limitation Ratio. If the Extension Limitation  
11 Equalized Assessed Valuation of a school district as calculated  
12 under this subsection (G)(3) is less than the district's  
13 equalized assessed valuation as calculated pursuant to  
14 subsections (G)(1) and (G)(2), then for purposes of calculating  
15 the district's general State aid for the Budget Year pursuant  
16 to subsection (E), that Extension Limitation Equalized  
17 Assessed Valuation shall be utilized to calculate the  
18 district's Available Local Resources under subsection (D).

19 (4) For the purposes of calculating general State aid for  
20 the 1999-2000 school year only, if a school district  
21 experienced a triennial reassessment on the equalized assessed  
22 valuation used in calculating its general State financial aid  
23 apportionment for the 1998-1999 school year, the State Board of  
24 Education shall calculate the Extension Limitation Equalized  
25 Assessed Valuation that would have been used to calculate the  
26 district's 1998-1999 general State aid. This amount shall equal  
27 the product of the equalized assessed valuation used to  
28 calculate general State aid for the 1997-1998 school year and  
29 the district's Extension Limitation Ratio. If the Extension  
30 Limitation Equalized Assessed Valuation of the school district  
31 as calculated under this paragraph (4) is less than the  
32 district's equalized assessed valuation utilized in  
33 calculating the district's 1998-1999 general State aid  
34 allocation, then for purposes of calculating the district's  
35 general State aid pursuant to paragraph (5) of subsection (E),  
36 that Extension Limitation Equalized Assessed Valuation shall

1 be utilized to calculate the district's Available Local  
2 Resources.

3 (5) For school districts having a majority of their  
4 equalized assessed valuation in any county except Cook, DuPage,  
5 Kane, Lake, McHenry, or Will, if the amount of general State  
6 aid allocated to the school district for the 1999-2000 school  
7 year under the provisions of subsection (E), (H), and (J) of  
8 this Section is less than the amount of general State aid  
9 allocated to the district for the 1998-1999 school year under  
10 these subsections, then the general State aid of the district  
11 for the 1999-2000 school year only shall be increased by the  
12 difference between these amounts. The total payments made under  
13 this paragraph (5) shall not exceed \$14,000,000. Claims shall  
14 be prorated if they exceed \$14,000,000.

15 (H) Supplemental General State Aid.

16 (1) In addition to the general State aid a school district  
17 is allotted pursuant to subsection (E), qualifying school  
18 districts shall receive a grant, paid in conjunction with a  
19 district's payments of general State aid, for supplemental  
20 general State aid based upon the concentration level of  
21 children from low-income households within the school  
22 district. Supplemental State aid grants provided for school  
23 districts under this subsection shall be appropriated for  
24 distribution to school districts as part of the same line item  
25 in which the general State financial aid of school districts is  
26 appropriated under this Section. If the appropriation in any  
27 fiscal year for general State aid and supplemental general  
28 State aid is insufficient to pay the amounts required under the  
29 general State aid and supplemental general State aid  
30 calculations, then the State Board of Education shall ensure  
31 that each school district receives the full amount due for  
32 general State aid and the remainder of the appropriation shall  
33 be used for supplemental general State aid, which the State  
34 Board of Education shall calculate and pay to eligible  
35 districts on a prorated basis.

1           (1.5) This paragraph (1.5) applies only to those school  
2 years preceding the 2003-2004 school year. For purposes of this  
3 subsection (H), the term "Low-Income Concentration Level"  
4 shall be the low-income eligible pupil count from the most  
5 recently available federal census divided by the Average Daily  
6 Attendance of the school district. If, however, (i) the  
7 percentage decrease from the 2 most recent federal censuses in  
8 the low-income eligible pupil count of a high school district  
9 with fewer than 400 students exceeds by 75% or more the  
10 percentage change in the total low-income eligible pupil count  
11 of contiguous elementary school districts, whose boundaries  
12 are coterminous with the high school district, or (ii) a high  
13 school district within 2 counties and serving 5 elementary  
14 school districts, whose boundaries are coterminous with the  
15 high school district, has a percentage decrease from the 2 most  
16 recent federal censuses in the low-income eligible pupil count  
17 and there is a percentage increase in the total low-income  
18 eligible pupil count of a majority of the elementary school  
19 districts in excess of 50% from the 2 most recent federal  
20 censuses, then the high school district's low-income eligible  
21 pupil count from the earlier federal census shall be the number  
22 used as the low-income eligible pupil count for the high school  
23 district, for purposes of this subsection (H). The changes made  
24 to this paragraph (1) by Public Act 92-28 shall apply to  
25 supplemental general State aid grants for school years  
26 preceding the 2003-2004 school year that are paid in fiscal  
27 year 1999 or thereafter and to any State aid payments made in  
28 fiscal year 1994 through fiscal year 1998 pursuant to  
29 subsection 1(n) of Section 18-8 of this Code (which was  
30 repealed on July 1, 1998), and any high school district that is  
31 affected by Public Act 92-28 is entitled to a recomputation of  
32 its supplemental general State aid grant or State aid paid in  
33 any of those fiscal years. This recomputation shall not be  
34 affected by any other funding.

35           (1.10) This paragraph (1.10) applies to the 2003-2004  
36 school year and each school year thereafter. For purposes of



1 this subsection (H), the term "Low-Income Concentration Level"  
2 shall, for each fiscal year, be the low-income eligible pupil  
3 count as of July 1 of the immediately preceding fiscal year (as  
4 determined by the Department of Human Services based on the  
5 number of pupils who are eligible for at least one of the  
6 following low income programs: Medicaid, KidCare, TANF, or Food  
7 Stamps, excluding pupils who are eligible for services provided  
8 by the Department of Children and Family Services, averaged  
9 over the 2 immediately preceding fiscal years for fiscal year  
10 2004 and over the 3 immediately preceding fiscal years for each  
11 fiscal year thereafter) divided by the Average Daily Attendance  
12 of the school district.

13 (2) Supplemental general State aid pursuant to this  
14 subsection (H) shall be provided as follows for the 1998-1999,  
15 1999-2000, and 2000-2001 school years only:

16 (a) For any school district with a Low Income  
17 Concentration Level of at least 20% and less than 35%, the  
18 grant for any school year shall be \$800 multiplied by the  
19 low income eligible pupil count.

20 (b) For any school district with a Low Income  
21 Concentration Level of at least 35% and less than 50%, the  
22 grant for the 1998-1999 school year shall be \$1,100  
23 multiplied by the low income eligible pupil count.

24 (c) For any school district with a Low Income  
25 Concentration Level of at least 50% and less than 60%, the  
26 grant for the 1998-99 school year shall be \$1,500  
27 multiplied by the low income eligible pupil count.

28 (d) For any school district with a Low Income  
29 Concentration Level of 60% or more, the grant for the  
30 1998-99 school year shall be \$1,900 multiplied by the low  
31 income eligible pupil count.

32 (e) For the 1999-2000 school year, the per pupil amount  
33 specified in subparagraphs (b), (c), and (d) immediately  
34 above shall be increased to \$1,243, \$1,600, and \$2,000,  
35 respectively.

36 (f) For the 2000-2001 school year, the per pupil

1 amounts specified in subparagraphs (b), (c), and (d)  
2 immediately above shall be \$1,273, \$1,640, and \$2,050,  
3 respectively.

4 (2.5) Supplemental general State aid pursuant to this  
5 subsection (H) shall be provided as follows for the 2002-2003  
6 school year:

7 (a) For any school district with a Low Income  
8 Concentration Level of less than 10%, the grant for each  
9 school year shall be \$355 multiplied by the low income  
10 eligible pupil count.

11 (b) For any school district with a Low Income  
12 Concentration Level of at least 10% and less than 20%, the  
13 grant for each school year shall be \$675 multiplied by the  
14 low income eligible pupil count.

15 (c) For any school district with a Low Income  
16 Concentration Level of at least 20% and less than 35%, the  
17 grant for each school year shall be \$1,330 multiplied by  
18 the low income eligible pupil count.

19 (d) For any school district with a Low Income  
20 Concentration Level of at least 35% and less than 50%, the  
21 grant for each school year shall be \$1,362 multiplied by  
22 the low income eligible pupil count.

23 (e) For any school district with a Low Income  
24 Concentration Level of at least 50% and less than 60%, the  
25 grant for each school year shall be \$1,680 multiplied by  
26 the low income eligible pupil count.

27 (f) For any school district with a Low Income  
28 Concentration Level of 60% or more, the grant for each  
29 school year shall be \$2,080 multiplied by the low income  
30 eligible pupil count.

31 (2.10) Except as otherwise provided, supplemental general  
32 State aid pursuant to this subsection (H) shall be provided as  
33 follows for the 2003-2004 school year and each school year  
34 thereafter:

35 (a) For any school district with a Low Income  
36 Concentration Level of 15% or less, the grant for each

1 school year shall be \$355 multiplied by the low income  
2 eligible pupil count.

3 (b) For any school district with a Low Income  
4 Concentration Level greater than 15%, the grant for each  
5 school year shall be \$294.25 added to the product of \$2,700  
6 and the square of the Low Income Concentration Level, all  
7 multiplied by the low income eligible pupil count.

8 For the 2003-2004 and 2004-2005 school year only, the grant  
9 shall be no less than the grant for the 2002-2003 school year.  
10 For the 2005-2006 school year only, the grant shall be no less  
11 than the grant for the 2002-2003 school year multiplied by  
12 0.66. For the 2006-2007 school year only, the grant shall be no  
13 less than the grant for the 2002-2003 school year multiplied by  
14 0.33.

15 For the 2003-2004 school year only, the grant shall be no  
16 greater than the grant received during the 2002-2003 school  
17 year added to the product of 0.25 multiplied by the difference  
18 between the grant amount calculated under subsection (a) or (b)  
19 of this paragraph (2.10), whichever is applicable, and the  
20 grant received during the 2002-2003 school year. For the  
21 2004-2005 school year only, the grant shall be no greater than  
22 the grant received during the 2002-2003 school year added to  
23 the product of 0.50 multiplied by the difference between the  
24 grant amount calculated under subsection (a) or (b) of this  
25 paragraph (2.10), whichever is applicable, and the grant  
26 received during the 2002-2003 school year. For the 2005-2006  
27 school year only, the grant shall be no greater than the grant  
28 received during the 2002-2003 school year added to the product  
29 of 0.75 multiplied by the difference between the grant amount  
30 calculated under subsection (a) or (b) of this paragraph  
31 (2.10), whichever is applicable, and the grant received during  
32 the 2002-2003 school year.

33 (3) School districts with an Average Daily Attendance of  
34 more than 1,000 and less than 50,000 that qualify for  
35 supplemental general State aid pursuant to this subsection  
36 shall submit a plan to the State Board of Education prior to

1 October 30 of each year for the use of the funds resulting from  
2 this grant of supplemental general State aid for the  
3 improvement of instruction in which priority is given to  
4 meeting the education needs of disadvantaged children. Such  
5 plan shall be submitted in accordance with rules and  
6 regulations promulgated by the State Board of Education.

7 (4) School districts with an Average Daily Attendance of  
8 50,000 or more that qualify for supplemental general State aid  
9 pursuant to this subsection shall be required to distribute  
10 from funds available pursuant to this Section, no less than  
11 \$261,000,000 in accordance with the following requirements:

12 (a) The required amounts shall be distributed to the  
13 attendance centers within the district in proportion to the  
14 number of pupils enrolled at each attendance center who are  
15 eligible to receive free or reduced-price lunches or  
16 breakfasts under the federal Child Nutrition Act of 1966  
17 and under the National School Lunch Act during the  
18 immediately preceding school year.

19 (b) The distribution of these portions of supplemental  
20 and general State aid among attendance centers according to  
21 these requirements shall not be compensated for or  
22 contravened by adjustments of the total of other funds  
23 appropriated to any attendance centers, and the Board of  
24 Education shall utilize funding from one or several sources  
25 in order to fully implement this provision annually prior  
26 to the opening of school.

27 (c) Each attendance center shall be provided by the  
28 school district a distribution of noncategorical funds and  
29 other categorical funds to which an attendance center is  
30 entitled under law in order that the general State aid and  
31 supplemental general State aid provided by application of  
32 this subsection supplements rather than supplants the  
33 noncategorical funds and other categorical funds provided  
34 by the school district to the attendance centers.

35 (d) Any funds made available under this subsection that  
36 by reason of the provisions of this subsection are not

1 required to be allocated and provided to attendance centers  
2 may be used and appropriated by the board of the district  
3 for any lawful school purpose.

4 (e) Funds received by an attendance center pursuant to  
5 this subsection shall be used by the attendance center at  
6 the discretion of the principal and local school council  
7 for programs to improve educational opportunities at  
8 qualifying schools through the following programs and  
9 services: early childhood education, reduced class size or  
10 improved adult to student classroom ratio, enrichment  
11 programs, remedial assistance, attendance improvement, and  
12 other educationally beneficial expenditures which  
13 supplement the regular and basic programs as determined by  
14 the State Board of Education. Funds provided shall not be  
15 expended for any political or lobbying purposes as defined  
16 by board rule.

17 (f) Each district subject to the provisions of this  
18 subdivision (H)(4) shall submit an acceptable plan to meet  
19 the educational needs of disadvantaged children, in  
20 compliance with the requirements of this paragraph, to the  
21 State Board of Education prior to July 15 of each year.  
22 This plan shall be consistent with the decisions of local  
23 school councils concerning the school expenditure plans  
24 developed in accordance with part 4 of Section 34-2.3. The  
25 State Board shall approve or reject the plan within 60 days  
26 after its submission. If the plan is rejected, the district  
27 shall give written notice of intent to modify the plan  
28 within 15 days of the notification of rejection and then  
29 submit a modified plan within 30 days after the date of the  
30 written notice of intent to modify. Districts may amend  
31 approved plans pursuant to rules promulgated by the State  
32 Board of Education.

33 Upon notification by the State Board of Education that  
34 the district has not submitted a plan prior to July 15 or a  
35 modified plan within the time period specified herein, the  
36 State aid funds affected by that plan or modified plan

1 shall be withheld by the State Board of Education until a  
2 plan or modified plan is submitted.

3 If the district fails to distribute State aid to  
4 attendance centers in accordance with an approved plan, the  
5 plan for the following year shall allocate funds, in  
6 addition to the funds otherwise required by this  
7 subsection, to those attendance centers which were  
8 underfunded during the previous year in amounts equal to  
9 such underfunding.

10 For purposes of determining compliance with this  
11 subsection in relation to the requirements of attendance  
12 center funding, each district subject to the provisions of  
13 this subsection shall submit as a separate document by  
14 December 1 of each year a report of expenditure data for  
15 the prior year in addition to any modification of its  
16 current plan. If it is determined that there has been a  
17 failure to comply with the expenditure provisions of this  
18 subsection regarding contravention or supplanting, the  
19 State Superintendent of Education shall, within 60 days of  
20 receipt of the report, notify the district and any affected  
21 local school council. The district shall within 45 days of  
22 receipt of that notification inform the State  
23 Superintendent of Education of the remedial or corrective  
24 action to be taken, whether by amendment of the current  
25 plan, if feasible, or by adjustment in the plan for the  
26 following year. Failure to provide the expenditure report  
27 or the notification of remedial or corrective action in a  
28 timely manner shall result in a withholding of the affected  
29 funds.

30 The State Board of Education shall promulgate rules and  
31 regulations to implement the provisions of this  
32 subsection. No funds shall be released under this  
33 subdivision (H) (4) to any district that has not submitted a  
34 plan that has been approved by the State Board of  
35 Education.

1 (I) General State Aid for Newly Configured School Districts.

2 (1) For a new school district formed by combining property  
3 included totally within 2 or more previously existing school  
4 districts, for its first year of existence the general State  
5 aid and supplemental general State aid calculated under this  
6 Section shall be computed for the new district and for the  
7 previously existing districts for which property is totally  
8 included within the new district. If the computation on the  
9 basis of the previously existing districts is greater, a  
10 supplementary payment equal to the difference shall be made for  
11 the first 4 years of existence of the new district.

12 (2) For a school district which annexes all of the  
13 territory of one or more entire other school districts, for the  
14 first year during which the change of boundaries attributable  
15 to such annexation becomes effective for all purposes as  
16 determined under Section 7-9 or 7A-8, the general State aid and  
17 supplemental general State aid calculated under this Section  
18 shall be computed for the annexing district as constituted  
19 after the annexation and for the annexing and each annexed  
20 district as constituted prior to the annexation; and if the  
21 computation on the basis of the annexing and annexed districts  
22 as constituted prior to the annexation is greater, a  
23 supplementary payment equal to the difference shall be made for  
24 the first 4 years of existence of the annexing school district  
25 as constituted upon such annexation.

26 (3) For 2 or more school districts which annex all of the  
27 territory of one or more entire other school districts, and for  
28 2 or more community unit districts which result upon the  
29 division (pursuant to petition under Section 11A-2) of one or  
30 more other unit school districts into 2 or more parts and which  
31 together include all of the parts into which such other unit  
32 school district or districts are so divided, for the first year  
33 during which the change of boundaries attributable to such  
34 annexation or division becomes effective for all purposes as  
35 determined under Section 7-9 or 11A-10, as the case may be, the  
36 general State aid and supplemental general State aid calculated

1 under this Section shall be computed for each annexing or  
2 resulting district as constituted after the annexation or  
3 division and for each annexing and annexed district, or for  
4 each resulting and divided district, as constituted prior to  
5 the annexation or division; and if the aggregate of the general  
6 State aid and supplemental general State aid as so computed for  
7 the annexing or resulting districts as constituted after the  
8 annexation or division is less than the aggregate of the  
9 general State aid and supplemental general State aid as so  
10 computed for the annexing and annexed districts, or for the  
11 resulting and divided districts, as constituted prior to the  
12 annexation or division, then a supplementary payment equal to  
13 the difference shall be made and allocated between or among the  
14 annexing or resulting districts, as constituted upon such  
15 annexation or division, for the first 4 years of their  
16 existence. The total difference payment shall be allocated  
17 between or among the annexing or resulting districts in the  
18 same ratio as the pupil enrollment from that portion of the  
19 annexed or divided district or districts which is annexed to or  
20 included in each such annexing or resulting district bears to  
21 the total pupil enrollment from the entire annexed or divided  
22 district or districts, as such pupil enrollment is determined  
23 for the school year last ending prior to the date when the  
24 change of boundaries attributable to the annexation or division  
25 becomes effective for all purposes. The amount of the total  
26 difference payment and the amount thereof to be allocated to  
27 the annexing or resulting districts shall be computed by the  
28 State Board of Education on the basis of pupil enrollment and  
29 other data which shall be certified to the State Board of  
30 Education, on forms which it shall provide for that purpose, by  
31 the regional superintendent of schools for each educational  
32 service region in which the annexing and annexed districts, or  
33 resulting and divided districts are located.

34 (3.5) Claims for financial assistance under this  
35 subsection (I) shall not be recomputed except as expressly  
36 provided under this Section.



1           (4) Any supplementary payment made under this subsection  
2           (I) shall be treated as separate from all other payments made  
3           pursuant to this Section.

4           (J) Supplementary Grants in Aid.

5           (1) Notwithstanding any other provisions of this Section,  
6           the amount of the aggregate general State aid in combination  
7           with supplemental general State aid under this Section for  
8           which each school district is eligible shall be no less than  
9           the amount of the aggregate general State aid entitlement that  
10          was received by the district under Section 18-8 (exclusive of  
11          amounts received under subsections 5(p) and 5(p-5) of that  
12          Section) for the 1997-98 school year, pursuant to the  
13          provisions of that Section as it was then in effect. If a  
14          school district qualifies to receive a supplementary payment  
15          made under this subsection (J), the amount of the aggregate  
16          general State aid in combination with supplemental general  
17          State aid under this Section which that district is eligible to  
18          receive for each school year shall be no less than the amount  
19          of the aggregate general State aid entitlement that was  
20          received by the district under Section 18-8 (exclusive of  
21          amounts received under subsections 5(p) and 5(p-5) of that  
22          Section) for the 1997-1998 school year, pursuant to the  
23          provisions of that Section as it was then in effect.

24          (2) If, as provided in paragraph (1) of this subsection  
25          (J), a school district is to receive aggregate general State  
26          aid in combination with supplemental general State aid under  
27          this Section for the 1998-99 school year and any subsequent  
28          school year that in any such school year is less than the  
29          amount of the aggregate general State aid entitlement that the  
30          district received for the 1997-98 school year, the school  
31          district shall also receive, from a separate appropriation made  
32          for purposes of this subsection (J), a supplementary payment  
33          that is equal to the amount of the difference in the aggregate  
34          State aid figures as described in paragraph (1).

35          (3) (Blank).

1 (K) Grants to Laboratory and Alternative Schools.

2 In calculating the amount to be paid to the governing board  
3 of a public university that operates a laboratory school under  
4 this Section or to any alternative school that is operated by a  
5 regional superintendent of schools, the State Board of  
6 Education shall require by rule such reporting requirements as  
7 it deems necessary.

8 As used in this Section, "laboratory school" means a public  
9 school which is created and operated by a public university and  
10 approved by the State Board of Education. The governing board  
11 of a public university which receives funds from the State  
12 Board under this subsection (K) may not increase the number of  
13 students enrolled in its laboratory school from a single  
14 district, if that district is already sending 50 or more  
15 students, except under a mutual agreement between the school  
16 board of a student's district of residence and the university  
17 which operates the laboratory school. A laboratory school may  
18 not have more than 1,000 students, excluding students with  
19 disabilities in a special education program.

20 As used in this Section, "alternative school" means a  
21 public school which is created and operated by a Regional  
22 Superintendent of Schools and approved by the State Board of  
23 Education. Such alternative schools may offer courses of  
24 instruction for which credit is given in regular school  
25 programs, courses to prepare students for the high school  
26 equivalency testing program or vocational and occupational  
27 training. A regional superintendent of schools may contract  
28 with a school district or a public community college district  
29 to operate an alternative school. An alternative school serving  
30 more than one educational service region may be established by  
31 the regional superintendents of schools of the affected  
32 educational service regions. An alternative school serving  
33 more than one educational service region may be operated under  
34 such terms as the regional superintendents of schools of those  
35 educational service regions may agree.

1 Each laboratory and alternative school shall file, on forms  
2 provided by the State Superintendent of Education, an annual  
3 State aid claim which states the Average Daily Attendance of  
4 the school's students by month. The best 3 months' Average  
5 Daily Attendance shall be computed for each school. The general  
6 State aid entitlement shall be computed by multiplying the  
7 applicable Average Daily Attendance by the Foundation Level as  
8 determined under this Section.

9 (L) Payments, Additional Grants in Aid and Other Requirements.

10 (1) For a school district operating under the financial  
11 supervision of an Authority created under Article 34A, the  
12 general State aid otherwise payable to that district under this  
13 Section, but not the supplemental general State aid, shall be  
14 reduced by an amount equal to the budget for the operations of  
15 the Authority as certified by the Authority to the State Board  
16 of Education, and an amount equal to such reduction shall be  
17 paid to the Authority created for such district for its  
18 operating expenses in the manner provided in Section 18-11. The  
19 remainder of general State school aid for any such district  
20 shall be paid in accordance with Article 34A when that Article  
21 provides for a disposition other than that provided by this  
22 Article.

23 (2) (Blank).

24 (3) Summer school. Summer school payments shall be made as  
25 provided in Section 18-4.3.

26 (M) Education Funding Advisory Board.

27 The Education Funding Advisory Board, hereinafter in this  
28 subsection (M) referred to as the "Board", is hereby created.  
29 The Board shall consist of 5 members who are appointed by the  
30 Governor, by and with the advice and consent of the Senate. The  
31 members appointed shall include representatives of education,  
32 business, and the general public. One of the members so  
33 appointed shall be designated by the Governor at the time the  
34 appointment is made as the chairperson of the Board. The

1 initial members of the Board may be appointed any time after  
2 the effective date of this amendatory Act of 1997. The regular  
3 term of each member of the Board shall be for 4 years from the  
4 third Monday of January of the year in which the term of the  
5 member's appointment is to commence, except that of the 5  
6 initial members appointed to serve on the Board, the member who  
7 is appointed as the chairperson shall serve for a term that  
8 commences on the date of his or her appointment and expires on  
9 the third Monday of January, 2002, and the remaining 4 members,  
10 by lots drawn at the first meeting of the Board that is held  
11 after all 5 members are appointed, shall determine 2 of their  
12 number to serve for terms that commence on the date of their  
13 respective appointments and expire on the third Monday of  
14 January, 2001, and 2 of their number to serve for terms that  
15 commence on the date of their respective appointments and  
16 expire on the third Monday of January, 2000. All members  
17 appointed to serve on the Board shall serve until their  
18 respective successors are appointed and confirmed. Vacancies  
19 shall be filled in the same manner as original appointments. If  
20 a vacancy in membership occurs at a time when the Senate is not  
21 in session, the Governor shall make a temporary appointment  
22 until the next meeting of the Senate, when he or she shall  
23 appoint, by and with the advice and consent of the Senate, a  
24 person to fill that membership for the unexpired term. If the  
25 Senate is not in session when the initial appointments are  
26 made, those appointments shall be made as in the case of  
27 vacancies.

28 The Education Funding Advisory Board shall be deemed  
29 established, and the initial members appointed by the Governor  
30 to serve as members of the Board shall take office, on the date  
31 that the Governor makes his or her appointment of the fifth  
32 initial member of the Board, whether those initial members are  
33 then serving pursuant to appointment and confirmation or  
34 pursuant to temporary appointments that are made by the  
35 Governor as in the case of vacancies.

36 The State Board of Education shall provide such staff

1 assistance to the Education Funding Advisory Board as is  
2 reasonably required for the proper performance by the Board of  
3 its responsibilities.

4 For school years after the 2000-2001 school year, the  
5 Education Funding Advisory Board, in consultation with the  
6 State Board of Education, shall make recommendations as  
7 provided in this subsection (M) to the General Assembly for the  
8 foundation level under subdivision (B)(3) of this Section and  
9 for the supplemental general State aid grant level under  
10 subsection (H) of this Section for districts with high  
11 concentrations of children from poverty. The recommended  
12 foundation level shall be determined based on a methodology  
13 which incorporates the basic education expenditures of  
14 low-spending schools exhibiting high academic performance. The  
15 Education Funding Advisory Board shall make such  
16 recommendations to the General Assembly on January 1 of odd  
17 numbered years, beginning January 1, 2001.

18 (N) (Blank).

19 (O) References.

20 (1) References in other laws to the various subdivisions of  
21 Section 18-8 as that Section existed before its repeal and  
22 replacement by this Section 18-8.05 shall be deemed to refer to  
23 the corresponding provisions of this Section 18-8.05, to the  
24 extent that those references remain applicable.

25 (2) References in other laws to State Chapter 1 funds shall  
26 be deemed to refer to the supplemental general State aid  
27 provided under subsection (H) of this Section.

28 (P) Public Act 93-838 ~~This amendatory Act of the 93rd General~~  
29 ~~Assembly~~ and Public Act 93-808 ~~House Bill 4266 of the 93rd~~  
30 ~~General Assembly~~ make inconsistent changes to this Section. ~~If~~  
31 ~~House Bill 4266 becomes law, then~~ Under Section 6 of the  
32 Statute on Statutes there is an irreconcilable conflict between  
33 Public Act 93-808 and Public Act 93-838 ~~House Bill 4266 and~~

1 ~~this amendatory Act.~~ Public Act 93-838 ~~This amendatory Act,~~  
2 being the last acted upon, is controlling. The text of Public  
3 Act 93-838 ~~this amendatory Act~~ is the law regardless of the  
4 text of Public Act 93-808 ~~House Bill 4266~~.

5 (Source: P.A. 92-16, eff. 6-28-01; 92-28, eff. 7-1-01; 92-29,  
6 eff. 7-1-01; 92-269, eff. 8-7-01; 92-604, eff. 7-1-02; 92-636,  
7 eff. 7-11-02; 92-651, eff. 7-11-02; 93-21, eff. 7-1-03; 93-715,  
8 eff. 7-12-04; 93-808, eff. 7-26-04; 93-838, eff. 7-30-04;  
9 93-875, eff. 8-6-04; revised 10-21-04.)

10 (105 ILCS 5/19-1) (from Ch. 122, par. 19-1)

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

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

18 No school districts maintaining grades K through 8 or 9  
19 through 12 shall become indebted in any manner or for any  
20 purpose to an amount, including existing indebtedness, in the  
21 aggregate exceeding 6.9% on the value of the taxable property  
22 therein to be ascertained by the last assessment for State and  
23 county taxes or, until January 1, 1983, if greater, the sum  
24 that is produced by multiplying the school district's 1978  
25 equalized assessed valuation by the debt limitation percentage  
26 in effect on January 1, 1979, previous to the incurring of such  
27 indebtedness.

28 No school districts maintaining grades K through 12 shall  
29 become indebted in any manner or for any purpose to an amount,  
30 including existing indebtedness, in the aggregate exceeding  
31 13.8% on the value of the taxable property therein to be  
32 ascertained by the last assessment for State and county taxes  
33 or, until January 1, 1983, if greater, the sum that is produced  
34 by multiplying the school district's 1978 equalized assessed  
35 valuation by the debt limitation percentage in effect on

1 January 1, 1979, previous to the incurring of such  
2 indebtedness.

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

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

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

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

36 (3) When the voters in the school district approve a

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

12 (4) Notwithstanding the provisions of paragraphs (1)  
13 through (3) of this subsection (b), if the school board  
14 determines that additional facilities are needed to  
15 provide a quality educational program and not less than 2/3  
16 of those voting in an election called by the school board  
17 on the question approve the issuance of bonds for the  
18 construction of such facilities, the school district may  
19 issue bonds for this purpose; or

20 (5) Notwithstanding the provisions of paragraphs (1)  
21 through (3) of this subsection (b), if (i) the school  
22 district has previously availed itself of the provisions of  
23 paragraph (4) of this subsection (b) to enable it to issue  
24 bonds, (ii) the voters of the school district have not  
25 defeated a proposition for the issuance of bonds since the  
26 referendum described in paragraph (4) of this subsection  
27 (b) was held, (iii) the school board determines that  
28 additional facilities are needed to provide a quality  
29 educational program, and (iv) a majority of those voting in  
30 an election called by the school board on the question  
31 approve the issuance of bonds for the construction of such  
32 facilities, the school district may issue bonds for this  
33 purpose.

34 In no event shall the indebtedness incurred pursuant to  
35 this subsection (b) and the existing indebtedness of the school  
36 district exceed 15% of the value of the taxable property



1 therein to be ascertained by the last assessment for State and  
2 county taxes, previous to the incurring of such indebtedness  
3 or, until January 1, 1983, if greater, the sum that is produced  
4 by multiplying the school district's 1978 equalized assessed  
5 valuation by the debt limitation percentage in effect on  
6 January 1, 1979.

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

9 (c) Notwithstanding the debt limitation prescribed in  
10 subsection (a) of this Section, in any case in which a public  
11 question for the issuance of bonds of a proposed school  
12 district maintaining grades kindergarten through 12 received  
13 at least 60% of the valid ballots cast on the question at an  
14 election held on or prior to November 8, 1994, and in which the  
15 bonds approved at such election have not been issued, the  
16 school district pursuant to the requirements of Section 11A-10  
17 may issue the total amount of bonds approved at such election  
18 for the purpose stated in the question.

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

31 (1) The additional indebtedness authorized by this  
32 subsection (d) is incurred by the school district through  
33 the issuance of bonds under and in accordance with Section  
34 17-2.11a for the purpose of replacing a school building  
35 which, because of mine subsidence damage, has been closed  
36 as provided in paragraph (2) of this subsection (d) or

1 through the issuance of bonds under and in accordance with  
2 Section 19-3 for the purpose of increasing the size of, or  
3 providing for additional functions in, such replacement  
4 school buildings, or both such purposes.

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

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

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

36 (2) The additional indebtedness authorized by this

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

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

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

33 (5) Bonds issued by the financially distressed  
34 district under this subsection shall bear interest at a  
35 rate not to exceed the maximum rate authorized by law at  
36 the time of the making of the contract, shall mature within

1 40 years from their date of issue, and shall be signed by  
2 the president of the school board and treasurer of the  
3 school district. In order to issue bonds under this  
4 subsection, the school board shall adopt a resolution  
5 fixing the amount of the bonds, the date of the bonds, the  
6 maturities of the bonds, the rates of interest of the  
7 bonds, and their place of payment and denomination, and  
8 shall provide for the levy and collection of a direct  
9 annual tax upon all the taxable property in the district  
10 sufficient to pay the principal and interest on the bonds  
11 to maturity. Upon the filing in the office of the county  
12 clerk of the county in which the financially distressed  
13 district is located of a certified copy of the resolution,  
14 it is the duty of the county clerk to extend the tax  
15 therefor in addition to and in excess of all other taxes at  
16 any time authorized to be levied by the district. If bond  
17 proceeds from the sale of bonds include a premium or if the  
18 proceeds of the bonds are invested as authorized by law,  
19 the school board shall determine by resolution whether the  
20 interest earned on the investment of bond proceeds or the  
21 premium realized on the sale of the bonds is to be used for  
22 any of the lawful school purposes for which the bonds were  
23 issued or for the payment of the principal indebtedness and  
24 interest on the bonds. The proceeds of the bond sale shall  
25 be deposited in the educational purposes fund of the  
26 district and shall be used to pay operational expenses of  
27 the district. This subsection is cumulative and  
28 constitutes complete authority for the issuance of bonds as  
29 provided in this subsection, notwithstanding any other law  
30 to the contrary.

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

1 indebtedness, in excess of any heretofore or hereafter imposed  
2 statutory limitation as to indebtedness:

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

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

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

16 Notwithstanding the provisions of subsection (a) of this  
17 Section or of any other law, a school district that has availed  
18 itself of the provisions of this subsection (f) prior to July  
19 22, 2004 (the effective date of Public Act 93-799) ~~this~~  
20 ~~amendatory Act of the 93rd General Assembly~~ may also issue  
21 bonds approved by referendum up to an amount, including  
22 existing indebtedness, not exceeding 25% of the equalized  
23 assessed value of the taxable property in the district if all  
24 of the conditions set forth in items (1), (2), and (3) of this  
25 subsection (f) are met.

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

36 (i) The bonds are issued for the purpose of

1 constructing a new high school building to replace two  
2 adjacent existing buildings which together house a single  
3 high school, each of which is more than 65 years old, and  
4 which together are located on more than 10 acres and less  
5 than 11 acres of property.

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

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

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

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

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

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

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

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

35 (i) Notwithstanding any other provisions of this Section or  
36 the provisions of any other law, until January 1, 1998, a

1 community unit school district maintaining grades K through 12  
2 may issue bonds up to an amount, including existing  
3 indebtedness, not exceeding 27% of the equalized assessed value  
4 of the taxable property in the district, if all of the  
5 following conditions are met:

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

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

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

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

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

25 (i) The school district has an equalized assessed  
26 valuation for calendar year 1995 of less than \$140,000,000  
27 and a best 3 months average daily attendance for the  
28 1995-96 school year of at least 2,800;

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

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

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

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

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

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

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

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

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

35 (l) Notwithstanding any other provisions of this Section or  
36 the provisions of any other law, until January 1, 2000, a



1 school district maintaining grades kindergarten through 8 may  
2 issue bonds up to an amount, including existing indebtedness,  
3 not exceeding 15% of the equalized assessed value of the  
4 taxable property in the district if all of the following  
5 conditions are met:

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

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

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

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

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

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

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

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

35 (iv) The voters of the school district approve a  
36 proposition for the issuance of the bonds at a referendum

1 held after July 1, 1998; and

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

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

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

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

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

1 School Construction Law.

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

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

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

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

22 (i) the school district has an equalized assessed  
23 valuation for calendar year 2001 of at least \$737,000,000  
24 and an enrollment for the 2002-2003 school year of at least  
25 8,500;

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

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

35 (iv) at least 57% of those voting in a general election  
36 held prior to January 1, 2003 approved a proposition for

1 the issuance of the bonds; and

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

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

10 (i) The school district has an equalized assessed  
11 valuation for calendar year 2001 of at least \$295,741,187  
12 and a best 3 months' average daily attendance for the  
13 2002-2003 school year of at least 2,394.

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

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

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

24 (Source: P.A. 93-13, eff. 6-9-03; 93-799, eff. 7-22-04;  
25 93-1045, eff. 10-15-04; revised 10-22-04.)

26 (105 ILCS 5/21-1b) (from Ch. 122, par. 21-1b)

27 Sec. 21-1b. Subject endorsement on certificates. All  
28 certificates initially issued under this Article after June 30,  
29 1986, shall be specifically endorsed by the State Board of  
30 Education for each subject the holder of the certificate is  
31 legally qualified to teach, such endorsements to be made in  
32 accordance with standards promulgated by the State Board of  
33 Education in consultation with the State Teacher Certification  
34 Board. The regional superintendent of schools, however, has the  
35 duty, after appropriate training, to accept and review all

1 transcripts for new initial certificate applications and  
2 ensure that each applicant has met all of the criteria  
3 established by the State Board of Education in consultation  
4 with with the State Teacher Certification Board. All  
5 certificates which are issued under this Article prior to July  
6 1, 1986 may, by application to the State Board of Education, be  
7 specifically endorsed for each subject the holder is legally  
8 qualified to teach. Endorsements issued under this Section  
9 shall not apply to substitute teacher's certificates issued  
10 under Section 21-9 of this Code.

11 Commencing July 1, 1999, each application for endorsement  
12 of an existing teaching certificate shall be accompanied by a  
13 \$30 nonrefundable fee. There is hereby created a Teacher  
14 Certificate Fee Revolving Fund as a special fund within the  
15 State Treasury. The proceeds of each \$30 fee shall be paid into  
16 the Teacher Certificate Fee Revolving Fund; and the moneys in  
17 that Fund shall be appropriated and used to provide the  
18 technology and other resources necessary for the timely and  
19 efficient processing of certification requests.

20 The State Board of Education and each regional office of  
21 education are authorized to charge a service or convenience fee  
22 for the use of credit cards for the payment of certification  
23 fees. This service or convenience fee may not exceed the amount  
24 required by the credit card processing company or vendor that  
25 has entered into a contract with the State Board or regional  
26 office of education for this purpose, and the fee must be paid  
27 to that company or vendor.

28 (Source: P.A. 93-679, eff. 6-30-04; 93-1036, eff. 9-14-04;  
29 revised 10-22-04.)

30 (105 ILCS 5/21-12) (from Ch. 122, par. 21-12)

31 Sec. 21-12. Printing; Seal; Signature; Credentials. All  
32 certificates shall be printed by and bear the signatures of the  
33 chairman and of the secretary of the State Teacher  
34 Certification Board. Each certificate shall show the  
35 integrally printed seal of the State Teacher Certification

1 Board. All college credentials offered as the basis of a  
2 certificate shall be presented to the secretary of the State  
3 Teacher Certification Board for inspection and approval. The  
4 regional superintendent of schools, however, has the duty,  
5 after appropriate training, to accept and review all  
6 transcripts for new initial certificate applications and  
7 ensure that each applicant has met all of the criteria  
8 established by the State Board of Education in consultation  
9 with the State Teacher Certification Board.

10 Commencing July 1, 1999, each application for a certificate  
11 or evaluation of credentials shall be accompanied by an  
12 evaluation fee of \$30 payable to the State Superintendent of  
13 Education, which is not refundable, except that no application  
14 or evaluation fee shall be required for a Master Certificate  
15 issued pursuant to subsection (d) of Section 21-2 of this Code.  
16 The proceeds of each \$30 fee shall be paid into the Teacher  
17 Certificate Fee Revolving Fund, created under Section 21-1b of  
18 this Code; and the moneys in that Fund shall be appropriated  
19 and used to provide the technology and other resources  
20 necessary for the timely and efficient processing of  
21 certification requests.

22 The State Board of Education and each regional office of  
23 education are authorized to charge a service or convenience fee  
24 for the use of credit cards for the payment of certification  
25 fees. This service or convenience fee may not exceed the amount  
26 required by the credit card processing company or vendor that  
27 has entered into a contract with the State Board or regional  
28 office of education for this purpose, and the fee must be paid  
29 to that company or vendor.

30 When evaluation verifies the requirements for a valid  
31 certificate, the applicant shall be issued an entitlement card  
32 that may be presented to a regional superintendent of schools  
33 for issuance of a certificate.

34 The applicant shall be notified of any deficiencies.

35 (Source: P.A. 93-679, eff. 6-30-04; 93-1036, eff. 9-14-04;  
36 revised 10-22-04.)

1 (105 ILCS 5/27-8.1) (from Ch. 122, par. 27-8.1)

2 (Text of Section before amendment by P.A. 93-946)

3 Sec. 27-8.1. Health examinations and immunizations.

4 (1) In compliance with rules and regulations which the  
5 Department of Public Health shall promulgate, and except as  
6 hereinafter provided, all children in Illinois shall have a  
7 health examination as follows: within one year prior to  
8 entering kindergarten or the first grade of any public,  
9 private, or parochial elementary school; upon entering the  
10 fifth and ninth grades of any public, private, or parochial  
11 school; prior to entrance into any public, private, or  
12 parochial nursery school; and, irrespective of grade,  
13 immediately prior to or upon entrance into any public, private,  
14 or parochial school or nursery school, each child shall present  
15 proof of having been examined in accordance with this Section  
16 and the rules and regulations promulgated hereunder.

17 A tuberculosis skin test screening shall be included as a  
18 required part of each health examination included under this  
19 Section if the child resides in an area designated by the  
20 Department of Public Health as having a high incidence of  
21 tuberculosis. Additional health examinations of pupils,  
22 including dental and vision examinations, may be required when  
23 deemed necessary by school authorities. Parents are encouraged  
24 to have their children undergo dental and vision examinations  
25 at the same points in time required for health examinations.

26 (2) The Department of Public Health shall promulgate rules  
27 and regulations specifying the examinations and procedures  
28 that constitute a health examination, which shall include the  
29 collection of data relating to obesity, including at a minimum,  
30 date of birth, gender, height, weight, blood pressure, and date  
31 of exam, and may recommend by rule that certain additional  
32 examinations be performed. The rules and regulations of the  
33 Department of Public Health shall specify that a tuberculosis  
34 skin test screening shall be included as a required part of  
35 each health examination included under this Section if the

1 child resides in an area designated by the Department of Public  
2 Health as having a high incidence of tuberculosis. The  
3 Department of Public Health shall specify that a diabetes  
4 screening as defined by rule shall be included as a required  
5 part of each health examination. Diabetes testing is not  
6 required.

7 Physicians licensed to practice medicine in all of its  
8 branches, advanced practice nurses who have a written  
9 collaborative agreement with a collaborating physician which  
10 authorizes them to perform health examinations, or physician  
11 assistants who have been delegated the performance of health  
12 examinations by their supervising physician shall be  
13 responsible for the performance of the health examinations,  
14 other than dental examinations and vision and hearing  
15 screening, and shall sign all report forms required by  
16 subsection (4) of this Section that pertain to those portions  
17 of the health examination for which the physician, advanced  
18 practice nurse, or physician assistant is responsible. If a  
19 registered nurse performs any part of a health examination,  
20 then a physician licensed to practice medicine in all of its  
21 branches must review and sign all required report forms.  
22 Licensed dentists shall perform all dental examinations and  
23 shall sign all report forms required by subsection (4) of this  
24 Section that pertain to the dental examinations. Physicians  
25 licensed to practice medicine in all its branches, or licensed  
26 optometrists, shall perform all vision exams required by school  
27 authorities and shall sign all report forms required by  
28 subsection (4) of this Section that pertain to the vision exam.  
29 Vision and hearing screening tests, which shall not be  
30 considered examinations as that term is used in this Section,  
31 shall be conducted in accordance with rules and regulations of  
32 the Department of Public Health, and by individuals whom the  
33 Department of Public Health has certified. In these rules and  
34 regulations, the Department of Public Health shall require that  
35 individuals conducting vision screening tests give a child's  
36 parent or guardian written notification, before the vision



1 screening is conducted, that states, "Vision screening is not a  
2 substitute for a complete eye and vision evaluation by an eye  
3 doctor. Your child is not required to undergo this vision  
4 screening if an optometrist or ophthalmologist has completed  
5 and signed a report form indicating that an examination has  
6 been administered within the previous 12 months."

7 (3) Every child shall, at or about the same time as he or  
8 she receives a health examination required by subsection (1) of  
9 this Section, present to the local school proof of having  
10 received such immunizations against preventable communicable  
11 diseases as the Department of Public Health shall require by  
12 rules and regulations promulgated pursuant to this Section and  
13 the Communicable Disease Prevention Act.

14 (4) The individuals conducting the health examination  
15 shall record the fact of having conducted the examination, and  
16 such additional information as required, including data  
17 relating to obesity, including at a minimum, date of birth,  
18 gender, height, weight, blood pressure, and date of exam, on  
19 uniform forms which the Department of Public Health and the  
20 State Board of Education shall prescribe for statewide use. The  
21 examiner shall summarize on the report form any condition that  
22 he or she suspects indicates a need for special services,  
23 including factors relating to obesity. The individuals  
24 confirming the administration of required immunizations shall  
25 record as indicated on the form that the immunizations were  
26 administered.

27 (5) If a child does not submit proof of having had either  
28 the health examination or the immunization as required, then  
29 the child shall be examined or receive the immunization, as the  
30 case may be, and present proof by October 15 of the current  
31 school year, or by an earlier date of the current school year  
32 established by a school district. To establish a date before  
33 October 15 of the current school year for the health  
34 examination or immunization as required, a school district must  
35 give notice of the requirements of this Section 60 days prior  
36 to the earlier established date. If for medical reasons one or

1 more of the required immunizations must be given after October  
2 15 of the current school year, or after an earlier established  
3 date of the current school year, then the child shall present,  
4 by October 15, or by the earlier established date, a schedule  
5 for the administration of the immunizations and a statement of  
6 the medical reasons causing the delay, both the schedule and  
7 the statement being issued by the physician, advanced practice  
8 nurse, physician assistant, registered nurse, or local health  
9 department that will be responsible for administration of the  
10 remaining required immunizations. If a child does not comply by  
11 October 15, or by the earlier established date of the current  
12 school year, with the requirements of this subsection, then the  
13 local school authority shall exclude that child from school  
14 until such time as the child presents proof of having had the  
15 health examination as required and presents proof of having  
16 received those required immunizations which are medically  
17 possible to receive immediately. During a child's exclusion  
18 from school for noncompliance with this subsection, the child's  
19 parents or legal guardian shall be considered in violation of  
20 Section 26-1 and subject to any penalty imposed by Section  
21 26-10.

22 (6) Every school shall report to the State Board of  
23 Education by November 15, in the manner which that agency shall  
24 require, the number of children who have received the necessary  
25 immunizations and the health examination as required,  
26 indicating, of those who have not received the immunizations  
27 and examination as required, the number of children who are  
28 exempt from health examination and immunization requirements  
29 on religious or medical grounds as provided in subsection (8).  
30 This reported information shall be provided to the Department  
31 of Public Health by the State Board of Education.

32 (7) Upon determining that the number of pupils who are  
33 required to be in compliance with subsection (5) of this  
34 Section is below 90% of the number of pupils enrolled in the  
35 school district, 10% of each State aid payment made pursuant to  
36 Section 18-8 to the school district for such year shall be

1 withheld by the regional superintendent until the number of  
2 students in compliance with subsection (5) is the applicable  
3 specified percentage or higher.

4 (8) Parents or legal guardians who object to health  
5 examinations or any part thereof, or to immunizations, on  
6 religious grounds shall not be required to submit their  
7 children or wards to the examinations or immunizations to which  
8 they so object if such parents or legal guardians present to  
9 the appropriate local school authority a signed statement of  
10 objection, detailing the grounds for the objection. If the  
11 physical condition of the child is such that any one or more of  
12 the immunizing agents should not be administered, the examining  
13 physician, advanced practice nurse, or physician assistant  
14 responsible for the performance of the health examination shall  
15 endorse that fact upon the health examination form. Exempting a  
16 child from the health examination does not exempt the child  
17 from participation in the program of physical education  
18 training provided in Sections 27-5 through 27-7 of this Code.

19 (9) For the purposes of this Section, "nursery schools"  
20 means those nursery schools operated by elementary school  
21 systems or secondary level school units or institutions of  
22 higher learning.

23 (Source: P.A. 92-703, eff. 7-19-02; 93-504, eff. 1-1-04;  
24 93-530, eff. 1-1-04; 93-966, eff. 1-1-05.)

25 (Text of Section after amendment by P.A. 93-946)

26 Sec. 27-8.1. Health examinations and immunizations.

27 (1) In compliance with rules and regulations which the  
28 Department of Public Health shall promulgate, and except as  
29 hereinafter provided, all children in Illinois shall have a  
30 health examination as follows: within one year prior to  
31 entering kindergarten or the first grade of any public,  
32 private, or parochial elementary school; upon entering the  
33 fifth and ninth grades of any public, private, or parochial  
34 school; prior to entrance into any public, private, or  
35 parochial nursery school; and, irrespective of grade,

1 immediately prior to or upon entrance into any public, private,  
2 or parochial school or nursery school, each child shall present  
3 proof of having been examined in accordance with this Section  
4 and the rules and regulations promulgated hereunder.

5 A tuberculosis skin test screening shall be included as a  
6 required part of each health examination included under this  
7 Section if the child resides in an area designated by the  
8 Department of Public Health as having a high incidence of  
9 tuberculosis. Additional health examinations of pupils,  
10 including vision examinations, may be required when deemed  
11 necessary by school authorities. Parents are encouraged to have  
12 their children undergo vision examinations at the same points  
13 in time required for health examinations.

14 (1.5) In compliance with rules adopted by the Department of  
15 Public Health and except as otherwise provided in this Section,  
16 all children in kindergarten and the second and sixth grades of  
17 any public, private, or parochial school shall have a dental  
18 examination. Each of these children shall present proof of  
19 having been examined by a dentist in accordance with this  
20 Section and rules adopted under this Section before May 15th of  
21 the school year. If a child in the second or sixth grade fails  
22 to present proof by May 15th, the school may hold the child's  
23 report card until one of the following occurs: (i) the child  
24 presents proof of a completed dental examination or (ii) the  
25 child presents proof that a dental examination will take place  
26 within 60 days after May 15th. The Department of Public Health  
27 shall establish, by rule, a waiver for children who show an  
28 undue burden or a lack of access to a dentist. Each public,  
29 private, and parochial school must give notice of this dental  
30 examination requirement to the parents and guardians of  
31 students at least 60 days before May 15th of each school year.

32 (2) The Department of Public Health shall promulgate rules  
33 and regulations specifying the examinations and procedures  
34 that constitute a health examination, which shall include the  
35 collection of data relating to obesity, (including at a  
36 minimum, date of birth, gender, height, weight, blood pressure,

1 and date of exam), and a dental examination and may recommend  
2 by rule that certain additional examinations be performed. The  
3 rules and regulations of the Department of Public Health shall  
4 specify that a tuberculosis skin test screening shall be  
5 included as a required part of each health examination included  
6 under this Section if the child resides in an area designated  
7 by the Department of Public Health as having a high incidence  
8 of tuberculosis. The Department of Public Health shall specify  
9 that a diabetes screening as defined by rule shall be included  
10 as a required part of each health examination. Diabetes testing  
11 is not required.

12 Physicians licensed to practice medicine in all of its  
13 branches, advanced practice nurses who have a written  
14 collaborative agreement with a collaborating physician which  
15 authorizes them to perform health examinations, or physician  
16 assistants who have been delegated the performance of health  
17 examinations by their supervising physician shall be  
18 responsible for the performance of the health examinations,  
19 other than dental examinations and vision and hearing  
20 screening, and shall sign all report forms required by  
21 subsection (4) of this Section that pertain to those portions  
22 of the health examination for which the physician, advanced  
23 practice nurse, or physician assistant is responsible. If a  
24 registered nurse performs any part of a health examination,  
25 then a physician licensed to practice medicine in all of its  
26 branches must review and sign all required report forms.  
27 Licensed dentists shall perform all dental examinations and  
28 shall sign all report forms required by subsection (4) of this  
29 Section that pertain to the dental examinations. Physicians  
30 licensed to practice medicine in all its branches, or licensed  
31 optometrists, shall perform all vision exams required by school  
32 authorities and shall sign all report forms required by  
33 subsection (4) of this Section that pertain to the vision exam.  
34 Vision and hearing screening tests, which shall not be  
35 considered examinations as that term is used in this Section,  
36 shall be conducted in accordance with rules and regulations of

1 the Department of Public Health, and by individuals whom the  
2 Department of Public Health has certified. In these rules and  
3 regulations, the Department of Public Health shall require that  
4 individuals conducting vision screening tests give a child's  
5 parent or guardian written notification, before the vision  
6 screening is conducted, that states, "Vision screening is not a  
7 substitute for a complete eye and vision evaluation by an eye  
8 doctor. Your child is not required to undergo this vision  
9 screening if an optometrist or ophthalmologist has completed  
10 and signed a report form indicating that an examination has  
11 been administered within the previous 12 months."

12 (3) Every child shall, at or about the same time as he or  
13 she receives a health examination required by subsection (1) of  
14 this Section, present to the local school proof of having  
15 received such immunizations against preventable communicable  
16 diseases as the Department of Public Health shall require by  
17 rules and regulations promulgated pursuant to this Section and  
18 the Communicable Disease Prevention Act.

19 (4) The individuals conducting the health examination or  
20 dental examination shall record the fact of having conducted  
21 the examination, and such additional information as required,  
22 including for a health examination data relating to obesity,  
23 (including at a minimum, date of birth, gender, height, weight,  
24 blood pressure, and date of exam), on uniform forms which the  
25 Department of Public Health and the State Board of Education  
26 shall prescribe for statewide use. The examiner shall summarize  
27 on the report form any condition that he or she suspects  
28 indicates a need for special services, including for a health  
29 examination factors relating to obesity. The individuals  
30 confirming the administration of required immunizations shall  
31 record as indicated on the form that the immunizations were  
32 administered.

33 (5) If a child does not submit proof of having had either  
34 the health examination or the immunization as required, then  
35 the child shall be examined or receive the immunization, as the  
36 case may be, and present proof by October 15 of the current

1 school year, or by an earlier date of the current school year  
2 established by a school district. To establish a date before  
3 October 15 of the current school year for the health  
4 examination or immunization as required, a school district must  
5 give notice of the requirements of this Section 60 days prior  
6 to the earlier established date. If for medical reasons one or  
7 more of the required immunizations must be given after October  
8 15 of the current school year, or after an earlier established  
9 date of the current school year, then the child shall present,  
10 by October 15, or by the earlier established date, a schedule  
11 for the administration of the immunizations and a statement of  
12 the medical reasons causing the delay, both the schedule and  
13 the statement being issued by the physician, advanced practice  
14 nurse, physician assistant, registered nurse, or local health  
15 department that will be responsible for administration of the  
16 remaining required immunizations. If a child does not comply by  
17 October 15, or by the earlier established date of the current  
18 school year, with the requirements of this subsection, then the  
19 local school authority shall exclude that child from school  
20 until such time as the child presents proof of having had the  
21 health examination as required and presents proof of having  
22 received those required immunizations which are medically  
23 possible to receive immediately. During a child's exclusion  
24 from school for noncompliance with this subsection, the child's  
25 parents or legal guardian shall be considered in violation of  
26 Section 26-1 and subject to any penalty imposed by Section  
27 26-10. This subsection (5) does not apply to dental  
28 examinations.

29 (6) Every school shall report to the State Board of  
30 Education by November 15, in the manner which that agency shall  
31 require, the number of children who have received the necessary  
32 immunizations and the health examination (other than a dental  
33 examination) as required, indicating, of those who have not  
34 received the immunizations and examination as required, the  
35 number of children who are exempt from health examination and  
36 immunization requirements on religious or medical grounds as

1 provided in subsection (8). Every school shall report to the  
2 State Board of Education by June 30, in the manner that the  
3 State Board requires, the number of children who have received  
4 the required dental examination, indicating, of those who have  
5 not received the required dental examination, the number of  
6 children who are exempt from the dental examination on  
7 religious grounds as provided in subsection (8) of this Section  
8 and the number of children who have received a waiver under  
9 subsection (1.5) of this Section. This reported information  
10 shall be provided to the Department of Public Health by the  
11 State Board of Education.

12 (7) Upon determining that the number of pupils who are  
13 required to be in compliance with subsection (5) of this  
14 Section is below 90% of the number of pupils enrolled in the  
15 school district, 10% of each State aid payment made pursuant to  
16 Section 18-8.05 to the school district for such year shall be  
17 withheld by the regional superintendent until the number of  
18 students in compliance with subsection (5) is the applicable  
19 specified percentage or higher.

20 (8) Parents or legal guardians who object to health or  
21 dental examinations or any part thereof, or to immunizations,  
22 on religious grounds shall not be required to submit their  
23 children or wards to the examinations or immunizations to which  
24 they so object if such parents or legal guardians present to  
25 the appropriate local school authority a signed statement of  
26 objection, detailing the grounds for the objection. If the  
27 physical condition of the child is such that any one or more of  
28 the immunizing agents should not be administered, the examining  
29 physician, advanced practice nurse, or physician assistant  
30 responsible for the performance of the health examination shall  
31 endorse that fact upon the health examination form. Exempting a  
32 child from the health or dental examination does not exempt the  
33 child from participation in the program of physical education  
34 training provided in Sections 27-5 through 27-7 of this Code.

35 (9) For the purposes of this Section, "nursery schools"  
36 means those nursery schools operated by elementary school



1 systems or secondary level school units or institutions of  
2 higher learning.

3 (Source: P.A. 92-703, eff. 7-19-02; 93-504, eff. 1-1-04;  
4 93-530, eff. 1-1-04; 93-946, eff. 7-1-05; 93-966, eff. 1-1-05;  
5 revised 10-14-04.)

6 (105 ILCS 5/27-23.5)

7 Sec. 27-23.5. Organ/tissue and blood donor and  
8 transplantation programs. Each school district that maintains  
9 grades 9 and 10 may include in its curriculum and teach to the  
10 students of either such grade one unit of instruction on  
11 organ/tissue and blood donor and transplantation programs. No  
12 student shall be required to take or participate in instruction  
13 on organ/tissue and blood donor and transplantation programs if  
14 a parent or guardian files written objection thereto on  
15 constitutional grounds, and refusal to take or participate in  
16 such instruction on those grounds shall not be reason for  
17 suspension or expulsion of a student or result in any academic  
18 penalty.

19 The regional superintendent of schools in which a school  
20 district that maintains grades 9 and 10 is located shall obtain  
21 and distribute to each school that maintains grades 9 and 10 in  
22 his or her district information and data, including  
23 instructional materials provided at no cost by America's Blood  
24 Centers, the American Red Cross, and Gift of Hope, that may be  
25 used by the school in developing a unit of instruction under  
26 this Section. However, each school board shall determine the  
27 minimum amount of instructional time that shall qualify as a  
28 unit of instruction satisfying the requirements of this  
29 Section.

30 (Source: P.A. 93-547, eff. 8-19-03; 93-794, eff. 7-22-04;  
31 revised 10-22-04.)

32 (105 ILCS 5/34-8.1) (from Ch. 122, par. 34-8.1)

33 Sec. 34-8.1. Principals. Principals shall be employed to  
34 supervise the operation of each attendance center. Their powers

1 and duties shall include but not be limited to the authority  
2 (i) to direct, supervise, evaluate, and suspend with or without  
3 pay or otherwise discipline all teachers, assistant  
4 principals, and other employees assigned to the attendance  
5 center in accordance with board rules and policies and (ii) to  
6 direct all other persons assigned to the attendance center  
7 pursuant to a contract with a third party to provide services  
8 to the school system. The right to employ, discharge, and  
9 layoff shall be vested solely with the board, provided that  
10 decisions to discharge or suspend non-certified employees,  
11 including disciplinary layoffs, and the termination of  
12 certified employees from employment pursuant to a layoff or  
13 reassignment policy are subject to review under the grievance  
14 resolution procedure adopted pursuant to subsection (c) of  
15 Section 10 of the Illinois Educational Labor Relations Act. The  
16 grievance resolution procedure adopted by the board shall  
17 provide for final and binding arbitration, and,  
18 notwithstanding any other provision of law to the contrary, the  
19 arbitrator's decision may include all make-whole relief,  
20 including without limitation reinstatement. The principal  
21 shall fill positions by appointment as provided in this Section  
22 and may make recommendations to the board regarding the  
23 employment, discharge, or layoff of any individual. The  
24 authority of the principal shall include the authority to  
25 direct the hours during which the attendance center shall be  
26 open and available for use provided the use complies with board  
27 rules and policies, to determine when and what operations shall  
28 be conducted within those hours, and to schedule staff within  
29 those hours. Under the direction of, and subject to the  
30 authority of the principal, the Engineer In Charge shall be  
31 accountable for the safe, economical operation of the plant and  
32 grounds and shall also be responsible for orientation,  
33 training, and supervising the work of Engineers, Trainees,  
34 school maintenance assistants, custodial workers and other  
35 plant operation employees under his or her direction.

36 There shall be established by the board a system of

1 semi-annual evaluations conducted by the principal as to  
2 performance of the engineer in charge. Nothing in this Section  
3 shall prevent the principal from conducting additional  
4 evaluations. An overall numerical rating shall be given by the  
5 principal based on the evaluation conducted by the principal.  
6 An unsatisfactory numerical rating shall result in  
7 disciplinary action, which may include, without limitation and  
8 in the judgment of the principal, loss of promotion or bidding  
9 procedure, reprimand, suspension with or without pay, or  
10 recommended dismissal. The board shall establish procedures  
11 for conducting the evaluation and reporting the results to the  
12 engineer in charge.

13 Under the direction of, and subject to the authority of,  
14 the principal, the Food Service Manager is responsible at all  
15 times for the proper operation and maintenance of the lunch  
16 room to which he is assigned and shall also be responsible for  
17 the orientation, training, and supervising the work of cooks,  
18 bakers, porters, and lunchroom attendants under his or her  
19 direction.

20 There shall be established by the Board a system of  
21 semi-annual evaluations conducted by the principal as to the  
22 performance of the food service manager. Nothing in this  
23 Section shall prevent the principal from conducting additional  
24 evaluations. An overall numerical rating shall be given by the  
25 principal based on the evaluation conducted by the principal.  
26 An unsatisfactory numerical rating shall result in  
27 disciplinary action which may include, without limitation and  
28 in the judgment of the principal, loss of promotion or bidding  
29 procedure, reprimand, suspension with or without pay, or  
30 recommended dismissal. The board shall establish rules for  
31 conducting the evaluation and reporting the results to the food  
32 service manager.

33 Nothing in this Section shall be interpreted to require the  
34 employment or assignment of an Engineer-In-Charge or a Food  
35 Service Manager for each attendance center.

36 Principals shall be employed to supervise the educational

1 operation of each attendance center. If a principal is absent  
2 due to extended illness or leave or absence, an assistant  
3 principal may be assigned as acting principal for a period not  
4 to exceed 100 school days. Each principal shall assume  
5 administrative responsibility and instructional leadership, in  
6 accordance with reasonable rules and regulations of the board,  
7 for the planning, operation and evaluation of the educational  
8 program of the attendance center to which he is assigned. The  
9 principal shall submit recommendations to the general  
10 superintendent concerning the appointment, dismissal,  
11 retention, promotion, and assignment of all personnel assigned  
12 to the attendance center; provided, that from and after  
13 September 1, 1989: (i) if any vacancy occurs in a position at  
14 the attendance center or if an additional or new position is  
15 created at the attendance center, that position shall be filled  
16 by appointment made by the principal in accordance with  
17 procedures established and provided by the Board whenever the  
18 majority of the duties included in that position are to be  
19 performed at the attendance center which is under the  
20 principal's supervision, and each such appointment so made by  
21 the principal shall be made and based upon merit and ability to  
22 perform in that position without regard to seniority or length  
23 of service, provided, that such appointments shall be subject  
24 to the Board's desegregation obligations, including but not  
25 limited to the Consent Decree and Desegregation Plan in U.S. v.  
26 Chicago Board of Education; (ii) the principal shall submit  
27 recommendations based upon merit and ability to perform in the  
28 particular position, without regard to seniority or length of  
29 service, to the general superintendent concerning the  
30 appointment of any teacher, teacher aide, counselor, clerk,  
31 hall guard, security guard and any other personnel which is to  
32 be made by the general superintendent whenever less than a  
33 majority of the duties of that teacher, teacher aide,  
34 counselor, clerk, hall guard, and security guard and any other  
35 personnel are to be performed at the attendance center which is  
36 under the principal's supervision; and (iii) subject to law and

1 the applicable collective bargaining agreements, the authority  
2 and responsibilities of a principal with respect to the  
3 evaluation of all teachers and other personnel assigned to an  
4 attendance center shall commence immediately upon his or her  
5 appointment as principal of the attendance center, without  
6 regard to the length of time that he or she has been the  
7 principal of that attendance center.

8 Notwithstanding the existence of any other law of this  
9 State, nothing in this Act shall prevent the board from  
10 entering into a contract with a third party for services  
11 currently performed by any employee or bargaining unit member.

12 Notwithstanding any other provision of this Article, each  
13 principal may approve contracts, binding on the board, in the  
14 amount of no more than \$10,000, if the contract is endorsed by  
15 the Local School Council.

16 Unless otherwise prohibited by law or by rule of the board,  
17 the principal shall provide to local school council members  
18 copies of all internal audits and any other pertinent  
19 information generated by any audits or reviews of the programs  
20 and operation of the attendance center.

21 Each principal shall hold a valid administrative  
22 certificate issued or exchanged in accordance with Article 21  
23 and endorsed as required by that Article for the position of  
24 principal. The board may establish or impose academic,  
25 educational, examination, and experience requirements and  
26 criteria that are in addition to those established and required  
27 by Article 21 for issuance of a valid certificate endorsed for  
28 the position of principal as a condition of the nomination,  
29 selection, appointment, employment, or continued employment of  
30 a person as principal of any attendance center, or as a  
31 condition of the renewal of any principal's performance  
32 contract.

33 The board shall specify in its formal job description for  
34 principals, and from and after July 1, 1990 shall specify in  
35 the 4 year performance contracts for use with respect to all  
36 principals, that his or her primary responsibility is in the

1 improvement of instruction. A majority of the time spent by a  
2 principal shall be spent on curriculum and staff development  
3 through both formal and informal activities, establishing  
4 clear lines of communication regarding school goals,  
5 accomplishments, practices and policies with parents and  
6 teachers. The principal, with the assistance of the local  
7 school council, shall develop a school improvement plan as  
8 provided in Section 34-2.4 and, upon approval of the plan by  
9 the local school council, shall be responsible for directing  
10 implementation of the plan. The principal, with the assistance  
11 of the professional personnel leadership committee, shall  
12 develop the specific methods and contents of the school's  
13 curriculum within the board's system-wide curriculum standards  
14 and objectives and the requirements of the school improvement  
15 plan. The board shall ensure that all principals are evaluated  
16 on their instructional leadership ability and their ability to  
17 maintain a positive education and learning climate. It shall  
18 also be the responsibility of the principal to utilize  
19 resources of proper law enforcement agencies when the safety  
20 and welfare of students and teachers are threatened by illegal  
21 use of drugs and alcohol, by illegal use or possession of  
22 weapons, or by illegal gang activity.

23 On or before October 1, 1989, the Board of Education, in  
24 consultation with any professional organization representing  
25 principals in the district, shall promulgate rules and  
26 implement a lottery for the purpose of determining whether a  
27 principal's existing performance contract (including the  
28 performance contract applicable to any principal's position in  
29 which a vacancy then exists) expires on June 30, 1990 or on  
30 June 30, 1991, and whether the ensuing 4 year performance  
31 contract begins on July 1, 1990 or July 1, 1991. The Board of  
32 Education shall establish and conduct the lottery in such  
33 manner that of all the performance contracts of principals  
34 (including the performance contracts applicable to all  
35 principal positions in which a vacancy then exists), 50% of  
36 such contracts shall expire on June 30, 1990, and 50% shall

1 expire on June 30, 1991. All persons serving as principal on  
2 May 1, 1989, and all persons appointed as principal after May  
3 1, 1989 and prior to July 1, 1990 or July 1, 1991, in a manner  
4 other than as provided by Section 34-2.3, shall be deemed by  
5 operation of law to be serving under a performance contract  
6 which expires on June 30, 1990 or June 30, 1991; and unless  
7 such performance contract of any such principal is renewed (or  
8 such person is again appointed to serve as principal) in the  
9 manner provided by Section 34-2.2 or 34-2.3, the employment of  
10 such person as principal shall terminate on June 30, 1990 or  
11 June 30, 1991.

12 Commencing on July 1, 1990, or on July 1, 1991, and  
13 thereafter, the principal of each attendance center shall be  
14 the person selected in the manner provided by Section 34-2.3 to  
15 serve as principal of that attendance center under a 4 year  
16 performance contract. All performance contracts of principals  
17 expiring after July 1, 1990, or July 1, 1991, shall commence on  
18 the date specified in the contract, and the renewal of their  
19 performance contracts and the appointment of principals when  
20 their performance contracts are not renewed shall be governed  
21 by Sections 34-2.2 and 34-2.3. Whenever a vacancy in the office  
22 of a principal occurs for any reason, the vacancy shall be  
23 filled by the selection of a new principal to serve under a 4  
24 year performance contract in the manner provided by Section  
25 34-2.3.

26 The board of education shall develop and prepare, in  
27 consultation with the organization representing principals, a  
28 performance contract for use at all attendance centers, and  
29 shall furnish the same to each local school council. The term  
30 of the performance contract shall be 4 years, unless the  
31 principal is retained by the decision of a hearing officer  
32 pursuant to subdivision 1.5 of Section 34-2.3, in which case  
33 the contract shall be extended for 2 years. The performance  
34 contract of each principal shall consist of the uniform  
35 performance contract, as developed or from time to time  
36 modified by the board, and such additional criteria as are

1 established by a local school council pursuant to Section  
2 34-2.3 for the performance contract of its principal.

3 During the term of his or her performance contract, a  
4 principal may be removed only as provided for in the  
5 performance contract except for cause. He or she shall also be  
6 obliged to follow the rules of the board of education  
7 concerning conduct and efficiency.

8 In the event the performance contract of a principal is not  
9 renewed or a principal is not reappointed as principal under a  
10 new performance contract, or in the event a principal is  
11 appointed to any position of superintendent or higher position,  
12 or voluntarily resigns his position of principal, his or her  
13 employment as a principal shall terminate and such former  
14 principal shall not be reinstated to the position from which he  
15 or she was promoted to principal, except that he or she, if  
16 otherwise qualified and certified in accordance with Article  
17 21, shall be placed by the board on appropriate eligibility  
18 lists which it prepares for use in the filling of vacant or  
19 additional or newly created positions for teachers. The  
20 principal's total years of service to the board as both a  
21 teacher and a principal, or in other professional capacities,  
22 shall be used in calculating years of experience for purposes  
23 of being selected as a teacher into new, additional or vacant  
24 positions.

25 In the event the performance contract of a principal is not  
26 renewed or a principal is not reappointed as principal under a  
27 new performance contract, such principal shall be eligible to  
28 continue to receive his or her previously provided level of  
29 health insurance benefits for a period of 90 days following the  
30 non-renewal of the contract at no expense to the principal,  
31 provided that such principal has not retired.

32 (Source: P.A. 93-3, eff. 4-16-03; 93-48, eff. 7-1-03; revised  
33 9-11-03.)

34 (105 ILCS 5/34-18.23)

35 Sec. 34-18.23. Medical information form for bus drivers and



1 emergency medical technicians. The school district is  
2 encouraged to create and use an emergency medical information  
3 form for bus drivers and emergency medical technicians for  
4 those students with special needs or medical conditions. The  
5 form may include without limitation information to be provided  
6 by the student's parent or legal guardian concerning the  
7 student's relevant medical conditions, medications that the  
8 student is taking, the student's communication skills, and how  
9 a bus driver or an emergency medical technician is to respond  
10 to certain behaviors of the student. If the form is used, the  
11 school district is encouraged to notify parents and legal  
12 guardians of the availability of the form. The parent or legal  
13 guardian of the student may fill out the form and submit it to  
14 the school that the student is attending. The school district  
15 is encouraged to keep one copy of the form on file at the  
16 school and another copy on the student's school bus in a secure  
17 location.

18 (Source: P.A. 92-580, eff. 7-1-02.)

19 (105 ILCS 5/34-18.25)

20 Sec. 34-18.25 ~~34-18.23~~. Psychotropic or psychostimulant  
21 medication; disciplinary action.

22 (a) In this Section:

23 "Psychostimulant medication" means medication that  
24 produces increased levels of mental and physical energy and  
25 alertness and an elevated mood by stimulating the central  
26 nervous system.

27 "Psychotropic medication" means psychotropic medication as  
28 defined in Section 1-121.1 of the Mental Health and  
29 Developmental Disabilities Code.

30 (b) The board must adopt and implement a policy that  
31 prohibits any disciplinary action that is based totally or in  
32 part on the refusal of a student's parent or guardian to  
33 administer or consent to the administration of psychotropic or  
34 psychostimulant medication to the student.

35 The policy must require that, at least once every 2 years,

1 the in-service training of certified school personnel and  
2 administrators include training on current best practices  
3 regarding the identification and treatment of attention  
4 deficit disorder and attention deficit hyperactivity disorder,  
5 the application of non-aversive behavioral interventions in  
6 the school environment, and the use of psychotropic or  
7 psychostimulant medication for school-age children.

8 (c) This Section does not prohibit school medical staff, an  
9 individualized educational program team, or a professional  
10 worker (as defined in Section 14-1.10 of this Code) from  
11 recommending that a student be evaluated by an appropriate  
12 medical practitioner or prohibit school personnel from  
13 consulting with the practitioner with the consent of the  
14 student's parents or guardian.

15 (Source: P.A. 92-663, eff. 1-1-03; revised 9-3-02.)

16 (105 ILCS 5/34-18.26)

17 Sec. 34-18.26. Sharing information on school lunch  
18 applicants. The board shall, whenever requested by the  
19 Department of Public Aid, agree in writing with the Department  
20 of Public Aid (as the State agency that administers the State  
21 Medical Assistance Program as provided in Title XIX of the  
22 federal Social Security Act and the State Children's Health  
23 Insurance Program as provided in Title XXI of the federal  
24 Social Security Act) to share with the Department of Public Aid  
25 information on applicants for free or reduced-price lunches.  
26 The board shall, whenever requested by the Department of Public  
27 Aid, require each of its schools to agree in writing with the  
28 Department of Public Aid to share with the Department of Public  
29 Aid information on applicants for free or reduced-price  
30 lunches. This sharing of information shall be for the sole  
31 purpose of helping the Department of Public Aid identify and  
32 enroll children in the State Medical Assistance Program or the  
33 State Children's Health Insurance Program or both as allowed  
34 under 42 U.S.C. Sec. 1758(b)(2)(C)(iii)(IV) and under the  
35 restrictions set forth in 42 U.S.C. Sec. 1758(b)(2)(C)(vi) and

1 (vii).

2 (Source: P.A. 93-404, eff. 8-1-03.)

3 (105 ILCS 5/34-18.27)

4 Sec. 34-18.27 ~~34-18.26~~. Summer kindergarten. The board may  
5 establish, maintain, and operate, in connection with the  
6 kindergarten program of the school district, a summer  
7 kindergarten program that begins 2 months before the beginning  
8 of the regular school year and a summer kindergarten program  
9 for grade one readiness for those pupils making unsatisfactory  
10 progress during the regular kindergarten session that will  
11 continue for 2 months after the regular school year. The summer  
12 kindergarten program may be held within the school district or,  
13 pursuant to a contract that must be approved by the State Board  
14 of Education, may be operated by 2 or more adjacent school  
15 districts or by a public or private university or college.  
16 Transportation for students attending the summer kindergarten  
17 program shall be the responsibility of the school district. The  
18 expense of establishing, maintaining, and operating the summer  
19 kindergarten program may be paid from funds contributed or  
20 otherwise made available to the school district for that  
21 purpose by federal or State appropriation.

22 (Source: P.A. 93-472, eff. 8-8-03; revised 9-24-03.)

23 (105 ILCS 5/34-18.28)

24 Sec. 34-18.28 ~~34-18.26~~. Prison tour pilot program. The  
25 board shall establish a pilot program to prevent crime by  
26 developing guidelines to identify students at risk of  
27 committing crimes. "Students at risk of committing crimes"  
28 shall be limited to those students who have engaged in serious  
29 acts of misconduct in violation of the board's policy on  
30 discipline. This program, in cooperation with the Department of  
31 Corrections, shall include a guided tour of a prison for each  
32 student so identified in order to discourage criminal behavior.  
33 The touring of a prison under this Section shall be subject to  
34 approval, in writing, of a student's parent or guardian.

1 (Source: P.A. 93-538, eff. 1-1-04; revised 9-24-03.)

2 (105 ILCS 5/34-18.29)

3 Sec. 34-18.29 ~~34-18.26~~. Provision of student information  
4 prohibited. The school district may not provide a student's  
5 name, address, telephone number, social security number,  
6 e-mail address, or other personal identifying information to a  
7 business organization or financial institution that issues  
8 credit or debit cards.

9 (Source: P.A. 93-549, eff. 8-19-03; revised 9-24-03.)

10 (105 ILCS 5/34-18.30)

11 Sec. 34-18.30. Dependents of military personnel; no  
12 tuition charge. If, at the time of enrollment, a dependent of  
13 United States military personnel is housed in temporary housing  
14 located outside of the school district, but will be living  
15 within the district within 60 days after the time of initial  
16 enrollment, the dependent must be allowed to enroll, subject to  
17 the requirements of this Section, and must not be charged  
18 tuition. Any United States military personnel attempting to  
19 enroll a dependent under this Section shall provide proof that  
20 the dependent will be living within the district within 60 days  
21 after the time of initial enrollment. Proof of residency may  
22 include, but is not limited to, postmarked mail addressed to  
23 the military personnel and sent to an address located within  
24 the district, a lease agreement for occupancy of a residence  
25 located within the district, or proof of ownership of a  
26 residence located within the district. Non-resident dependents  
27 of United States military personnel attending school on a  
28 tuition-free basis may be counted for the purposes of  
29 determining the apportionment of State aid provided under  
30 Section 18-8.05 of this Code.

31 (Source: P.A. 93-740, eff. 7-15-04.)

32 (105 ILCS 5/34-18.31)

33 Sec. 34-18.31 ~~34-18.30~~. Highly qualified teachers; No

1 Child Left Behind Act funds. If the school district has an  
2 overall shortage of highly qualified teachers, as defined by  
3 the federal No Child Left Behind Act of 2001 (Public Law  
4 107-110), or a shortage of highly qualified teachers in the  
5 subject area of mathematics, science, reading, or special  
6 education, then the school board must spend at least 40% of the  
7 money it receives from Title 2 grants under the Act on  
8 recruitment and retention initiatives to assist in recruiting  
9 and retaining highly qualified teachers (in a specific subject  
10 area is applicable) as specified in paragraphs (1)(B), (2)(A),  
11 (2)(B), (4)(A), (4)(B), and (4)(C) of subsection (a) of Section  
12 2123 of the Act until there is no longer a shortage of highly  
13 qualified teachers (in a specific subject area if applicable).  
14 As the number of highly qualified teachers in the district  
15 increases, however, the school board may spend any surplus of  
16 the minimum 40% of funds dedicated to addressing the highly  
17 qualified teacher shortage in any manner the school board deems  
18 appropriate.

19 (Source: P.A. 93-997, eff. 8-23-04; revised 10-14-04.)

20 Section 300. The Southern Illinois University Management  
21 Act is amended by setting forth and renumbering multiple  
22 versions of Section 15 as follows:

23 (110 ILCS 520/15)

24 Sec. 15. Limitation on tuition increase. This Section  
25 applies only to those students who first enroll after the  
26 2003-2004 academic year. For 4 continuous academic years  
27 following initial enrollment (or for undergraduate programs  
28 that require more than 4 years to complete, for the normal time  
29 to complete the program, as determined by the University), the  
30 tuition charged an undergraduate student who is an Illinois  
31 resident shall not exceed the amount that the student was  
32 charged at the time he or she first enrolled in the University.  
33 However, if the student changes majors during this time period,  
34 the tuition charged the student shall equal the amount the

1 student would have been charged had he or she been admitted to  
2 the changed major when he or she first enrolled.

3 (Source: P.A. 93-228, eff. 1-1-04.)

4 (110 ILCS 520/16)

5 Sec. 16 ~~15~~. Provision of student information prohibited.

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

11 (Source: P.A. 93-549, eff. 8-19-03; revised 9-24-03.)

12 Section 305. The Chicago State University Law is amended by  
13 setting forth and renumbering multiple versions of Section  
14 5-120 as follows:

15 (110 ILCS 660/5-120)

16 Sec. 5-120. Limitation on tuition increase. This Section  
17 applies only to those students who first enroll after the  
18 2003-2004 academic year. For 4 continuous academic years  
19 following initial enrollment (or for undergraduate programs  
20 that require more than 4 years to complete, for the normal time  
21 to complete the program, as determined by the University), the  
22 tuition charged an undergraduate student who is an Illinois  
23 resident shall not exceed the amount that the student was  
24 charged at the time he or she first enrolled in the University.  
25 However, if the student changes majors during this time period,  
26 the tuition charged the student shall equal the amount the  
27 student would have been charged had he or she been admitted to  
28 the changed major when he or she first enrolled.

29 (Source: P.A. 93-228; eff. 1-1-04.)

30 (110 ILCS 660/5-125)

31 Sec. 5-125 ~~5-120~~. Provision of student information  
32 prohibited. The University may not provide a student's name,

1 address, telephone number, social security number, e-mail  
2 address, or other personal identifying information to a  
3 business organization or financial institution that issues  
4 credit or debit cards, unless the student is 21 years of age or  
5 older.

6 (Source: P.A. 93-549, eff. 8-19-03; revised 9-24-03.)

7 Section 310. The Eastern Illinois University Law is amended  
8 by setting forth and renumbering multiple versions of Section  
9 10-120 as follows:

10 (110 ILCS 665/10-120)

11 Sec. 10-120. Limitation on tuition increase. This Section  
12 applies only to those students who first enroll after the  
13 2003-2004 academic year. For 4 continuous academic years  
14 following initial enrollment (or for undergraduate programs  
15 that require more than 4 years to complete, for the normal time  
16 to complete the program, as determined by the University), the  
17 tuition charged an undergraduate student who is an Illinois  
18 resident shall not exceed the amount that the student was  
19 charged at the time he or she first enrolled in the University.  
20 However, if the student changes majors during this time period,  
21 the tuition charged the student shall equal the amount the  
22 student would have been charged had he or she been admitted to  
23 the changed major when he or she first enrolled.

24 (Source: P.A. 93-228, eff. 1-1-04.)

25 (110 ILCS 665/10-125)

26 Sec. 10-125 ~~10-120~~. Provision of student information  
27 prohibited. The University may not provide a student's name,  
28 address, telephone number, social security number, e-mail  
29 address, or other personal identifying information to a  
30 business organization or financial institution that issues  
31 credit or debit cards, unless the student is 21 years of age or  
32 older.

33 (Source: P.A. 93-549, eff. 8-19-03; revised 9-24-03.)

1 Section 315. The Governors State University Law is amended  
2 by setting forth and renumbering multiple versions of Section  
3 15-120 as follows:

4 (110 ILCS 670/15-120)

5 Sec. 15-120. Limitation on tuition increase. This Section  
6 applies only to those students who first enroll after the  
7 2003-2004 academic year. For 4 continuous academic years  
8 following initial enrollment (or for undergraduate programs  
9 that require more than 4 years to complete, for the normal time  
10 to complete the program, as determined by the University), the  
11 tuition charged an undergraduate student who is an Illinois  
12 resident shall not exceed the amount that the student was  
13 charged at the time he or she first enrolled in the University.  
14 However, if the student changes majors during this time period,  
15 the tuition charged the student shall equal the amount the  
16 student would have been charged had he or she been admitted to  
17 the changed major when he or she first enrolled.

18 (Source: P.A. 93-228, eff. 1-1-04.)

19 (110 ILCS 670/15-125)

20 Sec. 15-125 ~~15-120~~. Provision of student information  
21 prohibited. The University may not provide a student's name,  
22 address, telephone number, social security number, e-mail  
23 address, or other personal identifying information to a  
24 business organization or financial institution that issues  
25 credit or debit cards, unless the student is 21 years of age or  
26 older.

27 (Source: P.A. 93-549, eff. 8-19-03; revised 9-24-03.)

28 Section 320. The Illinois State University Law is amended  
29 by setting forth and renumbering multiple versions of Section  
30 20-125 as follows:

31 (110 ILCS 675/20-125)



1           Sec. 20-125. Limitation on tuition increase. This Section  
2 applies only to those students who first enroll after the  
3 2003-2004 academic year. For 4 continuous academic years  
4 following initial enrollment (or for undergraduate programs  
5 that require more than 4 years to complete, for the normal time  
6 to complete the program, as determined by the University), the  
7 tuition charged an undergraduate student who is an Illinois  
8 resident shall not exceed the amount that the student was  
9 charged at the time he or she first enrolled in the University.  
10 However, if the student changes majors during this time period,  
11 the tuition charged the student shall equal the amount the  
12 student would have been charged had he or she been admitted to  
13 the changed major when he or she first enrolled.

14 (Source: P.A. 93-228, eff. 1-1-04.)

15 (110 ILCS 675/20-130)

16           Sec. 20-130 ~~20-125~~. Provision of student information  
17 prohibited. The University may not provide a student's name,  
18 address, telephone number, social security number, e-mail  
19 address, or other personal identifying information to a  
20 business organization or financial institution that issues  
21 credit or debit cards, unless the student is 21 years of age or  
22 older.

23 (Source: P.A. 93-549, eff. 8-19-03; revised 9-24-03.)

24           Section 325. The Northeastern Illinois University Law is  
25 amended by setting forth and renumbering multiple versions of  
26 Section 25-120 as follows:

27 (110 ILCS 680/25-120)

28           Sec. 25-120. Limitation on tuition increase. This Section  
29 applies only to those students who first enroll after the  
30 2003-2004 academic year. For 4 continuous academic years  
31 following initial enrollment (or for undergraduate programs  
32 that require more than 4 years to complete, for the normal time  
33 to complete the program, as determined by the University), the

1 tuition charged an undergraduate student who is an Illinois  
2 resident shall not exceed the amount that the student was  
3 charged at the time he or she first enrolled in the University.  
4 However, if the student changes majors during this time period,  
5 the tuition charged the student shall equal the amount the  
6 student would have been charged had he or she been admitted to  
7 the changed major when he or she first enrolled.

8 (Source: P.A. 93-228, eff. 1-1-04.)

9 (110 ILCS 680/25-125)

10 Sec. 25-125 ~~25-120~~. Provision of student information  
11 prohibited. The University may not provide a student's name,  
12 address, telephone number, social security number, e-mail  
13 address, or other personal identifying information to a  
14 business organization or financial institution that issues  
15 credit or debit cards, unless the student is 21 years of age or  
16 older.

17 (Source: P.A. 93-549, eff. 8-19-03; revised 9-24-03.)

18 Section 330. The Northern Illinois University Law is  
19 amended by setting forth and renumbering multiple versions of  
20 Section 30-130 as follows:

21 (110 ILCS 685/30-130)

22 Sec. 30-130. Limitation on tuition increase. This Section  
23 applies only to those students who first enroll after the  
24 2003-2004 academic year. For 4 continuous academic years  
25 following initial enrollment (or for undergraduate programs  
26 that require more than 4 years to complete, for the normal time  
27 to complete the program, as determined by the University), the  
28 tuition charged an undergraduate student who is an Illinois  
29 resident shall not exceed the amount that the student was  
30 charged at the time he or she first enrolled in the University.  
31 However, if the student changes majors during this time period,  
32 the tuition charged the student shall equal the amount the  
33 student would have been charged had he or she been admitted to

1 the changed major when he or she first enrolled.

2 (Source: P.A. 93-228, eff. 1-1-04.)

3 (110 ILCS 685/30-135)

4 Sec. 30-135 ~~30-130~~. Provision of student information  
5 prohibited. The University may not provide a student's name,  
6 address, telephone number, social security number, e-mail  
7 address, or other personal identifying information to a  
8 business organization or financial institution that issues  
9 credit or debit cards, unless the student is 21 years of age or  
10 older.

11 (Source: P.A. 93-549, eff. 8-19-03; revised 9-24-03.)

12 Section 335. The Western Illinois University Law is amended  
13 by setting forth and renumbering multiple versions of Section  
14 35-125 as follows:

15 (110 ILCS 690/35-125)

16 Sec. 35-125. Limitation on tuition increase. This Section  
17 applies only to those students who first enroll after the  
18 2003-2004 academic year. The tuition charged an undergraduate  
19 student who is an Illinois resident shall not exceed the amount  
20 that the student was charged at the time he or she first  
21 enrolled at the University as an Illinois resident if that  
22 student first enrolled not more than 3 and one-half academic  
23 years before. However, if the student changes majors during  
24 this time period, the tuition charged the student shall equal  
25 the amount the student would have been charged had he or she  
26 been admitted to the changed major when he or she first  
27 enrolled.

28 (Source: P.A. 93-228, eff. 1-1-04.)

29 (110 ILCS 690/35-130)

30 Sec. 35-130 ~~35-125~~. Provision of student information  
31 prohibited. The University may not provide a student's name,  
32 address, telephone number, social security number, e-mail

1 address, or other personal identifying information to a  
2 business organization or financial institution that issues  
3 credit or debit cards, unless the student is 21 years of age or  
4 older.

5 (Source: P.A. 93-549, eff. 8-19-03; revised 9-24-03.)

6 Section 340. The Public Community College Act is amended by  
7 changing Section 2-16.08 as follows:

8 (110 ILCS 805/2-16.08)

9 Sec. 2-16.08. ICCB Federal Trust Fund. The ICCB Federal  
10 Trust Fund is created as a special fund in the State treasury.  
11 Money recovered from federal programs for general  
12 administration that is ~~are~~ received by the State Board shall be  
13 deposited into the ICCB Federal Trust Fund. All money in the  
14 ICCB Federal Trust Fund shall be used, subject to appropriation  
15 by the General Assembly, by the State Board for the ordinary  
16 and contingent expenses of the State Board.

17 (Source: P.A. 93-153, eff. 7-10-03; revised 1-14-04.)

18 Section 345. The Higher Education Loan Act is amended by  
19 changing Sections 3, 3.01, and 5 as follows:

20 (110 ILCS 945/3) (from Ch. 144, par. 1603)

21 Sec. 3. Definitions. In this Act, unless the context  
22 otherwise requires, the terms specified in Sections 3.01  
23 through 3.13 of this Act and the Illinois Finance ~~Facilities~~  
24 Authority Act have the meanings ascribed to them in those Acts.

25 (Source: P.A. 93-205, eff. 1-1-04; revised 10-9-03.)

26 (110 ILCS 945/3.01) (from Ch. 144, par. 1603.01)

27 Sec. 3.01. Authority. "Authority" means the Illinois ~~State~~  
28 Finance Authority created by the Illinois ~~State~~ Finance  
29 Authority Act.

30 (Source: P.A. 93-205, eff. 1-1-04; revised 10-9-03.)

1 (110 ILCS 945/5) (from Ch. 144, par. 1605)

2 Sec. 5. Transfer of functions from the Illinois Educational  
3 Facilities Authority to the Illinois Finance Authority. The  
4 Illinois Finance Authority created by the Illinois Finance  
5 Authority Act shall succeed to, assume and exercise all rights,  
6 powers, duties and responsibilities formerly exercised by the  
7 Illinois Educational Facilities Authority prior to the  
8 abolition of that Authority by this amendatory Act of the 93rd  
9 General Assembly. All books, records, papers, documents and  
10 pending business in any way pertaining to the former Illinois  
11 Educational Facilities Authority are transferred to the  
12 Illinois ~~State~~ Finance Authority, but any rights or obligations  
13 of any person under any contract made by, or under any rules,  
14 regulations, uniform standards, criteria and guidelines  
15 established or approved by, such former Illinois Educational  
16 Facilities Authority shall be unaffected thereby. All bonds,  
17 notes or other evidences of indebtedness outstanding on the  
18 effective date of this amendatory Act of the 93rd General  
19 Assembly shall be unaffected by the transfer of functions to  
20 the Illinois Finance Authority. No rule, regulation, standard,  
21 criteria or guideline promulgated, established or approved by  
22 the former Illinois Educational Facilities Authority pursuant  
23 to an exercise of any right, power, duty or responsibility  
24 assumed by and transferred to the Illinois Finance Authority  
25 shall be affected by this amendatory Act of the 93rd General  
26 Assembly, and all such rules, regulations, standards, criteria  
27 and guidelines shall become those of the Illinois Finance  
28 Authority until such time as they are amended or repealed by  
29 the Authority.

30 (Source: P.A. 93-205, eff. 1-1-04; revised 10-9-03.)

31 Section 350. The Higher Education Student Assistance Act is  
32 amended by changing Section 45 as follows:

33 (110 ILCS 947/45)

34 Sec. 45. Illinois National Guard grant program.

1 (a) As used in this Section:

2 "State controlled university or community college" means  
3 those institutions under the administration of the Chicago  
4 State University Board of Trustees, the Eastern Illinois  
5 University Board of Trustees, the Governors State University  
6 Board of Trustees, the Illinois State University Board of  
7 Trustees, the Northeastern Illinois University Board of  
8 Trustees, the Northern Illinois University Board of Trustees,  
9 the Western Illinois University Board of Trustees, Southern  
10 Illinois University Board of Trustees, University of Illinois  
11 Board of Trustees, or the Illinois Community College Board.

12 "Tuition and fees" shall not include expenses for any  
13 sectarian or denominational instruction, the construction or  
14 maintenance of sectarian or denominational facilities, or any  
15 other sectarian or denominational purposes or activity.

16 "Fees" means matriculation, graduation, activity, term, or  
17 incidental fees. Exemption shall not be granted from any other  
18 fees, including book rental, service, laboratory, supply, and  
19 union building fees, hospital and medical insurance fees, and  
20 any fees established for the operation and maintenance of  
21 buildings, the income of which is pledged to the payment of  
22 interest and principal on bonds issued by the governing board  
23 of any university or community college.

24 (b) Any enlisted person or any company grade officer,  
25 including warrant officers, First and Second Lieutenants, and  
26 Captains in the Army and Air National Guard, who has served at  
27 least one year in the Illinois National Guard and who possesses  
28 all necessary entrance requirements shall, upon application  
29 and proper proof, be awarded a grant to the State-controlled  
30 university or community college of his or her choice,  
31 consisting of exemption from tuition and fees for not more than  
32 the equivalent of 4 years of full-time enrollment in relation  
33 to his or her course of study at that State controlled  
34 university or community college while he or she is a member of  
35 the Illinois National Guard. Except as otherwise provided in  
36 this Section, if the recipient of any grant awarded under this

1 Section ceases to be a member of the Illinois National Guard  
2 while enrolled in a course of study under that grant, the grant  
3 shall be terminated as of the date membership in the Illinois  
4 National Guard ended, and the recipient shall be permitted to  
5 complete the school term in which he or she is then enrolled  
6 only upon payment of tuition and other fees allocable to the  
7 part of the term then remaining. If the recipient of a grant  
8 awarded under this Section ceases to be a member of the  
9 Illinois National Guard while enrolled in a course of study  
10 under that grant but (i) has served in the Illinois National  
11 Guard for at least 5 years and (ii) has served a cumulative  
12 total of at least 6 months of active duty, then that recipient  
13 shall continue to be eligible for a grant for one year after  
14 membership in the Illinois National Guard ended, provided that  
15 the recipient has not already received the exemption from  
16 tuition and fees for the equivalent of 4 years of full-time  
17 enrollment under this Section. If the recipient of the grant  
18 fails to complete his or her military service obligations or  
19 requirements for satisfactory participation, the Department of  
20 Military Affairs shall require the recipient to repay the  
21 amount of the grant received, prorated according to the  
22 fraction of the service obligation not completed, and, if  
23 applicable, reasonable collection fees. The Department of  
24 Military Affairs may adopt rules relating to its collection  
25 activities for repayment of the grant under this Section.  
26 Unsatisfactory participation shall be defined by rules adopted  
27 by the Department of Military Affairs. Repayments shall be  
28 deposited in the National Guard Grant Fund. The National Guard  
29 Grant Fund is created as a special fund in the State treasury.  
30 All money in the National Guard Grant Fund shall be used,  
31 subject to appropriation, by the Illinois Student Assistance  
32 Commission for the purposes of this Section.

33 A grant awarded under this Section shall be considered an  
34 entitlement which the State-controlled university or community  
35 college in which the holder is enrolled shall honor without any  
36 condition other than the holder's maintenance of minimum grade

1 levels and a satisfactory student loan repayment record  
2 pursuant to subsection (c) of Section 20 of this Act.

3 (c) Subject to a separate appropriation for such purposes,  
4 the Commission may reimburse the State-controlled university  
5 or community college for grants authorized by this Section.

6 (Source: P.A. 92-589, eff. 7-1-02; 93-838, eff. 7-30-04;  
7 93-856, eff. 8-3-04; revised 10-22-04.)

8 Section 355. The Nursing Education Scholarship Law is  
9 amended by changing Section 3 as follows:

10 (110 ILCS 975/3) (from Ch. 144, par. 2753)

11 Sec. 3. Definitions.

12 The following terms, whenever used or referred to, have the  
13 following meanings except where the context clearly indicates  
14 otherwise:

15 (1) "Board" means the Board of Higher Education created by  
16 the Board of Higher Education Act.

17 (2) "Department" means the Illinois Department of Public  
18 Health.

19 (3) "Approved institution" means a public community  
20 college, private junior college, hospital-based diploma in  
21 nursing program, or public or private college or university  
22 located in this State that has approval by the Department of  
23 Professional Regulation for an associate degree in nursing  
24 program, associate degree in applied sciences in nursing  
25 program, hospital-based diploma in nursing program,  
26 baccalaureate degree in nursing program, graduate degree in  
27 nursing program, or certificate in practical nursing program.

28 (4) "Baccalaureate degree in nursing program" means a  
29 program offered by an approved institution and leading to a  
30 bachelor of science degree in nursing.

31 (5) "Enrollment" means the establishment and maintenance  
32 of an individual's status as a student in an approved  
33 institution, regardless of the terms used at the institution to  
34 describe such status.



1           (6) "Academic year" means the period of time from September  
2 1 of one year through August 31 of the next year or as  
3 otherwise defined by the academic institution.

4           (7) "Associate degree in nursing program or hospital-based  
5 diploma in nursing program" means a program offered by an  
6 approved institution and leading to an associate degree in  
7 nursing, associate degree in applied sciences in nursing, or  
8 hospital-based diploma in nursing.

9           (8) "Graduate degree in nursing program" means a program  
10 offered by an approved institution and leading to a master of  
11 science degree in nursing or a doctorate of philosophy or  
12 doctorate of nursing degree in nursing.

13           (9) "Director" means the Director of the Illinois  
14 Department of Public Health.

15           (10) "Accepted for admission" means a student has completed  
16 the requirements for entry into an associate degree in nursing  
17 program, associate degree in applied sciences in nursing  
18 program, hospital-based diploma in nursing program,  
19 baccalaureate degree in nursing program, graduate degree in  
20 nursing program, or certificate in practical nursing program at  
21 an approved institution, as documented by the institution.

22           (11) "Fees" means those mandatory charges, in addition to  
23 tuition, that all enrolled students must pay, including  
24 required course or lab fees.

25           (12) "Full-time student" means a student enrolled for at  
26 least 12 hours per term or as otherwise determined by the  
27 academic institution.

28           (13) "Law" means the Nursing Education Scholarship Law.

29           (14) "Nursing employment obligation" means employment in  
30 this State as a registered professional nurse or licensed  
31 practical nurse in direct patient care or as a nurse educator  
32 in the case of a graduate degree in nursing program recipient  
33 for at least one year for each year of scholarship assistance  
34 received through the Nursing Education Scholarship Program.

35           (15) "Part-time student" means a person who is enrolled for  
36 at least one-third of the number of hours required per term by

1 a school for its full-time students.

2 (16) "Practical nursing program" means a program offered by  
3 an approved institution leading to a certificate in practical  
4 nursing.

5 (17) "Registered professional nurse" means a person who is  
6 currently licensed as a registered professional nurse by the  
7 Department of Professional Regulation under the Nursing and  
8 Advanced Practice Nursing Act.

9 (18) "Licensed practical nurse" means a person who is  
10 currently licensed as a licensed practical nurse by the  
11 Department of Professional Regulation under the Nursing and  
12 Advanced Practice Nursing Act.

13 (19) "School term" means an academic term, such as a  
14 semester, quarter, trimester, or number of clock hours, as  
15 defined by an approved institution.

16 (20) "Student in good standing" means a student maintaining  
17 a cumulative grade point average equivalent to at least the  
18 academic grade of a "C".

19 (21) "Total and permanent disability" means a physical or  
20 mental impairment, disease, or loss of a permanent nature that  
21 prevents nursing employment with or without reasonable  
22 accommodation. Proof of disability shall be a declaration from  
23 the social security administration, Illinois Workers'  
24 Compensation Commission, Department of Defense, or an insurer  
25 authorized to transact business in Illinois who is providing  
26 disability insurance coverage to a contractor.

27 (22) "Tuition" means the established charges of an  
28 institution of higher learning for instruction at that  
29 institution.

30 (23) "Nurse educator" means a person who is currently  
31 licensed as a registered nurse by the Department of  
32 Professional Regulation under the Nursing and Advanced  
33 Practice Nursing Act, who has a graduate degree in nursing, and  
34 who is employed by an approved academic institution to educate  
35 registered nursing students, licensed practical nursing  
36 students, and registered nurses pursuing graduate degrees.

1 (Source: P.A. 92-43, eff. 1-1-02; 93-721, eff. 1-1-05; 93-879,  
2 eff. 1-1-05; revised 10-25-04.)

3 Section 360. The Illinois Educational Labor Relations Act  
4 is amended by changing Sections 2 and 7 as follows:

5 (115 ILCS 5/2) (from Ch. 48, par. 1702)

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

7 (a) "Educational employer" or "employer" means the  
8 governing body of a public school district, combination of  
9 public school districts, including the governing body of joint  
10 agreements of any type formed by 2 or more school districts,  
11 public community college district or State college or  
12 university, and any State agency whose major function is  
13 providing educational services. "Educational employer" or  
14 "employer" does not include a Financial Oversight Panel created  
15 pursuant to Section 1A-8 of the School Code due to a district  
16 violating a financial plan but does include a School Finance  
17 Authority created under Article 1E or 1F of the School Code.

18 (b) "Educational employee" or "employee" means any  
19 individual, excluding supervisors, managerial, confidential,  
20 short term employees, student, and part-time academic  
21 employees of community colleges employed full or part time by  
22 an educational employer, but shall not include elected  
23 officials and appointees of the Governor with the advice and  
24 consent of the Senate, firefighters as defined by subsection  
25 (g-1) of Section 3 of the Illinois Public Labor Relations Act,  
26 and peace officers employed by a State university. For the  
27 purposes of this Act, part-time academic employees of community  
28 colleges shall be defined as those employees who provide less  
29 than 3 credit hours of instruction per academic semester. In  
30 this subsection (b), the term "student" includes graduate  
31 students who are research assistants primarily performing  
32 duties that involve research or graduate assistants primarily  
33 performing duties that are pre-professional, but excludes  
34 graduate students who are teaching assistants primarily

1 performing duties that involve the delivery and support of  
2 instruction and all other graduate assistants.

3 (c) "Employee organization" or "labor organization" means  
4 an organization of any kind in which membership includes  
5 educational employees, and which exists for the purpose, in  
6 whole or in part, of dealing with employers concerning  
7 grievances, employee-employer disputes, wages, rates of pay,  
8 hours of employment, or conditions of work, but shall not  
9 include any organization which practices discrimination in  
10 membership because of race, color, creed, age, gender, national  
11 origin or political affiliation.

12 (d) "Exclusive representative" means the labor  
13 organization which has been designated by the Illinois  
14 Educational Labor Relations Board as the representative of the  
15 majority of educational employees in an appropriate unit, or  
16 recognized by an educational employer prior to January 1, 1984  
17 as the exclusive representative of the employees in an  
18 appropriate unit or, after January 1, 1984, recognized by an  
19 employer upon evidence that the employee organization has been  
20 designated as the exclusive representative by a majority of the  
21 employees in an appropriate unit.

22 (e) "Board" means the Illinois Educational Labor Relations  
23 Board.

24 (f) "Regional Superintendent" means the regional  
25 superintendent of schools provided for in Articles 3 and 3A of  
26 The School Code.

27 (g) "Supervisor" means any individual having authority in  
28 the interests of the employer to hire, transfer, suspend, lay  
29 off, recall, promote, discharge, reward or discipline other  
30 employees within the appropriate bargaining unit and adjust  
31 their grievances, or to effectively recommend such action if  
32 the exercise of such authority is not of a merely routine or  
33 clerical nature but requires the use of independent judgment.  
34 The term "supervisor" includes only those individuals who  
35 devote a preponderance of their employment time to such  
36 exercising authority.

1 (h) "Unfair labor practice" or "unfair practice" means any  
2 practice prohibited by Section 14 of this Act.

3 (i) "Person" includes an individual, educational employee,  
4 educational employer, legal representative, or employee  
5 organization.

6 (j) "Wages" means salaries or other forms of compensation  
7 for services rendered.

8 (k) "Professional employee" means, in the case of a public  
9 community college, State college or university, State agency  
10 whose major function is providing educational services, the  
11 Illinois School for the Deaf, and the Illinois School for the  
12 Visually Impaired, (1) any employee engaged in work (i)  
13 predominantly intellectual and varied in character as opposed  
14 to routine mental, manual, mechanical, or physical work; (ii)  
15 involving the consistent exercise of discretion and judgment in  
16 its performance; (iii) of such character that the output  
17 produced or the result accomplished cannot be standardized in  
18 relation to a given period of time; and (iv) requiring  
19 knowledge of an advanced type in a field of science or learning  
20 customarily acquired by a prolonged course of specialized  
21 intellectual instruction and study in an institution of higher  
22 learning or a hospital, as distinguished from a general  
23 academic education or from an apprenticeship or from training  
24 in the performance of routine mental, manual, or physical  
25 processes; or (2) any employee, who (i) has completed the  
26 courses of specialized intellectual instruction and study  
27 described in clause (iv) of paragraph (1) of this subsection,  
28 and (ii) is performing related work under the supervision of a  
29 professional person to qualify himself or herself to become a  
30 professional as defined in paragraph (1).

31 (l) "Professional employee" means, in the case of any  
32 public school district, or combination of school districts  
33 pursuant to joint agreement, any employee who has a certificate  
34 issued under Article 21 or Section 34-83 of the School Code, as  
35 now or hereafter amended.

36 (m) "Unit" or "bargaining unit" means any group of

1 employees for which an exclusive representative is selected.

2 (n) "Confidential employee" means an employee, who (i) in  
3 the regular course of his or her duties, assists and acts in a  
4 confidential capacity to persons who formulate, determine and  
5 effectuate management policies with regard to labor relations  
6 or who (ii) in the regular course of his or her duties has  
7 access to information relating to the effectuation or review of  
8 the employer's collective bargaining policies.

9 (o) "Managerial employee" means an individual who is  
10 engaged predominantly in executive and management functions  
11 and is charged with the responsibility of directing the  
12 effectuation of such management policies and practices.

13 (p) "Craft employee" means a skilled journeyman, craft  
14 person, and his or her apprentice or helper.

15 (q) "Short-term employee" is an employee who is employed  
16 for less than 2 consecutive calendar quarters during a calendar  
17 year and who does not have a reasonable expectation that he or  
18 she will be rehired by the same employer for the same service  
19 in a subsequent calendar year. Nothing in this subsection shall  
20 affect the employee status of individuals who were covered by a  
21 collective bargaining agreement on the effective date of this  
22 amendatory Act of 1991.

23 (Source: P.A. 92-547, eff. 6-13-02; 92-748, eff. 1-1-03;  
24 93-314, eff. 1-1-04; 93-501, eff. 8-11-03; 93-1044, eff.  
25 10-14-04; revised 10-25-04.)

26 (115 ILCS 5/7) (from Ch. 48, par. 1707)

27 Sec. 7. Recognition of exclusive bargaining  
28 representatives - unit determination. The Board is empowered to  
29 administer the recognition of bargaining representatives of  
30 employees of public school districts, including employees of  
31 districts which have entered into joint agreements, or  
32 employees of public community college districts, or any State  
33 college or university, and any State agency whose major  
34 function is providing educational services, making certain  
35 that each bargaining unit contains employees with an

1 identifiable community of interest and that no unit includes  
2 both professional employees and nonprofessional employees  
3 unless a majority of employees in each group vote for inclusion  
4 in the unit.

5 (a) In determining the appropriateness of a unit, the Board  
6 shall decide in each case, in order to ensure employees the  
7 fullest freedom in exercising the rights guaranteed by this  
8 Act, the unit appropriate for the purpose of collective  
9 bargaining, based upon but not limited to such factors as  
10 historical pattern of recognition, community of interest,  
11 including employee skills and functions, degree of functional  
12 integration, interchangeability and contact among employees,  
13 common supervision, wages, hours and other working conditions  
14 of the employees involved, and the desires of the employees.  
15 Nothing in this Act, except as herein provided, shall interfere  
16 with or negate the current representation rights or patterns  
17 and practices of employee organizations which have  
18 historically represented employees for the purposes of  
19 collective bargaining, including but not limited to the  
20 negotiations of wages, hours and working conditions,  
21 resolutions of employees' grievances, or resolution of  
22 jurisdictional disputes, or the establishment and maintenance  
23 of prevailing wage rates, unless a majority of the employees so  
24 represented expresses a contrary desire under the procedures  
25 set forth in this Act. This Section, however, does not prohibit  
26 multi-unit bargaining. Notwithstanding the above factors,  
27 where the majority of public employees of a craft so decide,  
28 the Board shall designate such craft as a unit appropriate for  
29 the purposes of collective bargaining.

30 The sole appropriate bargaining unit for tenured and  
31 tenure-track academic faculty at each campus of the University  
32 of Illinois shall be a unit that is comprised of  
33 non-supervisory academic faculty employed more than half-time  
34 and that includes all tenured and tenure-track faculty of that  
35 University campus employed by the board of trustees in all of  
36 the campus's undergraduate, graduate, and professional schools

1 and degree and non-degree programs (with the exception of the  
2 college of medicine, the college of pharmacy, the college of  
3 dentistry, the college of law, and the college of veterinary  
4 medicine, each of which shall have its own separate unit),  
5 regardless of current or historical representation rights or  
6 patterns or the application of any other factors. Any decision,  
7 rule, or regulation promulgated by the Board to the contrary  
8 shall be null and void.

9 (b) An educational employer shall voluntarily recognize a  
10 labor organization for collective bargaining purposes if that  
11 organization appears to represent a majority of employees in  
12 the unit. The employer shall post notice of its intent to so  
13 recognize for a period of at least 20 school days on bulletin  
14 boards or other places used or reserved for employee notices.  
15 Thereafter, the employer, if satisfied as to the majority  
16 status of the employee organization, shall send written  
17 notification of such recognition to the Board for  
18 certification. Any dispute regarding the majority status of a  
19 labor organization shall be resolved by the Board which shall  
20 make the determination of majority status.

21 Within the 20 day notice period, however, any other  
22 interested employee organization may petition the Board to seek  
23 recognition as the exclusive representative of the unit in the  
24 manner specified by rules and regulations prescribed by the  
25 Board, if such interested employee organization has been  
26 designated by at least 15% of the employees in an appropriate  
27 bargaining unit which includes all or some of the employees in  
28 the unit intended to be recognized by the employer. In such  
29 event, the Board shall proceed with the petition in the same  
30 manner as provided in paragraph (c) of this Section.

31 (c) A labor organization may also gain recognition as the  
32 exclusive representative by an election of the employees in the  
33 unit. Petitions requesting an election may be filed with the  
34 Board:

35 (1) by an employee or group of employees or any labor  
36 organizations acting on their behalf alleging and



1 presenting evidence that 30% or more of the employees in a  
2 bargaining unit wish to be represented for collective  
3 bargaining or that the labor organization which has been  
4 acting as the exclusive bargaining representative is no  
5 longer representative of a majority of the employees in the  
6 unit; or

7 (2) by an employer alleging that one or more labor  
8 organizations have presented a claim to be recognized as an  
9 exclusive bargaining representative of a majority of the  
10 employees in an appropriate unit and that it doubts the  
11 majority status of any of the organizations or that it  
12 doubts the majority status of an exclusive bargaining  
13 representative.

14 The Board shall investigate the petition and if it has  
15 reasonable cause to suspect that a question of representation  
16 exists, it shall give notice and conduct a hearing. If it finds  
17 upon the record of the hearing that a question of  
18 representation exists, it shall direct an election, which shall  
19 be held no later than 90 days after the date the petition was  
20 filed. Nothing prohibits the waiving of hearings by the parties  
21 and the conduct of consent elections.

22 (c-5) The Board shall designate an exclusive  
23 representative for purposes of collective bargaining when the  
24 representative demonstrates a showing of majority interest by  
25 employees in the unit. If the parties to a dispute are without  
26 agreement on the means to ascertain the choice, if any, of  
27 employee organization as their representative, the Board shall  
28 ascertain the employees' choice of employee organization, on  
29 the basis of dues deduction authorization and other evidence,  
30 or, if necessary, by conducting an election. If either party  
31 provides to the Board, before the designation of a  
32 representative, clear and convincing evidence that the dues  
33 deduction authorizations, and other evidence upon which the  
34 Board would otherwise rely to ascertain the employees' choice  
35 of representative, are fraudulent or were obtained through  
36 coercion, the Board shall promptly thereafter conduct an

1 election. The Board shall also investigate and consider a  
2 party's allegations that the dues deduction authorizations and  
3 other evidence submitted in support of a designation of  
4 representative without an election were subsequently changed,  
5 altered, withdrawn, or withheld as a result of employer fraud,  
6 coercion, or any other unfair labor practice by the employer.  
7 If the Board determines that a labor organization would have  
8 had a majority interest but for an employer's fraud, coercion,  
9 or unfair labor practice, it shall designate the labor  
10 organization as an exclusive representative without conducting  
11 an election.

12 (d) An order of the Board dismissing a representation  
13 petition, determining and certifying that a labor organization  
14 has been fairly and freely chosen by a majority of employees in  
15 an appropriate bargaining unit, determining and certifying  
16 that a labor organization has not been fairly and freely chosen  
17 by a majority of employees in the bargaining unit or certifying  
18 a labor organization as the exclusive representative of  
19 employees in an appropriate bargaining unit because of a  
20 determination by the Board that the labor organization is the  
21 historical bargaining representative of employees in the  
22 bargaining unit, is a final order. Any person aggrieved by any  
23 such order issued on or after the effective date of this  
24 amendatory Act of 1987 may apply for and obtain judicial review  
25 in accordance with provisions of the Administrative Review Law,  
26 as now or hereafter amended, except that such review shall be  
27 afforded directly in the Appellate Court of a judicial district  
28 in which the Board maintains an office. Any direct appeal to  
29 the Appellate Court shall be filed within 35 days from the date  
30 that a copy of the decision sought to be reviewed was served  
31 upon the party affected by the decision.

32 No election may be conducted in any bargaining unit during  
33 the term of a collective bargaining agreement covering such  
34 unit or subdivision thereof, except the Board may direct an  
35 election after the filing of a petition between January 15 and  
36 March 1 of the final year of a collective bargaining agreement.

1 Nothing in this Section prohibits the negotiation of a  
2 collective bargaining agreement covering a period not  
3 exceeding 3 years. A collective bargaining agreement of less  
4 than 3 years may be extended up to 3 years by the parties if the  
5 extension is agreed to in writing before the filing of a  
6 petition under this Section. In such case, the final year of  
7 the extension is the final year of the collective bargaining  
8 agreement. No election may be conducted in a bargaining unit,  
9 or subdivision thereof, in which a valid election has been held  
10 within the preceding 12 month period.

11 (Source: P.A. 93-444, eff. 8-5-03; 93-445, eff. 1-1-04; revised  
12 9-11-03.)

13 Section 365. The Illinois Savings and Loan Act of 1985 is  
14 amended by setting forth and renumbering multiple versions of  
15 Section 1-6e as follows:

16 (205 ILCS 105/1-6e)

17 Sec. 1-6e. Reverse mortgage; disclosure. At the time a  
18 reverse mortgage loan is made, the lender must provide to the  
19 mortgagor a separate document that informs the mortgagor that  
20 by obtaining the reverse mortgage the mortgagor's eligibility  
21 to obtain a tax deferral under the Senior Citizens Real Estate  
22 Tax Deferral Act may be adversely affected. The mortgagor must  
23 sign the disclosure document as part of the reverse mortgage  
24 transaction.

25 (Source: P.A. 92-577, eff. 6-26-02.)

26 (205 ILCS 105/1-6f)

27 Sec. 1-6f ~~1-6e~~. Non-English language transactions. An  
28 association may conduct transactions in a language other than  
29 English through an employee or agent acting as interpreter or  
30 through an interpreter provided by the customer.

31 (Source: P.A. 92-578, eff. 6-26-02; revised 9-3-02.)

32 Section 370. The Illinois Credit Union Act is amended by

1 changing Section 13 as follows:

2 (205 ILCS 305/13) (from Ch. 17, par. 4414)

3 Sec. 13. General powers. A credit union may:

4 (1) Make contracts; sue and be sued; and adopt and use  
5 a common seal and alter the same;

6 (2) Acquire, lease (either as lessee or lessor), hold,  
7 pledge, mortgage, sell and dispose of real property, either  
8 in whole or in part, or any interest therein, as may be  
9 necessary or incidental to its present or future operations  
10 and needs, subject to such limitations as may be imposed  
11 thereon in rules and regulations promulgated by the  
12 Director; acquire, lease (either as lessee or lessor),  
13 hold, pledge, mortgage, sell and dispose of personal  
14 property, either in whole or in part, or any interest  
15 therein, as may be necessary or incidental to its present  
16 or future operations and needs;

17 (3) At the discretion of the Board of Directors,  
18 require the payment of an entrance fee or annual membership  
19 fee, or both, of any person admitted to membership;

20 (4) Receive savings from its members in the form of  
21 shares of various classes, or special purpose share  
22 accounts; act as custodian of its members' accounts; issue  
23 shares in trust as provided in this Act;

24 (5) Lend its funds to its members and otherwise as  
25 hereinafter provided;

26 (6) Borrow from any source in accordance with policy  
27 established by the Board of Directors to a maximum of 50%  
28 of capital, surplus and reserves;

29 (7) Discount and sell any obligations owed to the  
30 credit union;

31 (8) Honor requests for withdrawals or transfers of all  
32 or any part of member share accounts, and any classes  
33 thereof, in any manner approved by the credit union Board  
34 of Directors;

35 (9) Sell all or substantially all of its assets or

1 purchase all or substantially all of the assets of another  
2 credit union, subject to the prior approval of the  
3 Director;

4 (10) Invest surplus funds as provided in this Act;

5 (11) Make deposits in banks, savings banks, savings and  
6 loan associations, trust companies; and invest in shares,  
7 classes of shares or share certificates of other credit  
8 unions;

9 (12) Assess charges and fees to members in accordance  
10 with board resolution;

11 (13) Hold membership in and pay dues to associations  
12 and organizations; to invest in shares, stocks or  
13 obligations of any credit union organization;

14 (14) Declare dividends and pay interest refunds to  
15 borrowers as provided in this Act;

16 (15) Collect, receive and disburse monies in  
17 connection with providing negotiable checks, money orders  
18 and other money-type instruments, and for such other  
19 purposes as may provide benefit or convenience to its  
20 members, and charge a reasonable fee for such services;

21 (16) Act as fiscal agent for and receive deposits from  
22 the federal government, this state or any agency or  
23 political subdivision thereof;

24 (17) Receive savings from nonmembers in the form of  
25 shares or share accounts in the case of credit unions  
26 serving predominantly low-income members. The term "low  
27 income members" shall mean those members who make less than  
28 80% of the average for all wage earners as established by  
29 the Bureau of Labor Statistics or those members whose  
30 annual household income falls at or below 80% of the median  
31 household income for the nation as established by the  
32 Census Bureau. The term "predominantly" is defined as a  
33 simple majority;

34 (18) ~~To~~ Establish, maintain, and operate terminals as  
35 authorized by the Electronic Fund Transfer Act; and

36 (19) Subject to Article XLIV of the Illinois Insurance

1 Code, ~~to~~ act as the agent for any fire, life, or other  
2 insurance company authorized by the State of Illinois, by  
3 soliciting and selling insurance and collecting premiums  
4 on policies issued by such company; and may receive for  
5 services so rendered such fees or commissions as may be  
6 agreed upon between the said credit union and the insurance  
7 company for which it may act as agent; provided, however,  
8 that no such credit union shall in any case assume or  
9 guarantee the payment of any premium on insurance policies  
10 issued through its agency by its principal; and provided  
11 further, that the credit union shall not guarantee the  
12 truth of any statement made by an assured in filing his  
13 application for insurance.

14 (Source: P.A. 92-608, eff. 7-1-02; revised 1-20-03.)

15 Section 375. The Residential Mortgage License Act of 1987  
16 is amended by changing Section 2-4 as follows:

17 (205 ILCS 635/2-4) (from Ch. 17, par. 2322-4)

18 Sec. 2-4. Averments of Licensee. Each application for  
19 license or for the renewal of a license shall be accompanied by  
20 the following averments stating that the applicant:

21 (a) Will maintain at least one full service office  
22 within the State of Illinois pursuant to Section 3-4 of  
23 this Act;

24 (b) Will maintain staff reasonably adequate to meet the  
25 requirements of Section 3-4 of this Act;

26 (c) Will keep and maintain for 36 months the same  
27 written records as required by the federal Equal Credit  
28 Opportunity Act, and any other information required by  
29 regulations of the Commissioner regarding any home  
30 mortgage in the course of the conduct of its residential  
31 mortgage business;

32 (d) Will file with the Commissioner, when due, any  
33 report or reports which it is required to file under any of  
34 the provisions of this Act;

1 (e) Will not engage, whether as principal or agent, in  
2 the practice of rejecting residential mortgage  
3 applications without reasonable cause, or varying terms or  
4 application procedures without reasonable cause, for home  
5 mortgages on real estate within any specific geographic  
6 area from the terms or procedures generally provided by the  
7 licensee within other geographic areas of the State;

8 (f) Will not engage in fraudulent home mortgage  
9 underwriting practices;

10 (g) Will not make payment, whether directly or  
11 indirectly, of any kind to any in house or fee appraiser of  
12 any government or private money lending agency with which  
13 an application for a home mortgage has been filed for the  
14 purpose of influencing the independent judgment of the  
15 appraiser with respect to the value of any real estate  
16 which is to be covered by such home mortgage;

17 (h) Has filed tax returns (State and Federal) for the  
18 past 3 years or filed with the Commissioner an accountant's  
19 or attorney's statement as to why no return was filed;

20 (i) Will not engage in any discrimination or redlining  
21 activities prohibited by Section 3-8 of this Act;

22 (j) Will not knowingly make any false promises likely  
23 to influence or persuade, or pursue a course of  
24 misrepresentation and false promises through agents,  
25 solicitors, advertising or otherwise;

26 (k) Will not knowingly misrepresent, circumvent or  
27 conceal, through whatever subterfuge or device, any of the  
28 material particulars or the nature thereof, regarding a  
29 transaction to which it is a party to the injury of another  
30 party thereto;

31 (l) Will disburse funds in accordance with its  
32 agreements;

33 (m) Has not committed a crime against the law of this  
34 State, any other state or of the United States, involving  
35 moral turpitude, fraudulent or dishonest dealing, and that  
36 no final judgment has been entered against it in a civil

1 action upon grounds of fraud, misrepresentation or deceit  
2 which has not been previously reported to the Commissioner;

3 (n) Will account or deliver to any person any personal  
4 property such as money, fund, deposit, check, draft,  
5 mortgage, other document or thing of value, which has come  
6 into its possession, and which is not its property, or  
7 which it is not in law or equity entitled to retain under  
8 the circumstances, at the time which has been agreed upon  
9 or is required by law, or, in the absence of a fixed time,  
10 upon demand of the person entitled to such accounting and  
11 delivery;

12 (o) Has not engaged in any conduct which would be cause  
13 for denial of a license;

14 (p) Has not become insolvent;

15 (q) Has not submitted an application for a license  
16 under this Act which contains a material misstatement;

17 (r) Has not demonstrated by course of conduct,  
18 negligence or incompetence in performing any act for which  
19 it is required to hold a license under this Act;

20 (s) Will advise the Commissioner in writing of any  
21 changes to the information submitted on the most recent  
22 application for license within 30 days of said change. The  
23 written notice must be signed in the same form as the  
24 application for license being amended;

25 (t) Will comply with the provisions of this Act, or  
26 with any lawful order, rule or regulation made or issued  
27 under the provisions of this Act;

28 (u) Will submit to periodic examination by the  
29 Commissioner as required by this Act;

30 (v) Will advise the Commissioner in writing of  
31 judgments entered against, and bankruptcy petitions by,  
32 the license applicant within 5 days of occurrence;

33 (w) Will advise the Commissioner in writing within 30  
34 days when the license applicant requests a licensee under  
35 this Act to repurchase a loan, and the circumstances  
36 therefor; ~~and~~



1 (x) Will advise the Commissioner in writing within 30  
2 days when the license applicant is requested by another  
3 entity to repurchase a loan, and the circumstances  
4 therefor;~~;~~

5 (y) Will at all times act in a manner consistent with  
6 subsections (a) and (b) of Section 1-2 of this Act; ~~and;~~

7 (z)~~(x)~~ Will not knowingly hire or employ a loan  
8 originator who is not registered with the Commissioner as  
9 required under Section 7-1 of this Act.

10 A licensee who fails to fulfill obligations of an averment,  
11 to comply with averments made, or otherwise violates any of the  
12 averments made under this Section shall be subject to the  
13 penalties in Section 4-5 of this Act.

14 (Source: P.A. 93-561, eff. 1-1-04; revised 10-9-03.)

15 Section 380. The Debt Management Service Act is amended by  
16 changing Section 2 as follows:

17 (205 ILCS 665/2) (from Ch. 17, par. 5302)

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

19 "Debt management service" means the planning and  
20 management of the financial affairs of a debtor for a fee and  
21 the receiving of money from the debtor for the purpose of  
22 distributing it, directly or indirectly, to the debtor's  
23 creditors in payment or partial payment of the debtor's  
24 obligations or soliciting financial contributions from  
25 creditors. The business of debt management is conducted in this  
26 State if the debt management business, its employees, or its  
27 agents are located in this State or if the debt management  
28 business solicits or contracts with debtors located in this  
29 State.

30 This term shall not include the following when engaged in  
31 the regular course of their respective businesses and  
32 professions:

33 (a) Attorneys at law.

34 (b) Banks, fiduciaries, credit unions, savings and

1 loan associations, and savings banks as duly authorized and  
2 admitted to transact business in the State of Illinois and  
3 performing credit and financial adjusting service in the  
4 regular course of their principal business.

5 (c) Title insurers and abstract companies, while doing  
6 an escrow business.

7 (d) Judicial officers or others acting pursuant to  
8 court order.

9 (e) Employers for their employees.

10 (f) Bill payment services, as defined in the  
11 Transmitters of Money Act.

12 "Director" means Director of Financial Institutions.

13 "Debtor" means the person or persons for whom the debt  
14 management service is performed.

15 "Person" means an individual, firm, partnership,  
16 association, limited liability company, corporation, or  
17 not-for-profit corporation.

18 "Licensee" means a person licensed under this Act.

19 ~~"Director" means the Director of the Department of~~  
20 ~~Financial Institutions.~~

21 (Source: P.A. 92-400, eff. 1-1-02; 93-903, eff. 8-10-04;  
22 revised 9-21-04.)

23 Section 385. The Hospital Licensing Act is amended by  
24 changing Section 10.4 as follows:

25 (210 ILCS 85/10.4) (from Ch. 111 1/2, par. 151.4)

26 Sec. 10.4. Medical staff privileges.

27 (a) Any hospital licensed under this Act or any hospital  
28 organized under the University of Illinois Hospital Act shall,  
29 prior to the granting of any medical staff privileges to an  
30 applicant, or renewing a current medical staff member's  
31 privileges, request of the Director of Professional Regulation  
32 information concerning the licensure status and any  
33 disciplinary action taken against the applicant's or medical  
34 staff member's license, except: (1) for medical personnel who

1 enter a hospital to obtain organs and tissues for transplant  
2 from a donor in accordance with the Illinois Anatomical Gift  
3 Act; or (2) for medical personnel who have been granted  
4 disaster privileges pursuant to the procedures and  
5 requirements established by rules adopted by the Department.  
6 Any hospital and any employees of the hospital or others  
7 involved in granting privileges ~~who that~~, in good faith, grant  
8 ~~grants~~ disaster privileges pursuant to this Section to respond  
9 to an emergency shall not, as a result of their ~~his, her, or~~  
10 ~~its~~ acts or omissions, be liable for civil damages for granting  
11 or denying disaster privileges except in the event of willful  
12 and wanton misconduct, as that term is defined in Section 10.2  
13 of this Act. Individuals granted privileges who provide care in  
14 an emergency situation, in good faith and without direct  
15 compensation, shall not, as a result of their his or her acts  
16 or omissions, except for acts or omissions involving willful  
17 and wanton misconduct, as that term is defined in Section 10.2  
18 of this Act, on the part of the person, be liable for civil  
19 damages. The Director of Professional Regulation shall  
20 transmit, in writing and in a timely fashion, such information  
21 regarding the license of the applicant or the medical staff  
22 member, including the record of imposition of any periods of  
23 supervision or monitoring as a result of alcohol or substance  
24 abuse, as provided by Section 23 of the Medical Practice Act of  
25 1987, and such information as may have been submitted to the  
26 Department indicating that the application or medical staff  
27 member has been denied, or has surrendered, medical staff  
28 privileges at a hospital licensed under this Act, or any  
29 equivalent facility in another state or territory of the United  
30 States. The Director of Professional Regulation shall define by  
31 rule the period for timely response to such requests.

32 No transmittal of information by the Director of  
33 Professional Regulation, under this Section shall be to other  
34 than the president, chief operating officer, chief  
35 administrative officer, or chief of the medical staff of a  
36 hospital licensed under this Act, a hospital organized under

1 the University of Illinois Hospital Act, or a hospital operated  
2 by the United States, or any of its instrumentalities. The  
3 information so transmitted shall be afforded the same status as  
4 is information concerning medical studies by Part 21 of Article  
5 VIII of the Code of Civil Procedure, as now or hereafter  
6 amended.

7 (b) All hospitals licensed under this Act, except county  
8 hospitals as defined in subsection (c) of Section 15-1 of the  
9 Illinois Public Aid Code, shall comply with, and the medical  
10 staff bylaws of these hospitals shall include rules consistent  
11 with, the provisions of this Section in granting, limiting,  
12 renewing, or denying medical staff membership and clinical  
13 staff privileges. Hospitals that require medical staff members  
14 to possess faculty status with a specific institution of higher  
15 education are not required to comply with subsection (1) below  
16 when the physician does not possess faculty status.

17 (1) Minimum procedures for pre-applicants and  
18 applicants for medical staff membership shall include the  
19 following:

20 (A) Written procedures relating to the acceptance  
21 and processing of pre-applicants or applicants for  
22 medical staff membership, which should be contained in  
23 medical staff bylaws.

24 (B) Written procedures to be followed in  
25 determining a pre-applicant's or an applicant's  
26 qualifications for being granted medical staff  
27 membership and privileges.

28 (C) Written criteria to be followed in evaluating a  
29 pre-applicant's or an applicant's qualifications.

30 (D) An evaluation of a pre-applicant's or an  
31 applicant's current health status and current license  
32 status in Illinois.

33 (E) A written response to each pre-applicant or  
34 applicant that explains the reason or reasons for any  
35 adverse decision (including all reasons based in whole  
36 or in part on the applicant's medical qualifications or

1 any other basis, including economic factors).

2 (2) Minimum procedures with respect to medical staff  
3 and clinical privilege determinations concerning current  
4 members of the medical staff shall include the following:

5 (A) A written notice of an adverse decision.

6 (B) An explanation of the reasons for an adverse  
7 decision including all reasons based on the quality of  
8 medical care or any other basis, including economic  
9 factors.

10 (C) A statement of the medical staff member's right  
11 to request a fair hearing on the adverse decision  
12 before a hearing panel whose membership is mutually  
13 agreed upon by the medical staff and the hospital  
14 governing board. The hearing panel shall have  
15 independent authority to recommend action to the  
16 hospital governing board. Upon the request of the  
17 medical staff member or the hospital governing board,  
18 the hearing panel shall make findings concerning the  
19 nature of each basis for any adverse decision  
20 recommended to and accepted by the hospital governing  
21 board.

22 (i) Nothing in this subparagraph (C) limits a  
23 hospital's or medical staff's right to summarily  
24 suspend, without a prior hearing, a person's  
25 medical staff membership or clinical privileges if  
26 the continuation of practice of a medical staff  
27 member constitutes an immediate danger to the  
28 public, including patients, visitors, and hospital  
29 employees and staff. A fair hearing shall be  
30 commenced within 15 days after the suspension and  
31 completed without delay.

32 (ii) Nothing in this subparagraph (C) limits a  
33 medical staff's right to permit, in the medical  
34 staff bylaws, summary suspension of membership or  
35 clinical privileges in designated administrative  
36 circumstances as specifically approved by the

1 medical staff. This bylaw provision must  
2 specifically describe both the administrative  
3 circumstance that can result in a summary  
4 suspension and the length of the summary  
5 suspension. The opportunity for a fair hearing is  
6 required for any administrative summary  
7 suspension. Any requested hearing must be  
8 commenced within 15 days after the summary  
9 suspension and completed without delay. Adverse  
10 decisions other than suspension or other  
11 restrictions on the treatment or admission of  
12 patients may be imposed summarily and without a  
13 hearing under designated administrative  
14 circumstances as specifically provided for in the  
15 medical staff bylaws as approved by the medical  
16 staff.

17 (iii) If a hospital exercises its option to  
18 enter into an exclusive contract and that contract  
19 results in the total or partial termination or  
20 reduction of medical staff membership or clinical  
21 privileges of a current medical staff member, the  
22 hospital shall provide the affected medical staff  
23 member 60 days prior notice of the effect on his or  
24 her medical staff membership or privileges. An  
25 affected medical staff member desiring a hearing  
26 under subparagraph (C) of this paragraph (2) must  
27 request the hearing within 14 days after the date  
28 he or she is so notified. The requested hearing  
29 shall be commenced and completed (with a report and  
30 recommendation to the affected medical staff  
31 member, hospital governing board, and medical  
32 staff) within 30 days after the date of the medical  
33 staff member's request. If agreed upon by both the  
34 medical staff and the hospital governing board,  
35 the medical staff bylaws may provide for longer  
36 time periods.

1 (D) A statement of the member's right to inspect  
2 all pertinent information in the hospital's possession  
3 with respect to the decision.

4 (E) A statement of the member's right to present  
5 witnesses and other evidence at the hearing on the  
6 decision.

7 (F) A written notice and written explanation of the  
8 decision resulting from the hearing.

9 (F-5) A written notice of a final adverse decision  
10 by a hospital governing board.

11 (G) Notice given 15 days before implementation of  
12 an adverse medical staff membership or clinical  
13 privileges decision based substantially on economic  
14 factors. This notice shall be given after the medical  
15 staff member exhausts all applicable procedures under  
16 this Section, including item (iii) of subparagraph (C)  
17 of this paragraph (2), and under the medical staff  
18 bylaws in order to allow sufficient time for the  
19 orderly provision of patient care.

20 (H) Nothing in this paragraph (2) of this  
21 subsection (b) limits a medical staff member's right to  
22 waive, in writing, the rights provided in  
23 subparagraphs (A) through (G) of this paragraph (2) of  
24 this subsection (b) upon being granted the written  
25 exclusive right to provide particular services at a  
26 hospital, either individually or as a member of a  
27 group. If an exclusive contract is signed by a  
28 representative of a group of physicians, a waiver  
29 contained in the contract shall apply to all members of  
30 the group unless stated otherwise in the contract.

31 (3) Every adverse medical staff membership and  
32 clinical privilege decision based substantially on  
33 economic factors shall be reported to the Hospital  
34 Licensing Board before the decision takes effect. These  
35 reports shall not be disclosed in any form that reveals the  
36 identity of any hospital or physician. These reports shall

1 be utilized to study the effects that hospital medical  
2 staff membership and clinical privilege decisions based  
3 upon economic factors have on access to care and the  
4 availability of physician services. The Hospital Licensing  
5 Board shall submit an initial study to the Governor and the  
6 General Assembly by January 1, 1996, and subsequent reports  
7 shall be submitted periodically thereafter.

8 (4) As used in this Section:

9 "Adverse decision" means a decision reducing,  
10 restricting, suspending, revoking, denying, or not  
11 renewing medical staff membership or clinical privileges.

12 "Economic factor" means any information or reasons for  
13 decisions unrelated to quality of care or professional  
14 competency.

15 "Pre-applicant" means a physician licensed to practice  
16 medicine in all its branches who requests an application  
17 for medical staff membership or privileges.

18 "Privilege" means permission to provide medical or  
19 other patient care services and permission to use hospital  
20 resources, including equipment, facilities and personnel  
21 that are necessary to effectively provide medical or other  
22 patient care services. This definition shall not be  
23 construed to require a hospital to acquire additional  
24 equipment, facilities, or personnel to accommodate the  
25 granting of privileges.

26 (5) Any amendment to medical staff bylaws required  
27 because of this amendatory Act of the 91st General Assembly  
28 shall be adopted on or before July 1, 2001.

29 (c) All hospitals shall consult with the medical staff  
30 prior to closing membership in the entire or any portion of the  
31 medical staff or a department. If the hospital closes  
32 membership in the medical staff, any portion of the medical  
33 staff, or the department over the objections of the medical  
34 staff, then the hospital shall provide a detailed written  
35 explanation for the decision to the medical staff 10 days prior  
36 to the effective date of any closure. No applications need to



1 be provided when membership in the medical staff or any  
2 relevant portion of the medical staff is closed.

3 (Source: P.A. 93-794, eff. 7-22-04; 93-829, eff. 7-28-04;  
4 revised 10-25-04.)

5 Section 390. The Mobile Home Park Act is amended by  
6 changing Section 2.2 as follows:

7 (210 ILCS 115/2.2) (from Ch. 111 1/2, par. 712.2)

8 Sec. 2.2. Permanent habitation. "Permanent habitation"  
9 means habitation for a period of 2 or more months.

10 (Source: P.A. 77-1472; revised 1-20-03.)

11 Section 395. The Illinois Insurance Code is amended by  
12 setting forth and renumbering multiple versions of Sections  
13 155.39, 356z.2, and 356z.4 and by changing Sections 416 and  
14 500-135 as follows:

15 (215 ILCS 5/155.39)

16 Sec. 155.39. Vehicle protection products.

17 (a) As used in this Section:

18 "Administrator" means a third party other than the  
19 warrantor who is designated by the warrantor to be responsible  
20 for the administration of vehicle protection product  
21 warranties.

22 "Incidental costs" means expenses specified in the vehicle  
23 protection product warranty incurred by the warranty holder  
24 related to the failure of the vehicle protection product to  
25 perform as provided in the warranty. Incidental costs may  
26 include, without limitation, insurance policy deductibles,  
27 rental vehicle charges, the difference between the actual value  
28 of the stolen vehicle at the time of theft and the cost of a  
29 replacement vehicle, sales taxes, registration fees,  
30 transaction fees, and mechanical inspection fees.

31 "Vehicle protection product" means a vehicle protection  
32 device, system, or service that is (i) installed on or applied

1 to a vehicle, (ii) is designed to prevent loss or damage to a  
2 vehicle from a specific cause, (iii) includes a written  
3 warranty by a warrantor that provides if the vehicle protection  
4 product fails to prevent loss or damage to a vehicle from a  
5 specific cause, that the warranty holder shall be paid  
6 specified incidental costs by the warrantor as a result of the  
7 failure of the vehicle protection product to perform pursuant  
8 to the terms of the warranty, and (iv) the warrantor's  
9 liability is covered by a warranty reimbursement insurance  
10 policy. The term "vehicle protection product" shall include,  
11 without limitation, alarm systems, body part marking products,  
12 steering locks, window etch products, pedal and ignition locks,  
13 fuel and ignition kill switches, and electronic, radio, and  
14 satellite tracking devices.

15 "Vehicle protection product warrantor" or "warrantor"  
16 means a person who is contractually obligated to the warranty  
17 holder under the terms of the vehicle protection product.  
18 Warrantor does not include an authorized insurer.

19 "Warranty reimbursement insurance policy" means a policy  
20 of insurance issued to the vehicle protection product warrantor  
21 to pay on behalf of the warrantor all covered contractual  
22 obligations incurred by the warrantor under the terms and  
23 conditions of the insured vehicle protection product  
24 warranties sold by the warrantor. The warranty reimbursement  
25 insurance policy shall be issued by an insurer authorized to do  
26 business in this State that has filed its policy form with the  
27 Department.

28 (b) No vehicle protection product sold or offered for sale  
29 in this State shall be subject to the provisions of this  
30 Code. Vehicle protection product warrantors and related  
31 vehicle protection product sellers and warranty administrators  
32 complying with this Section are not required to comply with and  
33 are not subject to any other provision of this Code. The  
34 vehicle protection products' written warranties are express  
35 warranties and not insurance.

36 (c) This Section applies to all vehicle protection products

1 sold or offered for sale prior to, on, or after the effective  
2 date of this amendatory Act of the 93rd General Assembly. The  
3 enactment of this Section does not imply that vehicle  
4 protection products should have been subject to regulation  
5 under this Code prior to the enactment of this Section.

6 (Source: P.A. 93-218, eff. 7-18-03.)

7 (215 ILCS 5/155.40)

8 Sec. 155.40 ~~155.39~~. Auto insurance; application; false  
9 address.

10 (a) An applicant for a policy of insurance that insures  
11 against any loss or liability resulting from or incident to the  
12 ownership, maintenance, or use of a motor vehicle shall not  
13 provide to the insurer to which the application for coverage is  
14 made any address for the applicant other than the address at  
15 which the applicant resides.

16 (b) A person who knowingly violates this Section is guilty  
17 of a business offense. The penalty is a fine of not less than  
18 \$1,001 and not more than \$1,200.

19 (Source: P.A. 93-269, eff. 1-1-04; revised 9-19-03.)

20 (215 ILCS 5/155.41)

21 Sec. 155.41 ~~155.39~~. Slave era policies.

22 (a) The General Assembly finds and declares all of the  
23 following:

24 (1) Insurance policies from the slavery era have been  
25 discovered in the archives of several insurance companies,  
26 documenting insurance coverage for slaveholders for damage  
27 to or death of their slaves, issued by a predecessor  
28 insurance firm. These documents provide the first evidence  
29 of ill-gotten profits from slavery, which profits in part  
30 capitalized insurers whose successors remain in existence  
31 today.

32 (2) Legislation has been introduced in Congress for the  
33 past 10 years demanding an inquiry into slavery and its  
34 continuing legacies.

1           (3) The Director of Insurance and the Department of  
2 Insurance are entitled to seek information from the files  
3 of insurers licensed and doing business in this State,  
4 including licensed Illinois subsidiaries of international  
5 insurance corporations, regarding insurance policies  
6 issued to slaveholders by predecessor corporations. The  
7 people of Illinois are entitled to significant historical  
8 information of this nature.

9           (b) The Department shall request and obtain information  
10 from insurers licensed and doing business in this State  
11 regarding any records of slaveholder insurance policies issued  
12 by any predecessor corporation during the slavery era.

13           (c) The Department shall obtain the names of any  
14 slaveholders or slaves described in those insurance records,  
15 and shall make the information available to the public and the  
16 General Assembly.

17           (d) Any insurer licensed and doing business in this State  
18 shall research and report to the Department with respect to any  
19 records within the insurer's possession or knowledge relating  
20 to insurance policies issued to slaveholders that provided  
21 coverage for damage to or death of their slaves.

22           (e) Descendants of slaves, whose ancestors were defined as  
23 private property, dehumanized, divided from their families,  
24 forced to perform labor without appropriate compensation or  
25 benefits, and whose ancestors' owners were compensated for  
26 damages by insurers, are entitled to full disclosure.

27 (Source: P.A. 93-333, eff. 1-1-04; revised 9-19-03.)

28           (215 ILCS 5/356z.2)

29           Sec. 356z.2. Coverage for adjunctive services in dental  
30 care.

31           (a) An individual or group policy of accident and health  
32 insurance amended, delivered, issued, or renewed after the  
33 effective date of this amendatory Act of the 92nd General  
34 Assembly shall cover charges incurred, and anesthetics  
35 provided, in conjunction with dental care that is provided to a

1 covered individual in a hospital or an ambulatory surgical  
2 treatment center if any of the following applies:

3 (1) the individual is a child age 6 or under;

4 (2) the individual has a medical condition that  
5 requires hospitalization or general anesthesia for dental  
6 care; or

7 (3) the individual is disabled.

8 (b) For purposes of this Section, "ambulatory surgical  
9 treatment center" has the meaning given to that term in Section  
10 3 of the Ambulatory Surgical Treatment Center Act.

11 For purposes of this Section, "disabled" means a person,  
12 regardless of age, with a chronic disability if the chronic  
13 disability meets all of the following conditions:

14 (1) It is attributable to a mental or physical  
15 impairment or combination of mental and physical  
16 impairments.

17 (2) It is likely to continue.

18 (3) It results in substantial functional limitations  
19 in one or more of the following areas of major life  
20 activity:

21 (A) self-care;

22 (B) receptive and expressive language;

23 (C) learning;

24 (D) mobility;

25 (E) capacity for independent living; or

26 (F) economic self-sufficiency.

27 (c) The coverage required under this Section may be subject  
28 to any limitations, exclusions, or cost-sharing provisions  
29 that apply generally under the insurance policy.

30 (d) This Section does not apply to a policy that covers  
31 only dental care.

32 (e) Nothing in this Section requires that the dental  
33 services be covered.

34 (f) The provisions of this Section do not apply to  
35 short-term travel, accident-only, limited, or specified  
36 disease policies, nor to policies or contracts designed for

1 issuance to persons eligible for coverage under Title XVIII of  
2 the Social Security Act, known as Medicare, or any other  
3 similar coverage under State or federal governmental plans.

4 (Source: P.A. 92-764, eff. 1-1-03.)

5 (215 ILCS 5/356z.3)

6 Sec. 356z.3 ~~356z.2~~. Disclosure of limited benefit. An  
7 insurer that issues, delivers, amends, or renews an individual  
8 or group policy of accident and health insurance in this State  
9 after the effective date of this amendatory Act of the 92nd  
10 General Assembly and arranges, contracts with, or administers  
11 contracts with a provider whereby beneficiaries are provided an  
12 incentive to use the services of such provider must include the  
13 following disclosure on its contracts and evidences of  
14 coverage: "WARNING, LIMITED BENEFITS WILL BE PAID WHEN  
15 NON-PARTICIPATING PROVIDERS ARE USED. You should be aware that  
16 when you elect to utilize the services of a non-participating  
17 provider for a covered service in non-emergency situations,  
18 benefit payments to such non-participating provider are not  
19 based upon the amount billed. The basis of your benefit payment  
20 will be determined according to your policy's fee schedule,  
21 usual and customary charge (which is determined by comparing  
22 charges for similar services adjusted to the geographical area  
23 where the services are performed), or other method as defined  
24 by the policy. YOU CAN EXPECT TO PAY MORE THAN THE COINSURANCE  
25 AMOUNT DEFINED IN THE POLICY AFTER THE PLAN HAS PAID ITS  
26 REQUIRED PORTION. Non-participating providers may bill members  
27 for any amount up to the billed charge after the plan has paid  
28 its portion of the bill. Participating providers have agreed to  
29 accept discounted payments for services with no additional  
30 billing to the member other than co-insurance and deductible  
31 amounts. You may obtain further information about the  
32 participating status of professional providers and information  
33 on out-of-pocket expenses by calling the toll free telephone  
34 number on your identification card."

35 (Source: P.A. 92-579, eff. 1-1-03; revised 9-3-02.)

1 (215 ILCS 5/356z.4)

2 Sec. 356z.4. Coverage for contraceptives.

3 (a) An individual or group policy of accident and health  
4 insurance amended, delivered, issued, or renewed in this State  
5 after the effective date of this amendatory Act of the 93rd  
6 General Assembly that provides coverage for outpatient  
7 services and outpatient prescription drugs or devices must  
8 provide coverage for the insured and any dependent of the  
9 insured covered by the policy for all outpatient contraceptive  
10 services and all outpatient contraceptive drugs and devices  
11 approved by the Food and Drug Administration. Coverage required  
12 under this Section may not impose any deductible, coinsurance,  
13 waiting period, or other cost-sharing or limitation that is  
14 greater than that required for any outpatient service or  
15 outpatient prescription drug or device otherwise covered by the  
16 policy.

17 (b) As used in this Section, "outpatient contraceptive  
18 service" means consultations, examinations, procedures, and  
19 medical services, provided on an outpatient basis and related  
20 to the use of contraceptive methods (including natural family  
21 planning) to prevent an unintended pregnancy.

22 (c) Nothing in this Section shall be construed to require  
23 an insurance company to cover services related to an abortion  
24 as the term "abortion" is defined in the Illinois Abortion Law  
25 of 1975.

26 (d) Nothing in this Section shall be construed to require  
27 an insurance company to cover services related to permanent  
28 sterilization that requires a surgical procedure.

29 (Source: P.A. 93-102, eff. 1-1-04.)

30 (215 ILCS 5/356z.5)

31 Sec. 356z.5 ~~356z.4~~. Prescription inhalants. A group or  
32 individual policy of accident and health insurance or managed  
33 care plan amended, delivered, issued, or renewed after the  
34 effective date of this amendatory Act of the 93rd General

1 Assembly that provides coverage for prescription drugs may not  
2 deny or limit coverage for prescription inhalants to enable  
3 persons to breathe when suffering from asthma or other  
4 life-threatening bronchial ailments based upon any restriction  
5 on the number of days before an inhaler refill may be obtained  
6 if, contrary to those restrictions, the inhalants have been  
7 ordered or prescribed by the treating physician and are  
8 medically appropriate.

9 (Source: P.A. 93-529, eff. 8-14-03; revised 9-25-03.)

10 (215 ILCS 5/416)

11 Sec. 416. Illinois Workers' Compensation Commission  
12 Operations Fund Surcharge.

13 (a) As of July 30, 2004 (the effective date of Public Act  
14 93-840) ~~this amendatory Act of 2004~~, every company licensed or  
15 authorized by the Illinois Department of Insurance and insuring  
16 employers' liabilities arising under the Workers' Compensation  
17 Act or the Workers' Occupational Diseases Act shall remit to  
18 the Director a surcharge based upon the annual direct written  
19 premium, as reported under Section 136 of this Act, of the  
20 company in the manner provided in this Section. Such proceeds  
21 shall be deposited into the Illinois Workers' Compensation  
22 Commission Operations Fund as established in the Workers'  
23 Compensation Act. If a company survives or was formed by a  
24 merger, consolidation, reorganization, or reincorporation, the  
25 direct written premiums of all companies party to the merger,  
26 consolidation, reorganization, or reincorporation shall, for  
27 purposes of determining the amount of the fee imposed by this  
28 Section, be regarded as those of the surviving or new company.

29 (b) (1) Except as provided in subsection (b) (2) of this  
30 Section, beginning on July 30, 2004 (the effective date of  
31 Public Act 93-840) ~~this amendatory Act of 2004~~ and on July 1 of  
32 each year thereafter, the Director shall charge an annual  
33 Illinois Workers' Compensation Commission Operations Fund  
34 Surcharge from every company subject to subsection (a) of this  
35 Section equal to 1.01% of its direct written premium for



1 insuring employers' liabilities arising under the Workers'  
2 Compensation Act or Workers' Occupational Diseases Act as  
3 reported in each company's annual statement filed for the  
4 previous year as required by Section 136. The Illinois Workers'  
5 Compensation Commission Operations Fund Surcharge shall be  
6 collected by companies subject to subsection (a) of this  
7 Section as a separately stated surcharge on insured employers  
8 at the rate of 1.01% of direct written premium. The Illinois  
9 Workers' Compensation ~~Industrial~~ Commission Operations Fund  
10 Surcharge shall not be collected by companies subject to  
11 subsection (a) of this Section from any employer that  
12 self-insures its liabilities arising under the Workers'  
13 Compensation Act or Workers' Occupational Diseases Act,  
14 provided that the employer has paid the Illinois Workers'  
15 Compensation ~~Industrial~~ Commission Operations Fund Fee  
16 pursuant to Section 4d of the Workers' Compensation Act. All  
17 sums collected by the Department of Insurance under the  
18 provisions of this Section shall be paid promptly after the  
19 receipt of the same, accompanied by a detailed statement  
20 thereof, into the Illinois Workers' Compensation Commission  
21 Operations Fund in the State treasury.

22 (b) (2) The surcharge due pursuant to Public Act 93-840 ~~this~~  
23 ~~amendatory Act of 2004~~ shall be collected instead of the  
24 surcharge due on July 1, 2004 under Public Act 93-32. Payment  
25 of the surcharge due under Public Act 93-840 ~~this amendatory~~  
26 ~~Act of 2004~~ shall discharge the employer's obligations due on  
27 July 1, 2004.

28 (c) In addition to the authority specifically granted under  
29 Article XXV of this Code, the Director shall have such  
30 authority to adopt rules or establish forms as may be  
31 reasonably necessary for purposes of enforcing this Section.  
32 The Director shall also have authority to defer, waive, or  
33 abate the surcharge or any penalties imposed by this Section if  
34 in the Director's opinion the company's solvency and ability to  
35 meet its insured obligations would be immediately threatened by  
36 payment of the surcharge due.

1 (d) When a company fails to pay the full amount of any  
2 annual Illinois Workers' Compensation Commission Operations  
3 Fund Surcharge of \$100 or more due under this Section, there  
4 shall be added to the amount due as a penalty the greater of  
5 \$1,000 or an amount equal to 5% of the deficiency for each  
6 month or part of a month that the deficiency remains unpaid.

7 (e) The Department of Insurance may enforce the collection  
8 of any delinquent payment, penalty, or portion thereof by legal  
9 action or in any other manner by which the collection of debts  
10 due the State of Illinois may be enforced under the laws of  
11 this State.

12 (f) Whenever it appears to the satisfaction of the Director  
13 that a company has paid pursuant to this Act an Illinois  
14 Workers' Compensation Commission Operations Fund Surcharge in  
15 an amount in excess of the amount legally collectable from the  
16 company, the Director shall issue a credit memorandum for an  
17 amount equal to the amount of such overpayment. A credit  
18 memorandum may be applied for the 2-year period from the date  
19 of issuance, against the payment of any amount due during that  
20 period under the surcharge imposed by this Section or, subject  
21 to reasonable rule of the Department of Insurance including  
22 requirement of notification, may be assigned to any other  
23 company subject to regulation under this Act. Any application  
24 of credit memoranda after the period provided for in this  
25 Section is void.

26 (g) Annually, the Governor may direct a transfer of up to  
27 2% of all moneys collected under this Section to the Insurance  
28 Financial Regulation Fund.

29 (Source: P.A. 93-32, eff. 6-20-03; 93-721, eff. 1-1-05; 93-840,  
30 eff. 7-30-04; revised 12-29-04.)

31 (215 ILCS 5/500-135)

32 Sec. 500-135. Fees.

33 (a) The fees required by this Article are as follows:

34 (1) a fee of \$180 for a person who is a resident of  
35 Illinois, and \$250 for a person who is not a resident of

1 Illinois, payable once every 2 years for an insurance  
2 producer license;

3 (2) a fee of \$50 for the issuance of a temporary  
4 insurance producer license;

5 (3) a fee of \$150 payable once every 2 years for a  
6 business entity;

7 (4) an annual \$50 fee for a limited line producer  
8 license issued under items (1) through (7) of subsection  
9 (a) of Section 500-100;

10 (5) a \$50 application fee for the processing of a  
11 request to take the written examination for an insurance  
12 producer license;

13 (6) an annual registration fee of \$1,000 for  
14 registration of an education provider;

15 (7) a certification fee of \$50 for each certified  
16 pre-licensing or continuing education course and an annual  
17 fee of \$20 for renewing the certification of each such  
18 course;

19 (8) a fee of \$180 for a person who is a resident of  
20 Illinois, and \$250 for a person who is not a resident of  
21 Illinois, payable once every 2 years for a car rental  
22 limited line license;

23 (9) a fee of \$200 payable once every 2 years for a  
24 limited lines license other than the licenses issued under  
25 items (1) through (7) of subsection (a) of Section 500-100,  
26 a car rental limited line license, or a self-service  
27 storage facility limited line license;

28 (10) a fee of \$50 payable once every 2 years for a  
29 self-service storage facility limited line license.

30 (b) Except as otherwise provided, all fees paid to and  
31 collected by the Director under this Section shall be paid  
32 promptly after receipt thereof, together with a detailed  
33 statement of such fees, into a special fund in the State  
34 Treasury to be known as the Insurance Producer Administration  
35 Fund. The moneys deposited into the Insurance Producer  
36 Administration Fund may be used only for payment of the

1 expenses of the Department in the execution, administration,  
2 and enforcement of the insurance laws of this State, and shall  
3 be appropriated as otherwise provided by law for the payment of  
4 those expenses with first priority being any expenses incident  
5 to or associated with the administration and enforcement of  
6 this Article.

7 (Source: P.A. 92-386, eff. 1-1-02; 93-32, eff. 7-1-03; 93-288,  
8 eff. 1-1-04; revised 9-12-03.)

9 Section 400. The Health Maintenance Organization Act is  
10 amended by changing Section 5-3 as follows:

11 (215 ILCS 125/5-3) (from Ch. 111 1/2, par. 1411.2)

12 Sec. 5-3. Insurance Code provisions.

13 (a) Health Maintenance Organizations shall be subject to  
14 the provisions of Sections 133, 134, 137, 140, 141.1, 141.2,  
15 141.3, 143, 143c, 147, 148, 149, 151, 152, 153, 154, 154.5,  
16 154.6, 154.7, 154.8, 155.04, 355.2, 356m, 356v, 356w, 356x,  
17 356y, 356z.2, 356z.4, 356z.5, 356z.6, 364.01, 367.2, 367.2-5,  
18 367i, 368a, 368b, 368c, 368d, 368e, 401, 401.1, 402, 403, 403A,  
19 408, 408.2, 409, 412, 444, and 444.1, paragraph (c) of  
20 subsection (2) of Section 367, and Articles IIA, VIII 1/2, XII,  
21 XII 1/2, XIII, XIII 1/2, XXV, and XXVI of the Illinois  
22 Insurance Code.

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

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

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

31 (3) a corporation organized under the laws of another  
32 state, 30% or more of the enrollees of which are residents  
33 of this State, except a corporation subject to  
34 substantially the same requirements in its state of

1 organization as is a "domestic company" under Article VIII  
2 1/2 of the Illinois Insurance Code.

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

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

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

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

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

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

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

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

36 (d) The provisions of Article VIII 1/2 of the Illinois

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

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

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

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

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

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

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

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

24 (Source: P.A. 92-764, eff. 1-1-03; 93-102, eff. 1-1-04; 93-261,  
25 eff. 1-1-04; 93-477, eff. 8-8-03; 93-529, eff. 8-14-03; 93-853,  
26 eff. 1-1-05; 93-1000, eff. 1-1-05; revised 10-14-04.)

27 Section 405. The Voluntary Health Services Plans Act is  
28 amended by changing Section 10 as follows:

29 (215 ILCS 165/10) (from Ch. 32, par. 604)

30 Sec. 10. Application of Insurance Code provisions. Health  
31 services plan corporations and all persons interested therein  
32 or dealing therewith shall be subject to the provisions of  
33 Articles IIA and XII 1/2 and Sections 3.1, 133, 140, 143, 143c,  
34 149, 155.37, 354, 355.2, 356r, 356t, 356u, 356v, 356w, 356x,

1 356y, 356z.1, 356z.2, 356z.4, 356z.5, 356z.6, 364.01, 367.2,  
2 368a, 401, 401.1, 402, 403, 403A, 408, 408.2, and 412, and  
3 paragraphs (7) and (15) of Section 367 of the Illinois  
4 Insurance Code.

5 (Source: P.A. 92-130, eff. 7-20-01; 92-440, eff. 8-17-01;  
6 92-651, eff. 7-11-02; 92-764, eff. 1-1-03; 93-102, eff. 1-1-04;  
7 93-529, eff. 8-14-03; 93-853, eff. 1-1-05; 93-1000, eff.  
8 1-1-05; revised 10-14-04.)

9 Section 410. The Public Utilities Act is amended by  
10 changing Sections 5-109 and 16-111 as follows:

11 (220 ILCS 5/5-109) (from Ch. 111 2/3, par. 5-109)

12 Sec. 5-109. Reports; false reports; penalty. Each public  
13 utility in the State, other than a commercial mobile radio  
14 service provider, shall each year furnish to the Commission, in  
15 such form as the Commission shall require, annual reports as to  
16 all the items mentioned in the preceding Sections of this  
17 Article, and in addition such other items, whether of a nature  
18 similar to those therein enumerated or otherwise, as the  
19 Commission may prescribe. Such annual reports shall contain all  
20 the required information for the period of 12 months ending on  
21 June 30 in each year, or ending on December 31 in each year, as  
22 the Commission may by order prescribe for each class of public  
23 utilities, except commercial mobile radio service providers,  
24 and shall be filed with the Commission at its office in  
25 Springfield within 3 months after the close of the year for  
26 which the report is made. The Commission shall have authority  
27 to require any public utility to file monthly reports of  
28 earnings and expenses of such utility, and to file other  
29 periodical or special, or both periodical and special reports  
30 concerning any matter about which the Commission is authorized  
31 by law to keep itself informed. All reports shall be under  
32 oath.

33 When any report is erroneous or defective or appears to the  
34 Commission to be erroneous or defective, the Commission may



1 notify the public utility to amend such report within 30 days,  
2 and before or after the termination of such period the  
3 Commission may examine the officers, agents, or employees, and  
4 books, records, accounts, vouchers, plant, equipment and  
5 property of such public utility, and correct such items in the  
6 report as upon such examination the Commission may find  
7 defective or erroneous.

8 All reports made to the Commission by any public utility  
9 and the contents thereof shall be open to public inspection,  
10 unless otherwise ordered by the Commission. Such reports shall  
11 be preserved in the office of the Commission.

12 Any public utility which fails to make and file any report  
13 called for by the Commission within the time specified; or to  
14 make specific answer to any question propounded by the  
15 Commission within 30 days from the time it is lawfully required  
16 to do so, or within such further time, not to exceed 90 days,  
17 as may in its discretion be allowed by the Commission, shall  
18 forfeit up to \$100 for each and every day it may so be in  
19 default if the utility collects less than \$100,000 annually in  
20 gross revenue; and if the utility collects \$100,000 or more  
21 annually in gross revenue, it shall forfeit \$1,000 per day for  
22 each and every day it is in default.

23 Any person who willfully makes any false return or report  
24 to the Commission or to any member, officer, or employee  
25 thereof, any person who willfully, in a return or report,  
26 withholds or fails to provide material information to which the  
27 Commission is entitled under this Act and which information is  
28 either required to be filed by statute, rule, regulation,  
29 order, or decision of the Commission or has been requested by  
30 the Commission, and any person who willfully aids or abets such  
31 person shall be guilty of a Class A misdemeanor.

32 (Source: P.A. 93-132, eff. 7-10-03; 93-457, eff. 8-8-03;  
33 revised 9-12-03.)

34 (220 ILCS 5/16-111)

35 Sec. 16-111. Rates and restructuring transactions during

1 mandatory transition period.

2 (a) During the mandatory transition period,  
3 notwithstanding any provision of Article IX of this Act, and  
4 except as provided in subsections (b), (d), (e), and (f) of  
5 this Section, the Commission shall not (i) initiate, authorize  
6 or order any change by way of increase (other than in  
7 connection with a request for rate increase which was filed  
8 after September 1, 1997 but prior to October 15, 1997, by an  
9 electric utility serving less than 12,500 customers in this  
10 State), (ii) initiate or, unless requested by the electric  
11 utility, authorize or order any change by way of decrease,  
12 restructuring or unbundling (except as provided in Section  
13 16-109A), in the rates of any electric utility that were in  
14 effect on October 1, 1996, or (iii) in any order approving any  
15 application for a merger pursuant to Section 7-204 that was  
16 pending as of May 16, 1997, impose any condition requiring any  
17 filing for an increase, decrease, or change in, or other review  
18 of, an electric utility's rates or enforce any such condition  
19 of any such order; provided, however, that this subsection  
20 shall not prohibit the Commission from:

21 (1) approving the application of an electric utility to  
22 implement an alternative to rate of return regulation or a  
23 regulatory mechanism that rewards or penalizes the  
24 electric utility through adjustment of rates based on  
25 utility performance, pursuant to Section 9-244;

26 (2) authorizing an electric utility to eliminate its  
27 fuel adjustment clause and adjust its base rate tariffs in  
28 accordance with subsection (b), (d), or (f) of Section  
29 9-220 of this Act, to fix its fuel adjustment factor in  
30 accordance with subsection (c) of Section 9-220 of this  
31 Act, or to eliminate its fuel adjustment clause in  
32 accordance with subsection (e) of Section 9-220 of this  
33 Act;

34 (3) ordering into effect tariffs for delivery services  
35 and transition charges in accordance with Sections 16-104  
36 and 16-108, for real-time pricing in accordance with

1 Section 16-107, or the options required by Section 16-110  
2 and subsection (n) of 16-112, allowing a billing experiment  
3 in accordance with Section 16-106, or modifying delivery  
4 services tariffs in accordance with Section 16-109; or

5 (4) ordering or allowing into effect any tariff to  
6 recover charges pursuant to Sections 9-201.5, 9-220.1,  
7 9-221, 9-222 (except as provided in Section 9-222.1),  
8 16-108, and 16-114 of this Act, Section 5-5 of the  
9 Electricity Infrastructure Maintenance Fee Law, Section  
10 6-5 of the Renewable Energy, Energy Efficiency, and Coal  
11 Resources Development Law of 1997, and Section 13 of the  
12 Energy Assistance Act.

13 After December 31, 2004, the provisions of this subsection  
14 (a) shall not apply to an electric utility whose average  
15 residential retail rate was less than or equal to 90% of the  
16 average residential retail rate for the "Midwest Utilities", as  
17 that term is defined in subsection (b) of this Section, based  
18 on data reported on Form 1 to the Federal Energy Regulatory  
19 Commission for calendar year 1995, and which served between  
20 150,000 and 250,000 retail customers in this State on January  
21 1, 1995 unless the electric utility or its holding company has  
22 been acquired by or merged with an affiliate of another  
23 electric utility subsequent to January 1, 2002. This exemption  
24 shall be limited to this subsection (a) and shall not extend to  
25 any other provisions of this Act.

26 (b) Notwithstanding the provisions of subsection (a), each  
27 Illinois electric utility serving more than 12,500 customers in  
28 Illinois shall file tariffs (i) reducing, effective August 1,  
29 1998, each component of its base rates to residential retail  
30 customers by 15% from the base rates in effect immediately  
31 prior to January 1, 1998 and (ii) if the public utility  
32 provides electric service to (A) more than 500,000 customers  
33 but less than 1,000,000 customers in this State on January 1,  
34 1999, reducing, effective May 1, 2002, each component of its  
35 base rates to residential retail customers by an additional 5%  
36 from the base rates in effect immediately prior to January 1,

1 1998, or (B) at least 1,000,000 customers in this State on  
2 January 1, 1999, reducing, effective October 1, 2001, each  
3 component of its base rates to residential retail customers by  
4 an additional 5% from the base rates in effect immediately  
5 prior to January 1, 1998. Provided, however, that (A) if an  
6 electric utility's average residential retail rate is less than  
7 or equal to the average residential retail rate for a group of  
8 Midwest Utilities (consisting of all investor-owned electric  
9 utilities with annual system peaks in excess of 1000 megawatts  
10 in the States of Illinois, Indiana, Iowa, Kentucky, Michigan,  
11 Missouri, Ohio, and Wisconsin), based on data reported on Form  
12 1 to the Federal Energy Regulatory Commission for calendar year  
13 1995, then it shall only be required to file tariffs (i)  
14 reducing, effective August 1, 1998, each component of its base  
15 rates to residential retail customers by 5% from the base rates  
16 in effect immediately prior to January 1, 1998, (ii) reducing,  
17 effective October 1, 2000, each component of its base rates to  
18 residential retail customers by the lesser of 5% of the base  
19 rates in effect immediately prior to January 1, 1998 or the  
20 percentage by which the electric utility's average residential  
21 retail rate exceeds the average residential retail rate of the  
22 Midwest Utilities, based on data reported on Form 1 to the  
23 Federal Energy Regulatory Commission for calendar year 1999,  
24 and (iii) reducing, effective October 1, 2002, each component  
25 of its base rates to residential retail customers by an  
26 additional amount equal to the lesser of 5% of the base rates  
27 in effect immediately prior to January 1, 1998 or the  
28 percentage by which the electric utility's average residential  
29 retail rate exceeds the average residential retail rate of the  
30 Midwest Utilities, based on data reported on Form 1 to the  
31 Federal Energy Regulatory Commission for calendar year 2001;  
32 and (B) if the average residential retail rate of an electric  
33 utility serving between 150,000 and 250,000 retail customers in  
34 this State on January 1, 1995 is less than or equal to 90% of  
35 the average residential retail rate for the Midwest Utilities,  
36 based on data reported on Form 1 to the Federal Energy

1 Regulatory Commission for calendar year 1995, then it shall  
2 only be required to file tariffs (i) reducing, effective August  
3 1, 1998, each component of its base rates to residential retail  
4 customers by 2% from the base rates in effect immediately prior  
5 to January 1, 1998; (ii) reducing, effective October 1, 2000,  
6 each component of its base rates to residential retail  
7 customers by 2% from the base rate in effect immediately prior  
8 to January 1, 1998; and (iii) reducing, effective October 1,  
9 2002, each component of its base rates to residential retail  
10 customers by 1% from the base rates in effect immediately prior  
11 to January 1, 1998. Provided, further, that any electric  
12 utility for which a decrease in base rates has been or is  
13 placed into effect between October 1, 1996 and the dates  
14 specified in the preceding sentences of this subsection, other  
15 than pursuant to the requirements of this subsection, shall be  
16 entitled to reduce the amount of any reduction or reductions in  
17 its base rates required by this subsection by the amount of  
18 such other decrease. The tariffs required under this subsection  
19 shall be filed 45 days in advance of the effective date.  
20 Notwithstanding anything to the contrary in Section 9-220 of  
21 this Act, no restatement of base rates in conjunction with the  
22 elimination of a fuel adjustment clause under that Section  
23 shall result in a lesser decrease in base rates than customers  
24 would otherwise receive under this subsection had the electric  
25 utility's fuel adjustment clause not been eliminated.

26 (c) Any utility reducing its base rates by 15% on August 1,  
27 1998 pursuant to subsection (b) shall include the following  
28 statement on its bills for residential customers from August 1  
29 through December 31, 1998: "Effective August 1, 1998, your  
30 rates have been reduced by 15% by the Electric Service Customer  
31 Choice and Rate Relief Law of 1997 passed by the Illinois  
32 General Assembly.". Any utility reducing its base rates by 5%  
33 on August 1, 1998, pursuant to subsection (b) shall include the  
34 following statement on its bills for residential customers from  
35 August 1 through December 31, 1998: "Effective August 1, 1998,  
36 your rates have been reduced by 5% by the Electric Service

1 Customer Choice and Rate Relief Law of 1997 passed by the  
2 Illinois General Assembly.".

3 Any utility reducing its base rates by 2% on August 1, 1998  
4 pursuant to subsection (b) shall include the following  
5 statement on its bills for residential customers from August 1  
6 through December 31, 1998: "Effective August 1, 1998, your  
7 rates have been reduced by 2% by the Electric Service Customer  
8 Choice and Rate Relief Law of 1997 passed by the Illinois  
9 General Assembly.".

10 (d) During the mandatory transition period, but not before  
11 January 1, 2000, and notwithstanding the provisions of  
12 subsection (a), an electric utility may request an increase in  
13 its base rates if the electric utility demonstrates that the  
14 2-year average of its earned rate of return on common equity,  
15 calculated as its net income applicable to common stock divided  
16 by the average of its beginning and ending balances of common  
17 equity using data reported in the electric utility's Form 1  
18 report to the Federal Energy Regulatory Commission but adjusted  
19 to remove the effects of accelerated depreciation or  
20 amortization or other transition or mitigation measures  
21 implemented by the electric utility pursuant to subsection (g)  
22 of this Section and the effect of any refund paid pursuant to  
23 subsection (e) of this Section, is below the 2-year average for  
24 the same 2 years of the monthly average yields of 30-year U.S.  
25 Treasury bonds published by the Board of Governors of the  
26 Federal Reserve System in its weekly H.15 Statistical Release  
27 or successor publication. The Commission shall review the  
28 electric utility's request, and may review the justness and  
29 reasonableness of all rates for tariffed services, in  
30 accordance with the provisions of Article IX of this Act,  
31 provided that the Commission shall consider any special or  
32 negotiated adjustments to the revenue requirement agreed to  
33 between the electric utility and the other parties to the  
34 proceeding. In setting rates under this Section, the Commission  
35 shall exclude the costs and revenues that are associated with  
36 competitive services and any billing or pricing experiments

1 conducted under Section 16-106.

2 (e) For the purposes of this subsection (e) all  
3 calculations and comparisons shall be performed for the  
4 Illinois operations of multijurisdictional utilities. During  
5 the mandatory transition period, notwithstanding the  
6 provisions of subsection (a), if the 2-year average of an  
7 electric utility's earned rate of return on common equity,  
8 calculated as its net income applicable to common stock divided  
9 by the average of its beginning and ending balances of common  
10 equity using data reported in the electric utility's Form 1  
11 report to the Federal Energy Regulatory Commission but adjusted  
12 to remove the effect of any refund paid under this subsection  
13 (e), and further adjusted to include the annual amortization of  
14 any difference between the consideration received by an  
15 affiliated interest of the electric utility in the sale of an  
16 asset which had been sold or transferred by the electric  
17 utility to the affiliated interest subsequent to the effective  
18 date of this amendatory Act of 1997 and the consideration for  
19 which such asset had been sold or transferred to the affiliated  
20 interest, with such difference to be amortized ratably from the  
21 date of the sale by the affiliated interest to December 31,  
22 2006, exceeds the 2-year average of the Index for the same 2  
23 years by 1.5 or more percentage points, the electric utility  
24 shall make refunds to customers beginning the first billing day  
25 of April in the following year in the manner described in  
26 paragraph (3) of this subsection. For purposes of this  
27 subsection (e), the "Index" shall be the sum of (A) the average  
28 for the 12 months ended September 30 of the monthly average  
29 yields of 30-year U.S. Treasury bonds published by the Board of  
30 Governors of the Federal Reserve System in its weekly H.15  
31 Statistical Release or successor publication for each year 1998  
32 through 2006, and (B) (i) 4.00 percentage points for each of  
33 the 12-month periods ending September 30, 1998 through  
34 September 30, 1999 or 8.00 percentage points if the electric  
35 utility's average residential retail rate is less than or equal  
36 to 90% of the average residential retail rate for the "Midwest

1 Utilities", as that term is defined in subsection (b) of this  
2 Section, based on data reported on Form 1 to the Federal Energy  
3 Regulatory Commission for calendar year 1995, and the electric  
4 utility served between 150,000 and 250,000 retail customers on  
5 January 1, 1995, (ii) 7.00 percentage points for each of the  
6 12-month periods ending September 30, 2000 through September  
7 30, 2006 if the electric utility was providing service to at  
8 least 1,000,000 customers in this State on January 1, 1999, or  
9 9.00 percentage points if the electric utility's average  
10 residential retail rate is less than or equal to 90% of the  
11 average residential retail rate for the "Midwest Utilities", as  
12 that term is defined in subsection (b) of this Section, based  
13 on data reported on Form 1 to the Federal Energy Regulatory  
14 Commission for calendar year 1995 and the electric utility  
15 served between 150,000 and 250,000 retail customers in this  
16 State on January 1, 1995, (iii) 11.00 percentage points for  
17 each of the 12-month periods ending September 30, 2000 through  
18 September 30, 2006, but only if the electric utility's average  
19 residential retail rate is less than or equal to 90% of the  
20 average residential retail rate for the "Midwest Utilities", as  
21 that term is defined in subsection (b) of this Section, based  
22 on data reported on Form 1 to the Federal Energy Regulatory  
23 Commission for calendar year 1995, the electric utility served  
24 between 150,000 and 250,000 retail customers in this State on  
25 January 1, 1995, and the electric utility offers delivery  
26 services on or before June 1, 2000 to retail customers whose  
27 annual electric energy use comprises 33% of the kilowatt hour  
28 sales to that group of retail customers that are classified  
29 under Division D, Groups 20 through 39 of the Standard  
30 Industrial Classifications set forth in the Standard  
31 Industrial Classification Manual published by the United  
32 States Office of Management and Budget, excluding the kilowatt  
33 hour sales to those customers that are eligible for delivery  
34 services pursuant to Section 16-104(a)(1)(i), and offers  
35 delivery services to its remaining retail customers classified  
36 under Division D, Groups 20 through 39 on or before October 1,



1 2000, and, provided further, that the electric utility commits  
2 not to petition pursuant to Section 16-108(f) for entry of an  
3 order by the Commission authorizing the electric utility to  
4 implement transition charges for an additional period after  
5 December 31, 2006, or (iv) 5.00 percentage points for each of  
6 the 12-month periods ending September 30, 2000 through  
7 September 30, 2006 for all other electric utilities or 7.00  
8 percentage points for such utilities for each of the 12-month  
9 periods ending September 30, 2000 through September 30, 2006  
10 for any such utility that commits not to petition pursuant to  
11 Section 16-108(f) for entry of an order by the Commission  
12 authorizing the electric utility to implement transition  
13 charges for an additional period after December 31, 2006 or  
14 11.00 percentage points for each of the 12-month periods ending  
15 September 30, 2005 and September 30, 2006 for each electric  
16 utility providing service to fewer than 6,500, or between  
17 75,000 and 150,000, electric retail customers in this State on  
18 January 1, 1995 if such utility commits not to petition  
19 pursuant to Section 16-108(f) for entry of an order by the  
20 Commission authorizing the electric utility to implement  
21 transition charges for an additional period after December 31,  
22 2006.

23 (1) For purposes of this subsection (e), "excess  
24 earnings" means the difference between (A) the 2-year  
25 average of the electric utility's earned rate of return on  
26 common equity, less (B) the 2-year average of the sum of  
27 (i) the Index applicable to each of the 2 years and (ii)  
28 1.5 percentage points; provided, that "excess earnings"  
29 shall never be less than zero.

30 (2) On or before March 31 of each year 2000 through  
31 2007 each electric utility shall file a report with the  
32 Commission showing its earned rate of return on common  
33 equity, calculated in accordance with this subsection, for  
34 the preceding calendar year and the average for the  
35 preceding 2 calendar years.

36 (3) If an electric utility has excess earnings,

1 determined in accordance with paragraphs (1) and (2) of  
2 this subsection, the refunds which the electric utility  
3 shall pay to its customers beginning the first billing day  
4 of April in the following year shall be calculated and  
5 applied as follows:

6 (i) The electric utility's excess earnings shall  
7 be multiplied by the average of the beginning and  
8 ending balances of the electric utility's common  
9 equity for the 2-year period in which excess earnings  
10 occurred.

11 (ii) The result of the calculation in (i) shall be  
12 multiplied by 0.50 and then divided by a number equal  
13 to 1 minus the electric utility's composite federal and  
14 State income tax rate.

15 (iii) The result of the calculation in (ii) shall  
16 be divided by the sum of the electric utility's  
17 projected total kilowatt-hour sales to retail  
18 customers plus projected kilowatt-hours to be  
19 delivered to delivery services customers over a one  
20 year period beginning with the first billing date in  
21 April in the succeeding year to determine a cents per  
22 kilowatt-hour refund factor.

23 (iv) The cents per kilowatt-hour refund factor  
24 calculated in (iii) shall be credited to the electric  
25 utility's customers by applying the factor on the  
26 customer's monthly bills to each kilowatt-hour sold or  
27 delivered until the total amount calculated in (ii) has  
28 been paid to customers.

29 (f) During the mandatory transition period, an electric  
30 utility may file revised tariffs reducing the price of any  
31 tariffed service offered by the electric utility for all  
32 customers taking that tariffed service, which shall be  
33 effective 7 days after filing.

34 (g) During the mandatory transition period, an electric  
35 utility may, without obtaining any approval of the Commission  
36 other than that provided for in this subsection and

1 notwithstanding any other provision of this Act or any rule or  
2 regulation of the Commission that would require such approval:

3 (1) implement a reorganization, other than a merger of  
4 2 or more public utilities as defined in Section 3-105 or  
5 their holding companies;

6 (2) retire generating plants from service;

7 (3) sell, assign, lease or otherwise transfer assets to  
8 an affiliated or unaffiliated entity and as part of such  
9 transaction enter into service agreements, power purchase  
10 agreements, or other agreements with the transferee;  
11 provided, however, that the prices, terms and conditions of  
12 any power purchase agreement must be approved or allowed  
13 into effect by the Federal Energy Regulatory Commission; or

14 (4) use any accelerated cost recovery method including  
15 accelerated depreciation, accelerated amortization or  
16 other capital recovery methods, or record reductions to the  
17 original cost of its assets.

18 In order to implement a reorganization, retire generating  
19 plants from service, or sell, assign, lease or otherwise  
20 transfer assets pursuant to this Section, the electric utility  
21 shall comply with subsections (c) and (d) of Section 16-128, if  
22 applicable, and subsection (k) of this Section, if applicable,  
23 and provide the Commission with at least 30 days notice of the  
24 proposed reorganization or transaction, which notice shall  
25 include the following information:

26 (i) a complete statement of the entries that the  
27 electric utility will make on its books and records of  
28 account to implement the proposed reorganization or  
29 transaction together with a certification from an  
30 independent certified public accountant that such  
31 entries are in accord with generally accepted  
32 accounting principles and, if the Commission has  
33 previously approved guidelines for cost allocations  
34 between the utility and its affiliates, a  
35 certification from the chief accounting officer of the  
36 utility that such entries are in accord with those cost

1 allocation guidelines;

2 (ii) a description of how the electric utility will  
3 use proceeds of any sale, assignment, lease or transfer  
4 to retire debt or otherwise reduce or recover the costs  
5 of services provided by such electric utility;

6 (iii) a list of all federal approvals or approvals  
7 required from departments and agencies of this State,  
8 other than the Commission, that the electric utility  
9 has or will obtain before implementing the  
10 reorganization or transaction;

11 (iv) an irrevocable commitment by the electric  
12 utility that it will not, as a result of the  
13 transaction, impose any stranded cost charges that it  
14 might otherwise be allowed to charge retail customers  
15 under federal law or increase the transition charges  
16 that it is otherwise entitled to collect under this  
17 Article XVI; and

18 (v) if the electric utility proposes to sell,  
19 assign, lease or otherwise transfer a generating plant  
20 that brings the amount of net dependable generating  
21 capacity transferred pursuant to this subsection to an  
22 amount equal to or greater than 15% of the electric  
23 utility's net dependable capacity as of the effective  
24 date of this amendatory Act of 1997, and enters into a  
25 power purchase agreement with the entity to which such  
26 generating plant is sold, assigned, leased, or  
27 otherwise transferred, the electric utility also  
28 agrees, if its fuel adjustment clause has not already  
29 been eliminated, to eliminate its fuel adjustment  
30 clause in accordance with subsection (b) of Section  
31 9-220 for a period of time equal to the length of any  
32 such power purchase agreement or successor agreement,  
33 or until January 1, 2005, whichever is longer; if the  
34 capacity of the generating plant so transferred and  
35 related power purchase agreement does not result in the  
36 elimination of the fuel adjustment clause under this

1 subsection, and the fuel adjustment clause has not  
2 already been eliminated, the electric utility shall  
3 agree that the costs associated with the transferred  
4 plant that are included in the calculation of the rate  
5 per kilowatt-hour to be applied pursuant to the  
6 electric utility's fuel adjustment clause during such  
7 period shall not exceed the per kilowatt-hour cost  
8 associated with such generating plant included in the  
9 electric utility's fuel adjustment clause during the  
10 full calendar year preceding the transfer, with such  
11 limit to be adjusted each year thereafter by the Gross  
12 Domestic Product Implicit Price Deflator.

13 (vi) In addition, if the electric utility proposes  
14 to sell, assign, or lease, (A) either (1) an amount of  
15 generating plant that brings the amount of net  
16 dependable generating capacity transferred pursuant to  
17 this subsection to an amount equal to or greater than  
18 15% of its net dependable capacity on the effective  
19 date of this amendatory Act of 1997, or (2) one or more  
20 generating plants with a total net dependable capacity  
21 of 1100 megawatts, or (B) transmission and  
22 distribution facilities that either (1) bring the  
23 amount of transmission and distribution facilities  
24 transferred pursuant to this subsection to an amount  
25 equal to or greater than 15% of the electric utility's  
26 total depreciated original cost investment in such  
27 facilities, or (2) represent an investment of  
28 \$25,000,000 in terms of total depreciated original  
29 cost, the electric utility shall provide, in addition  
30 to the information listed in subparagraphs (i) through  
31 (v), the following information: (A) a description of  
32 how the electric utility will meet its service  
33 obligations under this Act in a safe and reliable  
34 manner and (B) the electric utility's projected earned  
35 rate of return on common equity, calculated in  
36 accordance with subsection (d) of this Section, for

1 each year from the date of the notice through December  
2 31, 2006 both with and without the proposed  
3 transaction. If the Commission has not issued an order  
4 initiating a hearing on the proposed transaction  
5 within 30 days after the date the electric utility's  
6 notice is filed, the transaction shall be deemed  
7 approved. The Commission may, after notice and  
8 hearing, prohibit the proposed transaction if it makes  
9 either or both of the following findings: (1) that the  
10 proposed transaction will render the electric utility  
11 unable to provide its tariffed services in a safe and  
12 reliable manner, or (2) that there is a strong  
13 likelihood that consummation of the proposed  
14 transaction will result in the electric utility being  
15 entitled to request an increase in its base rates  
16 during the mandatory transition period pursuant to  
17 subsection (d) of this Section. Any hearing initiated  
18 by the Commission into the proposed transaction shall  
19 be completed, and the Commission's final order  
20 approving or prohibiting the proposed transaction  
21 shall be entered, within 90 days after the date the  
22 electric utility's notice was filed. Provided,  
23 however, that a sale, assignment, or lease of  
24 transmission facilities to an independent system  
25 operator that meets the requirements of Section 16-126  
26 shall not be subject to Commission approval under this  
27 Section.

28 In any proceeding conducted by the Commission  
29 pursuant to this subparagraph (vi), intervention shall  
30 be limited to parties with a direct interest in the  
31 transaction which is the subject of the hearing and any  
32 statutory consumer protection agency as defined in  
33 subsection (d) of Section 9-102.1. Notwithstanding the  
34 provisions of Section 10-113 of this Act, any  
35 application seeking rehearing of an order issued under  
36 this subparagraph (vi), whether filed by the electric

1 utility or by an intervening party, shall be filed  
2 within 10 days after service of the order.

3 The Commission shall not in any subsequent proceeding or  
4 otherwise, review such a reorganization or other transaction  
5 authorized by this Section, but shall retain the authority to  
6 allocate costs as stated in Section 16-111(i). An entity to  
7 which an electric utility sells, assigns, leases or transfers  
8 assets pursuant to this subsection (g) shall not, as a result  
9 of the transactions specified in this subsection (g), be deemed  
10 a public utility as defined in Section 3-105. Nothing in this  
11 subsection (g) shall change any requirement under the  
12 jurisdiction of the Illinois Department of Nuclear Safety  
13 including, but not limited to, the payment of fees. Nothing in  
14 this subsection (g) shall exempt a utility from obtaining a  
15 certificate pursuant to Section 8-406 of this Act for the  
16 construction of a new electric generating facility. Nothing in  
17 this subsection (g) is intended to exempt the transactions  
18 hereunder from the operation of the federal or State antitrust  
19 laws. Nothing in this subsection (g) shall require an electric  
20 utility to use the procedures specified in this subsection for  
21 any of the transactions specified herein. Any other procedure  
22 available under this Act may, at the electric utility's  
23 election, be used for any such transaction.

24 (h) During the mandatory transition period, the Commission  
25 shall not establish or use any rates of depreciation, which for  
26 purposes of this subsection shall include amortization, for any  
27 electric utility other than those established pursuant to  
28 subsection (c) of Section 5-104 of this Act or utilized  
29 pursuant to subsection (g) of this Section. Provided, however,  
30 that in any proceeding to review an electric utility's rates  
31 for tariffed services pursuant to Section 9-201, 9-202, 9-250  
32 or 16-111(d) of this Act, the Commission may establish new  
33 rates of depreciation for the electric utility in the same  
34 manner provided in subsection (d) of Section 5-104 of this Act.  
35 An electric utility implementing an accelerated cost recovery  
36 method including accelerated depreciation, accelerated

1 amortization or other capital recovery methods, or recording  
2 reductions to the original cost of its assets, pursuant to  
3 subsection (g) of this Section, shall file a statement with the  
4 Commission describing the accelerated cost recovery method to  
5 be implemented or the reduction in the original cost of its  
6 assets to be recorded. Upon the filing of such statement, the  
7 accelerated cost recovery method or the reduction in the  
8 original cost of assets shall be deemed to be approved by the  
9 Commission as though an order had been entered by the  
10 Commission.

11 (i) Subsequent to the mandatory transition period, the  
12 Commission, in any proceeding to establish rates and charges  
13 for tariffed services offered by an electric utility, shall  
14 consider only (1) the then current or projected revenues,  
15 costs, investments and cost of capital directly or indirectly  
16 associated with the provision of such tariffed services; (2)  
17 collection of transition charges in accordance with Sections  
18 16-102 and 16-108 of this Act; (3) recovery of any employee  
19 transition costs as described in Section 16-128 which the  
20 electric utility is continuing to incur, including recovery of  
21 any unamortized portion of such costs previously incurred or  
22 committed, with such costs to be equitably allocated among  
23 bundled services, delivery services, and contracts with  
24 alternative retail electric suppliers; and (4) recovery of the  
25 costs associated with the electric utility's compliance with  
26 decommissioning funding requirements; and shall not consider  
27 any other revenues, costs, investments or cost of capital of  
28 either the electric utility or of any affiliate of the electric  
29 utility that are not associated with the provision of tariffed  
30 services. In setting rates for tariffed services, the  
31 Commission shall equitably allocate joint and common costs and  
32 investments between the electric utility's competitive and  
33 tariffed services. In determining the justness and  
34 reasonableness of the electric power and energy component of an  
35 electric utility's rates for tariffed services subsequent to  
36 the mandatory transition period and prior to the time that the



1 provision of such electric power and energy is declared  
2 competitive, the Commission shall consider the extent to which  
3 the electric utility's tariffed rates for such component for  
4 each customer class exceed the market value determined pursuant  
5 to Section 16-112, and, if the electric power and energy  
6 component of such tariffed rate exceeds the market value by  
7 more than 10% for any customer class, may establish such  
8 electric power and energy component at a rate equal to the  
9 market value plus 10%. In any such case, the Commission may  
10 also elect to extend the provisions of Section 16-111(e) for  
11 any period in which the electric utility is collecting  
12 transition charges, using information applicable to such  
13 period.

14 (j) During the mandatory transition period, an electric  
15 utility may elect to transfer to a non-operating income account  
16 under the Commission's Uniform System of Accounts either or  
17 both of (i) an amount of unamortized investment tax credit that  
18 is in addition to the ratable amount which is credited to the  
19 electric utility's operating income account for the year in  
20 accordance with Section 46(f)(2) of the federal Internal  
21 Revenue Code of 1986, as in effect prior to P.L. 101-508, or  
22 (ii) "excess tax reserves", as that term is defined in Section  
23 203(e)(2)(A) of the federal Tax Reform Act of 1986, provided  
24 that (A) the amount transferred may not exceed the amount of  
25 the electric utility's assets that were created pursuant to  
26 Statement of Financial Accounting Standards No. 71 which the  
27 electric utility has written off during the mandatory  
28 transition period, and (B) the transfer shall not be effective  
29 until approved by the Internal Revenue Service. An electric  
30 utility electing to make such a transfer shall file a statement  
31 with the Commission stating the amount and timing of the  
32 transfer for which it intends to request approval of the  
33 Internal Revenue Service, along with a copy of its proposed  
34 request to the Internal Revenue Service for a ruling. The  
35 Commission shall issue an order within 14 days after the  
36 electric utility's filing approving, subject to receipt of

1 approval from the Internal Revenue Service, the proposed  
2 transfer.

3 (k) If an electric utility is selling or transferring to a  
4 single buyer 5 or more generating plants located in this State  
5 with a total net dependable capacity of 5000 megawatts or more  
6 pursuant to subsection (g) of this Section and has obtained a  
7 sale price or consideration that exceeds 200% of the book value  
8 of such plants, the electric utility must provide to the  
9 Governor, the President of the Illinois Senate, the Minority  
10 Leader of the Illinois Senate, the Speaker of the Illinois  
11 House of Representatives, and the Minority Leader of the  
12 Illinois House of Representatives no later than 15 days after  
13 filing its notice under subsection (g) of this Section or 5  
14 days after the date on which this subsection (k) becomes law,  
15 whichever is later, a written commitment in which such electric  
16 utility agrees to expend \$2 billion outside the corporate  
17 limits of any municipality with 1,000,000 or more inhabitants  
18 within such electric utility's service area, over a 6-year  
19 period beginning with the calendar year in which the notice is  
20 filed, on projects, programs, and improvements within its  
21 service area relating to transmission and distribution  
22 including, without limitation, infrastructure expansion,  
23 repair and replacement, capital investments, operations and  
24 maintenance, and vegetation management.

25 (Source: P.A. 91-50, eff. 6-30-99; 92-537, eff. 6-6-02; 92-690,  
26 eff. 7-18-02; revised 9-10-02.)

27 Section 415. The Nursing and Advanced Practice Nursing Act  
28 is amended by changing Sections 10-30 and 20-40 as follows:

29 (225 ILCS 65/10-30)

30 (Section scheduled to be repealed on January 1, 2008)

31 Sec. 10-30. Qualifications for licensure.

32 (a) Each applicant who successfully meets the requirements  
33 of this Section shall be entitled to licensure as a Registered  
34 Nurse or Licensed Practical Nurse, whichever is applicable.

1 (b) An applicant for licensure by examination to practice  
2 as a registered nurse or licensed practical nurse shall:

3 (1) submit a completed written application, on forms  
4 provided by the Department and fees as established by the  
5 Department;

6 (2) for registered nurse licensure, have graduated  
7 from a professional nursing education program approved by  
8 the Department;

9 (2.5) for licensed practical nurse licensure, have  
10 graduated ~~graduate~~ from a practical nursing education  
11 program approved by the Department;

12 (3) have not violated the provisions of Section 10-45  
13 of this Act. The Department may take into consideration any  
14 felony conviction of the applicant, but such a conviction  
15 shall not operate as an absolute bar to licensure;

16 (4) meet all other requirements as established by rule;

17 (5) pay, either to the Department or its designated  
18 testing service, a fee covering the cost of providing the  
19 examination. Failure to appear for the examination on the  
20 scheduled date at the time and place specified after the  
21 applicant's application for examination has been received  
22 and acknowledged by the Department or the designated  
23 testing service shall result in the forfeiture of the  
24 examination fee.

25 If an applicant neglects, fails, or refuses to take an  
26 examination or fails to pass an examination for a license under  
27 this Act within 3 years after filing the application, the  
28 application shall be denied. However, the applicant may make a  
29 new application accompanied by the required fee and provide  
30 evidence of meeting the requirements in force at the time of  
31 the new application.

32 An applicant may take and successfully complete a  
33 Department-approved examination in another jurisdiction.  
34 However, an applicant who has never been licensed previously in  
35 any jurisdiction that utilizes a Department-approved  
36 examination and who has taken and failed to pass the

1 examination within 3 years after filing the application must  
2 submit proof of successful completion of a  
3 Department-authorized nursing education program or  
4 recompletion of an approved registered nursing program or  
5 licensed practical nursing program, as appropriate, prior to  
6 re-application.

7 An applicant shall have one year from the date of  
8 notification of successful completion of the examination to  
9 apply to the Department for a license. If an applicant fails to  
10 apply within one year, the applicant shall be required to again  
11 take and pass the examination unless licensed in another  
12 jurisdiction of the United States within one year of passing  
13 the examination.

14 (c) An applicant for licensure by endorsement who is a  
15 registered professional nurse or a licensed practical nurse  
16 licensed by examination under the laws of another state or  
17 territory of the United States or a foreign country,  
18 jurisdiction, territory, or province shall:

19 (1) submit a completed written application, on forms  
20 supplied by the Department, and fees as established by the  
21 Department;

22 (2) for registered nurse licensure, have graduated  
23 from a professional nursing education program approved by  
24 the Department;

25 (2.5) for licensed practical nurse licensure, have  
26 graduated from a practical nursing education program  
27 approved by the Department;

28 (3) submit verification of licensure status directly  
29 from the United States jurisdiction of licensure, if  
30 applicable, as defined by rule;

31 (4) have passed the examination authorized by the  
32 Department;

33 (5) meet all other requirements as established by rule.

34 (d) All applicants for registered nurse licensure pursuant  
35 to item (2) of subsection (b) and item (2) of subsection (c) of  
36 this Section who are graduates of nursing educational programs

1 in a country other than the United States or its territories  
2 must submit to the Department certification of successful  
3 completion of the Commission of Graduates of Foreign Nursing  
4 Schools (CGFNS) examination. An applicant who is unable to  
5 provide appropriate documentation to satisfy CGFNS of her or  
6 his educational qualifications for the CGFNS examination shall  
7 be required to pass an examination to test competency in the  
8 English language, which shall be prescribed by the Department,  
9 if the applicant is determined by the Board to be educationally  
10 prepared in nursing. The Board shall make appropriate inquiry  
11 into the reasons for any adverse determination by CGFNS before  
12 making its own decision.

13 An applicant licensed in another state or territory who is  
14 applying for licensure and has received her or his education in  
15 a country other than the United States or its territories shall  
16 be exempt from the completion of the Commission of Graduates of  
17 Foreign Nursing Schools (CGFNS) examination if the applicant  
18 meets all of the following requirements:

19 (1) successful passage of the licensure examination  
20 authorized by the Department;

21 (2) holds an active, unencumbered license in another  
22 state; and

23 (3) has been actively practicing for a minimum of 2  
24 years in another state.

25 (e) (Blank).

26 (f) Pending the issuance of a license under subsection (c)  
27 of this Section, the Department may grant an applicant a  
28 temporary license to practice nursing as a registered nurse or  
29 as a licensed practical nurse if the Department is satisfied  
30 that the applicant holds an active, unencumbered license in  
31 good standing in another jurisdiction. If the applicant holds  
32 more than one current active license, or one or more active  
33 temporary licenses from other jurisdictions, the Department  
34 shall not issue a temporary license until it is satisfied that  
35 each current active license held by the applicant is  
36 unencumbered. The temporary license, which shall be issued no

1 later than 14 working days following receipt by the Department  
2 of an application for the temporary license, shall be granted  
3 upon the submission of the following to the Department:

4 (1) a signed and completed application for licensure  
5 under subsection (a) of this Section as a registered nurse  
6 or a licensed practical nurse;

7 (2) proof of a current, active license in at least one  
8 other jurisdiction and proof that each current active  
9 license or temporary license held by the applicant within  
10 the last 5 years is unencumbered;

11 (3) a signed and completed application for a temporary  
12 license; and

13 (4) the required temporary license fee.

14 (g) The Department may refuse to issue an applicant a  
15 temporary license authorized pursuant to this Section if,  
16 within 14 working days following its receipt of an application  
17 for a temporary license, the Department determines that:

18 (1) the applicant has been convicted of a crime under  
19 the laws of a jurisdiction of the United States: (i) which  
20 is a felony; or (ii) which is a misdemeanor directly  
21 related to the practice of the profession, within the last  
22 5 years;

23 (2) within the last 5 years the applicant has had a  
24 license or permit related to the practice of nursing  
25 revoked, suspended, or placed on probation by another  
26 jurisdiction, if at least one of the grounds for revoking,  
27 suspending, or placing on probation is the same or  
28 substantially equivalent to grounds in Illinois; or

29 (3) it intends to deny licensure by endorsement.

30 For purposes of this Section, an "unencumbered license"  
31 means a license against which no disciplinary action has been  
32 taken or is pending and for which all fees and charges are paid  
33 and current.

34 (h) The Department may revoke a temporary license issued  
35 pursuant to this Section if:

36 (1) it determines that the applicant has been convicted

1 of a crime under the law of any jurisdiction of the United  
2 States that is (i) a felony or (ii) a misdemeanor directly  
3 related to the practice of the profession, within the last  
4 5 years;

5 (2) it determines that within the last 5 years the  
6 applicant has had a license or permit related to the  
7 practice of nursing revoked, suspended, or placed on  
8 probation by another jurisdiction, if at least one of the  
9 grounds for revoking, suspending, or placing on probation  
10 is the same or substantially equivalent to grounds in  
11 Illinois; or

12 (3) it determines that it intends to deny licensure by  
13 endorsement.

14 A temporary license shall expire 6 months from the date of  
15 issuance. Further renewal may be granted by the Department in  
16 hardship cases, as defined by rule and upon approval of the  
17 Director. However, a temporary license shall automatically  
18 expire upon issuance of the Illinois license or upon  
19 notification that the Department intends to deny licensure,  
20 whichever occurs first.

21 (i) Applicants have 3 years from the date of application to  
22 complete the application process. If the process has not been  
23 completed within 3 years from the date of application, the  
24 application shall be denied, the fee forfeited, and the  
25 applicant must reapply and meet the requirements in effect at  
26 the time of reapplication.

27 (Source: P.A. 92-39, eff. 6-29-01; 92-744, eff. 7-25-02;  
28 revised 2-17-03.)

29 (225 ILCS 65/20-40)

30 (Section scheduled to be repealed on January 1, 2008)

31 Sec. 20-40. Fund. There is hereby created within the State  
32 Treasury the Nursing Dedicated and Professional Fund. The  
33 monies in the Fund may be used by and at the direction of the  
34 Department for the administration and enforcement of this Act,  
35 including but not limited to:

1 (a) Distribution and publication of the Nursing and  
2 Advanced Practice Nursing Act and the rules at the time of  
3 renewal to all persons licensed by the Department under  
4 this Act.

5 (b) Employment of secretarial, nursing,  
6 administrative, enforcement, and other staff for the  
7 administration of this Act.

8 (c) Conducting a survey, as prescribed by rule of the  
9 Department, once every 4 years during the license renewal  
10 period.

11 (d) Conducting of training seminars for licensees  
12 under this Act relating to the obligations,  
13 responsibilities, enforcement and other provisions of the  
14 Act and its rules.

15 (e) Disposition of Fees:

16 (i) (Blank).

17 (ii) All of the fees and fines collected pursuant  
18 to this Act shall be deposited in the Nursing Dedicated  
19 and Professional Fund.

20 (iii) For the fiscal year beginning July 1, 1988,  
21 the moneys deposited in the Nursing Dedicated and  
22 Professional Fund shall be appropriated to the  
23 Department for expenses of the Department and the Board  
24 in the administration of this Act. All earnings  
25 received from investment of moneys in the Nursing  
26 Dedicated and Professional Fund shall be deposited in  
27 the Nursing Dedicated and Professional Fund and shall  
28 be used for the same purposes as fees deposited in the  
29 Fund.

30 (iv) For the fiscal year beginning July 1, 2004 and  
31 for each fiscal year thereafter, \$1,200,000 of the  
32 moneys deposited in the Nursing Dedicated and  
33 Professional Fund each year shall be set aside and  
34 appropriated to the Illinois Department of Public  
35 Health for nursing scholarships awarded pursuant to  
36 the Nursing Education Scholarship Law. Representatives



1 of the Department and the Nursing Education  
2 Scholarship Program Advisory Council shall review this  
3 requirement and the scholarship awards every 2 years.

4 (v) Moneys in the Fund may be transferred to the  
5 Professions Indirect Cost Fund as authorized under  
6 Section 2105-300 of the Department of Professional  
7 Regulation Law (20 ILCS 2105/2105-300).

8 (f) Moneys set aside for nursing scholarships awarded  
9 pursuant to the Nursing Education Scholarship Law as  
10 provided in item (iv) of subsection (e) of this Section may  
11 not be transferred under Section 8h of the State Finance  
12 Act.

13 (Source: P.A. 92-46, eff. 7-1-01; 93-806, eff. 7-24-04;  
14 93-1054, eff. 11-18-04; revised 12-1-04.)

15 Section 420. The Pyrotechnic Operator Licensing Act is  
16 amended by renumbering Section 99 as follows:

17 (225 ILCS 227/999)

18 Sec. 999 ~~99~~. Effective date. This Act takes effect upon  
19 becoming law.

20 (Source: P.A. 93-263, eff. 7-22-03; revised 9-19-03.)

21 Section 425. The Elevator Safety and Regulation Act is  
22 amended by changing Sections 15 and 25 as follows:

23 (225 ILCS 312/15)

24 (Section scheduled to be repealed on January 1, 2013)

25 Sec. 15. Definitions. For the purpose of this Act:

26 "Administrator" means the Office of the State Fire Marshal.

27 "ANSI A10.4" means the safety requirements for personnel  
28 hoists, an American National Standard.

29 "ASCE 21" means the American Society of Civil Engineers  
30 Automated People Mover Standards.

31 "ASME A17.1" means the Safety Code for Elevators and  
32 Escalators, an American National Standard.

1 "ASME A17.3" means the Safety Code for Existing Elevators  
2 and Escalators, an American National Standard.

3 "ASME A18.1" means the Safety Standard for Platform Lifts  
4 and Stairway Chairlifts, an American National Standard.

5 "Automated people mover" means an installation as defined  
6 as an "automated people mover" in ASCE 21.

7 "Board" means the Elevator Safety Review Board.

8 "Certificate of operation" means a certificate issued by  
9 the Administrator that indicates that the conveyance has passed  
10 the required safety inspection and tests and fees have been  
11 paid as set forth in this Act. The Administrator may issue a  
12 temporary certificate of operation that permits the temporary  
13 use of a non-compliant conveyance by the general public for a  
14 limited time of 30 days while minor repairs are being  
15 completed.

16 "Conveyance" means any elevator, dumbwaiter, escalator,  
17 moving sidewalk, platform lifts, stairway chairlifts and  
18 automated people movers.

19 "Elevator" means an installation defined as an "elevator"  
20 in ASME A17.1.

21 "Elevator contractor" means any person, firm, or  
22 corporation who possesses an elevator contractor's license in  
23 accordance with the provisions of Sections 40 and 55 of this  
24 Act and who is engaged in the business of erecting,  
25 constructing, installing, altering, servicing, repairing, or  
26 maintaining elevators or related conveyance covered by this  
27 Act.

28 "Elevator contractor's license" means a license issued to  
29 an elevator contractor who has proven his or her qualifications  
30 and ability and has been authorized by the Elevator Safety  
31 Review Board to possess this type of license. It shall entitle  
32 the holder thereof to engage in the business of erecting,  
33 constructing, installing, altering, servicing, testing,  
34 repairing, or maintaining elevators or related conveyance  
35 covered by this Act. The Administrator may issue a limited  
36 elevator contractor's license authorizing a firm or company

1 that employs individuals to carry on a business of erecting,  
2 constructing, installing, altering, servicing, repairing, or  
3 maintaining platform lifts and stairway chairlifts within any  
4 building or structure, including but not limited to private  
5 residences.

6 "Elevator inspector" means any person who possesses an  
7 elevator inspector's license in accordance with the provisions  
8 of this Act or any person who performs the duties and functions  
9 of an elevator inspector for any unit of local government with  
10 a population greater than 500,000 prior to or on the effective  
11 date of this Act.

12 "Elevator mechanic" means any person who possesses an  
13 elevator mechanic's license in accordance with the provisions  
14 of Sections 40 and 45 of this Act and who is engaged in  
15 erecting, constructing, installing, altering, servicing,  
16 repairing, or maintaining elevators or related conveyance  
17 covered by this Act.

18 "Elevator mechanic's license" means a license issued to a  
19 person who has proven his or her qualifications and ability and  
20 has been authorized by the Elevator Safety Review Board to work  
21 on conveyance equipment. It shall entitle the holder thereof to  
22 install, construct, alter, service, repair, test, maintain,  
23 and perform electrical work on elevators or related conveyance  
24 covered by this Act.

25 "Escalator" means an installation defined as an  
26 "escalator" in ASME A17.1.

27 "Existing installation" means an installation defined as  
28 an "installation, existing" in ASME A17.1.

29 "Inspector's license" means a license issued to a person  
30 who has proven his or her qualifications and ability and has  
31 been authorized by the Elevator Safety Review Board to possess  
32 this type of license. It shall entitle the holder thereof to  
33 engage in the business of inspecting elevators or related  
34 conveyance covered by this Act.

35 "License" means a written license, duly issued by the  
36 Administrator, authorizing a person, firm, or company to carry

1 on the business of erecting, constructing, installing,  
2 altering, servicing, repairing, maintaining, or performing  
3 inspections of elevators or related conveyance covered by this  
4 Act.

5 "Material alteration" means an "alteration" as defined by  
6 the Board.

7 "Moving walk" means an installation ~~as~~ defined as a "moving  
8 walk" in ASME A17.1.

9 "Private residence" means a separate dwelling or a separate  
10 apartment in a multiple dwelling that is occupied by members of  
11 a single-family unit.

12 "Repair" has the meaning defined by the Board, which does  
13 not require a permit.

14 "Temporarily dormant" means an elevator, dumbwaiter, or  
15 escalator:

16 (1) with a power supply that has been disconnected by  
17 removing fuses and placing a padlock on the mainline  
18 disconnect switch in the "off" position;

19 (2) with a car that is parked and hoistway doors that  
20 are in the closed and latched position;

21 (3) with a wire seal on the mainline disconnect switch  
22 installed by a licensed elevator inspector;

23 (4) that shall not be used again until it has been put  
24 in safe running order and is in condition for use;

25 (5) requiring annual inspections for the duration of  
26 the temporarily dormant status by a licensed elevator  
27 inspector;

28 (6) that has a "temporarily dormant" status that is  
29 renewable on an annual basis, not to exceed a one-year  
30 period;

31 (7) requiring the inspector to file a report with the  
32 chief elevator inspector describing the current  
33 conditions; and

34 (8) with a wire seal and padlock that shall not be  
35 removed for any purpose without permission from the  
36 elevator inspector.

1 (Source: P.A. 92-873, eff. 6-1-03; revised 1-20-03.)

2 (225 ILCS 312/25)

3 (Section scheduled to be repealed on January 1, 2013)

4 Sec. 25. Elevator Safety Review Board.

5 (a) There is hereby created within the Office of the State  
6 Fire Marshal the Elevator Safety Review Board, consisting of 13  
7 members. The Administrator shall appoint 3 members who shall be  
8 representatives of ~~of a~~ fire service communities. The Governor  
9 shall appoint the remaining 10 members of the Board as follows:  
10 one representative from a major elevator manufacturing company  
11 or its authorized representative; one representative from an  
12 elevator servicing company; one representative of the  
13 architectural design profession; one representative of the  
14 general public; one representative of a municipality in this  
15 State with a population over 500,000; one representative of a  
16 municipality in this State with a population under 25,000; one  
17 representative of a municipality in this State with a  
18 population of 25,000 or over but under 50,000; one  
19 representative of a municipality in this State with a  
20 population of 50,000 or over but under 500,000; one  
21 representative of a building owner or manager; and one  
22 representative of labor involved in the installation,  
23 maintenance, and repair of elevators.

24 (b) The members constituting the Board shall be appointed  
25 for initial terms as follows:

26 (1) Of the members appointed by the Administrator, 2  
27 shall serve for a term of 2 years, and one for a term of 4  
28 years.

29 (2) Of the members appointed by the Governor, 2 shall  
30 serve for a term of one year, 2 for terms of 2 years, 2 for  
31 terms of 3 years, and 4 for terms of 4 years.

32 At the expiration of their initial terms of office, the  
33 members or their successors shall be appointed for terms of 4  
34 years each. Upon the expiration of a member's term of office,  
35 the officer who appointed that member shall reappoint that

1 member or appoint a successor who is a representative of the  
2 same interests with which his or her predecessor was  
3 identified. The Administrator and the Governor may at any time  
4 remove any of their respective appointees for inefficiency or  
5 neglect of duty in office. Upon the death or incapacity of a  
6 member, the officer who appointed that member shall fill the  
7 vacancy for the remainder of the vacated term by appointing a  
8 member who is a representative of the same interests with which  
9 his or her predecessor was identified. The members shall serve  
10 without salary, but shall receive from the State expenses  
11 necessarily incurred by them in performance of their duties.  
12 The Governor shall appoint one of the members to serve as  
13 chairperson. The chairperson shall be the deciding vote in the  
14 event of a tie vote.

15 (Source: P.A. 92-873, eff. 6-1-03; revised 1-20-03.)

16 Section 430. The Illinois Public Accounting Act is amended  
17 by changing Section 28 as follows:

18 (225 ILCS 450/28) (from Ch. 111, par. 5534)

19 (Section scheduled to be repealed on January 1, 2014)

20 Sec. 28. Penalties. Each of the following acts perpetrated  
21 in the State of Illinois is a Class B misdemeanor.

22 (a) The practice of public accounting insofar as it  
23 consists in rendering service as described in Section 8,  
24 without licensure, in violation of the provisions of this  
25 Act;

26 (b) The obtaining or attempting to obtain licensure as  
27 a licensed certified public accountant or registration as a  
28 registered certified public accountant by fraud;

29 (c) The use of the title "Certified Public Accountant"  
30 or the abbreviation "C.P.A." or use of any similar words or  
31 letters indicating the user is a certified public  
32 accountant, the title "Registered Certified Public  
33 Accountant", the abbreviation "R.C.P.A.", any similar  
34 words or letters indicating the user is a certified public

1 accountant or a registered certified public accountant by  
2 any person in contravention of this Act;

3 (c-5) The use of the title "Certified Public  
4 Accountant" or "Licensed Certified Public Accountant" or  
5 the abbreviation "C.P.A." or "L.C.P.A." or any similar  
6 words or letters indicating the user is a certified public  
7 accountant by any person in contravention with this Act;

8 (d) The use of the title "Certified Public Accountant"  
9 or the abbreviation "C.P.A." or any similar words or  
10 letters indicating that the members are certified public  
11 accountants, by any partnership, limited liability  
12 company, corporation, or other entity unless all members  
13 thereof personally engaged in the practice of public  
14 accounting in this State are licensed as licensed certified  
15 public accountants by the Department, and are holders of an  
16 effective unrevoked license, and the partnership, limited  
17 liability company, corporation, or other entity is  
18 licensed as licensed certified public accountants by the  
19 Board with an effective unrevoked license;

20 (e) The use of the title "Licensed Certified Public  
21 Accountant", or the abbreviation "L.C.P.A." or any similar  
22 words or letters indicating such person is a licensed  
23 certified public accountant, by any person not licensed as  
24 a licensed certified public accountant by the Department,  
25 and holding an effective unrevoked license; provided  
26 nothing in this Act shall prohibit the use of the title  
27 "Accountant" or "Bookkeeper" by any person;

28 (f) The use of the title "Licensed Certified Public  
29 Accountants", "Public Accountants" or the abbreviation  
30 "P.A.'s" or any similar words or letters indicating that  
31 the members are public accountants by any partnership,  
32 limited liability company, corporation, or other entity  
33 unless all members thereof personally engaged in the  
34 practice of public accounting in this State are licensed as  
35 licensed certified public accountants by the Department  
36 and are holders of effective unrevoked licenses, and the

1 partnership is licensed as a public accounting firm by the  
2 Department with an effective unrevoked license ~~licenses~~;

3 (g) Making false statements to the Department  
4 regarding compliance with continuing professional  
5 education requirements;

6 (h) The use of the title "Certified Public Accountant"  
7 or the abbreviation "C.P.A." or any similar words or  
8 letters indicating that the members are certified public  
9 accountants, by any partnership unless all members thereof  
10 personally engaged in the practice of public accounting in  
11 this State have received certificates as certified public  
12 accountants from the Board, are licensed as public  
13 accountants by the Department, and are holders of an  
14 effective unrevoked license, and the partnership is  
15 licensed as public accountants by the Department with an  
16 effective unrevoked license.

17 This Section does not prohibit a firm partnership, limited  
18 liability company, corporation, or other entity who does not  
19 practice public accounting as set forth in Section 8 of this  
20 Act and whose members residing in Illinois are registered with  
21 the Department from using the title "Certified Public  
22 Accountant" or the abbreviation "C.P.A." or "CPA" or similar  
23 words or letters indicating that the members are certified  
24 public accountants.

25 (Source: P.A. 92-457, eff. 7-1-04; 93-683, eff. 7-2-04; revised  
26 11-5-04.)

27 Section 435. The Illinois Petroleum Education and  
28 Marketing Act is amended by changing Section 10 as follows:

29 (225 ILCS 728/10)

30 (Section scheduled to be repealed on January 1, 2008)

31 Sec. 10. Illinois Petroleum Resources Board.

32 (a) There is hereby created until January 1, 2008, the  
33 Illinois Petroleum Resources Board which shall be subject to  
34 the provisions of the Regulatory Sunset Act. The purpose of the



1 Board is to coordinate a program designed to demonstrate to the  
2 general public the importance of the Illinois oil exploration  
3 and production industry, to encourage the wise and efficient  
4 use of energy, to promote environmentally sound production  
5 methods and technologies, to develop existing supplies of State  
6 oil resources, and to support research and educational  
7 activities concerning the oil exploration and production  
8 industry.

9 (b) The Board shall be composed of 12 members to be  
10 appointed by the Governor. The Governor shall make appointments  
11 from a list of names submitted by qualified producer  
12 associations, of which 10 shall be oil and gas producers.

13 (c) A member of the Board shall:

14 (1) be at least 25 years of age;

15 (2) be a resident of the State of Illinois; and

16 (3) have at least 5 years of active experience in the  
17 oil industry.

18 (d) Members shall serve for a term of 3 years, except that  
19 of the initial appointments, 4 members shall serve for one  
20 year, 4 members for 2 years, and 4 members for 3 years.

21 (e) Vacancies shall be filled for the unexpired term of  
22 office in the same manner as the original appointment.

23 (f) The Board shall, at its first meeting, elect one of its  
24 members as chairperson, who shall preside over meetings of the  
25 Board and perform other duties that may be required by the  
26 Board. The first meeting of the Board shall be called by the  
27 Governor.

28 (g) No member of the Board shall receive a salary or  
29 reimbursement for duties performed as a member of the Board,  
30 except that members are eligible to receive reimbursement for  
31 travel expenses incurred in the performance of Board duties.

32 (Source: P.A. 92-610, eff. 7-1-02; 92-651, eff. 7-11-02;  
33 revised 8-12-02.)

34 Section 440. The Riverboat Gambling Act is amended by  
35 changing Sections 4, 7, 12, and 13 as follows:

1 (230 ILCS 10/4) (from Ch. 120, par. 2404)

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

3 (a) "Board" means the Illinois Gaming Board.

4 (b) "Occupational license" means a license issued by the  
5 Board to a person or entity to perform an occupation which the  
6 Board has identified as requiring a license to engage in  
7 riverboat gambling in Illinois.

8 (c) "Gambling game" includes, but is not limited to,  
9 baccarat, twenty-one, poker, craps, slot machine, video game of  
10 chance, roulette wheel, klondike table, punchboard, faro  
11 layout, keno layout, numbers ticket, push card, jar ticket, or  
12 pull tab which is authorized by the Board as a wagering device  
13 under this Act.

14 (d) "Riverboat" means a self-propelled excursion boat, a  
15 permanently moored barge, or permanently moored barges that are  
16 permanently fixed together to operate as one vessel, on which  
17 lawful gambling is authorized and licensed as provided in this  
18 Act.

19 (e) "Managers license" means a license issued by the Board  
20 to a person or entity to manage gambling operations conducted  
21 by the State pursuant to Section 7.3 ~~7.2~~.

22 (f) "Dock" means the location where a riverboat moors for  
23 the purpose of embarking passengers for and disembarking  
24 passengers from the riverboat.

25 (g) "Gross receipts" means the total amount of money  
26 exchanged for the purchase of chips, tokens or electronic cards  
27 by riverboat patrons.

28 (h) "Adjusted gross receipts" means the gross receipts less  
29 winnings paid to wagerers.

30 (i) "Cheat" means to alter the selection of criteria which  
31 determine the result of a gambling game or the amount or  
32 frequency of payment in a gambling game.

33 (j) "Department" means the Department of Revenue.

34 (k) "Gambling operation" means the conduct of authorized  
35 gambling games upon a riverboat.

1 (1) "License bid" means the lump sum amount of money that  
2 an applicant bids and agrees to pay the State in return for an  
3 owners license that is re-issued on or after July 1, 2003.

4 (m) The terms "minority person" and "female" shall have the  
5 same meaning as defined in Section 2 of the Business Enterprise  
6 for Minorities, Females, and Persons with Disabilities Act.

7 (Source: P.A. 92-600, eff. 6-28-02; 93-28, eff. 6-20-03;  
8 revisory 1-28-04.)

9 (230 ILCS 10/7) (from Ch. 120, par. 2407)

10 Sec. 7. Owners Licenses.

11 (a) The Board shall issue owners licenses to persons, firms  
12 or corporations which apply for such licenses upon payment to  
13 the Board of the non-refundable license fee set by the Board,  
14 upon payment of a \$25,000 license fee for the first year of  
15 operation and a \$5,000 license fee for each succeeding year and  
16 upon a determination by the Board that the applicant is  
17 eligible for an owners license pursuant to this Act and the  
18 rules of the Board. A person, firm or corporation is ineligible  
19 to receive an owners license if:

20 (1) the person has been convicted of a felony under the  
21 laws of this State, any other state, or the United States;

22 (2) the person has been convicted of any violation of  
23 Article 28 of the Criminal Code of 1961, or substantially  
24 similar laws of any other jurisdiction;

25 (3) the person has submitted an application for a  
26 license under this Act which contains false information;

27 (4) the person is a member of the Board;

28 (5) a person defined in (1), (2), (3) or (4) is an  
29 officer, director or managerial employee of the firm or  
30 corporation;

31 (6) the firm or corporation employs a person defined in  
32 (1), (2), (3) or (4) who participates in the management or  
33 operation of gambling operations authorized under this  
34 Act;

35 (7) (blank); or

1 (8) a license of the person, firm or corporation issued  
2 under this Act, or a license to own or operate gambling  
3 facilities in any other jurisdiction, has been revoked.

4 (b) In determining whether to grant an owners license to an  
5 applicant, the Board shall consider:

6 (1) the character, reputation, experience and  
7 financial integrity of the applicants and of any other or  
8 separate person that either:

9 (A) controls, directly or indirectly, such  
10 applicant, or

11 (B) is controlled, directly or indirectly, by such  
12 applicant or by a person which controls, directly or  
13 indirectly, such applicant;

14 (2) the facilities or proposed facilities for the  
15 conduct of riverboat gambling;

16 (3) the highest prospective total revenue to be derived  
17 by the State from the conduct of riverboat gambling;

18 (4) the extent to which the ownership of the applicant  
19 reflects the diversity of the State by including minority  
20 persons and females and the good faith affirmative action  
21 plan of each applicant to recruit, train and upgrade  
22 minority persons and females in all employment  
23 classifications;

24 (5) the financial ability of the applicant to purchase  
25 and maintain adequate liability and casualty insurance;

26 (6) whether the applicant has adequate capitalization  
27 to provide and maintain, for the duration of a license, a  
28 riverboat;

29 (7) the extent to which the applicant exceeds or meets  
30 other standards for the issuance of an owners license which  
31 the Board may adopt by rule; and

32 (8) The amount of the applicant's license bid.

33 (c) Each owners license shall specify the place where  
34 riverboats shall operate and dock.

35 (d) Each applicant shall submit with his application, on  
36 forms provided by the Board, 2 sets of his fingerprints.

1 (e) The Board may issue up to 10 licenses authorizing the  
2 holders of such licenses to own riverboats. In the application  
3 for an owners license, the applicant shall state the dock at  
4 which the riverboat is based and the water on which the  
5 riverboat will be located. The Board shall issue 5 licenses to  
6 become effective not earlier than January 1, 1991. Three of  
7 such licenses shall authorize riverboat gambling on the  
8 Mississippi River, or, with approval by the municipality in  
9 which the riverboat is docked on August 7, 2003, ~~the effective~~  
10 ~~date of this amendatory Act of the 93rd Assembly,~~ in a  
11 municipality that (1) borders on the Mississippi River or is  
12 within 5 miles of the city limits of a municipality that  
13 borders on the Mississippi River and (2), on August 7, 2003,  
14 ~~the effective date of this amendatory Act of the 93rd General~~  
15 ~~Assembly,~~ has a riverboat conducting riverboat gambling  
16 operations pursuant to a license issued under this Act;<sup>7</sup> one of  
17 which shall authorize riverboat gambling from a home dock in  
18 the city of East St. Louis. One other license shall authorize  
19 riverboat gambling on the Illinois River south of Marshall  
20 County. The Board shall issue one additional license to become  
21 effective not earlier than March 1, 1992, which shall authorize  
22 riverboat gambling on the Des Plaines River in Will County. The  
23 Board may issue 4 additional licenses to become effective not  
24 earlier than March 1, 1992. In determining the water upon which  
25 riverboats will operate, the Board shall consider the economic  
26 benefit which riverboat gambling confers on the State, and  
27 shall seek to assure that all regions of the State share in the  
28 economic benefits of riverboat gambling.

29 In granting all licenses, the Board may give favorable  
30 consideration to economically depressed areas of the State, to  
31 applicants presenting plans which provide for significant  
32 economic development over a large geographic area, and to  
33 applicants who currently operate non-gambling riverboats in  
34 Illinois. The Board shall review all applications for owners  
35 licenses, and shall inform each applicant of the Board's  
36 decision. The Board may grant an owners license to an applicant

1 that has not submitted the highest license bid, but if it does  
2 not select the highest bidder, the Board shall issue a written  
3 decision explaining why another applicant was selected and  
4 identifying the factors set forth in this Section that favored  
5 the winning bidder.

6 In addition to any other revocation powers granted to the  
7 Board under this Act, the Board may revoke the owners license  
8 of a licensee which fails to begin conducting gambling within  
9 15 months of receipt of the Board's approval of the application  
10 if the Board determines that license revocation is in the best  
11 interests of the State.

12 (f) The first 10 owners licenses issued under this Act  
13 shall permit the holder to own up to 2 riverboats and equipment  
14 thereon for a period of 3 years after the effective date of the  
15 license. Holders of the first 10 owners licenses must pay the  
16 annual license fee for each of the 3 years during which they  
17 are authorized to own riverboats.

18 (g) Upon the termination, expiration, or revocation of each  
19 of the first 10 licenses, which shall be issued for a 3 year  
20 period, all licenses are renewable annually upon payment of the  
21 fee and a determination by the Board that the licensee  
22 continues to meet all of the requirements of this Act and the  
23 Board's rules. However, for licenses renewed on or after May 1,  
24 1998, renewal shall be for a period of 4 years, unless the  
25 Board sets a shorter period.

26 (h) An owners license shall entitle the licensee to own up  
27 to 2 riverboats. A licensee shall limit the number of gambling  
28 participants to 1,200 for any such owners license. A licensee  
29 may operate both of its riverboats concurrently, provided that  
30 the total number of gambling participants on both riverboats  
31 does not exceed 1,200. Riverboats licensed to operate on the  
32 Mississippi River and the Illinois River south of Marshall  
33 County shall have an authorized capacity of at least 500  
34 persons. Any other riverboat licensed under this Act shall have  
35 an authorized capacity of at least 400 persons.

36 (i) A licensed owner is authorized to apply to the Board

1 for and, if approved therefor, to receive all licenses from the  
2 Board necessary for the operation of a riverboat, including a  
3 liquor license, a license to prepare and serve food for human  
4 consumption, and other necessary licenses. All use, occupation  
5 and excise taxes which apply to the sale of food and beverages  
6 in this State and all taxes imposed on the sale or use of  
7 tangible personal property apply to such sales aboard the  
8 riverboat.

9 (j) The Board may issue or re-issue a license authorizing a  
10 riverboat to dock in a municipality or approve a relocation  
11 under Section 11.2 only if, prior to the issuance or  
12 re-issuance of the license or approval, the governing body of  
13 the municipality in which the riverboat will dock has by a  
14 majority vote approved the docking of riverboats in the  
15 municipality. The Board may issue or re-issue a license  
16 authorizing a riverboat to dock in areas of a county outside  
17 any municipality or approve a relocation under Section 11.2  
18 only if, prior to the issuance or re-issuance of the license or  
19 approval, the governing body of the county has by a majority  
20 vote approved of the docking of riverboats within such areas.

21 (Source: P.A. 92-600, eff. 6-28-02; 93-28, eff. 6-20-03;  
22 93-453, eff. 8-7-03; revised 1-27-04.)

23 (230 ILCS 10/12) (from Ch. 120, par. 2412)

24 Sec. 12. Admission tax; fees.

25 (a) A tax is hereby imposed upon admissions to riverboats  
26 operated by licensed owners authorized pursuant to this Act.  
27 Until July 1, 2002, the rate is \$2 per person admitted. From  
28 July 1, 2002 ~~and~~ until July 1, 2003, the rate is \$3 per person  
29 admitted. Beginning July 1, 2003, for a licensee that admitted  
30 1,000,000 persons or fewer in the previous calendar year, the  
31 rate is \$3 per person admitted; for a licensee that admitted  
32 more than 1,000,000 but no more than 2,300,000 persons in the  
33 previous calendar year, the rate is \$4 per person admitted; and  
34 for a licensee that admitted more than 2,300,000 persons in the  
35 previous calendar year, the rate is \$5 per person admitted.

1 ~~Beginning July 1, 2003, for a licensee that admitted 2,300,000~~  
2 ~~persons or fewer in the previous calendar year, the rate is \$4~~  
3 ~~per person admitted and for a licensee that admitted more than~~  
4 ~~2,300,000 persons in the previous calendar year, the rate is \$5~~  
5 ~~per person admitted.~~ This admission tax is imposed upon the  
6 licensed owner conducting gambling.

7 (1) The admission tax shall be paid for each admission.

8 (2) (Blank).

9 (3) The riverboat licensee may issue tax-free passes to  
10 actual and necessary officials and employees of the  
11 licensee or other persons actually working on the  
12 riverboat.

13 (4) The number and issuance of tax-free passes is  
14 subject to the rules of the Board, and a list of all  
15 persons to whom the tax-free passes are issued shall be  
16 filed with the Board.

17 (a-5) A fee is hereby imposed upon admissions operated by  
18 licensed managers on behalf of the State pursuant to Section  
19 7.3 at the rates provided in this subsection (a-5). For a  
20 licensee that admitted 1,000,000 persons or fewer in the  
21 previous calendar year, the rate is \$3 per person admitted; for  
22 a licensee that admitted more than 1,000,000 but no more than  
23 2,300,000 persons in the previous calendar year, the rate is \$4  
24 per person admitted; and for a licensee that admitted more than  
25 2,300,000 persons in the previous calendar year, the rate is \$5  
26 per person admitted.

27 (1) The admission fee shall be paid for each admission.

28 (2) (Blank).

29 (3) The licensed manager may issue fee-free passes to  
30 actual and necessary officials and employees of the manager  
31 or other persons actually working on the riverboat.

32 (4) The number and issuance of fee-free passes is  
33 subject to the rules of the Board, and a list of all  
34 persons to whom the fee-free passes are issued shall be  
35 filed with the Board.

36 (b) From the tax imposed under subsection (a) and the fee



1 imposed under subsection (a-5), a municipality shall receive  
2 from the State \$1 for each person embarking on a riverboat  
3 docked within the municipality, and a county shall receive \$1  
4 for each person embarking on a riverboat docked within the  
5 county but outside the boundaries of any municipality. The  
6 municipality's or county's share shall be collected by the  
7 Board on behalf of the State and remitted quarterly by the  
8 State, subject to appropriation, to the treasurer of the unit  
9 of local government for deposit in the general fund.

10 (c) The licensed owner shall pay the entire admission tax  
11 to the Board and the licensed manager shall pay the entire  
12 admission fee to the Board. Such payments shall be made daily.  
13 Accompanying each payment shall be a return on forms provided  
14 by the Board which shall include other information regarding  
15 admissions as the Board may require. Failure to submit either  
16 the payment or the return within the specified time may result  
17 in suspension or revocation of the owners or managers license.

18 (d) The Board shall administer and collect the admission  
19 tax imposed by this Section, to the extent practicable, in a  
20 manner consistent with the provisions of Sections 4, 5, 5a, 5b,  
21 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9 and 10 of the  
22 Retailers' Occupation Tax Act and Section 3-7 of the Uniform  
23 Penalty and Interest Act.

24 (Source: P.A. 92-595, eff. 6-28-02; 93-27, eff. 6-20-03; 93-28,  
25 eff. 6-20-03; revised 8-1-03.)

26 (230 ILCS 10/13) (from Ch. 120, par. 2413)

27 Sec. 13. Wagering tax; rate; distribution.

28 (a) Until January 1, 1998, a tax is imposed on the adjusted  
29 gross receipts received from gambling games authorized under  
30 this Act at the rate of 20%.

31 (a-1) From January 1, 1998 until July 1, 2002, a privilege  
32 tax is imposed on persons engaged in the business of conducting  
33 riverboat gambling operations, based on the adjusted gross  
34 receipts received by a licensed owner from gambling games  
35 authorized under this Act at the following rates:

1           15% of annual adjusted gross receipts up to and  
2 including \$25,000,000;

3           20% of annual adjusted gross receipts in excess of  
4 \$25,000,000 but not exceeding \$50,000,000;

5           25% of annual adjusted gross receipts in excess of  
6 \$50,000,000 but not exceeding \$75,000,000;

7           30% of annual adjusted gross receipts in excess of  
8 \$75,000,000 but not exceeding \$100,000,000;

9           35% of annual adjusted gross receipts in excess of  
10 \$100,000,000.

11           (a-2) From July 1, 2002 until July 1, 2003, a privilege tax  
12 is imposed on persons engaged in the business of conducting  
13 riverboat gambling operations, other than licensed managers  
14 conducting riverboat gambling operations on behalf of the  
15 State, based on the adjusted gross receipts received by a  
16 licensed owner from gambling games authorized under this Act at  
17 the following rates:

18           15% of annual adjusted gross receipts up to and  
19 including \$25,000,000;

20           22.5% of annual adjusted gross receipts in excess of  
21 \$25,000,000 but not exceeding \$50,000,000;

22           27.5% of annual adjusted gross receipts in excess of  
23 \$50,000,000 but not exceeding \$75,000,000;

24           32.5% of annual adjusted gross receipts in excess of  
25 \$75,000,000 but not exceeding \$100,000,000;

26           37.5% of annual adjusted gross receipts in excess of  
27 \$100,000,000 but not exceeding \$150,000,000;

28           45% of annual adjusted gross receipts in excess of  
29 \$150,000,000 but not exceeding \$200,000,000;

30           50% of annual adjusted gross receipts in excess of  
31 \$200,000,000.

32           (a-3) Beginning July 1, 2003, a privilege tax is imposed on  
33 persons engaged in the business of conducting riverboat  
34 gambling operations, other than licensed managers conducting  
35 riverboat gambling operations on behalf of the State, based on  
36 the adjusted gross receipts received by a licensed owner from

1 gambling games authorized under this Act at the following  
2 rates:

3 15% of annual adjusted gross receipts up to and  
4 including \$25,000,000;

5 27.5% of annual adjusted gross receipts in excess of  
6 \$25,000,000 but not exceeding \$37,500,000;

7 32.5% of annual adjusted gross receipts in excess of  
8 \$37,500,000 but not exceeding \$50,000,000;

9 37.5% of annual adjusted gross receipts in excess of  
10 \$50,000,000 but not exceeding \$75,000,000;

11 45% of annual adjusted gross receipts in excess of  
12 \$75,000,000 but not exceeding \$100,000,000;

13 50% of annual adjusted gross receipts in excess of  
14 \$100,000,000 but not exceeding \$250,000,000;

15 70% of annual adjusted gross receipts in excess of  
16 \$250,000,000.

17 An amount equal to the amount of wagering taxes collected  
18 under this subsection (a-3) that are in addition to the amount  
19 of wagering taxes that would have been collected if the  
20 wagering tax rates under subsection (a-2) were in effect shall  
21 be paid into the Common School Fund.

22 The privilege tax imposed under this subsection (a-3) shall  
23 no longer be imposed beginning on the earlier of (i) July 1,  
24 2005; (ii) the first date after June 20, 2003 ~~the effective~~  
25 ~~date of this amendatory Act of the 93rd General Assembly~~ that  
26 riverboat gambling operations are conducted pursuant to a  
27 dormant license; or (iii) the first day that riverboat gambling  
28 operations are conducted under the authority of an owners  
29 license that is in addition to the 10 owners licenses initially  
30 authorized under this Act. For the purposes of this subsection  
31 (a-3), the term "dormant license" means an owners license that  
32 is authorized by this Act under which no riverboat gambling  
33 operations are being conducted on June 20, 2003 ~~the effective~~  
34 ~~date of this amendatory Act of the 93rd General Assembly~~.

35 (a-4) Beginning on the first day on which the tax imposed  
36 under subsection (a-3) is no longer imposed, a privilege tax is

1 imposed on persons engaged in the business of conducting  
2 riverboat gambling operations, other than licensed managers  
3 conducting riverboat gambling operations on behalf of the  
4 State, based on the adjusted gross receipts received by a  
5 licensed owner from gambling games authorized under this Act at  
6 the following rates:

7 15% of annual adjusted gross receipts up to and  
8 including \$25,000,000;

9 22.5% of annual adjusted gross receipts in excess of  
10 \$25,000,000 but not exceeding \$50,000,000;

11 27.5% of annual adjusted gross receipts in excess of  
12 \$50,000,000 but not exceeding \$75,000,000;

13 32.5% of annual adjusted gross receipts in excess of  
14 \$75,000,000 but not exceeding \$100,000,000;

15 37.5% of annual adjusted gross receipts in excess of  
16 \$100,000,000 but not exceeding \$150,000,000;

17 45% of annual adjusted gross receipts in excess of  
18 \$150,000,000 but not exceeding \$200,000,000;

19 50% of annual adjusted gross receipts in excess of  
20 \$200,000,000.

21 (a-8) Riverboat gambling operations conducted by a  
22 licensed manager on behalf of the State are not subject to the  
23 tax imposed under this Section.

24 (a-10) The taxes imposed by this Section shall be paid by  
25 the licensed owner to the Board not later than 3:00 o'clock  
26 p.m. of the day after the day when the wagers were made.

27 (b) Until January 1, 1998, 25% of the tax revenue deposited  
28 in the State Gaming Fund under this Section shall be paid,  
29 subject to appropriation by the General Assembly, to the unit  
30 of local government which is designated as the home dock of the  
31 riverboat. Beginning January 1, 1998, from the tax revenue  
32 deposited in the State Gaming Fund under this Section, an  
33 amount equal to 5% of adjusted gross receipts generated by a  
34 riverboat shall be paid monthly, subject to appropriation by  
35 the General Assembly, to the unit of local government that is  
36 designated as the home dock of the riverboat. From the tax

1 revenue deposited in the State Gaming Fund pursuant to  
2 riverboat gambling operations conducted by a licensed manager  
3 on behalf of the State, an amount equal to 5% of adjusted gross  
4 receipts generated pursuant to those riverboat gambling  
5 operations shall be paid monthly, subject to appropriation by  
6 the General Assembly, to the unit of local government that is  
7 designated as the home dock of the riverboat upon which those  
8 riverboat gambling operations are conducted.

9 (c) Appropriations, as approved by the General Assembly,  
10 may be made from the State Gaming Fund to the Department of  
11 Revenue and the Department of State Police for the  
12 administration and enforcement of this Act, or to the  
13 Department of Human Services for the administration of programs  
14 to treat problem gambling.

15 (c-5) After the payments required under subsections (b) and  
16 (c) have been made, an amount equal to 15% of the adjusted  
17 gross receipts of (1) an owners licensee that relocates  
18 pursuant to Section 11.2, (2) an owners licensee ~~license~~  
19 conducting riverboat gambling operations pursuant to an owners  
20 license that is initially issued after June 25, 1999, or (3)  
21 the first riverboat gambling operations conducted by a licensed  
22 manager on behalf of the State under Section 7.3 ~~7.2~~, whichever  
23 comes first, shall be paid from the State Gaming Fund into the  
24 Horse Racing Equity Fund.

25 (c-10) Each year the General Assembly shall appropriate  
26 from the General Revenue Fund to the Education Assistance Fund  
27 an amount equal to the amount paid into the Horse Racing Equity  
28 Fund pursuant to subsection (c-5) in the prior calendar year.

29 (c-15) After the payments required under subsections (b),  
30 (c), and (c-5) have been made, an amount equal to 2% of the  
31 adjusted gross receipts of (1) an owners licensee that  
32 relocates pursuant to Section 11.2, (2) an owners licensee  
33 conducting riverboat gambling operations pursuant to an owners  
34 license that is initially issued after June 25, 1999, or (3)  
35 the first riverboat gambling operations conducted by a licensed  
36 manager on behalf of the State under Section 7.3 ~~7.2~~, whichever

1 comes first, shall be paid, subject to appropriation from the  
2 General Assembly, from the State Gaming Fund to each home rule  
3 county with a population of over 3,000,000 inhabitants for the  
4 purpose of enhancing the county's criminal justice system.

5 (c-20) Each year the General Assembly shall appropriate  
6 from the General Revenue Fund to the Education Assistance Fund  
7 an amount equal to the amount paid to each home rule county  
8 with a population of over 3,000,000 inhabitants pursuant to  
9 subsection (c-15) in the prior calendar year.

10 (c-25) After the payments required under subsections (b),  
11 (c), (c-5) and (c-15) have been made, an amount equal to 2% of  
12 the adjusted gross receipts of (1) an owners licensee ~~license~~  
13 that relocates pursuant to Section 11.2, (2) an owners licensee  
14 ~~license~~ conducting riverboat gambling operations pursuant to  
15 an owners license that is initially issued after June 25, 1999,  
16 or (3) the first riverboat gambling operations conducted by a  
17 licensed manager on behalf of the State under Section 7.3 ~~7.2~~,  
18 whichever comes first, shall be paid from the State Gaming Fund  
19 to Chicago State University.

20 (d) From time to time, the Board shall transfer the  
21 remainder of the funds generated by this Act into the Education  
22 Assistance Fund, created by Public Act 86-0018, of the State of  
23 Illinois.

24 (e) Nothing in this Act shall prohibit the unit of local  
25 government designated as the home dock of the riverboat from  
26 entering into agreements with other units of local government  
27 in this State or in other states to share its portion of the  
28 tax revenue.

29 (f) To the extent practicable, the Board shall administer  
30 and collect the wagering taxes imposed by this Section in a  
31 manner consistent with the provisions of Sections 4, 5, 5a, 5b,  
32 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, and 10 of the  
33 Retailers' Occupation Tax Act and Section 3-7 of the Uniform  
34 Penalty and Interest Act.

35 (Source: P.A. 92-595, eff. 6-28-02; 93-27, eff. 6-20-03; 93-28,  
36 eff. 6-20-03; revised 1-28-04.)

1 Section 445. The Liquor Control Act of 1934 is amended by  
2 changing Sections 5-1, 6-11, 6-16.2, 7-5, 7-6, and 12-4 as  
3 follows:

4 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

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

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

12 (b) Distributor's license,

13 (c) Importing Distributor's license,

14 (d) Retailer's license,

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

16 (f) Railroad license,

17 (g) Boat license,

18 (h) Non-Beverage User's license,

19 (i) Wine-maker's premises license,

20 (j) Airplane license,

21 (k) Foreign importer's license,

22 (l) Broker's license,

23 (m) Non-resident dealer's license,

24 (n) Brew Pub license,

25 (o) Auction liquor license,

26 (p) Caterer retailer license,

27 (q) Special use permit license.

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

32 (a) A manufacturer's license shall allow the manufacture,  
33 importation in bulk, storage, distribution and sale of  
34 alcoholic liquor to persons without the State, as may be

1 permitted by law and to licensees in this State as follows:

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

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

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

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

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

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



1 Commission.

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

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

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

27 Registration of agents, representatives, or persons acting  
28 on behalf of a manufacturer is fulfilled by submitting a form  
29 to the Commission. The form shall be developed by the  
30 Commission and shall include the name and address of the  
31 applicant, the name and address of the manufacturer he or she  
32 represents, the territory or areas assigned to sell to or  
33 discuss pricing terms of alcoholic liquor, and any other  
34 questions deemed appropriate and necessary. All statements in  
35 the forms required to be made by law or by rule shall be deemed  
36 material, and any person who knowingly misstates any material

1 fact under oath in an application is guilty of a Class B  
2 misdemeanor. Fraud, misrepresentation, false statements,  
3 misleading statements, evasions, or suppression of material  
4 facts in the securing of a registration are grounds for  
5 suspension or revocation of the registration.

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

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

27 (d) A retailer's license shall allow the licensee to sell  
28 and offer for sale at retail, only in the premises specified in  
29 the license, alcoholic liquor for use or consumption, but not  
30 for resale in any form: Provided that any retail license issued  
31 to a manufacturer shall only permit the manufacturer to sell  
32 beer at retail on the premises actually occupied by the  
33 manufacturer. For the purpose of further describing the type of  
34 business conducted at a retail licensed premises, a retailer's  
35 licensee may be designated by the State Commission as (i) an on  
36 premise consumption retailer, (ii) an off premise sale

1 retailer, or (iii) a combined on premise consumption and off  
2 premise sale retailer.

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

7 (e) A special event retailer's license (not-for-profit)  
8 shall permit the licensee to purchase alcoholic liquors from an  
9 Illinois licensed distributor (unless the licensee purchases  
10 less than \$500 of alcoholic liquors for the special event, in  
11 which case the licensee may purchase the alcoholic liquors from  
12 a licensed retailer) and shall allow the licensee to sell and  
13 offer for sale, at retail, alcoholic liquors for use or  
14 consumption, but not for resale in any form and only at the  
15 location and on the specific dates designated for the special  
16 event in the license. An applicant for a special event retailer  
17 license must (i) furnish with the application: (A) a resale  
18 number issued under Section 2c of the Retailers' Occupation Tax  
19 Act or evidence that the applicant is registered under Section  
20 2a of the Retailers' Occupation Tax Act, (B) a current, valid  
21 exemption identification number issued under Section 1g of the  
22 Retailers' Occupation Tax Act, and a certification to the  
23 Commission that the purchase of alcoholic liquors will be a  
24 tax-exempt purchase, or (C) a statement that the applicant is  
25 not registered under Section 2a of the Retailers' Occupation  
26 Tax Act, does not hold a resale number under Section 2c of the  
27 Retailers' Occupation Tax Act, and does not hold an exemption  
28 number under Section 1g of the Retailers' Occupation Tax Act,  
29 in which event the Commission shall set forth on the special  
30 event retailer's license a statement to that effect; (ii)  
31 submit with the application proof satisfactory to the State  
32 Commission that the applicant will provide dram shop liability  
33 insurance in the maximum limits; and (iii) show proof  
34 satisfactory to the State Commission that the applicant has  
35 obtained local authority approval.

36 (f) A railroad license shall permit the licensee to import

1 alcoholic liquors into this State from any point in the United  
2 States outside this State and to store such alcoholic liquors  
3 in this State; to make wholesale purchases of alcoholic liquors  
4 directly from manufacturers, foreign importers, distributors  
5 and importing distributors from within or outside this State;  
6 and to store such alcoholic liquors in this State; provided  
7 that the above powers may be exercised only in connection with  
8 the importation, purchase or storage of alcoholic liquors to be  
9 sold or dispensed on a club, buffet, lounge or dining car  
10 operated on an electric, gas or steam railway in this State;  
11 and provided further, that railroad licensees exercising the  
12 above powers shall be subject to all provisions of Article VIII  
13 of this Act as applied to importing distributors. A railroad  
14 license shall also permit the licensee to sell or dispense  
15 alcoholic liquors on any club, buffet, lounge or dining car  
16 operated on an electric, gas or steam railway regularly  
17 operated by a common carrier in this State, but shall not  
18 permit the sale for resale of any alcoholic liquors to any  
19 licensee within this State. A license shall be obtained for  
20 each car in which such sales are made.

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

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

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

6 (i) A wine-maker's premises license shall allow a licensee  
 7 that concurrently holds a first-class wine-maker's license to  
 8 sell and offer for sale at retail in the premises specified in  
 9 such license not more than 50,000 gallons of the first-class  
 10 wine-maker's wine that is made at the first-class wine-maker's  
 11 licensed premises per year for use or consumption, but not for  
 12 resale in any form. A wine-maker's premises license shall allow  
 13 a licensee who concurrently holds a second-class wine-maker's  
 14 license to sell and offer for sale at retail in the premises  
 15 specified in such license up to 100,000 gallons of the  
 16 second-class wine-maker's wine that is made at the second-class  
 17 wine-maker's licensed premises per year for use or consumption  
 18 but not for resale in any form. A wine-maker's premises license  
 19 shall allow a licensee that concurrently holds a first-class  
 20 wine-maker's license or a second-class wine-maker's license to  
 21 sell and offer for sale at retail at the premises specified in  
 22 the wine-maker's premises license, for use or consumption but  
 23 not for resale in any form, any beer, wine, and spirits  
 24 purchased from a licensed distributor. Upon approval from the  
 25 State Commission, a wine-maker's premises license shall allow  
 26 the licensee to sell and offer for sale at (i) the wine-maker's  
 27 licensed premises and (ii) at up to 2 additional locations for  
 28 use and consumption and not for resale. Each location shall  
 29 require additional licensing per location as specified in  
 30 Section 5-3 of this Act.

31 (j) An airplane license shall permit the licensee to import  
 32 alcoholic liquors into this State from any point in the United  
 33 States outside this State and to store such alcoholic liquors  
 34 in this State; to make wholesale purchases of alcoholic liquors  
 35 directly from manufacturers, foreign importers, distributors  
 36 and importing distributors from within or outside this State;

1 and to store such alcoholic liquors in this State; provided  
2 that the above powers may be exercised only in connection with  
3 the importation, purchase or storage of alcoholic liquors to be  
4 sold or dispensed on an airplane; and provided further, that  
5 airplane licensees exercising the above powers shall be subject  
6 to all provisions of Article VIII of this Act as applied to  
7 importing distributors. An airplane licensee shall also permit  
8 the sale or dispensing of alcoholic liquors on any passenger  
9 airplane regularly operated by a common carrier in this State,  
10 but shall not permit the sale for resale of any alcoholic  
11 liquors to any licensee within this State. A single airplane  
12 license shall be required of an airline company if liquor  
13 service is provided on board aircraft in this State. The annual  
14 fee for such license shall be as determined in Section 5-3.

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

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

1 State of Illinois.

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

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

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

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

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

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

35 (m) A non-resident dealer's license shall permit such  
36 licensee to ship into and warehouse alcoholic liquor into this

1 State from any point outside of this State, and to sell such  
2 alcoholic liquor to Illinois licensed foreign importers and  
3 importing distributors and to no one else in this State;  
4 provided that said non-resident dealer shall register with the  
5 Illinois Liquor Control Commission each and every brand of  
6 alcoholic liquor which it proposes to sell to Illinois  
7 licensees during the license period; and further provided that  
8 it shall comply with all of the provisions of Section 6-9  
9 hereof with respect to registration of such Illinois licensees  
10 as may be granted the right to sell such brands at wholesale.

11 (n) A brew pub license shall allow the licensee to  
12 manufacture beer only on the premises specified in the license,  
13 to make sales of the beer manufactured on the premises to  
14 importing distributors, distributors, and to non-licensees for  
15 use and consumption, to store the beer upon the premises, and  
16 to sell and offer for sale at retail from the licensed  
17 premises, provided that a brew pub licensee shall not sell for  
18 off-premises consumption more than 50,000 gallons per year.

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

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

32 (q) A special use permit license shall allow an Illinois  
33 licensed retailer to transfer a portion of its alcoholic liquor  
34 inventory from its retail licensed premises to the premises  
35 specified in the license hereby created, and to sell or offer  
36 for sale at retail, only in the premises specified in the



1 license hereby created, the transferred alcoholic liquor for  
2 use or consumption, but not for resale in any form. A special  
3 use permit license may be granted for the following time  
4 periods: one day or less; 2 or more days to a maximum of 15 days  
5 per location in any 12 month period. An applicant for the  
6 special use permit license must also submit with the  
7 application proof satisfactory to the State Commission that the  
8 applicant will provide dram shop liability insurance to the  
9 maximum limits and have local authority approval.

10 (Source: P.A. 92-105, eff. 1-1-02; 92-378, eff. 8-16-01;  
11 92-651, eff. 7-11-02; 92-672, eff. 7-16-02; 93-923, eff.  
12 8-12-04; 93-1057, eff. 12-2-04; revised 12-6-04.)

13 (235 ILCS 5/6-11) (from Ch. 43, par. 127)

14 Sec. 6-11. Sale near churches, schools, and hospitals.

15 (a) No license shall be issued for the sale at retail of  
16 any alcoholic liquor within 100 feet of any church, school  
17 other than an institution of higher learning, hospital, home  
18 for aged or indigent persons or for veterans, their spouses or  
19 children or any military or naval station, provided, that this  
20 prohibition shall not apply to hotels offering restaurant  
21 service, regularly organized clubs, or to restaurants, food  
22 shops or other places where sale of alcoholic liquors is not  
23 the principal business carried on if the place of business so  
24 exempted is not located in a municipality of more than 500,000  
25 persons, unless required by local ordinance; nor to the renewal  
26 of a license for the sale at retail of alcoholic liquor on  
27 premises within 100 feet of any church or school where the  
28 church or school has been established within such 100 feet  
29 since the issuance of the original license. In the case of a  
30 church, the distance of 100 feet shall be measured to the  
31 nearest part of any building used for worship services or  
32 educational programs and not to property boundaries.

33 (b) Nothing in this Section shall prohibit the issuance of  
34 a retail license authorizing the sale of alcoholic liquor to a  
35 restaurant, the primary business of which is the sale of goods

1 baked on the premises if (i) the restaurant is newly  
2 constructed and located on a lot of not less than 10,000 square  
3 feet, (ii) the restaurant costs at least \$1,000,000 to  
4 construct, (iii) the licensee is the titleholder to the  
5 premises and resides on the premises, and (iv) the construction  
6 of the restaurant is completed within 18 months of the  
7 effective date of this amendatory Act of 1998.

8 (c) Nothing in this Section shall prohibit the issuance of  
9 a retail license authorizing the sale of alcoholic liquor  
10 incidental to a restaurant if (1) the primary business of the  
11 restaurant consists of the sale of food where the sale of  
12 liquor is incidental to the sale of food and the applicant is a  
13 completely new owner of the restaurant, (2) the immediately  
14 prior owner or operator of the premises where the restaurant is  
15 located operated the premises as a restaurant and held a valid  
16 retail license authorizing the sale of alcoholic liquor at the  
17 restaurant for at least part of the 24 months before the change  
18 of ownership, and (3) the restaurant is located 75 or more feet  
19 from a school.

20 (d) In the interest of further developing Illinois' economy  
21 in the area of commerce, tourism, convention, and banquet  
22 business, nothing in this Section shall prohibit issuance of a  
23 retail license authorizing the sale of alcoholic beverages to a  
24 restaurant, banquet facility, grocery store, or hotel having  
25 not fewer than 150 guest room accommodations located in a  
26 municipality of more than 500,000 persons, notwithstanding the  
27 proximity of such hotel, restaurant, banquet facility, or  
28 grocery store to any church or school, if the licensed premises  
29 described on the license are located within an enclosed mall or  
30 building of a height of at least 6 stories, or 60 feet in the  
31 case of a building that has been registered as a national  
32 landmark, or in a grocery store having a minimum of 56,010  
33 square feet of floor space in a single story building in an  
34 open mall of at least 3.96 acres that is adjacent to a public  
35 school that opened as a boys technical high school in 1934, or  
36 in a grocery store having a minimum of 31,000 square feet of

1 floor space in a single story building located a distance of  
2 more than 90 feet but less than 100 feet from a high school  
3 that opened in 1928 as a junior high school and became a senior  
4 high school in 1933, and in each of these cases if the sale of  
5 alcoholic liquors is not the principal business carried on by  
6 the licensee.

7 For purposes of this Section, a "banquet facility" is any  
8 part of a building that caters to private parties and where the  
9 sale of alcoholic liquors is not the principal business.

10 (e) Nothing in this Section shall prohibit the issuance of  
11 a license to a church or private school to sell at retail  
12 alcoholic liquor if any such sales are limited to periods when  
13 groups are assembled on the premises solely for the promotion  
14 of some common object other than the sale or consumption of  
15 alcoholic liquors.

16 (f) Nothing in this Section shall prohibit a church or  
17 church affiliated school located in a home rule municipality or  
18 in a municipality with 75,000 or more inhabitants from locating  
19 within 100 feet of a property for which there is a preexisting  
20 license to sell alcoholic liquor at retail. In these instances,  
21 the local zoning authority may, by ordinance adopted  
22 simultaneously with the granting of an initial special use  
23 zoning permit for the church or church affiliated school,  
24 provide that the 100-foot restriction in this Section shall not  
25 apply to that church or church affiliated school and future  
26 retail liquor licenses.

27 (g) Nothing in this Section shall prohibit the issuance of  
28 a retail license authorizing the sale of alcoholic liquor at  
29 premises within 100 feet, but not less than 90 feet, of a  
30 public school if (1) the premises have been continuously  
31 licensed to sell alcoholic liquor for a period of at least 50  
32 years, (2) the premises are located in a municipality having a  
33 population of over 500,000 inhabitants, (3) the licensee is an  
34 individual who is a member of a family that has held the  
35 previous 3 licenses for that location for more than 25 years,  
36 (4) the principal of the school and the alderman of the ward in

1 which the school is located have delivered a written statement  
2 to the local liquor control commissioner stating that they do  
3 not object to the issuance of a license under this subsection  
4 (g), and (5) the local liquor control commissioner has received  
5 the written consent of a majority of the registered voters who  
6 live within 200 feet of the premises.

7 (h) Notwithstanding any provision of this Section to the  
8 contrary, nothing in this Section shall prohibit the issuance  
9 or renewal of a license authorizing the sale of alcoholic  
10 liquor within premises and at an outdoor patio area attached to  
11 premises that are located in a municipality with a population  
12 in excess of 300,000 inhabitants and that are within 100 feet  
13 of a church if:

14 (1) the sale of alcoholic liquor at the premises is  
15 incidental to the sale of food,

16 (2) the sale of liquor is not the principal business  
17 carried on by the licensee at the premises,

18 (3) the premises are less than 1,000 square feet,

19 (4) the premises are owned by the University of  
20 Illinois,

21 (5) the premises are immediately adjacent to property  
22 owned by a church and are not less than 20 nor more than 40  
23 feet from the church space used for worship services, and

24 (6) the principal religious leader at the place of  
25 worship has indicated his or her support for the issuance  
26 of the license in writing.

27 (i) ~~(h)~~ Notwithstanding any provision in this Section to  
28 the contrary, nothing in this Section shall prohibit the  
29 issuance or renewal of a license to sell alcoholic liquor at a  
30 premises that is located within a municipality with a  
31 population in excess of 300,000 inhabitants and is within 100  
32 feet of a church, synagogue, or other place of worship if:

33 (1) the primary entrance of the premises and the  
34 primary entrance of the church, synagogue, or other place  
35 of worship are at least 100 feet apart, on parallel  
36 streets, and separated by an alley; and

1           (2) the principal religious leader at the place of  
2           worship has not indicated his or her opposition to the  
3           issuance or renewal of the license in writing.

4           (j) ~~(h)~~ Notwithstanding any provision in this Section to  
5           the contrary, nothing in this Section shall prohibit the  
6           issuance of a retail license authorizing the sale of alcoholic  
7           liquor at a theater that is within 100 feet of a church if (1)  
8           the church owns the theater, (2) the church leases the theater  
9           to one or more entities, and (3) the theater is used by at  
10          least 5 different not-for-profit theater groups.

11          (Source: P.A. 92-720, eff. 7-25-02; 92-813, eff. 8-21-02;  
12          93-687, eff. 7-8-04; 93-688, eff. 7-8-04; 93-780, eff. 1-1-05;  
13          revised 10-14-04.)

14          (235 ILCS 5/6-16.2)

15          Sec. 6-16.2. Prohibited entry to a licensed premises. A  
16          municipality or county may prohibit a licensee or any officer,  
17          associate, member, representative, agent, or employee of a  
18          licensee from permitting a person under the age of 21 years to  
19          enter and remain in that portion of a licensed premises that  
20          sells, gives, or delivers alcoholic liquor for consumption on  
21          the premises. No prohibition under this Section, however, shall  
22          apply to any licensed premises, such as without limitation a  
23          restaurant or food shop, where selling, giving, or delivering  
24          alcoholic liquor is not the principal business of the licensee  
25          at those premises.

26          In those instances where a person under the age of 21 years  
27          is prohibited from entering and remaining on the premises,  
28          proof that the defendant-licensee, or his employee or agent,  
29          demanded, was shown, and reasonably relied upon adequate  
30          written evidence for purposes of entering and remaining on the  
31          licensed premises is an affirmative defense in any criminal  
32          prosecution therefor or to any proceedings for the suspension  
33          or revocation of any license based thereon. It shall not,  
34          however, be an affirmative defense if the defendant-licensee  
35          ~~defendant-licensee~~, or his agent or employee, accepted the

1 written evidence knowing it to be false or fraudulent.

2 Adequate written evidence of age and identity of the person  
3 is a document issued by a federal, state, county, or municipal  
4 government, or subdivision or agency thereof, including, but  
5 not limited to, a motor vehicle operator's license, a  
6 registration certificate issued under the Federal Selective  
7 Service Act, or an identification card issued to a member of  
8 the armed forces.

9 If a false or fraudulent Illinois driver's license or  
10 Illinois identification card is presented by a person less than  
11 21 years of age to a licensee or the licensee's agent or  
12 employee for the purpose of obtaining entry and remaining on a  
13 licensed premises, the law enforcement officer or agency  
14 investigating the incident shall, upon the conviction of the  
15 person who presented the fraudulent license or identification,  
16 make a report of the matter to the Secretary of State on a form  
17 provided by the Secretary of State.

18 (Source: P.A. 90-617, eff. 7-10-98; revised 1-14-04.)

19 (235 ILCS 5/7-5) (from Ch. 43, par. 149)

20 Sec. 7-5. The local liquor control commissioner may revoke  
21 or suspend any license issued by him if he determines that the  
22 licensee has violated any of the provisions of this Act or of  
23 any valid ordinance or resolution enacted by the particular  
24 city council, president, or board of trustees or county board  
25 (as the case may be) or any applicable rule or regulations  
26 established by the local liquor control commissioner or the  
27 State commission which is not inconsistent with law. Upon  
28 notification by the Illinois Department of Revenue, the State  
29 Commission, in accordance with Section 3-12, may refuse the  
30 issuance or renewal of a license, fine a licensee, or suspend  
31 or revoke any license issued by the State Commission if the  
32 licensee or license applicant has violated the provisions of  
33 Section 3 of the Retailers' Occupation Tax Act. In addition to  
34 the suspension, the local liquor control commissioner in any  
35 county or municipality may levy a fine on the licensee for such

1 violations. The fine imposed shall not exceed \$1000 for a first  
2 violation within a 12-month period, \$1,500 for a second  
3 violation within a 12-month period, and \$2,500 for a third or  
4 subsequent violation within a 12-month period. Each day on  
5 which a violation continues shall constitute a separate  
6 violation. Not more than \$15,000 in fines under this Section  
7 may be imposed against any licensee during the period of his  
8 license. Proceeds from such fines shall be paid into the  
9 general corporate fund of the county or municipal treasury, as  
10 the case may be.

11 However, no such license shall be so revoked or suspended  
12 and no licensee shall be fined except after a public hearing by  
13 the local liquor control commissioner with a 3 day written  
14 notice to the licensee affording the licensee an opportunity to  
15 appear and defend. All such hearings shall be open to the  
16 public and the local liquor control commissioner shall reduce  
17 all evidence to writing and shall maintain an official record  
18 of the proceedings. If the local liquor control commissioner  
19 has reason to believe that any continued operation of a  
20 particular licensed premises will immediately threaten the  
21 welfare of the community he may, upon the issuance of a written  
22 order stating the reason for such conclusion and without notice  
23 or hearing order the licensed premises closed for not more than  
24 7 days, giving the licensee an opportunity to be heard during  
25 that period, except that if such licensee shall also be engaged  
26 in the conduct of another business or businesses on the  
27 licensed premises such order shall not be applicable to such  
28 other business or businesses.

29 The local liquor control commissioner shall within 5 days  
30 after such hearing, if he determines after such hearing that  
31 the license should be revoked or suspended or that the licensee  
32 should be fined, state the reason or reasons for such  
33 determination in a written order, and either the amount of the  
34 fine, the period of suspension, or that the license has been  
35 revoked, and shall serve a copy of such order within the 5 days  
36 upon the licensee.

1           If the premises for which the license was issued are  
2 located outside of a city, village or incorporated town having  
3 a population of 500,000 or more inhabitants, the licensee after  
4 the receipt of such order of suspension or revocation shall  
5 have the privilege within a period of 20 days after the receipt  
6 of such order of suspension or revocation of appealing the  
7 order to the State commission for a decision sustaining,  
8 reversing or modifying the order of the local liquor control  
9 commissioner. If the State commission affirms the local  
10 commissioner's order to suspend or revoke the license at the  
11 first hearing, the appellant shall cease to engage in the  
12 business for which the license was issued, until the local  
13 commissioner's order is terminated by its own provisions or  
14 reversed upon rehearing or by the courts.

15           If the premises for which the license was issued are  
16 located within a city, village or incorporated town having a  
17 population of 500,000 or more inhabitants, the licensee shall  
18 have the privilege, within a period of 20 days after the  
19 receipt of such order of fine, suspension or revocation, of  
20 appealing the order to the local license appeal commission and  
21 upon the filing of such an appeal by the licensee the license  
22 appeal commission shall determine the appeal upon certified  
23 record of proceedings of the local liquor commissioner in  
24 accordance with the provisions of Section 7-9. Within 30 days  
25 after such appeal was heard the license appeal commission shall  
26 render a decision sustaining or reversing the order of the  
27 local liquor control commissioner.

28           (Source: P.A. 93-22, eff. 6-20-03; 93-926, eff. 8-12-04;  
29 93-1057, eff. 12-2-04; revised 12-6-04.)

30           (235 ILCS 5/7-6) (from Ch. 43, par. 150)

31           Sec. 7-6. All proceedings for the revocation or suspension  
32 of licenses of manufacturers, distributors, importing  
33 distributors, non-resident dealers, foreign importers,  
34 non-beverage users, railroads, airplanes and boats shall be  
35 before the State Commission. All such proceedings and all



1 proceedings for the revocation or suspension of a retailer's  
2 license before the State commission shall be in accordance with  
3 rules and regulations established by it not inconsistent with  
4 law. However, no such license shall be so revoked or suspended  
5 except after a hearing by the State commission with reasonable  
6 notice to the licensee served by registered or certified mail  
7 with return receipt requested at least 10 days prior to the  
8 hearings at the last known place of business of the licensee  
9 and after an opportunity to appear and defend. Such notice  
10 shall specify the time and place of the hearing, the nature of  
11 the charges, the specific provisions of the Act and rules  
12 violated, and the specific facts supporting the charges or  
13 violation. The findings of the Commission shall be predicated  
14 upon competent evidence. The revocation of a local license  
15 shall automatically result in the revocation of a State  
16 license. Upon notification by the Illinois Department of  
17 Revenue, the State Commission, in accordance with Section 3-12,  
18 may refuse the issuance or renewal of a license, fine a  
19 licensee, or suspend or revoke any license issued by the State  
20 Commission if the licensee or license applicant has violated  
21 the provisions of Section 3 of the Retailers' Occupation Tax  
22 Act. All procedures for the suspension or revocation of a  
23 license, as enumerated above, are applicable to the levying of  
24 fines for violations of this Act or any rule or regulation  
25 issued pursuant thereto.

26 (Source: P.A. 93-22, eff. 6-20-03; 93-926, eff. 8-12-04;  
27 93-1057, eff. 12-2-04; revised 12-6-04.)

28 (235 ILCS 5/12-4)

29 Sec. 12-4. Grape and Wine Resources Fund. Beginning July 1,  
30 1999 and ending June 30, 2003 ~~2006~~, on the first day of each  
31 State fiscal year, or as soon thereafter as may be practical,  
32 the State Comptroller shall transfer the sum of \$500,000 from  
33 the General Revenue Fund to the Grape and Wine Resources Fund,  
34 which is hereby continued as a special fund in the State  
35 Treasury. By January 1, 2006, the Department of Commerce and

1 Economic Opportunity ~~Community Affairs~~ shall review the  
2 activities of the Council and report to the General Assembly  
3 and the Governor its recommendation of whether or not the  
4 funding under this Section should be continued.

5 The Grape and Wine Resources Fund shall be administered by  
6 the Department of Commerce and Economic Opportunity ~~Community~~  
7 ~~Affairs~~, which shall serve as the lead administrative agency  
8 for allocation and auditing of funds as well as monitoring  
9 program implementation. The Department shall make an annual  
10 grant of moneys from the Fund to the Council, which shall be  
11 used to pay for the Council's operations and expenses. These  
12 moneys shall be used by the Council to achieve the Council's  
13 objectives and shall not be used for any political or  
14 legislative purpose. Money remaining in the Fund at the end of  
15 the fiscal year shall remain in the Fund for use during the  
16 following year and shall not be transferred to any other State  
17 fund.

18 (Source: P.A. 93-32, eff. 6-20-03; 93-512, eff. 1-1-04; revised  
19 12-17-03.)

20 Section 450. The Illinois Public Aid Code is amended by  
21 changing Sections 5-5, 5-5d, 5-16.8, 9A-7, 10-8.1, 10-10,  
22 10-11, 11-3, 11-3.3, and 12-13.05 and by setting forth and  
23 renumbering multiple versions of Section 5-5.23 as follows:

24 (305 ILCS 5/5-5) (from Ch. 23, par. 5-5)

25 Sec. 5-5. Medical services. The Illinois Department, by  
26 rule, shall determine the quantity and quality of and the rate  
27 of reimbursement for the medical assistance for which payment  
28 will be authorized, and the medical services to be provided,  
29 which may include all or part of the following: (1) inpatient  
30 hospital services; (2) outpatient hospital services; (3) other  
31 laboratory and X-ray services; (4) skilled nursing home  
32 services; (5) physicians' services whether furnished in the  
33 office, the patient's home, a hospital, a skilled nursing home,  
34 or elsewhere; (6) medical care, or any other type of remedial

1 care furnished by licensed practitioners; (7) home health care  
2 services; (8) private duty nursing service; (9) clinic  
3 services; (10) dental services, including prevention and  
4 treatment of periodontal disease and dental caries disease for  
5 pregnant women; (11) physical therapy and related services;  
6 (12) prescribed drugs, dentures, and prosthetic devices; and  
7 eyeglasses prescribed by a physician skilled in the diseases of  
8 the eye, or by an optometrist, whichever the person may select;  
9 (13) other diagnostic, screening, preventive, and  
10 rehabilitative services; (14) transportation and such other  
11 expenses as may be necessary; (15) medical treatment of sexual  
12 assault survivors, as defined in Section 1a of the Sexual  
13 Assault Survivors Emergency Treatment Act, for injuries  
14 sustained as a result of the sexual assault, including  
15 examinations and laboratory tests to discover evidence which  
16 may be used in criminal proceedings arising from the sexual  
17 assault; (16) the diagnosis and treatment of sickle cell  
18 anemia; and (17) any other medical care, and any other type of  
19 remedial care recognized under the laws of this State, but not  
20 including abortions, or induced miscarriages or premature  
21 births, unless, in the opinion of a physician, such procedures  
22 are necessary for the preservation of the life of the woman  
23 seeking such treatment, or except an induced premature birth  
24 intended to produce a live viable child and such procedure is  
25 necessary for the health of the mother or her unborn child. The  
26 Illinois Department, by rule, shall prohibit any physician from  
27 providing medical assistance to anyone eligible therefor under  
28 this Code where such physician has been found guilty of  
29 performing an abortion procedure in a wilful and wanton manner  
30 upon a woman who was not pregnant at the time such abortion  
31 procedure was performed. The term "any other type of remedial  
32 care" shall include nursing care and nursing home service for  
33 persons who rely on treatment by spiritual means alone through  
34 prayer for healing.

35 Notwithstanding any other provision of this Section, a  
36 comprehensive tobacco use cessation program that includes

1 purchasing prescription drugs or prescription medical devices  
2 approved by the Food and Drug administration shall be covered  
3 under the medical assistance program under this Article for  
4 persons who are otherwise eligible for assistance under this  
5 Article.

6 Notwithstanding any other provision of this Code, the  
7 Illinois Department may not require, as a condition of payment  
8 for any laboratory test authorized under this Article, that a  
9 physician's handwritten signature appear on the laboratory  
10 test order form. The Illinois Department may, however, impose  
11 other appropriate requirements regarding laboratory test order  
12 documentation.

13 The Illinois Department of Public Aid shall provide the  
14 following services to persons eligible for assistance under  
15 this Article who are participating in education, training or  
16 employment programs operated by the Department of Human  
17 Services as successor to the Department of Public Aid:

18 (1) dental services, which shall include but not be  
19 limited to prosthodontics; and

20 (2) eyeglasses prescribed by a physician skilled in the  
21 diseases of the eye, or by an optometrist, whichever the  
22 person may select.

23 The Illinois Department, by rule, may distinguish and  
24 classify the medical services to be provided only in accordance  
25 with the classes of persons designated in Section 5-2.

26 The Illinois Department shall authorize the provision of,  
27 and shall authorize payment for, screening by low-dose  
28 mammography for the presence of occult breast cancer for women  
29 35 years of age or older who are eligible for medical  
30 assistance under this Article, as follows: a baseline mammogram  
31 for women 35 to 39 years of age and an annual mammogram for  
32 women 40 years of age or older. All screenings shall include a  
33 physical breast exam, instruction on self-examination and  
34 information regarding the frequency of self-examination and  
35 its value as a preventative tool. As used in this Section,  
36 "low-dose mammography" means the x-ray examination of the

1 breast using equipment dedicated specifically for mammography,  
2 including the x-ray tube, filter, compression device, image  
3 receptor, and cassettes, with an average radiation exposure  
4 delivery of less than one rad mid-breast, with 2 views for each  
5 breast.

6 Any medical or health care provider shall immediately  
7 recommend, to any pregnant woman who is being provided prenatal  
8 services and is suspected of drug abuse or is addicted as  
9 defined in the Alcoholism and Other Drug Abuse and Dependency  
10 Act, referral to a local substance abuse treatment provider  
11 licensed by the Department of Human Services or to a licensed  
12 hospital which provides substance abuse treatment services.  
13 The Department of Public Aid shall assure coverage for the cost  
14 of treatment of the drug abuse or addiction for pregnant  
15 recipients in accordance with the Illinois Medicaid Program in  
16 conjunction with the Department of Human Services.

17 All medical providers providing medical assistance to  
18 pregnant women under this Code shall receive information from  
19 the Department on the availability of services under the Drug  
20 Free Families with a Future or any comparable program providing  
21 case management services for addicted women, including  
22 information on appropriate referrals for other social services  
23 that may be needed by addicted women in addition to treatment  
24 for addiction.

25 The Illinois Department, in cooperation with the  
26 Departments of Human Services (as successor to the Department  
27 of Alcoholism and Substance Abuse) and Public Health, through a  
28 public awareness campaign, may provide information concerning  
29 treatment for alcoholism and drug abuse and addiction, prenatal  
30 health care, and other pertinent programs directed at reducing  
31 the number of drug-affected infants born to recipients of  
32 medical assistance.

33 Neither the Illinois Department of Public Aid nor the  
34 Department of Human Services shall sanction the recipient  
35 solely on the basis of her substance abuse.

36 The Illinois Department shall establish such regulations

1 governing the dispensing of health services under this Article  
2 as it shall deem appropriate. The Department should seek the  
3 advice of formal professional advisory committees appointed by  
4 the Director of the Illinois Department for the purpose of  
5 providing regular advice on policy and administrative matters,  
6 information dissemination and educational activities for  
7 medical and health care providers, and consistency in  
8 procedures to the Illinois Department.

9 The Illinois Department may develop and contract with  
10 Partnerships of medical providers to arrange medical services  
11 for persons eligible under Section 5-2 of this Code.  
12 Implementation of this Section may be by demonstration projects  
13 in certain geographic areas. The Partnership shall be  
14 represented by a sponsor organization. The Department, by rule,  
15 shall develop qualifications for sponsors of Partnerships.  
16 Nothing in this Section shall be construed to require that the  
17 sponsor organization be a medical organization.

18 The sponsor must negotiate formal written contracts with  
19 medical providers for physician services, inpatient and  
20 outpatient hospital care, home health services, treatment for  
21 alcoholism and substance abuse, and other services determined  
22 necessary by the Illinois Department by rule for delivery by  
23 Partnerships. Physician services must include prenatal and  
24 obstetrical care. The Illinois Department shall reimburse  
25 medical services delivered by Partnership providers to clients  
26 in target areas according to provisions of this Article and the  
27 Illinois Health Finance Reform Act, except that:

28 (1) Physicians participating in a Partnership and  
29 providing certain services, which shall be determined by  
30 the Illinois Department, to persons in areas covered by the  
31 Partnership may receive an additional surcharge for such  
32 services.

33 (2) The Department may elect to consider and negotiate  
34 financial incentives to encourage the development of  
35 Partnerships and the efficient delivery of medical care.

36 (3) Persons receiving medical services through

1 Partnerships may receive medical and case management  
2 services above the level usually offered through the  
3 medical assistance program.

4 Medical providers shall be required to meet certain  
5 qualifications to participate in Partnerships to ensure the  
6 delivery of high quality medical services. These  
7 qualifications shall be determined by rule of the Illinois  
8 Department and may be higher than qualifications for  
9 participation in the medical assistance program. Partnership  
10 sponsors may prescribe reasonable additional qualifications  
11 for participation by medical providers, only with the prior  
12 written approval of the Illinois Department.

13 Nothing in this Section shall limit the free choice of  
14 practitioners, hospitals, and other providers of medical  
15 services by clients. In order to ensure patient freedom of  
16 choice, the Illinois Department shall immediately promulgate  
17 all rules and take all other necessary actions so that provided  
18 services may be accessed from therapeutically certified  
19 optometrists to the full extent of the Illinois Optometric  
20 Practice Act of 1987 without discriminating between service  
21 providers.

22 The Department shall apply for a waiver from the United  
23 States Health Care Financing Administration to allow for the  
24 implementation of Partnerships under this Section.

25 The Illinois Department shall require health care  
26 providers to maintain records that document the medical care  
27 and services provided to recipients of Medical Assistance under  
28 this Article. The Illinois Department shall require health care  
29 providers to make available, when authorized by the patient, in  
30 writing, the medical records in a timely fashion to other  
31 health care providers who are treating or serving persons  
32 eligible for Medical Assistance under this Article. All  
33 dispensers of medical services shall be required to maintain  
34 and retain business and professional records sufficient to  
35 fully and accurately document the nature, scope, details and  
36 receipt of the health care provided to persons eligible for

1 medical assistance under this Code, in accordance with  
2 regulations promulgated by the Illinois Department. The rules  
3 and regulations shall require that proof of the receipt of  
4 prescription drugs, dentures, prosthetic devices and  
5 eyeglasses by eligible persons under this Section accompany  
6 each claim for reimbursement submitted by the dispenser of such  
7 medical services. No such claims for reimbursement shall be  
8 approved for payment by the Illinois Department without such  
9 proof of receipt, unless the Illinois Department shall have put  
10 into effect and shall be operating a system of post-payment  
11 audit and review which shall, on a sampling basis, be deemed  
12 adequate by the Illinois Department to assure that such drugs,  
13 dentures, prosthetic devices and eyeglasses for which payment  
14 is being made are actually being received by eligible  
15 recipients. Within 90 days after the effective date of this  
16 amendatory Act of 1984, the Illinois Department shall establish  
17 a current list of acquisition costs for all prosthetic devices  
18 and any other items recognized as medical equipment and  
19 supplies reimbursable under this Article and shall update such  
20 list on a quarterly basis, except that the acquisition costs of  
21 all prescription drugs shall be updated no less frequently than  
22 every 30 days as required by Section 5-5.12.

23 The rules and regulations of the Illinois Department shall  
24 require that a written statement including the required opinion  
25 of a physician shall accompany any claim for reimbursement for  
26 abortions, or induced miscarriages or premature births. This  
27 statement shall indicate what procedures were used in providing  
28 such medical services.

29 The Illinois Department shall require all dispensers of  
30 medical services, other than an individual practitioner or  
31 group of practitioners, desiring to participate in the Medical  
32 Assistance program established under this Article to disclose  
33 all financial, beneficial, ownership, equity, surety or other  
34 interests in any and all firms, corporations, partnerships,  
35 associations, business enterprises, joint ventures, agencies,  
36 institutions or other legal entities providing any form of



1 health care services in this State under this Article.

2 The Illinois Department may require that all dispensers of  
3 medical services desiring to participate in the medical  
4 assistance program established under this Article disclose,  
5 under such terms and conditions as the Illinois Department may  
6 by rule establish, all inquiries from clients and attorneys  
7 regarding medical bills paid by the Illinois Department, which  
8 inquiries could indicate potential existence of claims or liens  
9 for the Illinois Department.

10 Enrollment of a vendor that provides non-emergency medical  
11 transportation, defined by the Department by rule, shall be  
12 conditional for 180 days. During that time, the Department of  
13 Public Aid may terminate the vendor's eligibility to  
14 participate in the medical assistance program without cause.  
15 That termination of eligibility is not subject to the  
16 Department's hearing process.

17 The Illinois Department shall establish policies,  
18 procedures, standards and criteria by rule for the acquisition,  
19 repair and replacement of orthotic and prosthetic devices and  
20 durable medical equipment. Such rules shall provide, but not be  
21 limited to, the following services: (1) immediate repair or  
22 replacement of such devices by recipients without medical  
23 authorization; and (2) rental, lease, purchase or  
24 lease-purchase of durable medical equipment in a  
25 cost-effective manner, taking into consideration the  
26 recipient's medical prognosis, the extent of the recipient's  
27 needs, and the requirements and costs for maintaining such  
28 equipment. Such rules shall enable a recipient to temporarily  
29 acquire and use alternative or substitute devices or equipment  
30 pending repairs or replacements of any device or equipment  
31 previously authorized for such recipient by the Department.

32 The Department shall execute, relative to the nursing home  
33 prescreening project, written inter-agency agreements with the  
34 Department of Human Services and the Department on Aging, to  
35 effect the following: (i) intake procedures and common  
36 eligibility criteria for those persons who are receiving

1 non-institutional services; and (ii) the establishment and  
2 development of non-institutional services in areas of the State  
3 where they are not currently available or are undeveloped.

4 The Illinois Department shall develop and operate, in  
5 cooperation with other State Departments and agencies and in  
6 compliance with applicable federal laws and regulations,  
7 appropriate and effective systems of health care evaluation and  
8 programs for monitoring of utilization of health care services  
9 and facilities, as it affects persons eligible for medical  
10 assistance under this Code.

11 The Illinois Department shall report annually to the  
12 General Assembly, no later than the second Friday in April of  
13 1979 and each year thereafter, in regard to:

14 (a) actual statistics and trends in utilization of  
15 medical services by public aid recipients;

16 (b) actual statistics and trends in the provision of  
17 the various medical services by medical vendors;

18 (c) current rate structures and proposed changes in  
19 those rate structures for the various medical vendors; and

20 (d) efforts at utilization review and control by the  
21 Illinois Department.

22 The period covered by each report shall be the 3 years  
23 ending on the June 30 prior to the report. The report shall  
24 include suggested legislation for consideration by the General  
25 Assembly. The filing of one copy of the report with the  
26 Speaker, one copy with the Minority Leader and one copy with  
27 the Clerk of the House of Representatives, one copy with the  
28 President, one copy with the Minority Leader and one copy with  
29 the Secretary of the Senate, one copy with the Legislative  
30 Research Unit, and such additional copies with the State  
31 Government Report Distribution Center for the General Assembly  
32 as is required under paragraph (t) of Section 7 of the State  
33 Library Act shall be deemed sufficient to comply with this  
34 Section.

35 (Source: P.A. 92-16, eff. 6-28-01; 92-651, eff. 7-11-02;  
36 92-789, eff. 8-6-02; 93-632, eff. 2-1-04; 93-841, eff. 7-30-04;

1 93-981, eff. 8-23-04; revised 10-22-04.)

2 (305 ILCS 5/5-5.23)

3 Sec. 5-5.23. Children's mental health services.

4 (a) The Department of Public Aid, by rule, shall require  
5 the screening and assessment of a child prior to any  
6 Medicaid-funded admission to an inpatient hospital for  
7 psychiatric services to be funded by Medicaid. The screening  
8 and assessment shall include a determination of the  
9 appropriateness and availability of out-patient support  
10 services for necessary treatment. The Department, by rule,  
11 shall establish methods and standards of payment for the  
12 screening, assessment, and necessary alternative support  
13 services.

14 (b) The Department of Public Aid, to the extent allowable  
15 under federal law, shall secure federal financial  
16 participation for Individual Care Grant expenditures made by  
17 the Department of Human Services for the Medicaid optional  
18 service authorized under Section 1905(h) of the federal Social  
19 Security Act, pursuant to the provisions of Section 7.1 of the  
20 Mental Health and Developmental Disabilities Administrative  
21 Act.

22 (c) The Department of Public Aid shall work jointly with  
23 the Department of Human Services to implement subsections (a)  
24 and (b).

25 (Source: P.A. 93-495, eff. 8-8-03.)

26 (305 ILCS 5/5-5.24)

27 Sec. 5-5.24 ~~5-5.23~~. Prenatal and perinatal care. The  
28 Department of Public Aid may provide reimbursement under this  
29 Article for all prenatal and perinatal health care services  
30 that are provided for the purpose of preventing low-birthweight  
31 infants, reducing the need for neonatal intensive care hospital  
32 services, and promoting perinatal health. These services may  
33 include comprehensive risk assessments for pregnant women,  
34 women with infants, and infants, lactation counseling,

1 nutrition counseling, childbirth support, psychosocial  
2 counseling, treatment and prevention of periodontal disease,  
3 and other support services that have been proven to improve  
4 birth outcomes. The Department shall maximize the use of  
5 preventive prenatal and perinatal health care services  
6 consistent with federal statutes, rules, and regulations. The  
7 Department shall develop a plan for prenatal and perinatal  
8 preventive health care and shall present the plan to the  
9 General Assembly by January 1, 2004. On or before January 1,  
10 2006 and every 2 years thereafter, the Department shall report  
11 to the General Assembly concerning the effectiveness of  
12 prenatal and perinatal health care services reimbursed under  
13 this Section in preventing low-birthweight infants and  
14 reducing the need for neonatal intensive care hospital  
15 services. Each such report shall include an evaluation of how  
16 the ratio of expenditures for treating low-birthweight infants  
17 compared with the investment in promoting healthy births and  
18 infants in local community areas throughout Illinois relates to  
19 healthy infant development in those areas.

20 (Source: P.A. 93-536, eff. 8-18-03; revised 9-25-03.)

21 (305 ILCS 5/5-5d)

22 Sec. 5-5d. Enhanced transition and follow-up services. The  
23 Department of Public Aid shall apply for any necessary waivers  
24 pursuant to Section 1915(c) of the Social Security Act to  
25 facilitate the transition from one residential setting to  
26 another and follow-up services. Nothing in this Section shall  
27 be construed ~~considered~~ as limiting current similar programs by  
28 the Department of Human Services or the Department on Aging.

29 (Source: P.A. 93-902, eff. 8-10-04; 93-1031, eff. 8-27-04;  
30 revised 10-22-04.)

31 (305 ILCS 5/5-16.8)

32 Sec. 5-16.8. Required health benefits. The medical  
33 assistance program shall (i) provide the post-mastectomy care  
34 benefits required to be covered by a policy of accident and

1 health insurance under Section 356t and the coverage required  
2 under Sections 356u, 356w, 356x, and 356z.6 of the Illinois  
3 Insurance Code and (ii) be subject to the provisions of Section  
4 364.01 of the Illinois Insurance Code.

5 (Source: P.A. 93-853, eff. 1-1-05; 93-1000, eff. 1-1-05;  
6 revised 10-14-04.)

7 (305 ILCS 5/9A-7) (from Ch. 23, par. 9A-7)

8 Sec. 9A-7. Good Cause and Pre-Sanction Process.

9 (a) The Department shall establish by rule what constitutes  
10 good cause for failure to participate in education, training  
11 and employment programs, failure to accept suitable employment  
12 or terminating employment or reducing earnings.

13 The Department shall establish, by rule, a pre-sanction  
14 process to assist in resolving disputes over proposed sanctions  
15 and in determining if good cause exists. Good cause shall  
16 include, but not be limited to:

17 (1) temporary illness for its duration;

18 (2) court required appearance or temporary  
19 incarceration;

20 (3) (blank);

21 (4) death in the family;

22 (5) (blank);

23 (6) (blank);

24 (7) (blank);

25 (8) (blank);

26 (9) extreme inclement weather;

27 (10) (blank);

28 (11) lack of any support service even though the  
29 necessary service is not specifically provided under the  
30 Department program, to the extent the lack of the needed  
31 service presents a significant barrier to participation;

32 (12) if an individual is engaged in employment or  
33 training or both that is consistent with the employment  
34 related goals of the program, if such employment and  
35 training is later approved by Department staff;

1 (13) (blank);

2 (14) failure of Department staff to correctly forward  
3 the information to other Department staff;

4 (15) failure of the participant to cooperate because of  
5 attendance at a test or a mandatory class or function at an  
6 educational program (including college), when an education  
7 or training program is officially approved by the  
8 Department;

9 (16) failure of the participant due to his or her  
10 illiteracy;

11 (17) failure of the participant because it is  
12 determined that he or she should be in a different  
13 activity;

14 (18) non-receipt by the participant of a notice  
15 advising him or her of a participation requirement. If the  
16 non-receipt of mail occurs frequently, the Department  
17 shall explore an alternative means of providing notices of  
18 participation requests to participants;

19 (19) (blank);

20 (20) non-comprehension of English, either written or  
21 oral or both;

22 (21) (blank);

23 (22) (blank);

24 (23) child care (or day care for an incapacitated  
25 individual living in the same home as a dependent child) is  
26 necessary for the participation or employment and such care  
27 is not available for a child under age 13;

28 (24) failure to participate in an activity due to a  
29 scheduled job interview, medical appointment for the  
30 participant or a household member, or school appointment;

31 (25) the individual is homeless. Homeless individuals  
32 (including the family) have no current residence and no  
33 expectation of acquiring one in the next 30 days. This  
34 includes individuals residing in overnight and  
35 transitional (temporary) shelters. This does not include  
36 individuals who are sharing a residence with friends or

1 relatives on a continuing basis;

2 (26) circumstances beyond the control of the  
3 participant which prevent the participant from completing  
4 program requirements; or

5 (27) (blank).

6 (b) (Blank).

7 (c) (1) The Department shall establish a reconciliation  
8 procedure to assist in resolving disputes related to any  
9 aspect of participation, including exemptions, good cause,  
10 sanctions or proposed sanctions, supportive services,  
11 assessments, responsibility and service plans, assignment  
12 to activities, suitability of employment, or refusals of  
13 offers of employment. Through the reconciliation process  
14 the Department shall have a mechanism to identify good  
15 cause, ensure that the client is aware of the issue, and  
16 enable the client to perform required activities without  
17 facing sanction.

18 (2) A participant may request reconciliation and  
19 receive notice in writing of a meeting. At least one  
20 face-to-face meeting may be scheduled to resolve  
21 misunderstandings or disagreements related to program  
22 participation and situations which may lead to a potential  
23 sanction. The meeting will address the underlying reason  
24 for the dispute and plan a resolution to enable the  
25 individual to participate in TANF employment and work  
26 activity requirements.

27 (2.5) If the individual fails to appear at the  
28 reconciliation meeting without good cause, the  
29 reconciliation is unsuccessful and a sanction shall be  
30 imposed.

31 (3) The reconciliation process shall continue after it  
32 is determined that the individual did not have good cause  
33 for non-cooperation. Any necessary demonstration of  
34 cooperation on the part of the participant will be part of  
35 the reconciliation process. Failure to demonstrate  
36 cooperation will result in immediate sanction.

1           (4) For the first instance of non-cooperation, if the  
2 client reaches agreement to cooperate, the client shall be  
3 allowed 30 days to demonstrate cooperation before any  
4 sanction activity may be imposed. In any subsequent  
5 instances of non-cooperation, the client shall be provided  
6 the opportunity to show good cause or remedy the situation  
7 by immediately complying with the requirement.

8           (5) The Department shall document in the case record  
9 the proceedings of the reconciliation and provide the  
10 client in writing with a reconciliation agreement.

11           (6) If reconciliation resolves the dispute, no  
12 sanction shall be imposed. If the client fails to comply  
13 with the reconciliation agreement, the Department shall  
14 then immediately impose the original sanction. If the  
15 dispute cannot be resolved during reconciliation, a  
16 sanction shall not be imposed until the reconciliation  
17 process is complete.

18 (Source: P.A. 93-598, eff. 8-26-03; revised 10-9-03.)

19 (305 ILCS 5/10-8.1)

20           Sec. 10-8.1. Temporary order for child support.  
21 Notwithstanding any other law to the contrary, pending the  
22 outcome of an administrative determination of parentage, the  
23 Illinois Department shall issue a temporary order for child  
24 support, upon motion by a party and a showing of clear and  
25 convincing evidence of paternity. In determining the amount of  
26 the temporary child support award, the Illinois Department  
27 shall use the guidelines and standards set forth in subsection  
28 (a) of Section 505 and in Section 505.2 of the Illinois  
29 Marriage and Dissolution of Marriage Act.

30           Any new or existing support order entered by the Illinois  
31 Department under this Section shall be deemed to be a series of  
32 judgments against the person obligated to pay support  
33 thereunder, each such judgment to be in the amount of each  
34 payment or installment of support and each judgment to be  
35 deemed entered as of the date the corresponding payment or



1 installment becomes due under the terms of the support order.  
2 Each such judgment shall have the full force, effect, and  
3 attributes of any other judgment of this State, including the  
4 ability to be enforced. Any such judgment is subject to  
5 modification or termination only in accordance with Section 510  
6 of the Illinois Marriage and Dissolution of Marriage Act. A  
7 lien arises by operation of law against the real and personal  
8 property of the noncustodial parent for each installment of  
9 overdue support owed by the noncustodial parent.

10 All orders for support entered or modified in a case in  
11 which a party is receiving child support enforcement services  
12 under this Article X shall include a provision requiring the  
13 non-custodial parent to notify the Illinois Department, within  
14 7 days, (i) of the name, address, and telephone number of any  
15 new employer of the non-custodial parent, (ii) whether the  
16 non-custodial parent has access to health insurance coverage  
17 through the employer or other group coverage, and, if so, the  
18 policy name and number and the names of persons covered under  
19 the policy, and (iii) of any new residential or mailing address  
20 or telephone number of the non-custodial parent.

21 In any subsequent action to enforce a support order, upon  
22 sufficient showing that diligent effort has been made to  
23 ascertain the location of the non-custodial parent, service of  
24 process or provision of notice necessary in that action may be  
25 made at the last known address of the non-custodial parent, in  
26 any manner expressly provided by the Code of Civil Procedure or  
27 this Act, which service shall be sufficient for purposes of due  
28 process.

29 An order for support shall include a date on which the  
30 current support obligation terminates. The termination date  
31 shall be no earlier than the date on which the child covered by  
32 the order will attain the age of 18. However, if the child will  
33 not graduate from high school until after attaining the age of  
34 18, then the termination date shall be no earlier than the  
35 earlier of the date on which the child's high school graduation  
36 will occur or the date on which the child will attain the age

1 of 19. The order for support shall state that the termination  
2 date does not apply to any arrearage that may remain unpaid on  
3 that date. Nothing in this paragraph shall be construed to  
4 prevent the Illinois Department from modifying the order or  
5 terminating the order in the event the child is otherwise  
6 emancipated.

7 (Source: P.A. 92-590, eff. 7-1-02; 92-876, eff. 6-1-03; revised  
8 9-27-03.)

9 (305 ILCS 5/10-10) (from Ch. 23, par. 10-10)

10 Sec. 10-10. Court enforcement; applicability also to  
11 persons who are not applicants or recipients. Except where the  
12 Illinois Department, by agreement, acts for the local  
13 governmental unit, as provided in Section 10-3.1, local  
14 governmental units shall refer to the State's Attorney or to  
15 the proper legal representative of the governmental unit, for  
16 judicial enforcement as herein provided, instances of  
17 non-support or insufficient support when the dependents are  
18 applicants or recipients under Article VI. The Child and Spouse  
19 Support Unit established by Section 10-3.1 may institute in  
20 behalf of the Illinois Department any actions under this  
21 Section for judicial enforcement of the support liability when  
22 the dependents are (a) applicants or recipients under Articles  
23 III, IV, V or VII; (b) applicants or recipients in a local  
24 governmental unit when the Illinois Department, by agreement,  
25 acts for the unit; or (c) non-applicants or non-recipients who  
26 are receiving child support enforcement services under this  
27 Article X, as provided in Section 10-1. Where the Child and  
28 Spouse Support Unit has exercised its option and discretion not  
29 to apply the provisions of Sections 10-3 through 10-8, the  
30 failure by the Unit to apply such provisions shall not be a bar  
31 to bringing an action under this Section.

32 Action shall be brought in the circuit court to obtain  
33 support, or for the recovery of aid granted during the period  
34 such support was not provided, or both for the obtainment of  
35 support and the recovery of the aid provided. Actions for the

1 recovery of aid may be taken separately or they may be  
2 consolidated with actions to obtain support. Such actions may  
3 be brought in the name of the person or persons requiring  
4 support, or may be brought in the name of the Illinois  
5 Department or the local governmental unit, as the case  
6 requires, in behalf of such persons.

7 The court may enter such orders for the payment of moneys  
8 for the support of the person as may be just and equitable and  
9 may direct payment thereof for such period or periods of time  
10 as the circumstances require, including support for a period  
11 before the date the order for support is entered. The order may  
12 be entered against any or all of the defendant responsible  
13 relatives and may be based upon the proportionate ability of  
14 each to contribute to the person's support.

15 The Court shall determine the amount of child support  
16 (including child support for a period before the date the order  
17 for child support is entered) by using the guidelines and  
18 standards set forth in subsection (a) of Section 505 and in  
19 Section 505.2 of the Illinois Marriage and Dissolution of  
20 Marriage Act. For purposes of determining the amount of child  
21 support to be paid for a period before the date the order for  
22 child support is entered, there is a rebuttable presumption  
23 that the responsible relative's net income for that period was  
24 the same as his or her net income at the time the order is  
25 entered.

26 If (i) the responsible relative was properly served with a  
27 request for discovery of financial information relating to the  
28 responsible relative's ability to provide child support, (ii)  
29 the responsible relative failed to comply with the request,  
30 despite having been ordered to do so by the court, and (iii)  
31 the responsible relative is not present at the hearing to  
32 determine support despite having received proper notice, then  
33 any relevant financial information concerning the responsible  
34 relative's ability to provide child support that was obtained  
35 pursuant to subpoena and proper notice shall be admitted into  
36 evidence without the need to establish any further foundation

1 for its admission.

2 An order entered under this Section shall include a  
3 provision requiring the obligor to report to the obligee and to  
4 the clerk of court within 10 days each time the obligor obtains  
5 new employment, and each time the obligor's employment is  
6 terminated for any reason. The report shall be in writing and  
7 shall, in the case of new employment, include the name and  
8 address of the new employer. Failure to report new employment  
9 or the termination of current employment, if coupled with  
10 nonpayment of support for a period in excess of 60 days, is  
11 indirect criminal contempt. For any obligor arrested for  
12 failure to report new employment bond shall be set in the  
13 amount of the child support that should have been paid during  
14 the period of unreported employment. An order entered under  
15 this Section shall also include a provision requiring the  
16 obligor and obligee parents to advise each other of a change in  
17 residence within 5 days of the change except when the court  
18 finds that the physical, mental, or emotional health of a party  
19 or that of a minor child, or both, would be seriously  
20 endangered by disclosure of the party's address.

21 The Court shall determine the amount of maintenance using  
22 the standards set forth in Section 504 of the Illinois Marriage  
23 and Dissolution of Marriage Act.

24 Any new or existing support order entered by the court  
25 under this Section shall be deemed to be a series of judgments  
26 against the person obligated to pay support thereunder, each  
27 such judgment to be in the amount of each payment or  
28 installment of support and each such judgment to be deemed  
29 entered as of the date the corresponding payment or installment  
30 becomes due under the terms of the support order. Each such  
31 judgment shall have the full force, effect and attributes of  
32 any other judgment of this State, including the ability to be  
33 enforced. Any such judgment is subject to modification or  
34 termination only in accordance with Section 510 of the Illinois  
35 Marriage and Dissolution of Marriage Act. A lien arises by  
36 operation of law against the real and personal property of the

1 noncustodial parent for each installment of overdue support  
2 owed by the noncustodial parent.

3 When an order is entered for the support of a minor, the  
4 court may provide therein for reasonable visitation of the  
5 minor by the person or persons who provided support pursuant to  
6 the order. Whoever willfully refuses to comply with such  
7 visitation order or willfully interferes with its enforcement  
8 may be declared in contempt of court and punished therefor.

9 Except where the local governmental unit has entered into  
10 an agreement with the Illinois Department for the Child and  
11 Spouse Support Unit to act for it, as provided in Section  
12 10-3.1, support orders entered by the court in cases involving  
13 applicants or recipients under Article VI shall provide that  
14 payments thereunder be made directly to the local governmental  
15 unit. Orders for the support of all other applicants or  
16 recipients shall provide that payments thereunder be made  
17 directly to the Illinois Department. In accordance with federal  
18 law and regulations, the Illinois Department may continue to  
19 collect current maintenance payments or child support  
20 payments, or both, after those persons cease to receive public  
21 assistance and until termination of services under Article X.  
22 The Illinois Department shall pay the net amount collected to  
23 those persons after deducting any costs incurred in making the  
24 collection or any collection fee from the amount of any  
25 recovery made. In both cases the order shall permit the local  
26 governmental unit or the Illinois Department, as the case may  
27 be, to direct the responsible relative or relatives to make  
28 support payments directly to the needy person, or to some  
29 person or agency in his behalf, upon removal of the person from  
30 the public aid rolls or upon termination of services under  
31 Article X.

32 If the notice of support due issued pursuant to Section  
33 10-7 directs that support payments be made directly to the  
34 needy person, or to some person or agency in his behalf, and  
35 the recipient is removed from the public aid rolls, court  
36 action may be taken against the responsible relative hereunder

1 if he fails to furnish support in accordance with the terms of  
2 such notice.

3 Actions may also be brought under this Section in behalf of  
4 any person who is in need of support from responsible  
5 relatives, as defined in Section 2-11 of Article II who is not  
6 an applicant for or recipient of financial aid under this Code.  
7 In such instances, the State's Attorney of the county in which  
8 such person resides shall bring action against the responsible  
9 relatives hereunder. If the Illinois Department, as authorized  
10 by Section 10-1, extends the child support enforcement services  
11 provided by this Article to spouses and dependent children who  
12 are not applicants or recipients under this Code, the Child and  
13 Spouse Support Unit established by Section 10-3.1 shall bring  
14 action against the responsible relatives hereunder and any  
15 support orders entered by the court in such cases shall provide  
16 that payments thereunder be made directly to the Illinois  
17 Department.

18 Whenever it is determined in a proceeding to establish or  
19 enforce a child support or maintenance obligation that the  
20 person owing a duty of support is unemployed, the court may  
21 order the person to seek employment and report periodically to  
22 the court with a diary, listing or other memorandum of his or  
23 her efforts in accordance with such order. Additionally, the  
24 court may order the unemployed person to report to the  
25 Department of Employment Security for job search services or to  
26 make application with the local Job Training Partnership Act  
27 provider for participation in job search, training or work  
28 programs and where the duty of support is owed to a child  
29 receiving child support enforcement services under this  
30 Article X, the court may order the unemployed person to report  
31 to the Illinois Department for participation in job search,  
32 training or work programs established under Section 9-6 and  
33 Article IXA of this Code.

34 Whenever it is determined that a person owes past-due  
35 support for a child receiving assistance under this Code, the  
36 court shall order at the request of the Illinois Department:

1 (1) that the person pay the past-due support in  
2 accordance with a plan approved by the court; or

3 (2) if the person owing past-due support is unemployed,  
4 is subject to such a plan, and is not incapacitated, that  
5 the person participate in such job search, training, or  
6 work programs established under Section 9-6 and Article IXA  
7 of this Code as the court deems appropriate.

8 A determination under this Section shall not be  
9 administratively reviewable by the procedures specified in  
10 Sections 10-12, and 10-13 to 10-13.10. Any determination under  
11 these Sections, if made the basis of court action under this  
12 Section, shall not affect the de novo judicial determination  
13 required under this Section.

14 A one-time charge of 20% is imposable upon the amount of  
15 past-due child support owed on July 1, 1988 which has accrued  
16 under a support order entered by the court. The charge shall be  
17 imposed in accordance with the provisions of Section 10-21 of  
18 this Code and shall be enforced by the court upon petition.

19 All orders for support, when entered or modified, shall  
20 include a provision requiring the non-custodial parent to  
21 notify the court and, in cases in which a party is receiving  
22 child support enforcement services under this Article X, the  
23 Illinois Department, within 7 days, (i) of the name, address,  
24 and telephone number of any new employer of the non-custodial  
25 parent, (ii) whether the non-custodial parent has access to  
26 health insurance coverage through the employer or other group  
27 coverage and, if so, the policy name and number and the names  
28 of persons covered under the policy, and (iii) of any new  
29 residential or mailing address or telephone number of the  
30 non-custodial parent. In any subsequent action to enforce a  
31 support order, upon a sufficient showing that a diligent effort  
32 has been made to ascertain the location of the non-custodial  
33 parent, service of process or provision of notice necessary in  
34 the case may be made at the last known address of the  
35 non-custodial parent in any manner expressly provided by the  
36 Code of Civil Procedure or this Code, which service shall be

1 sufficient for purposes of due process.

2 An order for support shall include a date on which the  
3 current support obligation terminates. The termination date  
4 shall be no earlier than the date on which the child covered by  
5 the order will attain the age of 18. However, if the child will  
6 not graduate from high school until after attaining the age of  
7 18, then the termination date shall be no earlier than the  
8 earlier of the date on which the child's high school graduation  
9 will occur or the date on which the child will attain the age  
10 of 19. The order for support shall state that the termination  
11 date does not apply to any arrearage that may remain unpaid on  
12 that date. Nothing in this paragraph shall be construed to  
13 prevent the court from modifying the order or terminating the  
14 order in the event the child is otherwise emancipated.

15 Upon notification in writing or by electronic transmission  
16 from the Illinois Department to the clerk of the court that a  
17 person who is receiving support payments under this Section is  
18 receiving services under the Child Support Enforcement Program  
19 established by Title IV-D of the Social Security Act, any  
20 support payments subsequently received by the clerk of the  
21 court shall be transmitted in accordance with the instructions  
22 of the Illinois Department until the Illinois Department gives  
23 notice to the clerk of the court to cease the transmittal.  
24 After providing the notification authorized under this  
25 paragraph, the Illinois Department shall be entitled as a party  
26 to notice of any further proceedings in the case. The clerk of  
27 the court shall file a copy of the Illinois Department's  
28 notification in the court file. The clerk's failure to file a  
29 copy of the notification in the court file shall not, however,  
30 affect the Illinois Department's right to receive notice of  
31 further proceedings.

32 Payments under this Section to the Illinois Department  
33 pursuant to the Child Support Enforcement Program established  
34 by Title IV-D of the Social Security Act shall be paid into the  
35 Child Support Enforcement Trust Fund. All payments under this  
36 Section to the Illinois Department of Human Services shall be



1 deposited in the DHS Recoveries Trust Fund. Disbursements from  
2 these funds shall be as provided in Sections 12-9.1 and 12-10.2  
3 of this Code. Payments received by a local governmental unit  
4 shall be deposited in that unit's General Assistance Fund.

5 To the extent the provisions of this Section are  
6 inconsistent with the requirements pertaining to the State  
7 Disbursement Unit under Sections 10-10.4 and 10-26 of this  
8 Code, the requirements pertaining to the State Disbursement  
9 Unit shall apply.

10 (Source: P.A. 92-16, eff. 6-28-01; 92-590, eff. 7-1-02; 92-876,  
11 eff. 6-1-03; revised 9-27-03.)

12 (305 ILCS 5/10-11) (from Ch. 23, par. 10-11)

13 Sec. 10-11. Administrative Orders. In lieu of actions for  
14 court enforcement of support under Section 10-10, the Child and  
15 Spouse Support Unit of the Illinois Department, in accordance  
16 with the rules of the Illinois Department, may issue an  
17 administrative order requiring the responsible relative to  
18 comply with the terms of the determination and notice of  
19 support due, determined and issued under Sections 10-6 and  
20 10-7. The Unit may also enter an administrative order under  
21 subsection (b) of Section 10-7. The administrative order shall  
22 be served upon the responsible relative by United States  
23 registered or certified mail. In cases in which the responsible  
24 relative appeared at the office of the Child and Spouse Support  
25 Unit in response to the notice of support obligation issued  
26 under Section 10-4, however, or in cases of default in which  
27 the notice was served on the responsible relative by certified  
28 mail, return receipt requested, or by any method provided by  
29 law for service of summons, the administrative determination of  
30 paternity or administrative support order may be sent to the  
31 responsible relative by ordinary mail addressed to the  
32 responsible relative's last known address.

33 If a responsible relative or a person receiving child  
34 support enforcement services under this Article fails to  
35 petition the Illinois Department for release from or

1 modification of the administrative order, as provided in  
2 Section 10-12 or Section 10-12.1, the order shall become final  
3 and there shall be no further administrative or judicial  
4 remedy. Likewise a decision by the Illinois Department as a  
5 result of an administrative hearing, as provided in Sections  
6 10-13 to 10-13.10, shall become final and enforceable if not  
7 judicially reviewed under the Administrative Review Law, as  
8 provided in Section 10-14.

9 Any new or existing support order entered by the Illinois  
10 Department under this Section shall be deemed to be a series of  
11 judgments against the person obligated to pay support  
12 thereunder, each such judgment to be in the amount of each  
13 payment or installment of support and each such judgment to be  
14 deemed entered as of the date the corresponding payment or  
15 installment becomes due under the terms of the support order.  
16 Each such judgment shall have the full force, effect and  
17 attributes of any other judgment of this State, including the  
18 ability to be enforced. Any such judgment is subject to  
19 modification or termination only in accordance with Section 510  
20 of the Illinois Marriage and Dissolution of Marriage Act. A  
21 lien arises by operation of law against the real and personal  
22 property of the noncustodial parent for each installment of  
23 overdue support owed by the noncustodial parent.

24 An order entered under this Section shall include a  
25 provision requiring the obligor to report to the obligee and to  
26 the clerk of court within 10 days each time the obligor obtains  
27 new employment, and each time the obligor's employment is  
28 terminated for any reason. The report shall be in writing and  
29 shall, in the case of new employment, include the name and  
30 address of the new employer. Failure to report new employment  
31 or the termination of current employment, if coupled with  
32 nonpayment of support for a period in excess of 60 days, is  
33 indirect criminal contempt. For any obligor arrested for  
34 failure to report new employment bond shall be set in the  
35 amount of the child support that should have been paid during  
36 the period of unreported employment. An order entered under

1 this Section shall also include a provision requiring the  
2 obligor and obligee parents to advise each other of a change in  
3 residence within 5 days of the change except when the court  
4 finds that the physical, mental, or emotional health of a party  
5 or that of a minor child, or both, would be seriously  
6 endangered by disclosure of the party's address.

7 A one-time charge of 20% is imposable upon the amount of  
8 past-due child support owed on July 1, 1988, which has accrued  
9 under a support order entered by the Illinois Department under  
10 this Section. The charge shall be imposed in accordance with  
11 the provisions of Section 10-21 and shall be enforced by the  
12 court in a suit filed under Section 10-15.

13 An order for support shall include a date on which the  
14 support obligation terminates. The termination date shall be no  
15 earlier than the date on which the child covered by the order  
16 will attain the age of 18. However, if the child will not  
17 graduate from high school until after attaining the age of 18,  
18 then the termination date shall be no earlier than the earlier  
19 of the date that the child's graduation will occur or the date  
20 on which the child will attain the age of 19. The order for  
21 support shall state that the termination date does not apply to  
22 any arrearage that may remain unpaid on that date. Nothing in  
23 this paragraph shall be construed to prevent the Illinois  
24 Department from modifying the order or terminating the order in  
25 the event the child is otherwise emancipated.

26 (Source: P.A. 92-590, eff. 7-1-02; 92-876, eff. 6-1-03; revised  
27 9-27-03.)

28 (305 ILCS 5/11-3) (from Ch. 23, par. 11-3)

29 Sec. 11-3. Assignment and attachment of aid prohibited.  
30 Except as provided below in this Section and in Section 11-3.3,  
31 all financial aid given under Articles III, IV, V, and VI and  
32 money payments for child care services provided by a child care  
33 provider under Articles IX and IXA shall not be subject to  
34 assignment, sale, attachment, garnishment, or otherwise.  
35 Provided, however, that a medical vendor may use his right to

1 receive vendor payments as collateral for loans from financial  
2 institutions so long as such arrangements do not constitute any  
3 activity prohibited under Section 1902(a)(32) of the Social  
4 Security Act and regulations promulgated thereunder, or any  
5 other applicable laws or regulations. Provided further,  
6 however, that a medical or other vendor or a service provider  
7 may assign, reassign, sell, pledge or grant a security interest  
8 in any such financial aid, vendor payments or money payments or  
9 grants which he has a right to receive ~~to the Illinois Finance~~  
10 ~~Authority, in connection with any financing program undertaken~~  
11 ~~by the Illinois Finance Authority, or to the Illinois Finance~~  
12 ~~Authority, in connection with any financing program undertaken~~  
13 ~~by the Illinois Finance Authority. Each Authority may utilize a~~  
14 ~~trustee or agent to accept, accomplish, effectuate or realize~~  
15 ~~upon any such assignment, reassignment, sale, pledge or grant~~  
16 ~~on that Authority's behalf. Provided further, however, that~~  
17 ~~nothing herein shall prevent the Illinois Department from~~  
18 ~~collecting any assessment, fee, interest or penalty due under~~  
19 ~~Article V-A, V-B, V-C, or V-E by withholding financial aid as~~  
20 ~~payment of such assessment, fee, interest, or penalty. Any~~  
21 ~~alienation in contravention of this statute does not diminish~~  
22 ~~and does not affect the validity, legality or enforceability of~~  
23 ~~any underlying obligations for which such alienation may have~~  
24 ~~been made as collateral between the parties to the alienation.~~  
25 ~~This amendatory Act shall be retroactive in application and~~  
26 ~~shall pertain to obligations existing prior to its enactment.~~

27 (Source: P.A. 92-111, eff. 1-1-02; 93-205 (Sections 890-25 and  
28 890-40), eff. 1-1-04; revised 9-23-03.)

29 (305 ILCS 5/11-3.3) (from Ch. 23, par. 11-3.3)

30 Sec. 11-3.3. Payment to provider or governmental agency or  
31 entity. Payments under this Code shall be made to the  
32 provider, except that the Department may issue or may agree to  
33 issue the payment directly to ~~the Illinois Finance Authority,~~  
34 ~~the Illinois Finance Authority,~~ or any other governmental  
35 agency or entity, including any bond trustee for that agency or

1 entity, to whom the provider has assigned, reassigned, sold,  
2 pledged or granted a security interest in the payments that the  
3 provider has a right to receive, provided that the issuance or  
4 agreement to issue is not prohibited under Section 1902(a)(32)  
5 of the Social Security Act.

6 (Source: P.A. 93-205 (Sections 890-25 and 890-40), eff. 1-1-04;  
7 revised 9-23-03.)

8 (305 ILCS 5/12-13.05)

9 Sec. 12-13.05. Rules for Temporary Assistance for Needy  
10 Families. All rules regulating the Temporary Assistance for  
11 Needy Families program and all other rules regulating the  
12 amendatory changes to this Code made by this amendatory Act of  
13 1997 shall be promulgated pursuant to this Section. All rules  
14 regulating the Temporary Assistance for Needy Families program  
15 and all other rules regulating the amendatory changes to this  
16 Code made by this amendatory Act of 1997 are repealed on July  
17 1, 2006. On and after July 1, 2006, the Illinois Department may  
18 not promulgate any rules regulating the Temporary Assistance  
19 for Needy Families program or regulating the amendatory changes  
20 to this Code made by this amendatory Act of 1997.

21 (Source: P.A. 91-5, eff. 5-27-99; 92-111, eff. 1-1-02; 92-597,  
22 eff. 6-28-02; revised 11-06-02.)

23 Section 455. The Elder Abuse and Neglect Act is amended by  
24 changing Sections 2, 3.5, and 7 as follows:

25 (320 ILCS 20/2) (from Ch. 23, par. 6602)

26 Sec. 2. Definitions. As used in this Act, unless the  
27 context requires otherwise:

28 (a) "Abuse" means causing any physical, mental or sexual  
29 injury to an eligible adult, including exploitation of such  
30 adult's financial resources.

31 Nothing in this Act shall be construed to mean that an  
32 eligible adult is a victim of abuse or neglect for the sole  
33 reason that he or she is being furnished with or relies upon

1 treatment by spiritual means through prayer alone, in  
2 accordance with the tenets and practices of a recognized church  
3 or religious denomination.

4 Nothing in this Act shall be construed to mean that an  
5 eligible adult is a victim of abuse because of health care  
6 services provided or not provided by licensed health care  
7 professionals.

8 (a-5) "Abuser" means a person who abuses, neglects, or  
9 financially exploits an eligible adult.

10 (a-7) "Caregiver" means a person who either as a result of  
11 a family relationship, voluntarily, or in exchange for  
12 compensation has assumed responsibility for all or a portion of  
13 the care of an eligible adult who needs assistance with  
14 activities of daily living.

15 (b) "Department" means the Department on Aging of the State  
16 of Illinois.

17 (c) "Director" means the Director of the Department.

18 (d) "Domestic living situation" means a residence where the  
19 eligible adult lives alone or with his or her family or a  
20 caregiver, or others, or a board and care home or other  
21 community-based unlicensed facility, but is not:

22 (1) A licensed facility as defined in Section 1-113 of  
23 the Nursing Home Care Act;

24 (2) A "life care facility" as defined in the Life Care  
25 Facilities Act;

26 (3) A home, institution, or other place operated by the  
27 federal government or agency thereof or by the State of  
28 Illinois;

29 (4) A hospital, sanitarium, or other institution, the  
30 principal activity or business of which is the diagnosis,  
31 care, and treatment of human illness through the  
32 maintenance and operation of organized facilities  
33 therefor, which is required to be licensed under the  
34 Hospital Licensing Act;

35 (5) A "community living facility" as defined in the  
36 Community Living Facilities Licensing Act;

1           (6) A "community residential alternative" as defined  
2           in the Community Residential Alternatives Licensing Act;  
3           and

4           (7) A "community-integrated living arrangement" as  
5           defined in the Community-Integrated Living Arrangements  
6           Licensure and Certification Act.

7           (e) "Eligible adult" means a person 60 years of age or  
8           older who resides in a domestic living situation and is, or is  
9           alleged to be, abused, neglected, or financially exploited by  
10          another individual.

11          (f) "Emergency" means a situation in which an eligible  
12          adult is living in conditions presenting a risk of death or  
13          physical, mental or sexual injury and the provider agency has  
14          reason to believe the eligible adult is unable to consent to  
15          services which would alleviate that risk.

16          (f-5) "Mandated reporter" means any of the following  
17          persons while engaged in carrying out their professional  
18          duties:

19                (1) a professional or professional's delegate while  
20                engaged in: (i) social services, (ii) law enforcement,  
21                (iii) education, (iv) the care of an eligible adult or  
22                eligible adults, or (v) any of the occupations required to  
23                be licensed under the Clinical Psychologist Licensing Act,  
24                the Clinical Social Work and Social Work Practice Act, the  
25                Illinois Dental Practice Act, the Dietetic and Nutrition  
26                Services Practice Act, the Marriage and Family Therapy  
27                Licensing Act, the Medical Practice Act of 1987, the  
28                Naprathic Practice Act, the Nursing and Advanced  
29                Practice Nursing Act, the Nursing Home Administrators  
30                Licensing and Disciplinary Act, the Illinois Occupational  
31                Therapy Practice Act, the Illinois Optometric Practice Act  
32                of 1987, the Pharmacy Practice Act of 1987, the Illinois  
33                Physical Therapy Act, the Physician Assistant Practice Act  
34                of 1987, the Podiatric Medical Practice Act of 1987, the  
35                Respiratory Care Practice Act, the Professional Counselor  
36                and Clinical Professional Counselor Licensing Act, the

1 Illinois Speech-Language Pathology and Audiology Practice  
2 Act, the Veterinary Medicine and Surgery Practice Act of  
3 2004, and the Illinois Public Accounting Act;

4 (2) an employee of a vocational rehabilitation  
5 facility prescribed or supervised by the Department of  
6 Human Services;

7 (3) an administrator, employee, or person providing  
8 services in or through an unlicensed community based  
9 facility;

10 (4) a Christian Science Practitioner;

11 (5) field personnel of the Department of Public Aid,  
12 Department of Public Health, and Department of Human  
13 Services, and any county or municipal health department;

14 (6) personnel of the Department of Human Services, the  
15 Guardianship and Advocacy Commission, the State Fire  
16 Marshal, local fire departments, the Department on Aging  
17 and its subsidiary Area Agencies on Aging and provider  
18 agencies, and the Office of State Long Term Care Ombudsman;

19 (7) any employee of the State of Illinois not otherwise  
20 specified herein who is involved in providing services to  
21 eligible adults, including professionals providing medical  
22 or rehabilitation services and all other persons having  
23 direct contact with eligible adults;

24 (8) a person who performs the duties of a coroner or  
25 medical examiner; or

26 (9) a person who performs the duties of a paramedic or  
27 an emergency medical technician.

28 (g) "Neglect" means another individual's failure to  
29 provide an eligible adult with or willful withholding from an  
30 eligible adult the necessities of life including, but not  
31 limited to, food, clothing, shelter or medical care. This  
32 subsection does not create any new affirmative duty to provide  
33 support to eligible adults. Nothing in this Act shall be  
34 construed to mean that an eligible adult is a victim of neglect  
35 because of health care services provided or not provided by  
36 licensed health care professionals.



1 (h) "Provider agency" means any public or nonprofit agency  
2 in a planning and service area appointed by the regional  
3 administrative agency with prior approval by the Department on  
4 Aging to receive and assess reports of alleged or suspected  
5 abuse, neglect, or financial exploitation.

6 (i) "Regional administrative agency" means any public or  
7 nonprofit agency in a planning and service area so designated  
8 by the Department, provided that the designated Area Agency on  
9 Aging shall be designated the regional administrative agency if  
10 it so requests. The Department shall assume the functions of  
11 the regional administrative agency for any planning and service  
12 area where another agency is not so designated.

13 (j) "Substantiated case" means a reported case of alleged  
14 or suspected abuse, neglect, or financial exploitation in which  
15 a provider agency, after assessment, determines that there is  
16 reason to believe abuse, neglect, or financial exploitation has  
17 occurred.

18 (Source: P.A. 92-16, eff. 6-28-01; 93-281 eff. 12-31-03;  
19 93-300, eff. 1-1-04; revised 9-22-03.)

20 (320 ILCS 20/3.5)

21 Sec. 3.5. Other Responsibilities. The Department shall  
22 also be responsible for the following activities, contingent  
23 upon adequate funding:

24 (a) promotion of a wide range of endeavors for the purpose  
25 of preventing elder abuse, neglect, and financial exploitation  
26 in both domestic and institutional settings, including, but not  
27 limited to, promotion of public and professional education to  
28 increase awareness of elder abuse, neglect, and financial  
29 exploitation, to increase reports, and to improve response by  
30 various legal, financial, social, and health systems;

31 (b) coordination of efforts with other agencies, councils,  
32 and like entities, to include but not be limited to, the Office  
33 of the Attorney General, the State Police, the Illinois Law  
34 Enforcement Training Standards Board, the State Triad, the  
35 Illinois Criminal Justice Information Authority, the

1 Departments of Public Health, Public Aid, and Human Services,  
2 the Family Violence Coordinating Council, the Illinois  
3 Violence Prevention Authority, and other entities which may  
4 impact awareness of, and response to, elder abuse, neglect, and  
5 financial exploitation;

6 (c) collection and analysis of data;

7 (d) monitoring of the performance of regional  
8 administrative agencies and elder abuse provider agencies;

9 (e) promotion of prevention activities;

10 (f) establishing and coordinating ~~establishment and~~  
11 ~~coordination of a~~ an aggressive training program on ~~about~~ the  
12 unique nature of elder abuse cases with other agencies,  
13 councils, and like entities, to include ~~including~~ but not be  
14 limited to the Office of the Attorney General, the State  
15 Police, the Illinois Law Enforcement Training Standards Board,  
16 the State Triad, the Illinois Criminal Justice Information  
17 Authority, the State Departments of Public Health, Public Aid,  
18 and Human Services, the Family Violence Coordinating Council,  
19 the Illinois Violence Prevention Authority, and other entities  
20 that may impact awareness of<sup>r</sup> and response to<sup>r</sup> elder abuse,  
21 neglect, and financial exploitation;

22 (g) solicitation of financial institutions for the purpose  
23 of making information available to the general public warning  
24 of financial exploitation of the elderly and related financial  
25 fraud or abuse, including such information and warnings  
26 available through signage or other written materials provided  
27 by the Department on the premises of such financial  
28 institutions, provided that the manner of displaying or  
29 distributing such information is subject to the sole discretion  
30 of each financial institution; and

31 (h) coordinating ~~coordination of~~ efforts with utility and  
32 electric companies to send notices in utility bills to ~~which~~  
33 explain to persons 60 years of age or older their ~~elder~~ rights  
34 regarding telemarketing and home repair fraud ~~frauds~~.

35 (Source: P.A. 92-16, eff. 6-28-01; 93-300, eff. 1-1-04; 93-301,  
36 eff. 1-1-04; revised 1-23-04.)

1 (320 ILCS 20/7) (from Ch. 23, par. 6607)

2 Sec. 7. Review. All services provided to an eligible adult  
3 shall be reviewed by the provider agency on at least a  
4 quarterly basis for up to one year to determine whether the  
5 service care plan should be continued or modified, except that,  
6 upon review, the Department on Aging, ~~upon review,~~ may grant a  
7 waiver to extend the service care plan for up to one ~~an~~  
8 additional ~~one~~ year ~~period~~.

9 (Source: P.A. 93-300, eff. 1-1-04; 93-301, eff. 1-1-04; revised  
10 9-22-03.)

11 Section 460. The Senior Citizens and Disabled Persons  
12 Prescription Drug Discount Program Act is amended by  
13 renumbering Section 990 as follows:

14 (320 ILCS 55/90) (was 320 ILCS 55/990)

15 Sec. 90 ~~990~~. (Amendatory provisions; text omitted).

16 (Source: P.A. 93-18, eff. 7-1-03; text omitted; revised  
17 9-28-03.)

18 Section 465. The Lead Poisoning Prevention Act is amended  
19 by changing Section 14 as follows:

20 (410 ILCS 45/14) (from Ch. 111 1/2, par. 1314)

21 Sec. 14. Departmental regulations and activities. The  
22 Department shall establish and publish regulations and  
23 guidelines governing permissible limits of lead in and about  
24 residential buildings and dwellings.

25 The Department shall also initiate activities that:

26 (a) Will either provide for or support the monitoring and  
27 validation of all medical laboratories and, private and public  
28 hospitals that perform lead determination tests on human blood  
29 or other tissues. ~~+~~

30 (b) Will, subject to Section 7.2 of this Act, provide  
31 laboratory testing of blood specimens for lead content ~~+~~ to any

1 physician, hospital, clinic, free clinic, municipality, or  
2 private organization ~~organizations~~ that cannot secure or  
3 provide the services through other sources. The Department  
4 shall not assume responsibility for blood lead analysis  
5 required in programs currently in operation.†

6 (c) Will develop or encourage the development of  
7 appropriate programs and studies to identify sources of lead  
8 intoxication and assist other entities in the identification of  
9 lead in children's blood and the sources of that intoxication.†

10 (d) May provide technical assistance and consultation to  
11 local, county, or regional governmental or private agencies for  
12 the promotion and development of lead poisoning prevention  
13 programs.

14 (e) Will provide recommendations by the Department on the  
15 subject of identification and treatment of ~~for~~ lead poisoning.

16 (f) Will maintain a clearinghouse of information, and will  
17 develop additional educational materials, on (i) lead hazards  
18 to children, (ii) lead poisoning prevention, (iii) lead  
19 poisoning screening, (iv) lead mitigation, abatement, and  
20 disposal, and (v) ~~on~~ health hazards during abatement. The  
21 Department shall make this information available to the general  
22 public.

23 (Source: P.A. 87-175; 87-1144; revised 1-20-03.)

24 Section 470. The Sexual Assault Survivors Emergency  
25 Treatment Act is amended by changing Section 6.4 as follows:

26 (410 ILCS 70/6.4) (from Ch. 111 1/2, par. 87-6.4)

27 Sec. 6.4. Sexual assault evidence collection program.

28 (a) There is created a statewide sexual assault evidence  
29 collection program to facilitate the prosecution of persons  
30 accused of sexual assault. This program shall be administered  
31 by the Illinois State Police. The program shall consist of the  
32 following: (1) distribution of sexual assault evidence  
33 collection kits which have been approved by the Illinois State  
34 Police to hospitals that request them, or arranging for such

1 distribution by the manufacturer of the kits, (2) collection of  
2 the kits from hospitals after the kits have been used to  
3 collect evidence, (3) analysis of the collected evidence and  
4 conducting of laboratory tests, (4) maintaining the chain of  
5 custody and safekeeping of the evidence for use in a legal  
6 proceeding, and (5) the comparison of the collected evidence  
7 with the genetic marker grouping analysis information  
8 maintained by the Department of State Police under Section  
9 5-4-3 of the Unified Code of Corrections and with the  
10 information contained in the Federal Bureau of Investigation's  
11 National DNA database; provided the amount and quality of  
12 genetic marker grouping results obtained from the evidence in  
13 the sexual assault case meets the requirements of both the  
14 Department of State Police and the Federal Bureau of  
15 Investigation's Combined DNA Index System (CODIS) policies.  
16 The standardized evidence collection kit for the State of  
17 Illinois shall be the State Police Evidence Collection Kit,  
18 also known as "S.P.E.C.K.". A sexual assault evidence  
19 collection kit may not be released by a hospital without the  
20 written consent of the sexual assault survivor. In the case of  
21 a survivor who is a minor 13 years of age or older, evidence  
22 and information concerning the alleged sexual assault may be  
23 released at the written request of the minor. If the survivor  
24 is a minor who is under 13 years of age, evidence and  
25 information concerning the alleged sexual assault may be  
26 released at the written request of the parent, guardian,  
27 investigating law enforcement officer, or Department of  
28 Children and Family Services. Any health care professional,  
29 including any physician, advanced practice nurse, physician  
30 assistant, or nurse, sexual assault nurse examiner, and any  
31 health care institution, including any hospital, who provides  
32 evidence or information to a law enforcement officer pursuant  
33 to a written request as specified in this Section is immune  
34 from any civil or professional liability that might arise from  
35 those actions, with the exception of willful or wanton  
36 misconduct. The immunity provision applies only if all of the

1 requirements of this Section are met.

2 (a-5) All sexual assault evidence collected using the State  
3 Police Evidence Collection Kits before January 1, 2005 (the  
4 effective date of Public Act 93-781) ~~this amendatory Act of the~~  
5 ~~93rd General Assembly~~ that have not been previously analyzed  
6 and tested by the Department of State Police shall be analyzed  
7 and tested within 2 years after receipt of all necessary  
8 evidence and standards into the State Police Laboratory if  
9 sufficient staffing and resources are available. All sexual  
10 assault evidence collected using the State Police Evidence  
11 Collection Kits on or after January 1, 2005 (the effective date  
12 of Public Act 93-781) ~~this amendatory Act of the 93rd General~~  
13 ~~Assembly~~ shall be analyzed and tested by the Department of  
14 State Police within one year after receipt of all necessary  
15 evidence and standards into the State Police Laboratory if  
16 sufficient staffing and resources are available.

17 (b) The Illinois State Police shall administer a program to  
18 train hospitals and hospital personnel participating in the  
19 sexual assault evidence collection program, in the correct use  
20 and application of the sexual assault evidence collection kits.  
21 A sexual assault nurse examiner may conduct examinations using  
22 the sexual assault evidence collection kits, without the  
23 presence or participation of a physician. The Department of  
24 Public Health shall cooperate with the Illinois State Police in  
25 this program as it pertains to medical aspects of the evidence  
26 collection.

27 (c) In this Section, "sexual assault nurse examiner" means  
28 a registered nurse who has completed a sexual assault nurse  
29 examiner (SANE) training program that meets the Forensic Sexual  
30 Assault Nurse Examiner Education Guidelines established by the  
31 International Association of Forensic Nurses.

32 (Source: P.A. 92-514, eff. 1-1-02; 93-781, eff. 1-1-05; 93-962,  
33 eff. 8-20-04; revised 10-14-04.)

34 Section 475. The AIDS Confidentiality Act is amended by  
35 changing Section 3 as follows:

1 (410 ILCS 305/3) (from Ch. 111 1/2, par. 7303)

2 Sec. 3. When used in this Act:

3 (a) "Department" means the Illinois Department of Public  
4 Health.

5 (b) "AIDS" means acquired immunodeficiency syndrome.

6 (c) "HIV" means the Human Immunodeficiency Virus or any  
7 other identified causative agent of AIDS.

8 (d) "Written informed consent" means an agreement in  
9 writing executed by the subject of a test or the subject's  
10 legally authorized representative without undue inducement or  
11 any element of force, fraud, deceit, duress or other form of  
12 constraint or coercion, which entails at least the following:

13 (1) a fair explanation of the test, including its purpose,  
14 potential uses, limitations and the meaning of its results; and

15 (2) a fair explanation of the procedures to be followed,  
16 including the voluntary nature of the test, the right to  
17 withdraw consent to the testing process at any time, the right  
18 to anonymity to the extent provided by law with respect to  
19 participation in the test and disclosure of test results, and  
20 the right to confidential treatment of information identifying  
21 the subject of the test and the results of the test, to the  
22 extent provided by law.

23 (e) "Health facility" means a hospital, nursing home, blood  
24 bank, blood center, sperm bank, or other health care  
25 institution, including any "health facility" as that term is  
26 defined in the Illinois Finance Authority Act.

27 (f) "Health care provider" means any health care  
28 professional, nurse, paramedic, psychologist or other person  
29 providing medical, nursing, psychological, or other health  
30 care services of any kind.

31 (f-5) "Health care professional" means (i) a licensed  
32 physician, (ii) a physician assistant to whom the physician  
33 assistant's supervising physician has delegated the provision  
34 of AIDS and HIV-related health services, (iii) an advanced  
35 practice registered nurse who has a written collaborative

1 agreement with a collaborating physician which authorizes the  
2 provision of AIDS and HIV-related health services, (iv) a  
3 licensed dentist, (v) a licensed podiatrist, or (vi) an  
4 individual certified to provide HIV testing and counseling by a  
5 state or local public health department.

6 (g) "Test" or "HIV test" means a test to determine the  
7 presence of the antibody or antigen to HIV, or of HIV  
8 infection.

9 (h) "Person" includes any natural person, partnership,  
10 association, joint venture, trust, governmental entity, public  
11 or private corporation, health facility or other legal entity.

12 (Source: P.A. 93-205, eff. 1-1-04; 93-482, eff. 8-8-03; revised  
13 9-12-03.)

14 Section 480. The Environmental Protection Act is amended by  
15 changing Sections 5, 55.8, 57.2, 57.7, 57.8, 57.10, 57.13, and  
16 58.7 as follows:

17 (415 ILCS 5/5) (from Ch. 111 1/2, par. 1005)

18 Sec. 5. Pollution Control Board.

19 (a) There is hereby created an independent board to be  
20 known as the Pollution Control Board.

21 Until July 1, 2003 or when all of the new members to be  
22 initially appointed under this amendatory Act of the 93rd  
23 General Assembly have been appointed by the Governor, whichever  
24 occurs later, the Board shall consist of 7 technically  
25 qualified members, no more than 4 of whom may be of the same  
26 political party, to be appointed by the Governor with the  
27 advice and consent of the Senate.

28 The term of each appointed member of the Board who is in  
29 office on June 30, 2003 shall terminate at the close of  
30 business on that date or when all of the new members to be  
31 initially appointed under this amendatory Act of the 93rd  
32 General Assembly have been appointed by the Governor, whichever  
33 occurs later.

34 Beginning on July 1, 2003 or when all of the new members to



1 be initially appointed under this amendatory Act of the 93rd  
2 General Assembly have been appointed by the Governor, whichever  
3 occurs later, the Board shall consist of 5 technically  
4 qualified members, no more than 3 of whom may be of the same  
5 political party, to be appointed by the Governor with the  
6 advice and consent of the Senate. Members shall have verifiable  
7 technical, academic, or actual experience in the field of  
8 pollution control or environmental law and regulation.

9 Of the members initially appointed pursuant to this  
10 amendatory Act of the 93rd General Assembly, one shall be  
11 appointed for a term ending July 1, 2004, 2 shall be appointed  
12 for terms ending July 1, 2005, and 2 shall be appointed for  
13 terms ending July 1, 2006. Thereafter, all members shall hold  
14 office for 3 years from the first day of July in the year in  
15 which they were appointed, except in case of an appointment to  
16 fill a vacancy. In case of a vacancy in the office when the  
17 Senate is not in session, the Governor may make a temporary  
18 appointment until the next meeting of the Senate, when he or  
19 she shall nominate some person to fill such office; and any  
20 person so nominated, who is confirmed by the Senate, shall hold  
21 the office during the remainder of the term.

22 Members of the Board shall hold office until their  
23 respective successors have been appointed and qualified. Any  
24 member may resign from office, such resignation to take effect  
25 when a successor has been appointed and has qualified.

26 Board members shall be paid \$37,000 per year or an amount  
27 set by the Compensation Review Board, whichever is greater, and  
28 the Chairman shall be paid \$43,000 per year or an amount set by  
29 the Compensation Review Board, whichever is greater. Each  
30 member shall devote his or her entire time to the duties of the  
31 office, and shall hold no other office or position of profit,  
32 nor engage in any other business, employment, or vocation. Each  
33 member shall be reimbursed for expenses necessarily incurred  
34 and shall make a financial disclosure upon appointment.

35 Each Board member may employ one secretary and one  
36 assistant, and the Chairman one secretary and 2 assistants. The

1 Board also may employ and compensate hearing officers to  
2 preside at hearings under this Act, and such other personnel as  
3 may be necessary. Hearing officers shall be attorneys licensed  
4 to practice law in Illinois.

5 The Board may have an Executive Director; if so, the  
6 Executive Director shall be appointed by the Governor with the  
7 advice and consent of the Senate. The salary and duties of the  
8 Executive Director shall be fixed by the Board.

9 The Governor shall designate one Board member to be  
10 Chairman, who shall serve at the pleasure of the Governor.

11 The Board shall hold at least one meeting each month and  
12 such additional meetings as may be prescribed by Board rules.  
13 In addition, special meetings may be called by the Chairman or  
14 by any 2 Board members, upon delivery of 24 hours written  
15 notice to the office of each member. All Board meetings shall  
16 be open to the public, and public notice of all meetings shall  
17 be given at least 24 hours in advance of each meeting. In  
18 emergency situations in which a majority of the Board certifies  
19 that exigencies of time require the requirements of public  
20 notice and of 24 hour written notice to members may be  
21 dispensed with, and Board members shall receive such notice as  
22 is reasonable under the circumstances.

23 If there is no vacancy on the Board, 4 members of the Board  
24 shall constitute a quorum to transact business; otherwise, a  
25 majority of the Board shall constitute a quorum to transact  
26 business, and no vacancy shall impair the right of the  
27 remaining members to exercise all of the powers of the Board.  
28 Every action approved by a majority of the members of the Board  
29 shall be deemed to be the action of the Board. The Board shall  
30 keep a complete and accurate record of all its meetings.

31 (b) The Board shall determine, define and implement the  
32 environmental control standards applicable in the State of  
33 Illinois and may adopt rules and regulations in accordance with  
34 Title VII of this Act.

35 (c) The Board shall have authority to act for the State in  
36 regard to the adoption of standards for submission to the

1 United States under any federal law respecting environmental  
2 protection. Such standards shall be adopted in accordance with  
3 Title VII of the Act and upon adoption shall be forwarded to  
4 the Environmental Protection Agency for submission to the  
5 United States pursuant to subsections (l) and (m) of Section 4  
6 of this Act. Nothing in this paragraph shall limit the  
7 discretion of the Governor to delegate authority granted to the  
8 Governor under any federal law.

9 (d) The Board shall have authority to conduct proceedings  
10 upon complaints charging violations of this Act, any rule or  
11 regulation adopted under this Act, any permit or term or  
12 condition of a permit, or any Board order; upon administrative  
13 citations; upon petitions for variances or adjusted standards;  
14 upon petitions for review of the Agency's final determinations  
15 on permit applications in accordance with Title X of this Act;  
16 upon petitions to remove seals under Section 34 of this Act;  
17 and upon other petitions for review of final determinations  
18 which are made pursuant to this Act or Board rule and which  
19 involve a subject which the Board is authorized to regulate.  
20 The Board may also conduct other proceedings as may be provided  
21 by this Act or any other statute or rule.

22 (e) In connection with any proceeding pursuant to  
23 subsection (b) or (d) of this Section, the Board may subpoena  
24 and compel the attendance of witnesses and the production of  
25 evidence reasonably necessary to resolution of the matter under  
26 consideration. The Board shall issue such subpoenas upon the  
27 request of any party to a proceeding under subsection (d) of  
28 this Section or upon its own motion.

29 (f) The Board may prescribe reasonable fees for permits  
30 required pursuant to this Act. Such fees in the aggregate may  
31 not exceed the total cost to the Agency for its inspection and  
32 permit systems. The Board may not prescribe any permit fees  
33 which are different in amount from those established by this  
34 Act.

35 (Source: P.A. 92-574, eff. 6-26-02; 93-152, eff. 7-10-03;  
36 93-509, eff. 8-11-03; revised 9-11-03.)

1 (415 ILCS 5/55.8) (from Ch. 111 1/2, par. 1055.8)

2 Sec. 55.8. Tire retailers.

3 (a) ~~Beginning July 1, 1992,~~ Any person selling new or used  
4 tires at retail or offering new or used tires for retail sale  
5 in this State shall:

6 (1) beginning on June 20, 2003 (the effective date of  
7 Public Act 93-32), collect from retail customers a fee of  
8 \$2 per new or ~~and~~ used tire sold and delivered in this  
9 State, to be paid to the Department of Revenue and  
10 deposited into the Used Tire Management Fund, less a  
11 collection allowance of 10 cents per tire to be retained by  
12 the retail seller and a collection allowance of 10 cents  
13 per tire to be retained by the Department of Revenue and  
14 paid into the General Revenue Fund;

15 (1.5) beginning on July 1, 2003, collect from retail  
16 customers an additional 50 cents per new or used tire sold  
17 and delivered in this State. The money collected from this  
18 fee shall be deposited into the Emergency Public Health  
19 Fund. This fee shall no longer be collected beginning on  
20 January 1, 2008;~~;~~

21 (2) accept for recycling used tires from customers, at  
22 the point of transfer, in a quantity equal to the number of  
23 new tires purchased; and

24 (3) post in a conspicuous place a written notice at  
25 least 8.5 by 11 inches in size that includes the universal  
26 recycling symbol and the following statements: "DO NOT put  
27 used tires in the trash."; "Recycle your used tires."; and  
28 "State law requires us to accept used tires for recycling,  
29 in exchange for new tires purchased."

30 (b) A person who accepts used tires for recycling under  
31 subsection (a) shall not allow the tires to accumulate for  
32 periods of more than 90 days.

33 (c) The requirements of subsection (a) of this Section do  
34 not apply to mail order sales nor shall the retail sale of a  
35 motor vehicle be considered to be the sale of tires at retail

1 or offering of tires for retail sale. Instead of filing  
2 returns, retailers of tires may remit the tire user fee of  
3 \$1.00 per tire to their suppliers of tires if the supplier of  
4 tires is a registered retailer of tires and agrees or otherwise  
5 arranges to collect and remit the tire fee to the Department of  
6 Revenue, notwithstanding the fact that the sale of the tire is  
7 a sale for resale and not a sale at retail. A tire supplier who  
8 enters into such an arrangement with a tire retailer shall be  
9 liable for the tax on all tires sold to the tire retailer and  
10 must (i) provide the tire retailer with a receipt that  
11 separately reflects the tire tax collected from the retailer on  
12 each transaction and (ii) accept used tires for recycling from  
13 the retailer's customers. The tire supplier shall be entitled  
14 to the collection allowance of 10 cents per tire.

15 The retailer of the tires must maintain in its books and  
16 records evidence that the appropriate fee was paid to the tire  
17 supplier and that the tire supplier has agreed to remit the fee  
18 to the Department of Revenue for each tire sold by the  
19 retailer. Otherwise, the tire retailer shall be directly liable  
20 for the fee on all tires sold at retail. Tire retailers paying  
21 the fee to their suppliers are not entitled to the collection  
22 allowance of 10 cents per tire.

23 (d) The requirements of subsection (a) of this Section  
24 shall apply exclusively to tires to be used for vehicles  
25 defined in Section 1-217 of the Illinois Vehicle Code, aircraft  
26 tires, special mobile equipment, and implements of husbandry.

27 (e) The requirements of paragraph (1) of subsection (a) do  
28 not apply to the sale of reprocessed tires. For purposes of  
29 this Section, "reprocessed tire" means a used tire that has  
30 been recapped, retreaded, or regrooved and that has not been  
31 placed on a vehicle wheel rim.

32 (Source: P.A. 93-32, eff. 6-20-03; 93-52, eff. 6-30-03; revised  
33 10-13-03.)

34 (415 ILCS 5/57.2)

35 Sec. 57.2. Definitions. As used in this Title:

1 "Audit" means a systematic inspection or examination of  
2 plans, reports, records, or documents to determine the  
3 completeness and accuracy of the data and conclusions contained  
4 therein.

5 "Bodily injury" means bodily injury, sickness, or disease  
6 sustained by a person, including death at any time, resulting  
7 from a release of petroleum from an underground storage tank.

8 "Release" means any spilling, leaking, emitting,  
9 discharging, escaping, leaching or disposing of petroleum from  
10 an underground storage tank into groundwater, surface water or  
11 subsurface soils.

12 "Fill material" means non-native or disturbed materials  
13 used to bed and backfill around an underground storage tank.

14 "Fund" means the Underground Storage Tank Fund.

15 "Heating Oil" means petroleum that is No. 1, No. 2, No. 4 -  
16 light, No. 4 - heavy, No. 5 - light, No. 5 - heavy or No. 6  
17 technical grades of fuel oil; and other residual fuel oils  
18 including Navy Special Fuel Oil and Bunker C.

19 "Indemnification" means indemnification of an owner or  
20 operator for the amount of any judgment entered against the  
21 owner or operator in a court of law, for the amount of any  
22 final order or determination made against the owner or operator  
23 by an agency of State government or any subdivision thereof, or  
24 for the amount of any settlement entered into by the owner or  
25 operator, if the judgment, order, determination, or settlement  
26 arises out of bodily injury or property damage suffered as a  
27 result of a release of petroleum from an underground storage  
28 tank owned or operated by the owner or operator.

29 "Corrective action" means activities associated with  
30 compliance with the provisions of Sections 57.6 and 57.7 of  
31 this Title.

32 "Occurrence" means an accident, including continuous or  
33 repeated exposure to conditions, that results in a sudden or  
34 nonsudden release from an underground storage tank.

35 When used in connection with, or when otherwise relating  
36 to, underground storage tanks, the terms "facility", "owner",

1 "operator", "underground storage tank", "(UST)", "petroleum"  
2 and "regulated substance" shall have the meanings ascribed to  
3 them in Subtitle I of the Hazardous and Solid Waste Amendments  
4 of 1984 (P.L. 98-616), of the Resource Conservation and  
5 Recovery Act of 1976 (P.L. 94-580); provided however that the  
6 term "underground storage tank" shall also mean an underground  
7 storage tank used exclusively to store heating oil for  
8 consumptive use on the premises where stored and which serves  
9 other than a farm or residential unit.

10 "Licensed Professional Engineer" means a person,  
11 corporation, or partnership licensed under the laws of the  
12 State of Illinois to practice professional engineering.

13 "Licensed Professional Geologist" means a person licensed  
14 under the laws of the State of Illinois to practice as a  
15 professional geologist.

16 "Site" means any single location, place, tract of land or  
17 parcel of property including contiguous property not separated  
18 by a public right-of-way.

19 "Site investigation" means activities associated with  
20 compliance with the provisions of subsection (a) of Section  
21 57.7.

22 "Property damage" means physical injury to, destruction  
23 of, or contamination of tangible property, including all  
24 resulting loss of use of that property; or loss of use of  
25 tangible property that is not physically injured, destroyed, or  
26 contaminated, but has been evacuated, withdrawn from use, or  
27 rendered inaccessible because of a release of petroleum from an  
28 underground storage tank.

29 "Class I Groundwater" means groundwater that meets the  
30 Class I: Potable Resource Groundwater criteria set forth in the  
31 Board regulations adopted pursuant to the Illinois Groundwater  
32 Protection Act.

33 "Class III Groundwater" means groundwater that meets the  
34 Class III: Special Resource Groundwater criteria set forth in  
35 the Board regulations adopted pursuant to the Illinois  
36 Groundwater Protection Act.

1 (Source: P.A. 92-554, eff. 6-24-02; 92-735, eff. 7-25-02;  
2 revised 9-9-02.)

3 (415 ILCS 5/57.7)

4 Sec. 57.7. Leaking underground storage tanks; site  
5 investigation and corrective action.

6 (a) Site investigation.

7 (1) For any site investigation activities required by  
8 statute or rule, the owner or operator shall submit to the  
9 Agency for approval a site investigation plan designed to  
10 determine the nature, concentration, direction of  
11 movement, rate of movement, and extent of the contamination  
12 as well as the significant physical features of the site  
13 and surrounding area that may affect contaminant transport  
14 and risk to human health and safety and the environment.

15 (2) Any owner or operator intending to seek payment  
16 from the Fund shall submit to the Agency for approval a  
17 site investigation budget that includes, but is not limited  
18 to, an accounting of all costs associated with the  
19 implementation and completion of the site investigation  
20 plan.

21 (3) Remediation objectives for the applicable  
22 indicator contaminants shall be determined using the  
23 tiered approach to corrective action objectives rules  
24 adopted by the Board pursuant to this Title and Title XVII  
25 of this Act. For the purposes of this Title, "Contaminant  
26 of Concern" or "Regulated Substance of Concern" in the  
27 rules means the applicable indicator contaminants set  
28 forth in subsection (d) of this Section and the rules  
29 adopted thereunder.

30 (4) Upon the Agency's approval of a site investigation  
31 plan, or as otherwise directed by the Agency, the owner or  
32 operator shall conduct a site investigation in accordance  
33 with the plan.

34 (5) Within 30 days after completing the site  
35 investigation, the owner or operator shall submit to the



1 Agency for approval a site investigation completion  
2 report. At a minimum the report shall include all of the  
3 following:

4 (A) Executive summary.

5 (B) Site history.

6 (C) Site-specific sampling methods and results.

7 (D) Documentation of all field activities,  
8 including quality assurance.

9 (E) Documentation regarding the development of  
10 proposed remediation objectives.

11 (F) Interpretation of results.

12 (G) Conclusions.

13 (b) Corrective action.

14 (1) If the site investigation confirms none of the  
15 applicable indicator contaminants exceed the proposed  
16 remediation objectives, within 30 days after completing  
17 the site investigation the owner or operator shall submit  
18 to the Agency for approval a corrective action completion  
19 report in accordance with this Section.

20 (2) If any of the applicable indicator contaminants  
21 exceed the remediation objectives approved for the site,  
22 within 30 days after the Agency approves the site  
23 investigation completion report the owner or operator  
24 shall submit to the Agency for approval a corrective action  
25 plan designed to mitigate any threat to human health, human  
26 safety, or the environment resulting from the underground  
27 storage tank release. The plan shall describe the selected  
28 remedy and evaluate its ability and effectiveness to  
29 achieve the remediation objectives approved for the site.  
30 At a minimum, the report shall include all of the  
31 following:

32 (A) Executive summary.

33 (B) Statement of remediation objectives.

34 (C) Remedial technologies selected.

35 (D) Confirmation sampling plan.

36 (E) Current and projected future use of the

1 property.

2 (F) Applicable preventive, engineering, and  
3 institutional controls including long-term  
4 reliability, operating, and maintenance plans, and  
5 monitoring procedures.

6 (G) A schedule for implementation and completion  
7 of the plan.

8 (3) Any owner or operator intending to seek payment  
9 from the Fund shall submit to the Agency for approval a  
10 corrective action budget that includes, but is not limited  
11 to, an accounting of all costs associated with the  
12 implementation and completion of the corrective action  
13 plan.

14 (4) Upon the Agency's approval of a corrective action  
15 plan, or as otherwise directed by the Agency, the owner or  
16 operator shall proceed with corrective action in  
17 accordance with the plan.

18 (5) Within 30 days after the completion of a corrective  
19 action plan that achieves applicable remediation  
20 objectives the owner or operator shall submit to the Agency  
21 for approval a corrective action completion report. The  
22 report shall demonstrate whether corrective action was  
23 completed in accordance with the approved corrective  
24 action plan and whether the remediation objectives  
25 approved for the site, as well as any other requirements of  
26 the plan, have been achieved.

27 (6) If within 4 years after the approval of any  
28 corrective action plan the applicable remediation  
29 objectives have not been achieved and the owner or operator  
30 has not submitted a corrective action completion report,  
31 the owner or operator must submit a status report for  
32 Agency review. The status report must include, but is not  
33 limited to, a description of the remediation activities  
34 taken to date, the effectiveness of the method of  
35 remediation being used, the likelihood of meeting the  
36 applicable remediation objectives using the current method

1 of remediation, and the date the applicable remediation  
2 objectives are expected to be achieved.

3 (7) If the Agency determines any approved corrective  
4 action plan will not achieve applicable remediation  
5 objectives within a reasonable time, based upon the method  
6 of remediation and site specific circumstances, the Agency  
7 may require the owner or operator to submit to the Agency  
8 for approval a revised corrective action plan. If the owner  
9 or operator intends to seek payment from the Fund, the  
10 owner or operator must also submit a revised budget.

11 ~~or Licensed Professional Geologist or Licensed Professional~~  
12 ~~Geologist or Licensed Professional Geologist or Licensed~~  
13 ~~Professional Geologist or Licensed Professional Geologist or~~  
14 ~~Licensed Professional Geologist or Licensed Professional~~  
15 ~~Geologist or Licensed Professional Geologist or Licensed~~  
16 ~~Professional Geologist or Licensed Professional Geologist~~

17 (c) Agency review and approval.

18 (1) Agency approval of any plan and associated budget,  
19 as described in this subsection (c), shall be considered  
20 final approval for purposes of seeking and obtaining  
21 payment from the Underground Storage Tank Fund if the costs  
22 associated with the completion of any such plan are less  
23 than or equal to the amounts approved in such budget.

24 (2) In the event the Agency fails to approve,  
25 disapprove, or modify any plan or report submitted pursuant  
26 to this Title in writing within 120 days of the receipt by  
27 the Agency, the plan or report shall be considered to be  
28 rejected by operation of law for purposes of this Title and  
29 rejected for purposes of payment from the Underground  
30 Storage Tank Fund.

31 (A) For purposes of those plans as identified in  
32 paragraph (5) of this subsection (c), the Agency's  
33 review may be an audit procedure. Such review or audit  
34 shall be consistent with the procedure for such review  
35 or audit as promulgated by the Board under Section  
36 57.14. The Agency has the authority to establish an

1 auditing program to verify compliance of such plans  
2 with the provisions of this Title.

3 (B) For purposes of corrective action plans  
4 submitted pursuant to subsection (b) of this Section  
5 for which payment from the Fund is not being sought,  
6 the Agency need not take action on such plan until 120  
7 days after it receives the corrective action  
8 completion report required under subsection (b) of  
9 this Section. In the event the Agency approved the  
10 plan, it shall proceed under the provisions of this  
11 subsection (c).

12 (3) In approving any plan submitted pursuant to  
13 subsection (a) or (b) of this Section, the Agency shall  
14 determine, by a procedure promulgated by the Board under  
15 Section 57.14, that the costs associated with the plan are  
16 reasonable, will be incurred in the performance of site  
17 investigation or corrective action, and will not be used  
18 for site investigation or corrective action activities in  
19 excess of those required to meet the minimum requirements  
20 of this Title.

21 (4) For any plan or report received after June 24,  
22 ~~September 13,~~ 2002, any action by the Agency to disapprove  
23 or modify a plan submitted pursuant to this Title shall be  
24 provided to the owner or operator in writing within 120  
25 days of the receipt by the Agency or, in the case of a site  
26 investigation plan or corrective action plan for which  
27 payment is not being sought, within 120 days of receipt of  
28 the site investigation completion report or corrective  
29 action completion report, respectively, and shall be  
30 accompanied by:

31 (A) an explanation of the Sections of this Act  
32 which may be violated if the plans were approved;

33 (B) an explanation of the provisions of the  
34 regulations, promulgated under this Act, which may be  
35 violated if the plan were approved;

36 (C) an explanation of the specific type of

1 information, if any, which the Agency deems the  
2 applicant did not provide the Agency; and

3 (D) a statement of specific reasons why the Act and  
4 the regulations might not be met if the plan were  
5 approved.

6 Any action by the Agency to disapprove or modify a plan  
7 or report or the rejection of any plan or report by  
8 operation of law shall be subject to appeal to the Board in  
9 accordance with the procedures of Section 40. If the owner  
10 or operator elects to incorporate modifications required  
11 by the Agency rather than appeal, an amended plan shall be  
12 submitted to the Agency within 35 days of receipt of the  
13 Agency's written notification.

14 (5) For purposes of this Title, the term "plan" shall  
15 include:

16 (A) Any site investigation plan submitted pursuant  
17 to subsection (a) of this Section;

18 (B) Any site investigation budget submitted  
19 pursuant to subsection (a) of this Section;

20 (C) Any corrective action plan submitted pursuant  
21 to subsection (b) of this Section; or

22 (D) Any corrective action plan budget submitted  
23 pursuant to subsection (b) of this Section.

24 (d) For purposes of this Title, the term "indicator  
25 contaminant" shall mean, unless and until the Board promulgates  
26 regulations to the contrary, the following: (i) if an  
27 underground storage tank contains gasoline, the indicator  
28 parameter shall be BTEX and Benzene; (ii) if the tank contained  
29 petroleum products consisting of middle distillate or heavy  
30 ends, then the indicator parameter shall be determined by a  
31 scan of PNA's taken from the location where contamination is  
32 most likely to be present; and (iii) if the tank contained used  
33 oil, then the indicator contaminant shall be those chemical  
34 constituents which indicate the type of petroleum stored in an  
35 underground storage tank. All references in this Title to  
36 groundwater objectives shall mean Class I groundwater

1 standards or objectives as applicable.

2 (e) (1) Notwithstanding the provisions of this Section, an  
3 owner or operator may proceed to conduct site investigation  
4 or corrective action prior to the submittal or approval of  
5 an otherwise required plan. If the owner or operator elects  
6 to so proceed, an applicable plan shall be filed with the  
7 Agency at any time. Such plan shall detail the steps taken  
8 to determine the type of site investigation or corrective  
9 action which was necessary at the site along with the site  
10 investigation or corrective action taken or to be taken, in  
11 addition to costs associated with activities to date and  
12 anticipated costs.

13 (2) Upon receipt of a plan submitted after activities  
14 have commenced at a site, the Agency shall proceed to  
15 review in the same manner as required under this Title. In  
16 the event the Agency disapproves all or part of the costs,  
17 the owner or operator may appeal such decision to the  
18 Board. The owner or operator shall not be eligible to be  
19 reimbursed for such disapproved costs unless and until the  
20 Board determines that such costs were eligible for payment.

21 (f) All investigations, plans, and reports conducted or  
22 prepared under this Section shall be conducted or prepared  
23 under the supervision of a licensed professional engineer and  
24 in accordance with the requirements of this Title.

25 (Source: P.A. 92-554, eff. 6-24-02; 92-574, eff. 6-26-02;  
26 92-651, eff. 7-11-02; 92-735, eff. 7-25-02; revised 10-3-02.)

27 (415 ILCS 5/57.8)

28 Sec. 57.8. Underground Storage Tank Fund; payment; options  
29 for State payment; deferred correction election to commence  
30 corrective action upon availability of funds. If an owner or  
31 operator is eligible to access the Underground Storage Tank  
32 Fund pursuant to an Office of State Fire Marshal  
33 eligibility/deductible final determination letter issued in  
34 accordance with Section 57.9, the owner or operator may submit  
35 a complete application for final or partial payment to the

1 Agency for activities taken in response to a confirmed release.  
2 An owner or operator may submit a request for partial or final  
3 payment regarding a site no more frequently than once every 90  
4 days.

5 (a) Payment after completion of corrective action  
6 measures. The owner or operator may submit an application for  
7 payment for activities performed at a site after completion of  
8 the requirements of Sections 57.6 and 57.7, or after completion  
9 of any other required activities at the underground storage  
10 tank site.

11 (1) In the case of any approved plan and budget for  
12 which payment is being sought, the Agency shall make a  
13 payment determination within 120 days of receipt of the  
14 application. Such determination shall be considered a  
15 final decision. The Agency's review shall be limited to  
16 generally accepted auditing and accounting practices. In  
17 no case shall the Agency conduct additional review of any  
18 plan which was completed within the budget, beyond auditing  
19 for adherence to the corrective action measures in the  
20 proposal. If the Agency fails to approve the payment  
21 application within 120 days, such application shall be  
22 deemed approved by operation of law and the Agency shall  
23 proceed to reimburse the owner or operator the amount  
24 requested in the payment application. However, in no event  
25 shall the Agency reimburse the owner or operator an amount  
26 greater than the amount approved in the plan.

27 (2) If sufficient funds are available in the  
28 Underground Storage Tank Fund, the Agency shall, within 60  
29 days, forward to the Office of the State Comptroller a  
30 voucher in the amount approved under the payment  
31 application.

32 (3) In the case of insufficient funds, the Agency shall  
33 form a priority list for payment and shall notify persons  
34 in such priority list monthly of the availability of funds  
35 and when payment shall be made. Payment shall be made to  
36 the owner or operator at such time as sufficient funds

1           become available for the costs associated with site  
2           investigation and corrective action and costs expended for  
3           activities performed where no proposal is required, if  
4           applicable. Such priority list shall be available to any  
5           owner or operator upon request. Priority for payment shall  
6           be determined by the date the Agency receives a complete  
7           request for partial or final payment. Upon receipt of  
8           notification from the Agency that the requirements of this  
9           Title have been met, the Comptroller shall make payment to  
10          the owner or operator of the amount approved by the Agency,  
11          if sufficient money exists in the Fund. If there is  
12          insufficient money in the Fund, then payment shall not be  
13          made. If the owner or operator appeals a final Agency  
14          payment determination and it is determined that the owner  
15          or operator is eligible for payment or additional payment,  
16          the priority date for the payment or additional payment  
17          shall be the same as the priority date assigned to the  
18          original request for partial or final payment.

19           (4) Any deductible, as determined pursuant to the  
20          Office of the State Fire Marshal's eligibility and  
21          deductibility final determination in accordance with  
22          Section 57.9, shall be subtracted from any payment invoice  
23          paid to an eligible owner or operator. Only one deductible  
24          shall apply per underground storage tank site.

25           (5) In the event that costs are or will be incurred in  
26          addition to those approved by the Agency, or after payment,  
27          the owner or operator may submit successive plans  
28          containing amended budgets. The requirements of Section  
29          57.7 shall apply to any amended plans.

30           (6) For purposes of this Section, a complete  
31          application shall consist of:

32           (A) A certification from a Licensed Professional  
33          Engineer or Licensed Professional Geologist as  
34          required under this Title and acknowledged by the owner  
35          or operator.

36           (B) A statement of the amounts approved in the



1 budget and the amounts actually sought for payment  
2 along with a certified statement by the owner or  
3 operator that the amounts so sought were expended in  
4 conformance with the approved budget.

5 (C) A copy of the Office of the State Fire  
6 Marshal's eligibility and deductibility determination.

7 (D) Proof that approval of the payment requested  
8 will not result in the limitations set forth in  
9 subsection (g) of this Section being exceeded.

10 (E) A federal taxpayer identification number and  
11 legal status disclosure certification on a form  
12 prescribed and provided by the Agency.

13 (b) Commencement of site investigation or corrective  
14 action upon availability of funds. The Board shall adopt  
15 regulations setting forth procedures based on risk to human  
16 health or the environment under which the owner or operator who  
17 has received approval for any budget plan submitted pursuant to  
18 Section 57.7, and who is eligible for payment from the  
19 Underground Storage Tank Fund pursuant to an Office of the  
20 State Fire Marshal eligibility and deductibility  
21 determination, may elect to defer site investigation or  
22 corrective action activities until funds are available in an  
23 amount equal to the amount approved in the budget. The  
24 regulations shall establish criteria based on risk to human  
25 health or the environment to be used for determining on a  
26 site-by-site basis whether deferral is appropriate. The  
27 regulations also shall establish the minimum investigatory  
28 requirements for determining whether the risk based criteria  
29 are present at a site considering deferral and procedures for  
30 the notification of owners or operators of insufficient funds,  
31 Agency review of request for deferral, notification of Agency  
32 final decisions, returning deferred sites to active status, and  
33 earmarking of funds for payment.

34 (c) When the owner or operator requests indemnification for  
35 payment of costs incurred as a result of a release of petroleum  
36 from an underground storage tank, if the owner or operator has

1 satisfied the requirements of subsection (a) of this Section,  
2 the Agency shall forward a copy of the request to the Attorney  
3 General. The Attorney General shall review and approve the  
4 request for indemnification if:

5 (1) there is a legally enforceable judgment entered  
6 against the owner or operator and such judgment was entered  
7 due to harm caused by a release of petroleum from an  
8 underground storage tank and such judgment was not entered  
9 as a result of fraud; or

10 (2) a settlement with a third party due to a release of  
11 petroleum from an underground storage tank is reasonable.

12 (d) Notwithstanding any other provision of this Title, the  
13 Agency shall not approve payment to an owner or operator from  
14 the Fund for costs of corrective action or indemnification  
15 incurred during a calendar year in excess of the following  
16 aggregate amounts based on the number of petroleum underground  
17 storage tanks owned or operated by such owner or operator in  
18 Illinois.

19	Amount	Number of Tanks
20	\$2,000,000 .....	fewer than 101
21	\$3,000,000 .....	101 or more

22 (1) Costs incurred in excess of the aggregate amounts  
23 set forth in paragraph (1) of this subsection shall not be  
24 eligible for payment in subsequent years.

25 (2) For purposes of this subsection, requests  
26 submitted by any of the agencies, departments, boards,  
27 committees or commissions of the State of Illinois shall be  
28 acted upon as claims from a single owner or operator.

29 (3) For purposes of this subsection, owner or operator  
30 includes (i) any subsidiary, parent, or joint stock company  
31 of the owner or operator and (ii) any company owned by any  
32 parent, subsidiary, or joint stock company of the owner or  
33 operator.

34 (e) Costs of corrective action or indemnification incurred  
35 by an owner or operator which have been paid to an owner or  
36 operator under a policy of insurance, another written

1 agreement, or a court order are not eligible for payment under  
2 this Section. An owner or operator who receives payment under a  
3 policy of insurance, another written agreement, or a court  
4 order shall reimburse the State to the extent such payment  
5 covers costs for which payment was received from the Fund. Any  
6 monies received by the State under this subsection (e) shall be  
7 deposited into the Fund.

8 (f) (Blank.)

9 (g) The Agency shall not approve any payment from the Fund  
10 to pay an owner or operator:

11 (1) for costs of corrective action incurred by such  
12 owner or operator in an amount in excess of \$1,500,000 per  
13 occurrence; and

14 (2) for costs of indemnification of such owner or  
15 operator in an amount in excess of \$1,500,000 per  
16 occurrence.

17 (h) Payment of any amount from the Fund for corrective  
18 action or indemnification shall be subject to the State  
19 acquiring by subrogation the rights of any owner, operator, or  
20 other person to recover the costs of corrective action or  
21 indemnification for which the Fund has compensated such owner,  
22 operator, or person from the person responsible or liable for  
23 the release.

24 (i) If the Agency refuses to pay or authorizes only a  
25 partial payment, the affected owner or operator may petition  
26 the Board for a hearing in the manner provided for the review  
27 of permit decisions in Section 40 of this Act.

28 (j) Costs of corrective action or indemnification incurred  
29 by an owner or operator prior to July 28, 1989, shall not be  
30 eligible for payment or reimbursement under this Section.

31 (k) The Agency shall not pay costs of corrective action or  
32 indemnification incurred before providing notification of the  
33 release of petroleum in accordance with the provisions of this  
34 Title.

35 (l) Corrective action does not include legal defense costs.  
36 Legal defense costs include legal costs for seeking payment

1 under this Title unless the owner or operator prevails before  
2 the Board in which case the Board may authorize payment of  
3 legal fees.

4 (m) The Agency may apportion payment of costs for plans  
5 submitted under Section 57.7 if:

6 (1) the owner or operator was deemed eligible to access  
7 the Fund for payment of corrective action costs for some,  
8 but not all, of the underground storage tanks at the site;  
9 and

10 (2) the owner or operator failed to justify all costs  
11 attributable to each underground storage tank at the site.

12 (n) The Agency shall not pay costs associated with a  
13 corrective action plan incurred after the Agency provides  
14 notification to the owner or operator pursuant to item (7) of  
15 subsection (b) of Section 57.7 that a revised corrective action  
16 plan is required. Costs associated with any subsequently  
17 approved corrective action plan shall be eligible for  
18 reimbursement if they meet the requirements of this Title.

19 (Source: P.A. 91-357, eff. 7-29-99; 92-554, eff. 6-24-02;  
20 92-574, eff. 6-26-02; 92-735, eff. 7-25-02; revised 10-3-02.)

21 (415 ILCS 5/57.10)

22 Sec. 57.10. Professional Engineer or Professional  
23 Geologist certification; presumptions against liability.

24 (a) Within 120 days of the Agency's receipt of a corrective  
25 action completion report, the Agency shall issue to the owner  
26 or operator a "no further remediation letter" unless the Agency  
27 has requested a modification, issued a rejection under  
28 subsection (d) of this Section, or the report has been rejected  
29 by operation of law.

30 (b) By certifying such a statement, a Licensed Professional  
31 Engineer or Licensed Professional Geologist shall in no way be  
32 liable thereon, unless the engineer or geologist gave such  
33 certification despite his or her actual knowledge that the  
34 performed measures were not in compliance with applicable  
35 statutory or regulatory requirements or any plan submitted to

1 the Agency.

2 (c) The Agency's issuance of a no further remediation  
3 letter shall signify, based on the certification of the  
4 Licensed Professional Engineer, that:

5 (1) all statutory and regulatory corrective action  
6 requirements applicable to the occurrence have been  
7 complied with;

8 (2) all corrective action concerning the remediation  
9 of the occurrence has been completed; and

10 (3) no further corrective action concerning the  
11 occurrence is necessary for the protection of human health,  
12 safety and the environment.

13 (d) The no further remediation letter issued under this  
14 Section shall apply in favor of the following parties:

15 (1) The owner or operator to whom the letter was  
16 issued.

17 (2) Any parent corporation or subsidiary of such owner  
18 or operator.

19 (3) Any co-owner or co-operator, either by joint  
20 tenancy, right-of-survivorship, or any other party sharing  
21 a legal relationship with the owner or operator to whom the  
22 letter is issued.

23 (4) Any holder of a beneficial interest of a land trust  
24 or inter vivos trust whether revocable or irrevocable.

25 (5) Any mortgagee or trustee of a deed of trust of such  
26 owner or operator.

27 (6) Any successor-in-interest of such owner or  
28 operator.

29 (7) Any transferee of such owner or operator whether  
30 the transfer was by sale, bankruptcy proceeding,  
31 partition, dissolution of marriage, settlement or  
32 adjudication of any civil action, charitable gift, or  
33 bequest.

34 (8) Any heir or devisee or such owner or operator.

35 (e) If the Agency notifies the owner or operator that the  
36 "no further remediation" letter has been rejected, the grounds

1 for such rejection shall be described in the notice. Such a  
2 decision shall be a final determination which may be appealed  
3 by the owner or operator.

4 (f) The Board shall adopt rules setting forth the criteria  
5 under which the Agency may require an owner or operator to  
6 conduct further investigation or remediation related to a  
7 release for which a no further remediation letter has been  
8 issued.

9 (g) Holders of security interests in sites subject to the  
10 requirements of this Title XVI shall be entitled to the same  
11 protections and subject to the same responsibilities provided  
12 under general regulations promulgated under Subtitle I of the  
13 Hazardous and Solid Waste Amendments of 1984 (P.L. 98-616) of  
14 the Resource Conservation and Recovery Act of 1976 (P.L.  
15 94-580).

16 (Source: P.A. 92-554, eff. 6-24-02; 92-735, eff. 7-25-02;  
17 revised 9-25-03.)

18 (415 ILCS 5/57.13)

19 Sec. 57.13. Underground Storage Tank Program; transition.

20 (a) If a release is reported to the proper State authority  
21 on or after June 24 ~~September 13~~, 2002, the owner or operator  
22 shall comply with the requirements of this Title.

23 (b) If a release is reported to the proper State authority  
24 prior to June 24 ~~September 13~~, 2002, the owner or operator of  
25 an underground storage tank may elect to proceed in accordance  
26 with the requirements of this Title by submitting a written  
27 statement to the Agency of such election. If the owner or  
28 operator elects to proceed under the requirements of this Title  
29 all costs incurred in connection with the incident prior to  
30 notification shall be reimbursable in the same manner as was  
31 allowable under the then existing law. Completion of corrective  
32 action shall then follow the provisions of this Title.

33 (Source: P.A. 92-554, eff. 6-24-02; 92-574, eff. 6-26-02;  
34 revised 9-9-02.)

1 (415 ILCS 5/58.7)

2 Sec. 58.7. Review and approvals.

3 (a) Requirements. All plans and reports that are submitted  
4 pursuant to this Title shall be submitted for review or  
5 approval in accordance with this Section.

6 (b) Review and evaluation by the Agency.

7 (1) Except for sites excluded under subdivision (a) (2)  
8 of Section 58.1, the Agency shall, subject to available  
9 resources, agree to provide review and evaluation services  
10 for activities carried out pursuant to this Title for which  
11 the RA requested the services in writing. As a condition  
12 for providing such services, the Agency may require that  
13 the RA for a site:

14 (A) Conform with the procedures of this Title;

15 (B) Allow for or otherwise arrange site visits or  
16 other site evaluation by the Agency when so requested;

17 (C) Agree to perform the Remedial Action Plan as  
18 approved under this Title;

19 (D) Agree to pay any reasonable costs incurred and  
20 documented by the Agency in providing such services;

21 (E) Make an advance partial payment to the Agency  
22 for such anticipated services in an amount, acceptable  
23 to the Agency, but not to exceed \$5,000 or one-half of  
24 the total anticipated costs of the Agency, whichever  
25 sum is less; and

26 (F) Demonstrate, if necessary, authority to act on  
27 behalf of or in lieu of the owner or operator.

28 (2) Any moneys received by the State for costs incurred  
29 by the Agency in performing review or evaluation services  
30 for actions conducted pursuant to this Title shall be  
31 deposited in the Hazardous Waste Fund.

32 (3) An RA requesting services under subdivision (b) (1)  
33 of this Section may, at any time, notify the Agency, in  
34 writing, that Agency services previously requested are no  
35 longer wanted. Within 180 days after receipt of the notice,  
36 the Agency shall provide the RA with a final invoice for

1 services provided until the date of such notifications.

2 (4) The Agency may invoice or otherwise request or  
3 demand payment from a RA for costs incurred by the Agency  
4 in performing review or evaluation services for actions by  
5 the RA at sites only if:

6 (A) The Agency has incurred costs in performing  
7 response actions, other than review or evaluation  
8 services, due to the failure of the RA to take response  
9 action in accordance with a notice issued pursuant to  
10 this Act;

11 (B) The RA has agreed in writing to the payment of  
12 such costs;

13 (C) The RA has been ordered to pay such costs by  
14 the Board or a court of competent jurisdiction pursuant  
15 to this Act; or

16 (D) The RA has requested or has consented to Agency  
17 review or evaluation services under subdivision (b)  
18 (1) of this Section.

19 (5) The Agency may, subject to available resources,  
20 agree to provide review and evaluation services for  
21 response actions if there is a written agreement among  
22 parties to a legal action or if a notice to perform a  
23 response action has been issued by the Agency.

24 (c) Review and evaluation by a Licensed Professional  
25 Engineer or Licensed Professional Geologist. A RA may elect to  
26 contract with a Licensed Professional Engineer or, in the case  
27 of a site investigation report only, a Licensed Professional  
28 Geologist, who will perform review and evaluation services on  
29 behalf of and under the direction of the Agency relative to the  
30 site activities.

31 (1) Prior to entering into the contract with the  
32 RELPEG, the RA shall notify the Agency of the RELPEG to be  
33 selected. The Agency and the RA shall discuss the potential  
34 terms of the contract.

35 (2) At a minimum, the contract with the RELPEG shall  
36 provide that the RELPEG will submit any reports directly to



1 the Agency, will take his or her directions for work  
2 assignments from the Agency, and will perform the assigned  
3 work on behalf of the Agency.

4 (3) Reasonable costs incurred by the Agency shall be  
5 paid by the RA directly to the Agency in accordance with  
6 the terms of the review and evaluation services agreement  
7 entered into under subdivision (b) (1) of Section 58.7.

8 (4) In no event shall the RELPEG acting on behalf of  
9 the Agency be an employee of the RA or the owner or  
10 operator of the site or be an employee of any other person  
11 the RA has contracted to provide services relative to the  
12 site.

13 (d) Review and approval. All reviews required under this  
14 Title shall be carried out by the Agency or a RELPEG, both  
15 under the direction of a Licensed Professional Engineer or, in  
16 the case of the review of a site investigation only, a Licensed  
17 Professional Geologist.

18 (1) All review activities conducted by the Agency or a  
19 RELPEG shall be carried out in conformance with this Title  
20 and rules promulgated under Section 58.11.

21 (2) Subject to the limitations in subsection (c) and  
22 this subsection (d), the specific plans, reports, and  
23 activities that the Agency or a RELPEG may review include:

24 (A) Site Investigation Reports and related  
25 activities;

26 (B) Remediation Objectives Reports;

27 (C) Remedial Action Plans and related activities;

28 and

29 (D) Remedial Action Completion Reports and related  
30 activities.

31 (3) Only the Agency shall have the authority to  
32 approve, disapprove, or approve with conditions a plan or  
33 report as a result of the review process including those  
34 plans and reports reviewed by a RELPEG. If the Agency  
35 disapproves a plan or report or approves a plan or report  
36 with conditions, the written notification required by

1 subdivision (d) (4) of this Section shall contain the  
2 following information, as applicable:

3 (A) An explanation of the Sections of this Title  
4 that may be violated if the plan or report was  
5 approved;

6 (B) An explanation of the provisions of the rules  
7 promulgated under this Title that may be violated if  
8 the plan or report was approved;

9 (C) An explanation of the specific type of  
10 information, if any, that the Agency deems the  
11 applicant did not provide the Agency;

12 (D) A statement of specific reasons why the Title  
13 and regulations might not be met if the plan or report  
14 were approved; and

15 (E) An explanation of the reasons for conditions if  
16 conditions are required.

17 (4) Upon approving, disapproving, or approving with  
18 conditions a plan or report, the Agency shall notify the RA  
19 in writing of its decision. In the case of approval or  
20 approval with conditions of a Remedial Action Completion  
21 Report, the Agency shall prepare a No Further Remediation  
22 Letter that meets the requirements of Section 58.10 and  
23 send a copy of the letter to the RA.

24 (5) All reviews undertaken by the Agency or a RELPEG  
25 shall be completed and the decisions communicated to the RA  
26 within 60 days of the request for review or approval. The  
27 RA may waive the deadline upon a request from the Agency.  
28 If the Agency disapproves or approves with conditions a  
29 plan or report or fails to issue a final decision within  
30 the 60 day period and the RA has not agreed to a waiver of  
31 the deadline, the RA may, within 35 days, file an appeal to  
32 the Board. Appeals to the Board shall be in the manner  
33 provided for the review of permit decisions in Section 40  
34 of this Act.

35 (e) Standard of review. In making determinations, the  
36 following factors, and additional factors as may be adopted by

1 the Board in accordance with Section 58.11, shall be considered  
2 by the Agency when reviewing or approving plans, reports, and  
3 related activities, or the RELPEG, when reviewing plans,  
4 reports, and related activities:

5 (1) Site Investigation Reports and related activities:

6 Whether investigations have been conducted and the results  
7 compiled in accordance with the appropriate procedures and  
8 whether the interpretations and conclusions reached are  
9 supported by the information gathered. In making the  
10 determination, the following factors shall be considered:

11 (A) The adequacy of the description of the site and  
12 site characteristics that were used to evaluate the  
13 site;

14 (B) The adequacy of the investigation of potential  
15 pathways and risks to receptors identified at the site;  
16 and

17 (C) The appropriateness of the sampling and  
18 analysis used.

19 (2) Remediation Objectives Reports: Whether the  
20 remediation objectives are consistent with the  
21 requirements of the applicable method for selecting or  
22 determining remediation objectives under Section 58.5. In  
23 making the determination, the following factors shall be  
24 considered:

25 (A) If the objectives were based on the  
26 determination of area background levels under  
27 subsection (b) of Section 58.5, whether the review of  
28 current and historic conditions at or in the immediate  
29 vicinity of the site has been thorough and whether the  
30 site sampling and analysis has been performed in a  
31 manner resulting in accurate determinations;

32 (B) If the objectives were calculated on the basis  
33 of predetermined equations using site specific data,  
34 whether the calculations were accurately performed and  
35 whether the site specific data reflect actual site  
36 conditions; and

1 (C) If the objectives were determined using a site  
2 specific risk assessment procedure, whether the  
3 procedure used is nationally recognized and accepted,  
4 whether the calculations were accurately performed,  
5 and whether the site specific data reflect actual site  
6 conditions.

7 (3) Remedial Action Plans and related activities:  
8 Whether the plan will result in compliance with this Title,  
9 and rules adopted under it and attainment of the applicable  
10 remediation objectives. In making the determination, the  
11 following factors shall be considered:

12 (A) The likelihood that the plan will result in the  
13 attainment of the applicable remediation objectives;

14 (B) Whether the activities proposed are consistent  
15 with generally accepted engineering practices; and

16 (C) The management of risk relative to any  
17 remaining contamination, including but not limited to,  
18 provisions for the long-term enforcement, operation,  
19 and maintenance of institutional and engineering  
20 controls, if relied on.

21 (4) Remedial Action Completion Reports and related  
22 activities: Whether the remedial activities have been  
23 completed in accordance with the approved Remedial Action  
24 Plan and whether the applicable remediation objectives  
25 have been attained.

26 (f) All plans and reports submitted for review shall  
27 include a Licensed Professional Engineer's certification that  
28 all investigations and remedial activities were carried out  
29 under his or her direction and, to the best of his or her  
30 knowledge and belief, the work described in the plan or report  
31 has been completed in accordance with generally accepted  
32 engineering practices, and the information presented is  
33 accurate and complete. In the case of a site investigation  
34 report prepared or supervised by a Licensed Professional  
35 Geologist, the required certification may be made by the  
36 Licensed Professional Geologist (rather than a Licensed

1 Professional Engineer) and based upon generally accepted  
2 principles of professional geology.

3 (g) In accordance with Section 58.11, the Agency shall  
4 propose and the Board shall adopt rules to carry out the  
5 purposes of this Section. At a minimum, the rules shall detail  
6 the types of services the Agency may provide in response to  
7 requests under subdivision (b) (1) of this Section and the  
8 recordkeeping it will utilize in documenting to the RA the  
9 costs incurred by the Agency in providing such services.

10 (h) Public participation.

11 (1) The Agency shall develop guidance to assist RA's in  
12 the implementation of a community relations plan to address  
13 activity at sites undergoing remedial action pursuant to  
14 this Title.

15 (2) The RA may elect to enter into a services agreement  
16 with the Agency for Agency assistance in community outreach  
17 efforts.

18 (3) The Agency shall maintain a registry listing those  
19 sites undergoing remedial action pursuant to this Title.

20 (4) Notwithstanding any provisions of this Section,  
21 the RA of a site undergoing remedial activity pursuant to  
22 this Title may elect to initiate a community outreach  
23 effort for the site.

24 (Source: P.A. 92-574, eff. 6-26-02; 92-735, eff. 7-25-02;  
25 revised 9-9-02.)

26 Section 483. The Gasoline Storage Act is amended by  
27 changing Section 2 as follows:

28 (430 ILCS 15/2) (from Ch. 127 1/2, par. 154)

29 Sec. 2. Jurisdiction; regulation of tanks.

30 (1) (a) Except as otherwise provided in this Act, the  
31 jurisdiction of the Office of the State Fire Marshal under this  
32 Act shall be concurrent with that of municipalities and other  
33 political subdivisions. The Office of the State Fire Marshal  
34 has power to promulgate, pursuant to the Illinois

1 Administrative Procedure Act, reasonable rules and regulations  
2 governing the keeping, storage, transportation, sale or use of  
3 gasoline and volatile oils. Nothing in this Act shall relieve  
4 any person, corporation, or other entity from complying with  
5 any zoning ordinance of a municipality or home rule unit  
6 enacted pursuant to Section 11-13-1 of the Illinois Municipal  
7 Code or any ordinance enacted pursuant to Section 11-8-4 of the  
8 Illinois Municipal Code.

9 (b) The rulemaking power shall include the power to  
10 promulgate rules providing for the issuance and revocation of  
11 permits allowing the self service dispensing of motor fuels as  
12 such term is defined in the Motor Fuel Tax Law in retail  
13 service stations or any other place of business where motor  
14 fuels are dispensed into the fuel tanks of motor vehicles,  
15 internal combustion engines or portable containers. Such rules  
16 shall specify the requirements that must be met both prior and  
17 subsequent to the issuance of such permits in order to insure  
18 the safety and welfare of the general public. The operation of  
19 such service stations without a permit shall be unlawful. The  
20 Office of the State Fire Marshal shall revoke such permit if  
21 the self service operation of such a service station is found  
22 to pose a significant risk to the safety and welfare of the  
23 general public.

24 (c) However, except in any county with a population of  
25 1,000,000 or more, the Office of the State Fire Marshal shall  
26 not have the authority to prohibit the operation of a service  
27 station solely on the basis that it is an unattended  
28 self-service station which utilizes key or card operated  
29 self-service motor fuel dispensing devices. Nothing in this  
30 paragraph shall prohibit the Office of the State Fire Marshal  
31 from adopting reasonable rules and regulations governing the  
32 safety of self-service motor fuel dispensing devices.

33 (d) The State Fire Marshal shall not prohibit the  
34 dispensing or delivery of flammable or combustible motor  
35 vehicle fuels directly into the fuel tanks of vehicles from  
36 tank trucks, tank wagons, or other portable tanks. The State

1 Fire Marshal shall adopt rules (i) for the issuance of permits  
2 for the dispensing of motor vehicle fuels in the manner  
3 described in this paragraph (d), (ii) that establish fees for  
4 permits and inspections, and provide for those fees to be  
5 deposited into the Fire Prevention Fund, (iii) that require the  
6 dispensing of motor fuel in the manner described in this  
7 paragraph (d) to meet conditions consistent with nationally  
8 recognized standards such as those of the National Fire  
9 Protection Association, and (iv) that restrict the dispensing  
10 of motor vehicle fuels in the manner described in this  
11 paragraph (d) to the following:

12 (A) agriculture sites for agricultural purposes,

13 (B) construction sites for refueling construction  
14 equipment used at the construction site,

15 (C) sites used for the parking, operation, or  
16 maintenance of a commercial vehicle fleet, but only if the  
17 site is located in a county with 3,000,000 or more  
18 inhabitants or a county contiguous to a county with  
19 3,000,000 or more inhabitants and the site is not normally  
20 accessible to the public, and

21 (D) sites used for the refueling of police, fire, or  
22 emergency medical services vehicles or other vehicles that  
23 are owned, leased, or operated by (or operated under  
24 contract with) the State, a unit of local government, or a  
25 school district, or any agency of the State and that are  
26 not normally accessible to the public.

27 (2) (a) The Office of the State Fire Marshal shall adopt  
28 rules and regulations regarding underground storage tanks and  
29 associated piping and no municipality or other political  
30 subdivision shall adopt or enforce any ordinances or  
31 regulations regarding such underground tanks and piping other  
32 than those which are identical to the rules and regulations of  
33 the Office of the State Fire Marshal. It is declared to be the  
34 law of this State, pursuant to paragraphs (h) and (i) of  
35 Section 6 of Article VII of the Illinois Constitution, that the  
36 establishment and enforcement of standards regarding

1 underground storage tanks and associated piping within the  
2 jurisdiction of the Office of the State Fire Marshal is an  
3 exclusive State function which may not be exercised  
4 concurrently by a home rule unit except as expressly permitted  
5 in this Act.

6 (b) The Office of the State Fire Marshal may enter into  
7 written contracts with municipalities of over 500,000 in  
8 population to enforce the rules and regulations adopted under  
9 this subsection.

10 (3) (a) The Office of the State Fire Marshal shall have  
11 authority over underground storage tanks which contain, have  
12 contained, or are designed to contain petroleum, hazardous  
13 substances and regulated substances as those terms are used in  
14 Subtitle I of the Hazardous and Solid Waste Amendments of 1984  
15 (P.L. 98-616), as amended by the Superfund Amendments and  
16 Reauthorization Act of 1986 (P.L. 99-499). The Office shall  
17 have the power with regard to underground storage tanks to  
18 require any person who tests, installs, repairs, replaces,  
19 relines, or removes any underground storage tank system  
20 containing, formerly containing, or which is designed to  
21 contain petroleum or other regulated substances, to obtain a  
22 permit to install, repair, replace, reline, or remove the  
23 particular tank system, and to pay a fee set by the Office for  
24 a permit to install, repair, replace, reline, upgrade, test, or  
25 remove any portion of an underground storage tank system. All  
26 persons who do repairs above grade level for themselves need  
27 not pay a fee or be certified. All fees received by the Office  
28 from certification and permits shall be deposited in the Fire  
29 Prevention Fund for the exclusive use of the Office in  
30 administering the Underground Storage Tank program.

31 (b) (i) Within 120 days after the promulgation of  
32 regulations or amendments thereto by the Administrator of the  
33 United States Environmental Protection Agency to implement  
34 Section 9003 of Subtitle I of the Hazardous and Solid Waste  
35 Amendments of 1984 (P.L. 98-616) of the Resource Conservation  
36 and Recovery Act of 1976 (P.L. 94-580 ~~95-580~~), as amended, the



1 Office of the State Fire Marshal shall adopt regulations or  
2 amendments thereto which are identical in substance. The  
3 rulemaking provisions of Section 5-35 of the Illinois  
4 Administrative Procedure Act shall not apply to regulations or  
5 amendments thereto adopted pursuant to this subparagraph (i).

6 (ii) The Office of the State Fire Marshal may adopt  
7 additional regulations relating to an underground storage tank  
8 program that are not inconsistent with and at least as  
9 stringent as Section 9003 of Subtitle I of the Hazardous and  
10 Solid Waste Amendments of 1984 (P.L. 98-616) of the Resource  
11 Conservation and Recovery Act of 1976 (P.L. 94-580), as  
12 amended, or regulations adopted thereunder. Except as provided  
13 otherwise in subparagraph (i) of this paragraph (b), the Office  
14 of the State Fire Marshal shall not adopt regulations relating  
15 to corrective action at underground storage tanks. Regulations  
16 adopted pursuant to this subsection shall be adopted in  
17 accordance with the procedures for rulemaking in Section 5-35  
18 of the Illinois Administrative Procedure Act.

19 (c) The Office of the State Fire Marshal shall require any  
20 person, corporation or other entity who tests an underground  
21 tank or its piping or cathodic protection for another to report  
22 the results of such test to the Office.

23 (d) In accordance with constitutional limitations, the  
24 Office shall have authority to enter at all reasonable times  
25 upon any private or public property for the purpose of:

26 (i) Inspecting and investigating to ascertain possible  
27 violations of this Act, of regulations thereunder or of  
28 permits or terms or conditions thereof; or

29 (ii) In accordance with the provisions of this Act,  
30 taking whatever emergency action, that is necessary or  
31 appropriate, to assure that the public health or safety is  
32 not threatened whenever there is a release or a substantial  
33 threat of a release of petroleum or a regulated substance  
34 from an underground storage tank.

35 (e) The Office of the State Fire Marshal may issue an  
36 Administrative Order to any person who it reasonably believes

1 has violated the rules and regulations governing underground  
2 storage tanks, including the installation, repair, leak  
3 detection, cathodic protection tank testing, removal or  
4 release notification. Such an order shall be served by  
5 registered or certified mail or in person. Any person served  
6 with such an order may appeal such order by submitting in  
7 writing any such appeal to the Office within 10 days of the  
8 date of receipt of such order. The Office shall conduct an  
9 administrative hearing governed by the Illinois Administrative  
10 Procedure Act and enter an order to sustain, modify or revoke  
11 such order. Any appeal from such order shall be to the circuit  
12 court of the county in which the violation took place and shall  
13 be governed by the Administrative Review Law.

14 (f) The Office of the State Fire Marshal shall not require  
15 the removal of an underground tank system taken out of  
16 operation before January 2, 1974, except in the case in which  
17 the office of the State Fire Marshal has determined that a  
18 release from the underground tank system poses a current or  
19 potential threat to human health and the environment. In that  
20 case, and upon receipt of an Order from the Office of the State  
21 Fire Marshal, the owner or operator of the nonoperational  
22 underground tank system shall assess the excavation zone and  
23 close the system in accordance with regulations promulgated by  
24 the Office of the State Fire Marshal.

25 (4) (a) The Office of the State Fire Marshal shall adopt  
26 rules and regulations regarding aboveground storage tanks and  
27 associated piping and no municipality or other political  
28 subdivision shall adopt or enforce any ordinances or  
29 regulations regarding such aboveground tanks and piping other  
30 than those which are identical to the rules and regulations of  
31 the Office of the State Fire Marshal unless, in the interest of  
32 fire safety, the Office of the State Fire Marshal delegates  
33 such authority to municipalities, political subdivisions or  
34 home rule units. It is declared to be the law of this State,  
35 pursuant to paragraphs (h) and (i) of Section 6 of Article VII  
36 of the Illinois Constitution, that the establishment of

1 standards regarding aboveground storage tanks and associated  
2 piping within the jurisdiction of the Office of the State Fire  
3 Marshal is an exclusive State function which may not be  
4 exercised concurrently by a home rule unit except as expressly  
5 permitted in this Act.

6 (b) The Office of the State Fire Marshal shall enforce its  
7 rules and regulations concerning aboveground storage tanks and  
8 associated piping; however, municipalities may enforce any of  
9 their zoning ordinances or zoning regulations regarding  
10 aboveground tanks. The Office of the State Fire Marshal may  
11 issue an administrative order to any owner of an aboveground  
12 storage tank and associated piping it reasonably believes to be  
13 in violation of such rules and regulations to remedy or remove  
14 any such violation. Such an order shall be served by registered  
15 or certified mail or in person. Any person served with such an  
16 order may appeal such order by submitting in writing any such  
17 appeal to the Office within 10 days of the date of receipt of  
18 such order. The Office shall conduct an administrative hearing  
19 governed by the Illinois Administrative Procedure Act and enter  
20 an order to sustain, modify or revoke such order. Any appeal  
21 from such order shall be to the circuit court of the county in  
22 which the violation took place and shall be governed by the  
23 Administrative Review Law.

24 (Source: P.A. 91-851, eff. 1-1-01; 92-618, eff. 7-11-02;  
25 revised 10-9-03.)

26 Section 485. The Animal Control Act is amended by changing  
27 Section 10 as follows:

28 (510 ILCS 5/10) (from Ch. 8, par. 360)

29 Sec. 10. Impoundment; redemption. When dogs or cats are  
30 apprehended and impounded by the Administrator, they must be  
31 scanned for the presence of a microchip. The Administrator  
32 shall make every reasonable attempt to contact the owner as  
33 soon as possible. The Administrator shall give notice of not  
34 less than 7 business days to the owner prior to disposal of the

1 animal. Such notice shall be mailed to the last known address  
2 of the owner. Testimony of the Administrator, or his or her  
3 authorized agent, who mails such notice shall be evidence of  
4 the receipt of such notice by the owner of the animal.

5 In case the owner of any impounded dog or cat desires to  
6 make redemption thereof, he or she may do so by doing ~~on~~ the  
7 following ~~conditions~~:

8 a. presenting ~~present~~ proof of current rabies  
9 inoculation, ~~and~~ registration, if applicable; ~~or~~

10 b. paying ~~pay~~ for the rabies inoculation of the dog or  
11 cat, ~~and~~ registration, if applicable; ~~and~~

12 c. paying ~~pay~~ the pound for the board of the dog or cat  
13 for the period it was impounded; ~~or~~

14 d. paying ~~pay~~ into the Animal Control Fund an  
15 additional impoundment fee as prescribed by the Board as a  
16 penalty for the first offense and for each subsequent  
17 offense; and

18 e. paying ~~pay~~ for microchipping and registration if not  
19 already done.

20 Animal control facilities that are open to the public 7  
21 days per week for animal reclamation are exempt from the  
22 business day requirement.

23 The payments required for redemption under this Section  
24 shall be in addition to any other penalties invoked under this  
25 Act.

26 (Source: P.A. 93-548, eff. 8-19-03; revised 10-9-03.)

27 Section 490. The Humane Care for Animals Act is amended by  
28 changing Sections 4.01, 4.04, and 16 as follows:

29 (510 ILCS 70/4.01) (from Ch. 8, par. 704.01)

30 Sec. 4.01. Animals in entertainment. This Section does not  
31 apply when the only animals involved are dogs. (Section 26-5 of  
32 the Criminal Code of 1961, rather than this Section, applies  
33 when the only animals involved are dogs.)

34 (a) No person may own, capture, breed, train, or lease any

1 animal which he or she knows or should know is intended for use  
2 in any show, exhibition, program, or other activity featuring  
3 or otherwise involving a fight between such animal and any  
4 other animal or human, or the intentional killing of any animal  
5 for the purpose of sport, wagering, or entertainment.

6 (b) No person shall promote, conduct, carry on, advertise,  
7 collect money for or in any other manner assist or aid in the  
8 presentation for purposes of sport, wagering, or  
9 entertainment, any show, exhibition, program, or other  
10 activity involving a fight between 2 or more animals or any  
11 animal and human, or the intentional killing of any animal.

12 (c) No person shall sell or offer for sale, ship,  
13 transport, or otherwise move, or deliver or receive any animal  
14 which he or she knows or should know has been captured, bred,  
15 or trained, or will be used, to fight another animal or human  
16 or be intentionally killed, for the purpose of sport, wagering,  
17 or entertainment.

18 (d) No person shall manufacture for sale, shipment,  
19 transportation or delivery any device or equipment which that  
20 person knows or should know is intended for use in any show,  
21 exhibition, program, or other activity featuring or otherwise  
22 involving a fight between 2 or more animals, or any human and  
23 animal, or the intentional killing of any animal for purposes  
24 of sport, wagering or entertainment.

25 (e) No person shall own, possess, sell or offer for sale,  
26 ship, transport, or otherwise move any equipment or device  
27 which such person knows or should know is intended for use in  
28 connection with any show, exhibition, program, or activity  
29 featuring or otherwise involving a fight between 2 or more  
30 animals, or any animal and human, or the intentional killing of  
31 any animal for purposes of sport, wagering or entertainment.

32 (f) No person shall make available any site, structure, or  
33 facility, whether enclosed or not, which he or she knows or  
34 should know is intended to be used for the purpose of  
35 conducting any show, exhibition, program, or other activity  
36 involving a fight between 2 or more animals, or any animal and

1 human, or the intentional killing of any animal.

2 (g) No person shall attend or otherwise patronize any show,  
3 exhibition, program, or other activity featuring or otherwise  
4 involving a fight between 2 or more animals, or any animal and  
5 human, or the intentional killing of any animal for the  
6 purposes of sport, wagering or entertainment.

7 (h) (Blank).

8 (i) Any animals or equipment involved in a violation of  
9 this Section shall be immediately seized and impounded under  
10 Section 12 by the Department when located at any show,  
11 exhibition, program, or other activity featuring or otherwise  
12 involving an animal fight for the purposes of sport, wagering,  
13 or entertainment.

14 (j) Any vehicle or conveyance other than a common carrier  
15 that is used in violation of this Section shall be seized,  
16 held, and offered for sale at public auction by the sheriff's  
17 department of the proper jurisdiction, and the proceeds from  
18 the sale shall be remitted to the general fund of the county  
19 where the violation took place.

20 (k) Any veterinarian in this State who is presented with an  
21 animal for treatment of injuries or wounds resulting from  
22 fighting where there is a reasonable possibility that the  
23 animal was engaged in or utilized for a fighting event for the  
24 purposes of sport, wagering, or entertainment shall file a  
25 report with the Department and cooperate by furnishing the  
26 owners' names, dates, and descriptions of the animal or animals  
27 involved. Any veterinarian who in good faith complies with the  
28 requirements of this subsection has immunity from any  
29 liability, civil, criminal, or otherwise, that may result from  
30 his or her actions. For the purposes of any proceedings, civil  
31 or criminal, the good faith of the veterinarian shall be  
32 rebuttably presumed.

33 (l) No person shall solicit a minor to violate this  
34 Section.

35 (m) The penalties for violations of this Section shall be  
36 as follows:

1           (1) A person convicted of violating subsection (a),  
2           (b), or (c) of this Section or any rule, regulation, or  
3           order of the Department pursuant thereto is guilty of a  
4           Class A misdemeanor for the first offense. A second or  
5           subsequent offense involving the violation of subsection  
6           (a), (b), or (c) of this Section or any rule, regulation,  
7           or order of the Department pursuant thereto is a Class 4  
8           felony.

9           (2) A person convicted of violating subsection (d),  
10          (e), or (f) of this Section or any rule, regulation, or  
11          order of the Department pursuant thereto is guilty of a  
12          Class A misdemeanor for the first offense. A second or  
13          subsequent violation is a Class 4 felony.

14          (3) A person convicted of violating subsection (g) of  
15          this Section or any rule, regulation, or order of the  
16          Department pursuant thereto is guilty of a Class C  
17          misdemeanor.

18          (4) A person convicted of violating subsection (l) of  
19          this Section is guilty of a Class A misdemeanor.

20          (Source: P.A. 92-425, eff. 1-1-02; 92-454, eff. 1-1-02; 92-650,  
21          eff. 7-11-02; 92-651, eff. 7-11-02; revised 11-21-02.)

22          (510 ILCS 70/4.04) (from Ch. 8, par. 704.04)

23          Sec. 4.04. Injuring or killing police animals, service  
24          animals, or search and rescue dogs prohibited. It shall be  
25          unlawful for any person to willfully or maliciously torture,  
26          mutilate, injure, disable, poison, or kill (i) any animal used  
27          by a law enforcement department or agency in the performance of  
28          the functions or duties of the department or agency or when  
29          placed in confinement off duty, (ii) any service animal, (iii)  
30          any search and rescue dog, or (iv) any law enforcement,  
31          service, or search and rescue animal in training. However, a  
32          police officer or veterinarian may perform euthanasia in  
33          emergency situations when delay would cause the animal undue  
34          suffering and pain.

35          A person convicted of violating this Section is guilty of a

1 Class 4 felony ~~A misdemeanor~~ if the animal is not killed or  
2 totally disabled; if the animal is killed or totally disabled,  
3 the person is guilty of a Class 3 ~~Class 4~~ felony.

4 (Source: P.A. 91-357, eff. 7-29-99; 92-454, eff. 1-1-02;  
5 92-650, eff. 7-11-02; incorporates 92-723, eff. 1-1-03;  
6 revised 10-3-02.)

7 (510 ILCS 70/16) (from Ch. 8, par. 716)

8 Sec. 16. Miscellaneous violations; injunctions;  
9 forfeiture.

10 (a) (Blank).

11 (b) (Blank). ~~4 felony 3~~

12 (c) Any person convicted of any act of abuse or neglect for  
13 which no other penalty is specified in this Act, or of  
14 violating any other provision of this Act or any rule,  
15 regulation, or order of the Department pursuant thereto for  
16 which no other penalty is specified in this Act, is guilty of a  
17 Class B misdemeanor for the first violation. A second or  
18 subsequent violation is a Class 4 felony, with every day that a  
19 violation continues constituting a separate offense.

20 (d) (Blank).

21 (e) (Blank).

22 (f) The Department may enjoin a person from a continuing  
23 violation of this Act.

24 (g) (Blank).

25 (h) (Blank).

26 (i) In addition to any other penalty provided by law, upon  
27 conviction for violating Section 3, 3.01, 3.02, or 3.03 the  
28 court may order the convicted person to forfeit to an animal  
29 control or animal shelter the animal or animals that are the  
30 basis of the conviction. Upon an order of forfeiture, the  
31 convicted person is deemed to have permanently relinquished all  
32 rights to the animal or animals that are the basis of the  
33 conviction. The forfeited animal or animals shall be adopted or  
34 humanely euthanized. In no event may the convicted person or  
35 anyone residing in his or her household be permitted to adopt



1 the forfeited animal or animals. The court, additionally, may  
2 order that the convicted person and persons dwelling in the  
3 same household as the convicted person who conspired, aided, or  
4 abetted in the unlawful act that was the basis of the  
5 conviction, or who knew or should have known of the unlawful  
6 act, may not own, harbor, or have custody or control of any  
7 other animals for a period of time that the court deems  
8 reasonable.

9 (Source: P.A. 91-291, eff. 1-1-00; 91-351, eff. 7-29-99;  
10 91-357, eff. 7-29-99; 92-16, eff. 6-28-01; 92-425, eff. 1-1-02;  
11 92-454, eff. 1-1-02; 92-650, eff. 7-11-02; 92-651, eff.  
12 7-11-02; 92-723, eff. 1-1-03; revised 10-3-02.)

13 Section 495. The Wildlife Code is amended by changing  
14 Sections 2.25 and 2.26 as follows:

15 (520 ILCS 5/2.25) (from Ch. 61, par. 2.25)

16 Sec. 2.25. It shall be unlawful for any person to take deer  
17 except (i) with a shotgun, handgun, or muzzleloading rifle or  
18 (ii) as provided by administrative rule, with a bow and arrow,  
19 or crossbow device for handicapped persons as defined in  
20 Section 2.33, during the open season of not more than 14 days  
21 which will be set annually by the Director between the dates of  
22 November 1st and December 31st, both inclusive. For the  
23 purposes of this Section, legal handguns include any centerfire  
24 handguns of .30 caliber or larger with a minimum barrel length  
25 of 4 inches. The only legal ammunition for a centerfire handgun  
26 is a cartridge of .30 caliber or larger with a capability of at  
27 least 500 foot pounds of energy at the muzzle. Full metal  
28 jacket bullets may not be used to harvest deer.

29 The Department shall make administrative rules concerning  
30 management restrictions applicable to the firearm and bow and  
31 arrow season.

32 It shall be unlawful for any person to take deer except  
33 with a bow and arrow, or crossbow device for handicapped  
34 persons (as defined in Section 2.33), during the open season

1 for bow and arrow set annually by the Director between the  
2 dates of September 1st and January 31st, both inclusive.

3 It shall be unlawful for any person to take deer except  
4 with (i) a muzzleloading rifle, or (ii) bow and arrow, or  
5 crossbow device for handicapped persons as defined in Section  
6 2.33, during the open season for muzzleloading rifles set  
7 annually by the Director.

8 The Director shall cause an administrative rule setting  
9 forth the prescribed rules and regulations, including bag and  
10 possession limits and those counties of the State where open  
11 seasons are established, to be published in accordance with  
12 Sections 1.3 and 1.13 of this Act.

13 The Department may establish separate harvest periods for  
14 the purpose of managing or eradicating disease that has been  
15 found in the deer herd. This season shall be restricted to gun  
16 or bow and arrow hunting only. The Department shall publicly  
17 announce, via statewide news release, the season dates and  
18 shooting hours, the counties and sites open to hunting, permit  
19 requirements, application dates, hunting rules, legal weapons,  
20 and reporting requirements.

21 The Department is authorized to establish a separate  
22 harvest period at specific sites within the State for the  
23 purpose of harvesting surplus deer that cannot be taken during  
24 the regular season provided for the taking of deer. This season  
25 shall be restricted to gun or bow and arrow hunting only and  
26 shall be established during the period of September 1st to  
27 February 15th, both inclusive. The Department shall publish  
28 suitable prescribed rules and regulations established by  
29 administrative rule pertaining to management restrictions  
30 applicable to this special harvest program.

31 (Source: P.A. 93-37, eff. 6-25-03; 93-554, eff. 8-20-03;  
32 revised 9-15-03.)

33 (520 ILCS 5/2.26) (from Ch. 61, par. 2.26)

34 Sec. 2.26. Deer hunting permits. In this Section, "bona  
35 fide equity shareholder" means an individual who (1) purchased,

1 for market price, publicly sold stock shares in a corporation,  
2 purchased shares of a privately-held corporation for a value  
3 equal to the percentage of the appraised value of the corporate  
4 assets represented by the ownership in the corporation, or is a  
5 member of a closely-held family-owned corporation and has  
6 purchased or been gifted with shares of stock in the  
7 corporation accurately reflecting his or her percentage of  
8 ownership and (2) intends to retain the ownership of the shares  
9 of stock for at least 5 years.

10 In this Section, "bona fide equity member" means an  
11 individual who (1) (i) became a member upon the formation of  
12 the limited liability company or (ii) has purchased a  
13 distributional interest in a limited liability company for a  
14 value equal to the percentage of the appraised value of the LLC  
15 assets represented by the distributional interest in the LLC  
16 and subsequently becomes a member of the company pursuant to  
17 Article 30 of the Limited Liability Company Act and who (2)  
18 intends to retain the membership for at least 5 years.

19 In this Section, "bona fide equity partner" means an  
20 individual who (1) (i) became a partner, either general or  
21 limited, upon the formation of a partnership or limited  
22 partnership, or (ii) has purchased, acquired, or been gifted a  
23 partnership interest accurately representing his or her  
24 percentage distributional interest in the profits, losses, and  
25 assets of a partnership or limited partnership, (2) intends to  
26 retain ownership of the partnership interest for at least 5  
27 years, and (3) is a resident of Illinois.

28 Any person attempting to take deer shall first obtain a  
29 "Deer Hunting Permit" in accordance with prescribed  
30 regulations set forth in an Administrative Rule. Deer Hunting  
31 Permits shall be issued by the Department. The fee for a Deer  
32 Hunting Permit to take deer with either bow and arrow or gun  
33 shall not exceed \$15.00 for residents of the State. The  
34 Department may by administrative rule provide for non-resident  
35 deer hunting permits for which the fee will not exceed \$200  
36 except as provided below for non-resident landowners and

1 non-resident archery hunters. The Department may by  
2 administrative rule provide for a non-resident archery deer  
3 permit consisting of not more than 2 harvest tags at a total  
4 cost not to exceed \$225. Permits shall be issued without charge  
5 to:

6 (a) Illinois landowners residing in Illinois who own at  
7 least 40 acres of Illinois land and wish to hunt their land  
8 only,

9 (b) resident tenants of at least 40 acres of commercial  
10 agricultural land where they will hunt, and

11 (c) Bona fide equity shareholders of a corporation,  
12 bona fide equity members of a limited liability company, or  
13 bona fide equity partners of a general or limited  
14 partnership which owns at least 40 acres of land in a  
15 county in Illinois who wish to hunt on the corporation's,  
16 company's, or partnership's land only. One permit shall be  
17 issued without charge to one bona fide equity shareholder,  
18 one bona fide equity member, or one bona fide equity  
19 partner for each 40 acres of land owned by the corporation,  
20 company, or partnership in a county; however, the number of  
21 permits issued without charge to bona fide equity  
22 shareholders of any corporation or bona fide equity members  
23 of a limited liability company in any county shall not  
24 exceed 15, and shall not exceed 3 in the case of bona fide  
25 equity partners of a partnership.

26 Bona fide landowners or tenants who do not wish to hunt  
27 only on the land they own, rent, or lease or bona fide equity  
28 shareholders, bona fide equity members, or bona fide equity  
29 partners who do not wish to hunt only on the land owned by the  
30 corporation, limited liability company, or partnership shall  
31 be charged the same fee as the applicant who is not a  
32 landowner, tenant, bona fide equity shareholder, bona fide  
33 equity member, or bona fide equity partner. Nonresidents of  
34 Illinois who own at least 40 acres of land and wish to hunt on  
35 their land only shall be charged a fee set by administrative  
36 rule. The method for obtaining these permits shall be

1 prescribed by administrative rule.

2 The deer hunting permit issued without fee shall be valid  
3 on all farm lands which the person to whom it is issued owns,  
4 leases or rents, except that in the case of a permit issued to  
5 a bona fide equity shareholder, bona fide equity member, or  
6 bona fide equity partner, the permit shall be valid on all  
7 lands owned by the corporation, limited liability company, or  
8 partnership in the county.

9 The standards and specifications for use of guns and bow  
10 and arrow for deer hunting shall be established by  
11 administrative rule.

12 No person may have in his possession any firearm not  
13 authorized by administrative rule for a specific hunting season  
14 when taking deer.

15 Persons having a firearm deer hunting permit shall be  
16 permitted to take deer only during the period from 1/2 hour  
17 before sunrise to sunset, and only during those days for which  
18 an open season is established for the taking of deer by use of  
19 shotgun, handgun, or muzzle loading rifle.

20 Persons having an archery deer hunting permit shall be  
21 permitted to take deer only during the period from 1/2 hour  
22 before sunrise to 1/2 hour after sunset, and only during those  
23 days for which an open season is established for the taking of  
24 deer by use of bow and arrow.

25 It shall be unlawful for any person to take deer by use of  
26 dogs, horses, automobiles, aircraft or other vehicles, or by  
27 the use of salt or bait of any kind. An area is considered as  
28 baited during the presence of and for 10 consecutive days  
29 following the removal of bait. Nothing in this Section shall  
30 prohibit the use of a dog to track wounded deer. Any person  
31 using a dog for tracking wounded deer must maintain physical  
32 control of the dog at all times by means of a maximum 50 foot  
33 lead attached to the dog's collar or harness. Tracking wounded  
34 deer is permissible at night, but at no time outside of legal  
35 deer hunting hours or seasons shall any person handling or  
36 accompanying a dog being used for tracking wounded deer be in

1 possession of any firearm or archery device. Persons tracking  
2 wounded deer with a dog during the firearm deer seasons shall  
3 wear blaze orange as required. Dog handlers tracking wounded  
4 deer with a dog are exempt from hunting license and deer permit  
5 requirements so long as they are accompanied by the licensed  
6 deer hunter who wounded the deer.

7 It shall be unlawful to possess or transport any wild deer  
8 which has been injured or killed in any manner upon a public  
9 highway or public right-of-way of this State unless exempted by  
10 administrative rule.

11 Persons hunting deer must have gun unloaded and no bow and  
12 arrow device shall be carried with the arrow in the nocked  
13 position during hours when deer hunting is unlawful.

14 It shall be unlawful for any person, having taken the legal  
15 limit of deer by gun, to further participate with gun in any  
16 deer hunting party.

17 It shall be unlawful for any person, having taken the legal  
18 limit of deer by bow and arrow, to further participate with bow  
19 and arrow in any deer hunting party.

20 The Department may prohibit upland game hunting during the  
21 gun deer season by administrative rule.

22 It shall be legal for handicapped persons, as defined in  
23 Section 2.33, to utilize a crossbow device, as defined in  
24 Department rules, to take deer.

25 Any person who violates any of the provisions of this  
26 Section, including administrative rules, shall be guilty of a  
27 Class B misdemeanor.

28 (Source: P.A. 92-177, eff. 7-27-01; 92-261, eff. 8-7-01;  
29 92-651, eff. 7-11-02; 93-554, eff. 8-20-03; 93-807, eff.  
30 7-24-04; 93-823, eff. 1-1-05; revised 10-14-04.)

31 Section 500. The Illinois Open Land Trust Act is amended by  
32 changing Section 10 as follows:

33 (525 ILCS 33/10)

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

1 "Conservation and recreation purposes" means activities  
2 that are consistent with the protection and preservation of  
3 open lands, natural areas, wetlands, prairies, forests,  
4 watersheds, resource-rich areas, greenways, and fish and  
5 wildlife habitats, including multiple use such as hunting,  
6 fishing, trapping, and other recreational uses.

7 "Conservation easement" means a nonpossessory interest in  
8 real property imposing limitations or affirmative obligations  
9 the purposes of which include retaining or protecting natural,  
10 scenic, or open-space values of real property, assuring its  
11 availability for forest, recreational, or open-space use,  
12 protecting natural resources, maintaining or enhancing air or  
13 water quality, or preserving the natural, historical,  
14 architectural, archaeological ~~archaeological~~, or cultural  
15 aspects of real property. A conservation easement may be  
16 released at any time by mutual consent of the parties.

17 "Department" means the Department of Natural Resources.

18 "Natural area" means an area of land that either retains or  
19 has recovered to a substantial degree its original natural or  
20 primeval character, though it need not be completely  
21 undisturbed, or has floral, faunal, ecological, geological, or  
22 archaeological features of scientific, educational, scenic, or  
23 esthetic interest.

24 "Open space" means those undeveloped or minimally  
25 developed lands that conserve and protect valuable natural  
26 features or processes.

27 "Real property" means land, including improvements  
28 existing on the land.

29 "Units of local government" means counties, townships,  
30 municipalities, park districts, conservation districts, forest  
31 preserve districts, river conservancy districts, and any other  
32 units of local government empowered to expend public funds for  
33 the acquisition and development of land for public outdoor  
34 park, recreation, or conservation purposes.

35 (Source: P.A. 91-220, eff. 7-21-99; revised 10-9-03.)

1 Section 505. The Illinois Highway Code is amended by  
2 changing Sections 5-701.2, 6-201.7, and 6-201.21 as follows:

3 (605 ILCS 5/5-701.2) (from Ch. 121, par. 5-701.2)

4 Sec. 5-701.2. Any county board, with the approval of the  
5 Department, may also use motor fuel tax money allotted to it  
6 for construction of State highways within the county.

7 (Source: Laws 1959, p. 196; revised 1-21-04.)

8 (605 ILCS 5/6-201.7) (from Ch. 121, par. 6-201.7)

9 Sec. 6-201.7. Construct, maintain and repair and be  
10 responsible for the construction, maintenance and repair of  
11 roads within the district, let contracts, employ labor and  
12 purchase material and machinery therefor, subject to the  
13 limitations provided in this Code. Contracts, labor,  
14 machinery, disposal, and incidental expenses related to  
15 special services under Section 6-201.21 of this Code constitute  
16 maintenance, for purposes of this Section.

17 Except for professional services, when the cost of  
18 construction, materials, supplies, new machinery or equipment  
19 exceeds \$10,000, the contract for such construction,  
20 materials, supplies, machinery or equipment shall be let to the  
21 lowest responsible bidder after advertising for bids at least  
22 once, and at least 10 days prior to the time set for the  
23 opening of such bids, in a newspaper published within the  
24 township or road district, or, if no newspaper is published  
25 within the township or road district then in one published  
26 within the county, or, if no newspaper is published within the  
27 county then in a newspaper having general circulation within  
28 the township or road district, but, in case of an emergency,  
29 such contract may be let without advertising for bids. For  
30 purposes of this Section "new machinery or equipment" shall be  
31 defined as that which has been previously untitled or that  
32 which shows fewer than 200 hours on its operating clock and  
33 that is accompanied by a new equipment manufacturer's warranty.

34 (Source: P.A. 92-268, eff. 1-1-02; 93-109, eff. 7-8-03; 93-164,



1 eff. 7-10-03; 93-610, eff. 11-18-03; revised 12-4-03.)

2 (605 ILCS 5/6-201.21)

3 Sec. 6-201.21. Special services; disaster relief. Subject  
4 to Section 30-117 of the Township Code, the highway  
5 commissioner has authority to provide for orderly collection  
6 and disposal of brush and leaves that have been properly placed  
7 for collection along the road district rights-of-way in  
8 accordance with local guidelines in those townships or counties  
9 that regulate by ordinance open burning of brush or leaves.  
10 Further, the highway commissioner has authority to provide  
11 necessary relief services following the occurrence of an event  
12 that has been declared a disaster by State or local officials.  
13 The highway commissioner has purchasing authority, subject to  
14 Section 6-201.6, and contractual authority as defined in ~~ef~~  
15 Section 6-201.7 of this Code.

16 (Source: P.A. 93-109, eff. 7-8-03; 93-610, eff. 11-18-03;  
17 revised 12-4-03.)

18 Section 510. The Illinois Vehicle Code is amended by  
19 changing Sections 3-412, 3-413, 3-621, 3-622, 3-625, 3-803,  
20 3-806.3, 6-103, 6-110, 6-206, 6-208, 6-411, 6-500, 6-508,  
21 11-501, 11-1201, 11-1414, 12-215, 15-301, and 18b-105 and by  
22 setting forth, renumbering, and changing multiple versions of  
23 Sections 3-648, 3-653, and 3-654 as follows:

24 (625 ILCS 5/3-412) (from Ch. 95 1/2, par. 3-412)

25 Sec. 3-412. Registration plates and registration stickers  
26 to be furnished by the Secretary of State.

27 (a) The Secretary of State upon registering a vehicle  
28 subject to annual registration for the first time shall issue  
29 or shall cause to be issued to the owner one registration plate  
30 for a motorcycle, trailer, semitrailer, motorized pedalcycle  
31 or truck-tractor, 2 registration plates for other motor  
32 vehicles and, where applicable, current registration stickers  
33 for motor vehicles of the first division. The provisions of

1 this Section may be made applicable to such vehicles of the  
2 second division, as the Secretary of State may, from time to  
3 time, in his discretion designate. On subsequent annual  
4 registrations during the term of the registration plate as  
5 provided in Section 3-414.1, the Secretary shall issue or cause  
6 to be issued registration stickers as evidence of current  
7 registration. However, the issuance of annual registration  
8 stickers to vehicles registered under the provisions of  
9 Sections 3-402.1 and 3-405.3 of this Code may not be required  
10 if the Secretary deems the issuance unnecessary.

11 (b) Every registration plate shall have displayed upon it  
12 the registration number assigned to the vehicle for which it is  
13 issued, the name of this State, which may be abbreviated, the  
14 year number for which it was issued, which may be abbreviated,  
15 the phrase "Land of Lincoln" (except as otherwise provided in  
16 this Code ~~Chapter 3~~), and such other letters or numbers as the  
17 Secretary may prescribe. However, for apportionment plates  
18 issued to vehicles registered under Section 3-402.1 and fleet  
19 plates issued to vehicles registered under Section 3-405.3, the  
20 phrase "Land of Lincoln" may be omitted to allow for the word  
21 "apportioned", the word "fleet", or other similar language to  
22 be displayed. Registration plates issued to a vehicle  
23 registered as a fleet vehicle may display a designation  
24 determined by the Secretary.

25 The Secretary may in his discretion prescribe that letters  
26 be used as prefixes only on registration plates issued to  
27 vehicles of the first division which are registered under this  
28 Code and only as suffixes on registration plates issued to  
29 other vehicles. Every registration sticker issued as evidence  
30 of current registration shall designate the year number for  
31 which it is issued and such other letters or numbers as the  
32 Secretary may prescribe and shall be of a contrasting color  
33 with the registration plates and registration stickers of the  
34 previous year.

35 (c) Each registration plate and the required letters and  
36 numerals thereon, except the year number for which issued,

1 shall be of sufficient size to be plainly readable from a  
2 distance of 100 feet during daylight, and shall be coated with  
3 reflectorizing material. The dimensions of the plate issued to  
4 vehicles of the first division shall be 6 by 12 inches.

5 (d) The Secretary of State shall issue for every passenger  
6 motor vehicle rented without a driver the same type of  
7 registration plates as the type of plates issued for a private  
8 passenger vehicle.

9 (e) The Secretary of State shall issue for every passenger  
10 car used as a taxicab or livery, distinctive registration  
11 plates.

12 (f) The Secretary of State shall issue for every motorcycle  
13 distinctive registration plates distinguishing between  
14 motorcycles having 150 or more cubic centimeters piston  
15 displacement, or having less than 150 cubic centimeter piston  
16 displacement.

17 (g) Registration plates issued to vehicles for-hire may  
18 display a designation as determined by the Secretary that such  
19 vehicles are for-hire.

20 (h) The Secretary of State shall issue for each electric  
21 vehicle distinctive registration plates which shall  
22 distinguish between electric vehicles having a maximum  
23 operating speed of 45 miles per hour or more and those having a  
24 maximum operating speed of less than 45 miles per hour.

25 (i) The Secretary of State shall issue for every public and  
26 private ambulance registration plates identifying the vehicle  
27 as an ambulance. The Secretary shall forward to the Department  
28 of Public Aid registration information for the purpose of  
29 verification of claims filed with the Department by ambulance  
30 owners for payment for services to public assistance  
31 recipients.

32 (j) The Secretary of State shall issue for every public and  
33 private medical carrier or rescue vehicle livery registration  
34 plates displaying numbers within ranges of numbers reserved  
35 respectively for medical carriers and rescue vehicles. The  
36 Secretary shall forward to the Department of Public Aid

1 registration information for the purpose of verification of  
2 claims filed with the Department by owners of medical carriers  
3 or rescue vehicles for payment for services to public  
4 assistance recipients.

5 (Source: P.A. 92-629, eff. 7-1-03; 92-651, eff. 7-11-02;  
6 revised 9-27-03.)

7 (625 ILCS 5/3-413) (from Ch. 95 1/2, par. 3-413)

8 Sec. 3-413. Display of registration plates, registration  
9 stickers and drive-away permits.

10 (a) Registration plates issued for a motor vehicle other  
11 than a motorcycle, trailer, semitrailer, truck-tractor,  
12 apportioned bus, or apportioned truck shall be attached  
13 thereto, one in the front and one in the rear. The registration  
14 plate issued for a motorcycle, trailer or semitrailer required  
15 to be registered hereunder and any apportionment plate issued  
16 to a bus under the provisions of this Code shall be attached to  
17 the rear thereof. The registration plate issued for a  
18 truck-tractor or an apportioned truck required to be registered  
19 hereunder shall be attached to the front thereof.

20 (b) Every registration plate shall at all times be securely  
21 fastened in a horizontal position to the vehicle for which it  
22 is issued so as to prevent the plate from swinging and at a  
23 height of not less than 5 inches from the ground, measuring  
24 from the bottom of such plate, in a place and position to be  
25 clearly visible and shall be maintained in a condition to be  
26 clearly legible, free from any materials that would obstruct  
27 the visibility of the plate, including, but not limited to,  
28 glass covers and tinted plastic covers. Clear plastic covers  
29 are permissible as long as they remain clear and do not  
30 obstruct the visibility of the plates. Registration stickers  
31 issued as evidence of renewed annual registration shall be  
32 attached to registration plates as required by the Secretary of  
33 State, and be clearly visible at all times.

34 (c) Every drive-away permit issued pursuant to this Code  
35 shall be firmly attached to the motor vehicle in the manner

1 prescribed by the Secretary of State. If a drive-away permit is  
2 affixed to a motor vehicle in any other manner the permit shall  
3 be void and of no effect.

4 (d) The Illinois prorated decal issued to a foreign  
5 registered vehicle part of a fleet prorated or apportioned with  
6 Illinois, shall be displayed on a registration plate and  
7 displayed on the front of such vehicle in the same manner as an  
8 Illinois registration plate.

9 (e) The registration plate issued for a camper body mounted  
10 on a truck displaying registration plates shall be attached to  
11 the rear of the camper body.

12 (f) No person shall operate a vehicle, nor permit the  
13 operation of a vehicle, upon which is displayed an Illinois  
14 registration plate, plates or registration stickers after the  
15 termination of the registration period for which issued or  
16 after the expiration date set pursuant to Sections 3-414 and  
17 3-414.1 of this Code.

18 (Source: P.A. 92-668, eff. 1-1-03; 92-680, eff. 7-16-02;  
19 revised 10-2-02.)

20 (625 ILCS 5/3-621) (from Ch. 95 1/2, par. 3-621)

21 Sec. 3-621. The Secretary, upon receipt of an application,  
22 made in the form prescribed by the Secretary of State, may  
23 issue to members of the Illinois National Guard, and to  
24 Illinois residents who are either former members of the  
25 Illinois National Guard or the surviving spouses of Illinois  
26 National Guard members, special registration plates. The  
27 special plates issued pursuant to this Section shall be affixed  
28 only to passenger vehicles of the first division, motorcycles,  
29 or motor vehicles of the second division weighing not more than  
30 8,000 pounds subject to the staggered registration system.

31 The design and color of such plates shall be wholly within  
32 the discretion of the Secretary of State.

33 (Source: P.A. 92-545, eff. 6-12-02; 92-699, 1-1-03; revised  
34 8-23-02.)

1 (625 ILCS 5/3-622) (from Ch. 95 1/2, par. 3-622)

2 Sec. 3-622. The Secretary, upon receipt of an application  
3 made in the form prescribed by the Secretary of State, may  
4 issue to members of the United States Armed Forces Reserves who  
5 reside in Illinois, and to Illinois residents who are either  
6 former members of the United States Armed Forces Reserves or  
7 the surviving spouses of United States Armed Forces Reserve  
8 members who resided in Illinois, special registration plates.  
9 The special plates issued pursuant to this Section shall be  
10 affixed only to passenger vehicles of the first division,  
11 motorcycles, or motor vehicles of the second division weighing  
12 not more than 8,000 pounds subject to the staggered  
13 registration system. The design and color of such plates shall  
14 be wholly within the discretion of the Secretary of State.

15 (Source: P.A. 92-545, eff. 6-12-02; 92-699, eff. 1-1-03;  
16 revised 8-23-02.)

17 (625 ILCS 5/3-625) (from Ch. 95 1/2, par. 3-625)

18 Sec. 3-625. Pearl Harbor Plates. The Secretary, upon  
19 receipt of an application made in the form prescribed by the  
20 Secretary of State, may issue special registration plates to  
21 any Illinois resident who, while a member of the armed forces  
22 of the United States, participated in the battle of Pearl  
23 Harbor on December 7, 1941, or to the widowed spouse of any  
24 Illinois resident who, while a member of the armed forces of  
25 the United States, participated in the battle of Pearl Harbor  
26 on December 7, 1941, provided that the widowed spouse was  
27 married to the battle of Pearl Harbor participant at the time  
28 of the participant's death and is a single person at the time  
29 of application. The special plates issued pursuant to this  
30 Section should be affixed only to passenger vehicles of the 1st  
31 division, motorcycles, or motor vehicles of the 2nd division  
32 weighing not more than 8,000 pounds.

33 The design and color of such plates shall be wholly within  
34 the discretion of the Secretary of State. Appropriate  
35 documentation, as determined by the Secretary, and the

1 appropriate registration fee shall accompany the application.

2 (Source: P.A. 92-545, eff. 6-12-02; 92-699, eff. 1-1-03;  
3 revised 8-23-02.)

4 (625 ILCS 5/3-648)

5 Sec. 3-648. Education license plates.

6 (a) The Secretary, upon receipt of an application made in  
7 the form prescribed by the Secretary, may issue special  
8 registration plates designated as Education license plates.  
9 The special plates issued under this Section shall be affixed  
10 only to passenger vehicles of the first division and motor  
11 vehicles of the second division weighing not more than 8,000  
12 pounds. Plates issued under this Section shall expire according  
13 to the multi-year procedure established by Section 3-414.1 of  
14 this Code.

15 (b) The design and color of the plates shall be determined  
16 by a contest that every elementary school pupil in the State of  
17 Illinois is eligible to enter. The designs submitted for the  
18 contest shall be judged on September 30, 2002, and the winning  
19 design shall be selected by a committee composed of the  
20 Secretary, the Director of State Police, 2 members of the  
21 Senate, one member chosen by the President of the Senate and  
22 one member chosen by the Senate Minority Leader, and 2 members  
23 of the House of Representatives, one member chosen by the  
24 Speaker of the House and one member chosen by the House  
25 Minority Leader. The Secretary may allow the plates to be  
26 issued as vanity or personalized plates under Section 3-405.1  
27 of the Code. The Secretary shall prescribe stickers or decals  
28 as provided under Section 3-412 of this Code.

29 (c) An applicant for the special plate shall be charged a  
30 \$40 fee for original issuance, in addition to the appropriate  
31 registration fee. Of this \$40 additional original issuance fee,  
32 \$15 shall be deposited into the Secretary of State Special  
33 License Plate Fund, to be used by the Secretary to help defray  
34 the administrative processing costs, and \$25 shall be deposited  
35 into the Illinois Future Teacher Corps Scholarship Fund. For

1 each registration renewal period, a \$40 fee, in addition to the  
2 appropriate registration fee, shall be charged. Of this \$40  
3 additional renewal fee, \$2 shall be deposited into the  
4 Secretary of State Special License Plate Fund and \$38 shall be  
5 deposited into the Illinois Future Teacher Corps Scholarship  
6 Fund. Each fiscal year, once deposits from the additional  
7 original issuance and renewal fees into the Secretary of State  
8 Special License Plate Fund have reached \$500,000, all the  
9 amounts received for the additional fees for the balance of the  
10 fiscal year shall be deposited into the Illinois Future Teacher  
11 Corps Scholarship Fund.

12 (d) The Illinois Future Teacher Corps Scholarship Fund is  
13 created as a special fund in the State treasury. Ninety-five  
14 percent of the moneys in the Illinois Future Teacher Corps  
15 Scholarship Fund shall be appropriated to the Illinois Student  
16 Assistance Commission for scholarships under Section 52 of the  
17 Higher Education Student Assistance Act, and 5% of the moneys  
18 in the Illinois Future Teacher Corps Scholarship Fund shall be  
19 appropriated to the State Board of Education for grants to the  
20 Golden Apple Foundation for Excellence in Teaching, a  
21 recognized charitable organization that meets the requirements  
22 of Title 26, Section 501(c)(3) of the United States Code.

23 (Source: P.A. 92-445, eff. 8-17-01; 92-651, eff. 7-11-02;  
24 92-845, eff. 1-1-03; 93-21, eff. 7-1-03.)

25 (625 ILCS 5/3-653)

26 Sec. 3-653. Pet Friendly license plates.

27 (a) The Secretary, upon receipt of an application made in  
28 the form prescribed by the Secretary, may issue special  
29 registration plates designated as Pet Friendly license plates.  
30 The special plates issued under this Section shall be affixed  
31 only to passenger vehicles of the first division, motor  
32 vehicles of the second division weighing not more than 8,000  
33 pounds, and recreational vehicles as defined in Section 1-169  
34 of this Code. Plates issued under this Section shall expire  
35 according to the multi-year procedure established by Section



1 3-414.1 of this Code.

2 (b) The design and color of the plates is wholly within the  
3 discretion of the Secretary, except that the phrase "I am pet  
4 friendly" shall be on the plates. The Secretary may allow the  
5 plates to be issued as vanity plates or personalized plates  
6 under Section 3-405.1 of the Code. The Secretary shall  
7 prescribe stickers or decals as provided under Section 3-412 of  
8 this Code.

9 (c) An applicant for the special plate shall be charged a  
10 \$40 fee for original issuance in addition to the appropriate  
11 registration fee. Of this additional fee, \$25 shall be  
12 deposited into the Pet Overpopulation Control Fund and \$15  
13 shall be deposited into the Secretary of State Special License  
14 Plate Fund, to be used by the Secretary to help defray the  
15 administrative processing costs.

16 For each registration renewal period, a \$27 fee, in  
17 addition to the appropriate registration fee, shall be charged.  
18 Of this additional fee, \$25 shall be deposited into the Pet  
19 Overpopulation Control Fund and \$2 shall be deposited into the  
20 Secretary of State Special License Plate Fund.

21 (d) The Pet Overpopulation Control Fund is created as a  
22 special fund in the State treasury. All moneys in the Pet  
23 Overpopulation Control Fund shall be paid, subject to  
24 appropriation by the General Assembly and approval by the  
25 Secretary, as grants to humane societies exempt from federal  
26 income taxation under Section 501(c)(3) of the Internal Revenue  
27 Code to be used solely for the humane sterilization of dogs and  
28 cats in the State of Illinois. In approving grants under this  
29 subsection (d), the Secretary shall consider recommendations  
30 for grants made by a volunteer board appointed by the Secretary  
31 that shall consist of 5 Illinois residents who are officers or  
32 directors of humane societies operating in different regions in  
33 Illinois.

34 (Source: P.A. 92-520, eff. 6-1-02; 92-651, eff. 7-11-02.)

1           Sec. 3-654. Illinois Public Broadcasting System Stations  
2 special license plates.

3           (a) The Secretary, upon receipt of all applicable fees and  
4 applications made in the form prescribed by the Secretary, may  
5 issue special registration plates designated as Illinois  
6 Public Broadcasting System Stations special license plates.  
7 The special plates issued under this Section shall be affixed  
8 only to passenger vehicles of the first division or motor  
9 vehicles of the second division weighing not more than 8,000  
10 pounds. Plates issued under this Section shall expire according  
11 to the multi-year procedure established by Section 3-414.1 of  
12 this Code.

13           (b) The design and color of the special plates shall be  
14 wholly within the discretion of the Secretary. The Secretary  
15 may, in his or her discretion, allow the plates to be issued as  
16 vanity or personalized plates in accordance with Section  
17 3-405.1 of this Code. The plates are not required to designate  
18 "Land of Lincoln", as prescribed in subsection (b) of Section  
19 3-412 of this Code. The Secretary, in his or her discretion,  
20 shall approve and prescribe stickers or decals as provided  
21 under Section 3-412.

22           (c) An applicant for the special plate shall be charged a  
23 \$40 fee for original issuance in addition to the appropriate  
24 registration fee. Of this fee, \$25 shall be deposited into the  
25 Public Broadcasting Fund and \$15 shall be deposited into the  
26 Secretary of State Special License Plate Fund, to be used by  
27 the Secretary to help defray the administrative processing  
28 costs.

29           For each registration renewal period, a \$27 fee, in  
30 addition to the appropriate registration fee, shall be charged.  
31 Of this fee, \$25 shall be deposited into the Public  
32 Broadcasting Fund and \$2 shall be deposited into the Secretary  
33 of State Special License Plate Fund.

34           (d) The Public Broadcasting Fund is created as a special  
35 fund in the State treasury. Subject to appropriation by the  
36 General Assembly and approval by the Secretary, the Secretary

1 shall pay all moneys in the Public Broadcasting Fund to the  
2 various Public Broadcasting System stations in Illinois for  
3 operating costs.

4 (Source: P.A. 92-695, eff. 1-1-03.)

5 (625 ILCS 5/3-655)

6 Sec. 3-655 ~~3-648~~. Hospice license plates.

7 (a) The Secretary, upon receipt of an application made in  
8 the form prescribed by the Secretary, may issue special  
9 registration plates designated as Hospice license plates. The  
10 special plates issued under this Section shall be affixed only  
11 to passenger vehicles of the first division and motor vehicles  
12 of the second division weighing not more than 8,000 pounds.  
13 Plates issued under this Section shall expire according to the  
14 multi-year procedure established by Section 3-414.1 of this  
15 Code.

16 (b) The color of the plates is wholly within the discretion  
17 of the Secretary. The design of the plates shall include the  
18 word "Hospice" above drawings of two lilies and a butterfly.  
19 The Secretary may allow the plates to be issued as vanity  
20 plates or personalized under Section 3-405.1 of the Code. The  
21 Secretary shall prescribe stickers or decals as provided under  
22 Section 3-412 of this Code.

23 (c) An applicant for the special plate shall be charged a  
24 \$25 fee for original issuance in addition to the appropriate  
25 registration fee. Of this fee, \$10 shall be deposited into the  
26 Hospice Fund and \$15 shall be deposited into the Secretary of  
27 State Special License Plate Fund, to be used by the Secretary  
28 to help defray the administrative processing costs.

29 For each registration renewal period, a \$25 fee, in  
30 addition to the appropriate registration fee, shall be charged.  
31 Of this fee, \$23 shall be deposited into the Hospice Fund and  
32 \$2 shall be deposited into the Secretary of State Special  
33 License Plate Fund.

34 (d) The Hospice Fund is created as a special fund in the  
35 State treasury. All money in the Hospice Fund shall be paid,

1 subject to appropriation by the General Assembly and approval  
2 by the Secretary, to the Department of Public Health for  
3 distribution as grants for hospice services as defined in the  
4 Hospice Program Licensing Act. The Director of Public Health  
5 shall adopt rules for the distribution of these grants.

6 (Source: P.A. 92-693, eff. 1-1-03; revised 8-23-02.)

7 (625 ILCS 5/3-656)

8 Sec. 3-656 ~~3-653~~. Lewis and Clark Bicentennial license  
9 plates.

10 (a) In addition to any other special license plate, the  
11 Secretary, upon receipt of all applicable fees and applications  
12 made in the form prescribed by the Secretary of State, may  
13 issue special registration plates designated as Lewis and Clark  
14 Bicentennial license plates to residents of Illinois. The  
15 special plate issued under this Section shall be affixed only  
16 to passenger vehicles of the first division, motor vehicles of  
17 the second division weighing not more than 8,000 pounds, and  
18 recreational vehicles as defined by Section 1-169 of this Code.  
19 Plates issued under this Section shall expire according to the  
20 staggered multi-year procedure established by Section 3-414.1  
21 of this Code.

22 (b) The Secretary of State shall confer with the Governor's  
23 Illinois Lewis and Clark Bicentennial Commission regarding the  
24 design, color, and format of the plates. The Secretary may, in  
25 his or her discretion, allow the plates to be issued as vanity  
26 or personalized plates in accordance with Section 3-405.1 of  
27 this Code. The plates are not required to designate "Land Of  
28 Lincoln", as prescribed in subsection (b) of Section 3-412 of  
29 this Code. The Secretary, in his or her discretion, shall  
30 approve and prescribe stickers or decals as provided under  
31 Section 3-412.

32 (c) An applicant shall be charged a \$40 fee for original  
33 issuance in addition to the applicable registration fee. Of  
34 this additional fee, \$15 shall be deposited into the Secretary  
35 of State Special License Plate Fund and \$25 shall be deposited

1 into the Lewis and Clark Bicentennial Fund. For each  
2 registration renewal period, a \$27 fee, in addition to the  
3 appropriate registration fee, shall be charged. Of this  
4 additional fee, \$2 shall be deposited into the Secretary of  
5 State Special License Plate Fund and \$25 shall be deposited  
6 into the Lewis and Clark Bicentennial Fund.

7 (d) The Secretary of State shall issue special license  
8 plates under this Section on and before September 1, 2008. The  
9 Secretary may not issue special plates under this Section after  
10 September 1, 2008.

11 (e) The Lewis and Clark Bicentennial Fund is created as a  
12 special fund in the State treasury. All moneys in the Lewis and  
13 Clark Bicentennial Fund shall, subject to appropriation by the  
14 General Assembly and approval by the Secretary, be used by the  
15 Department of Commerce and Economic Opportunity ~~Community~~  
16 ~~Affairs~~ to promote tourism and education related to the Lewis  
17 and Clark Expedition and for historic preservation purposes  
18 related to the Expedition.

19 The State Treasurer shall transfer any moneys remaining in  
20 the Lewis and Clark Bicentennial Fund on September 1, 2009 and  
21 any moneys received for deposit into that Fund on or after  
22 September 1, 2009 into the Secretary of State Special License  
23 Plate Fund.

24 (Source: P.A. 92-694, eff. 1-1-03; revised 10-15-03.)

25 (625 ILCS 5/3-657)

26 Sec. 3-657 ~~3-654~~. Park District Youth Program license  
27 plates.

28 (a) In addition to any other special license plate, the  
29 Secretary, upon receipt of all applicable fees and applications  
30 made in the form prescribed by the Secretary of State, may  
31 issue Park District Youth Program license plates. The special  
32 Park District Youth Program plate issued under this Section  
33 shall be affixed only to passenger vehicles of the first  
34 division and motor vehicles of the second division weighing not  
35 more than 8,000 pounds. Plates issued under this Section shall

1 expire according to the staggered multi-year procedure  
2 established by Section 3-414.1 of this Code.

3 (b) The design, color, and format of the plates shall be  
4 wholly within the discretion of the Secretary of State.  
5 Appropriate documentation, as determined by the Secretary,  
6 must accompany each application. The Secretary, in his or her  
7 discretion, shall approve and prescribe stickers or decals as  
8 provided under Section 3-412.

9 (c) An applicant for the special plate shall be charged a  
10 \$40 fee for original issuance in addition to the appropriate  
11 registration fee. Of this fee, \$25 shall be deposited into the  
12 Park District Youth Program Fund and \$15 shall be deposited  
13 into the Secretary of State Special License Plate Fund, to be  
14 used by the Secretary to help defray the administrative  
15 processing costs.

16 For each registration renewal period, a \$27 fee, in  
17 addition to the appropriate registration fee, shall be charged.  
18 Of this fee, \$25 shall be deposited into the Park District  
19 Youth Program Fund and \$2 shall be deposited into the Secretary  
20 of State Special License Plate Fund.

21 (d) The Park District Youth Program Fund is created as a  
22 special fund in the State treasury. All money in the Park  
23 District Youth Program Fund shall be paid, subject to  
24 appropriation by the General Assembly and approval by the  
25 Secretary, as grants to the Illinois Association of Park  
26 Districts, a not-for-profit corporation, for grants to park  
27 districts and recreation agencies providing innovative after  
28 school programming for Illinois youth.

29 (Source: P.A. 92-697, eff. 7-19-02; revised 8-23-02.)

30 (625 ILCS 5/3-658)

31 Sec. 3-658 ~~3-654~~. Professional Sports Teams license  
32 plates.

33 (a) The Secretary, upon receipt of an application made in  
34 the form prescribed by the Secretary, may issue special  
35 registration plates designated as Professional Sports Teams

1 license plates. The special plates issued under this Section  
2 shall be affixed only to passenger vehicles of the first  
3 division and motor vehicles of the second division weighing not  
4 more than 8,000 pounds. Plates issued under this Section shall  
5 expire according to the multi-year procedure established by  
6 Section 3-414.1 of this Code.

7 (b) The design and color of the plates is wholly within the  
8 discretion of the Secretary, except that the plates shall,  
9 subject to the permission of the applicable team owner, display  
10 the logo of the Chicago Bears, the Chicago Bulls, the Chicago  
11 Blackhawks ~~Black Hawks~~, the Chicago Cubs, the Chicago White  
12 Sox, the St. Louis Rams, or the St. Louis Cardinals, at the  
13 applicant's option. The Secretary may allow the plates to be  
14 issued as vanity or personalized plates under Section 3-405.1  
15 of the Code. The Secretary shall prescribe stickers or decals  
16 as provided under Section 3-412 of this Code.

17 (c) An applicant for the special plate shall be charged a  
18 \$40 fee for original issuance in addition to the appropriate  
19 registration fee. Of this fee, \$25 shall be deposited into the  
20 Professional Sports Teams Education Fund and \$15 shall be  
21 deposited into the Secretary of State Special License Plate  
22 Fund, to be used by the Secretary to help defray the  
23 administrative processing costs.

24 For each registration renewal period, a \$27 fee, in  
25 addition to the appropriate registration fee, shall be charged.  
26 Of this fee, \$25 shall be deposited into the Professional  
27 Sports Teams Education Fund and \$2 shall be deposited into the  
28 Secretary of State Special License Plate Fund.

29 (d) The Professional Sports Teams Education Fund is created  
30 as a special fund in the State treasury. All moneys in the  
31 Professional Sports Teams Education Fund shall, subject to  
32 appropriation by the General Assembly and approval by the  
33 Secretary, be deposited every 6 months into the Common School  
34 Fund.

35 (Source: P.A. 92-699, eff. 1-1-03; revised 10-28-02.)

1 (625 ILCS 5/3-659)

2 Sec. 3-659 ~~3-654~~. Pan Hellenic license plates.

3 (a) The Secretary, upon receipt of all applicable fees and  
4 applications made in the form prescribed by the Secretary, may  
5 issue special registration plates designated as Pan Hellenic  
6 license plates. The special plates issued under this Section  
7 shall be affixed only to passenger vehicles of the first  
8 division or motor vehicles of the second division weighing not  
9 more than 8,000 pounds. Plates issued under this Section shall  
10 expire according to the multi-year procedure established by  
11 Section 3-414.1 of this Code.

12 (b) The design and color of the special plates shall be  
13 wholly within the discretion of the Secretary, except that an  
14 emblem of a Pan Hellenic eligible member shall be on the plate.  
15 Appropriate documentation, as determined by the Secretary,  
16 shall accompany each application. The Secretary may, in his or  
17 her discretion, allow the plates to be issued as vanity or  
18 personalized plates in accordance with Section 3-405.1 of this  
19 Code. The plates are not required to designate "Land of  
20 Lincoln" as prescribed in subsection (b) of Section 3-412 of  
21 this Code. The Secretary, in his or her discretion, may  
22 prescribe rules governing the requirements and approval of the  
23 special plates.

24 (c) An applicant for the special plate shall be charged a  
25 \$40 fee for original issuance in addition to the appropriate  
26 registration fee. Of this fee, \$25 shall be deposited into the  
27 Illinois Pan Hellenic Trust Fund and \$15 shall be deposited  
28 into the Secretary of State Special License Plate Fund, to be  
29 used by the Secretary to help defray the administrative  
30 processing costs. For each registration renewal period, a \$27  
31 fee, in addition to the appropriate registration fee, shall be  
32 charged. Of this fee, \$25 shall be deposited into the Illinois  
33 Pan Hellenic Trust Fund and \$2 shall be deposited into the  
34 Secretary of State Special License Plate Fund.

35 (d) The Illinois Pan Hellenic Trust Fund is created as a  
36 special fund in the State Treasury. The State Treasurer shall



1 create separate accounts within the Illinois Pan Hellenic Trust  
2 Fund for each eligible member for which Pan Hellenic license  
3 plates have been issued. Moneys in the Illinois Pan Hellenic  
4 Trust Fund shall be allocated to each account in proportion to  
5 the number of plates sold in regard to each fraternity or  
6 sorority. All moneys in the Illinois Pan Hellenic Trust Fund  
7 shall be distributed, subject to appropriation by the General  
8 Assembly and approval by the Secretary, as grants to the  
9 Illinois Alpha Kappa Alpha Charitable Foundation, Illinois  
10 Delta Sigma Theta Charitable Foundation, Illinois Zeta Phi Beta  
11 Charitable Foundation, Illinois Sigma Gamma Rho Charitable  
12 Foundation, Illinois Alpha Phi Alpha Charitable Foundation,  
13 Illinois Omega Psi Phi Charitable Foundation, Illinois Kappa  
14 Alpha Psi Charitable Foundation, Illinois Phi Beta Sigma  
15 Charitable Foundation, or Illinois Iota Phi Theta Charitable  
16 Foundation for charitable purposes sponsored by the  
17 African-American fraternity or sorority.

18 (Source: P.A. 92-702, eff. 1-1-03; revised 8-23-02.)

19 (625 ILCS 5/3-661)

20 Sec. 3-661 ~~3-653~~. Illinois Route 66 license plates.

21 (a) The Secretary, upon receipt of all applicable fees and  
22 applications made in the form prescribed by the Secretary, may  
23 issue special registration plates designated as Illinois Route  
24 66 license plates. The special plates issued under this Section  
25 shall be affixed only to passenger vehicles of the first  
26 division or motor vehicles of the second division weighing not  
27 more than 8,000 pounds. Plates issued under this Section shall  
28 expire according to the multi-year procedure established by  
29 Section 3-414.1 of this Code.

30 (b) The design and color of the special plates shall be  
31 wholly within the discretion of the Secretary. The Secretary  
32 may, in his or her discretion, allow the plates to be issued as  
33 vanity or personalized plates in accordance with Section  
34 3-405.1 of this Code. The plates are not required to designate  
35 "Land of Lincoln", as prescribed in subsection (b) of Section

1 3-412 of this Code. The Secretary, in his or her discretion,  
2 shall approve and prescribe stickers or decals as provided  
3 under Section 3-412.

4 (c) An applicant for the special plate shall be charged a  
5 \$40 fee for original issuance in addition to the appropriate  
6 registration fee. Of this fee, \$25 shall be deposited into the  
7 Illinois Route 66 Heritage Project Fund and \$15 shall be  
8 deposited into the Secretary of State Special License Plate  
9 Fund, to be used by the Secretary to help defray the  
10 administrative processing costs.

11 For each registration renewal period, a \$27 fee, in  
12 addition to the appropriate registration fee, shall be charged.  
13 Of this fee, \$25 shall be deposited into the Illinois Route 66  
14 Heritage Project Fund and \$2 shall be deposited into the  
15 Secretary of State Special License Plate Fund.

16 (d) The Illinois Route 66 Heritage Project Fund is created  
17 as a special fund in the State treasury. Subject to  
18 appropriation by the General Assembly and approval by the  
19 Secretary, Illinois Route 66 Heritage Project, Inc. shall use  
20 all moneys in the Illinois Route 66 Heritage Project Fund for  
21 the development of tourism, through education and  
22 interpretation, preservation, and promotion of the former U.S.  
23 Route 66 in Illinois.

24 (Source: P.A. 92-706, eff. 1-1-03; revised 8-23-02.)

25 (625 ILCS 5/3-662)

26 Sec. 3-662 ~~3-654~~. Stop Neuroblastoma license plates.

27 (a) The Secretary, upon receipt of an application made in  
28 the form prescribed by the Secretary, may issue special  
29 registration plates designated as Stop Neuroblastoma license  
30 plates. The special plates issued under this Section shall be  
31 affixed only to passenger vehicles of the first division and  
32 motor vehicles of the second division weighing not more than  
33 8,000 pounds. Plates issued under this Section shall expire  
34 according to the multi-year procedure established by Section  
35 3-414.1 of this Code.

1 (b) The design and color of the plates is wholly within the  
2 discretion of the Secretary, except that the following phrases  
3 shall be on the plates: (i) "Stop Neuroblastoma" and (ii) "Stop  
4 Cancer". The Secretary may allow the plates to be issued as  
5 vanity plates or personalized under Section 3-405.1 of this  
6 Code. The Secretary shall prescribe stickers or decals as  
7 provided under Section 3-412 of this Code.

8 (c) An applicant for the special plate shall be charged a  
9 \$25 fee for original issuance in addition to the appropriate  
10 registration fee. Of this fee, \$10 shall be deposited into the  
11 Stop Neuroblastoma Fund and \$15 shall be deposited into the  
12 Secretary of State Special License Plate Fund, to be used by  
13 the Secretary to help defray the administrative processing  
14 costs.

15 For each registration renewal period, a \$25 fee, in  
16 addition to the appropriate registration fee, shall be charged.  
17 Of this fee, \$23 shall be deposited into the Stop Neuroblastoma  
18 Fund and \$2 shall be deposited into the Secretary of State  
19 Special License Plate Fund.

20 (d) The Stop Neuroblastoma Fund is created as a special  
21 fund in the State treasury. All money in the Stop Neuroblastoma  
22 Fund shall be paid, subject to appropriation by the General  
23 Assembly and approval by the Secretary, as grants to the  
24 American Cancer Society for neuroblastoma and cancer research,  
25 education, screening, and treatment.

26 (Source: P.A. 92-711, eff. 7-19-02; revised 8-23-02.)

27 (625 ILCS 5/3-803) (from Ch. 95 1/2, par. 3-803)

28 Sec. 3-803. Reductions.

29 (a) Reduction of fees and taxes prescribed in this Chapter  
30 shall be applicable only to vehicles newly-acquired by the  
31 owner after the beginning of a registration period or which  
32 become subject to registration after the beginning of a  
33 registration period as specified in this Act. The Secretary of  
34 State may deny a reduction as to any vehicle operated in this  
35 State without being properly and timely registered in Illinois

1 under this Chapter, of a vehicle in violation of any provision  
2 of this Chapter, or upon detection of such violation by an  
3 audit, or upon determining that such vehicle was operated in  
4 Illinois before such violation. Bond or other security in the  
5 proper amount may be required by the Secretary of State while  
6 the matter is under investigation. Reductions shall be granted  
7 if a person becomes the owner after the dates specified or if a  
8 vehicle becomes subject to registration under this Act, as  
9 amended, after the dates specified.

10 (b) Vehicles of the First Division. The annual fees and  
11 taxes prescribed by Section 3-806 shall be reduced by 50% on  
12 and after June 15, except as provided in Sections 3-414 and  
13 3-802 of this Act.

14 (c) Vehicles of the Second Division. The annual fees and  
15 taxes prescribed by Sections 3-402, 3-402.1, 3-815 and 3-819  
16 and paid on a calendar year for such vehicles shall be reduced  
17 on a quarterly basis if the vehicle becomes subject to  
18 registration on and after March 31, June 30 or September 30.  
19 Where such fees and taxes are payable on a fiscal year basis,  
20 they shall be reduced on a quarterly basis on and after  
21 September 30, December 31 or March 31.

22 (d) Two-year Registrations. The fees and taxes prescribed  
23 by Section 3-808 for 2-year registrations shall not be reduced  
24 in any event. However, the fees and taxes prescribed for all  
25 other 2-year registrations by this Act, shall be reduced as  
26 follows:

27 By 25% on and after June 15;

28 By 50% on and after December 15;

29 By 75% on and after the next ensuing June 15.

30 (e) The registration fees and taxes imposed upon certain  
31 vehicles shall not be reduced by any amount in any event in the  
32 following instances:

33 Permits under Sections 3-403 and 3-811;

34 Municipal Buses under Section 3-807;

35 Governmental or charitable vehicles under Section 3-808;

36 Farm Machinery under Section 3-809;

1 Soil and conservation equipment under Section 3-809.1;  
2 Special Plates under Section 3-810;  
3 Permanently mounted equipment under Section 3-812;  
4 Registration fee under Section 3-813;  
5 Semitrailer fees under Section 3-814;  
6 Farm trucks under Section 3-815;  
7 Mileage weight tax option under Section 3-818;  
8 Farm trailers under Section 3-819;  
9 Duplicate plates under Section 3-820;  
10 Fees under Section 3-821;  
11 Security Fees under Section 3-822;  
12 Search Fees under Section 3-823.

13 (f) The reductions provided for shall not apply to any  
14 vehicle of the first or second division registered by the same  
15 applicant in the prior registration year.

16 The changes to this Section made by Public Act 84-210 take  
17 ~~This bill takes~~ effect with the 1986 Calendar Registration  
18 Year.

19 (g) Reductions shall in no event result in payment of a fee  
20 or tax less than \$6, and the Secretary of State shall  
21 promulgate schedules of fees reflecting applicable reductions.  
22 Where any reduced amount is not stated in full dollars, the  
23 Secretary of State may adjust the amount due to the nearest  
24 full dollar amount.

25 (h) The reductions provided for in subsections (a) through  
26 (g) of this Section shall not apply to those vehicles of the  
27 first or second division registered on a staggered registration  
28 basis.

29 (i) A vehicle which becomes subject to registration during  
30 the last month of the current registration year is exempt from  
31 any applicable reduced fourth quarter or second semiannual  
32 registration fee, and may register for the subsequent  
33 registration year as its initial registration. This subsection  
34 does not include those apportioned and prorated fees under  
35 Sections 3-402 and 3-402.1 of this Code.

36 (Source: P.A. 84-1311; revised 2-25-02.)

1 (625 ILCS 5/3-806.3) (from Ch. 95 1/2, par. 3-806.3)

2 Sec. 3-806.3. Senior Citizens. Commencing with the 2004  
3 registration year and extending through the 2005 registration  
4 year, the registration fee paid by any vehicle owner who has  
5 claimed and received a grant under the Senior Citizens and  
6 Disabled Persons Property Tax Relief and Pharmaceutical  
7 Assistance Act or who is the spouse of such a person shall be  
8 \$24 instead of the fee otherwise provided in this Code for  
9 passenger cars displaying standard multi-year registration  
10 plates issued under Section 3-414.1, motor vehicles displaying  
11 special registration plates issued under Section 3-616, 3-621,  
12 3-622, 3-623, 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645,  
13 3-647, 3-650, or 3-651, motor vehicles registered at 8,000  
14 pounds or less under Section 3-815(a), and recreational  
15 vehicles registered at 8,000 pounds or less under Section  
16 3-815(b). Widows and widowers of claimants shall also be  
17 entitled to this reduced registration fee for the registration  
18 year in which the claimant was eligible.

19 Commencing with the 2006 registration year, the  
20 registration fee paid by any vehicle owner who has been  
21 approved for benefits under the Senior Citizens and Disabled  
22 Persons Property Tax Relief and Pharmaceutical Assistance Act  
23 or who is the spouse of such a person shall be \$24 instead of  
24 the fee otherwise provided in this Code for passenger cars  
25 displaying standard multi-year registration plates issued  
26 under Section 3-414.1, motor vehicles displaying special  
27 registration plates issued under Section 3-616, 3-621, 3-622,  
28 3-623, 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647,  
29 3-650, or 3-651, motor vehicles registered at 8,000 pounds or  
30 less under Section 3-815(a), and recreational vehicles  
31 registered at 8,000 pounds or less under Section 3-815(b).  
32 Widows and widowers of claimants shall also be entitled to this  
33 reduced registration fee for the registration year in which the  
34 claimant was eligible.

35 Commencing with the 2006 registration year, the

1 registration fee paid by any vehicle owner who has claimed and  
2 received a grant under the Senior Citizens and Disabled Persons  
3 Property Tax Relief and Pharmaceutical Assistance Act or who is  
4 the spouse of such a person shall be \$24 instead of the fee  
5 otherwise provided in this Code for passenger cars displaying  
6 standard multi-year registration plates issued under Section  
7 3-414.1, motor vehicles displaying special registration plates  
8 issued under Section 3-607, 3-616, 3-621, 3-622, 3-623, 3-624,  
9 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647, 3-650, ~~or~~  
10 3-651, or 3-806.4, motor vehicles registered at 8,000 pounds or  
11 less under Section 3-815(a), and recreational vehicles  
12 registered at 8,000 pounds or less under Section 3-815(b).  
13 Widows and widowers of claimants shall also be entitled to this  
14 reduced registration fee for the registration year in which the  
15 claimant was eligible.

16 No more than one reduced registration fee under this  
17 Section shall be allowed during any 12 month period based on  
18 the primary eligibility of any individual, whether such reduced  
19 registration fee is allowed to the individual or to the spouse,  
20 widow or widower of such individual. This Section does not  
21 apply to the fee paid in addition to the registration fee for  
22 motor vehicles displaying vanity or special license plates.

23 (Source: P.A. 92-651, eff. 7-11-02; 92-699, eff. 1-1-03;  
24 93-846, eff. 7-30-04; 93-849, eff. 1-1-05; 93-937, eff. 1-1-05;  
25 revised 1-17-05.)

26 (625 ILCS 5/6-103) (from Ch. 95 1/2, par. 6-103)

27 Sec. 6-103. What persons shall not be licensed as drivers  
28 or granted permits. The Secretary of State shall not issue,  
29 renew, or allow the retention of any driver's license nor issue  
30 any permit under this Code:

31 1. To any person, as a driver, who is under the age of  
32 18 years except as provided in Section 6-107, and except  
33 that an instruction permit may be issued under Section  
34 6-107.1 to a child who is not less than 15 years of age if  
35 the child is enrolled in an approved driver education

1 course as defined in Section 1-103 of this Code and  
2 requires an instruction permit to participate therein,  
3 except that an instruction permit may be issued under the  
4 provisions of Section 6-107.1 to a child who is 17 years  
5 and 9 months of age without the child having enrolled in an  
6 approved driver education course and except that an  
7 instruction permit may be issued to a child who is at least  
8 15 years and 6 months of age, is enrolled in school, meets  
9 the educational requirements of the Driver Education Act,  
10 and has passed examinations the Secretary of State in his  
11 or her discretion may prescribe;

12 2. To any person who is under the age of 18 as an  
13 operator of a motorcycle other than a motor driven cycle  
14 unless the person has, in addition to meeting the  
15 provisions of Section 6-107 of this Code, successfully  
16 completed a motorcycle training course approved by the  
17 Illinois Department of Transportation and successfully  
18 completes the required Secretary of State's motorcycle  
19 driver's examination;

20 3. To any person, as a driver, whose driver's license  
21 or permit has been suspended, during the suspension, nor to  
22 any person whose driver's license or permit has been  
23 revoked, except as provided in Sections 6-205, 6-206, and  
24 6-208;

25 4. To any person, as a driver, who is a user of alcohol  
26 or any other drug to a degree that renders the person  
27 incapable of safely driving a motor vehicle;

28 5. To any person, as a driver, who has previously been  
29 adjudged to be afflicted with or suffering from any mental  
30 or physical disability or disease and who has not at the  
31 time of application been restored to competency by the  
32 methods provided by law;

33 6. To any person, as a driver, who is required by the  
34 Secretary of State to submit an alcohol and drug evaluation  
35 or take an examination provided for in this Code unless the  
36 person has successfully passed the examination and



1 submitted any required evaluation;

2 7. To any person who is required under the provisions  
3 of the laws of this State to deposit security or proof of  
4 financial responsibility and who has not deposited the  
5 security or proof;

6 8. To any person when the Secretary of State has good  
7 cause to believe that the person by reason of physical or  
8 mental disability would not be able to safely operate a  
9 motor vehicle upon the highways, unless the person shall  
10 furnish to the Secretary of State a verified written  
11 statement, acceptable to the Secretary of State, from a  
12 competent medical specialist to the effect that the  
13 operation of a motor vehicle by the person would not be  
14 inimical to the public safety;

15 9. To any person, as a driver, who is 69 years of age  
16 or older, unless the person has successfully complied with  
17 the provisions of Section 6-109;

18 10. To any person convicted, within 12 months of  
19 application for a license, of any of the sexual offenses  
20 enumerated in paragraph 2 of subsection (b) of Section  
21 6-205;

22 11. To any person who is under the age of 21 years with  
23 a classification prohibited in paragraph (b) of Section  
24 6-104 and to any person who is under the age of 18 years  
25 with a classification prohibited in paragraph (c) of  
26 Section 6-104;

27 12. To any person who has been either convicted of or  
28 adjudicated under the Juvenile Court Act of 1987 based upon  
29 a violation of the Cannabis Control Act or the Illinois  
30 Controlled Substances Act while that person was in actual  
31 physical control of a motor vehicle. For purposes of this  
32 Section, any person placed on probation under Section 10 of  
33 the Cannabis Control Act or Section 410 of the Illinois  
34 Controlled Substances Act shall not be considered  
35 convicted. Any person found guilty of this offense, while  
36 in actual physical control of a motor vehicle, shall have

1 an entry made in the court record by the judge that this  
2 offense did occur while the person was in actual physical  
3 control of a motor vehicle and order the clerk of the court  
4 to report the violation to the Secretary of State as such.  
5 The Secretary of State shall not issue a new license or  
6 permit for a period of one year;

7 13. To any person who is under the age of 18 years and  
8 who has committed the offense of operating a motor vehicle  
9 without a valid license or permit in violation of Section  
10 6-101;

11 14. To any person who is 90 days or more delinquent in  
12 court ordered child support payments or has been  
13 adjudicated in arrears in an amount equal to 90 days'  
14 obligation or more and who has been found in contempt of  
15 court for failure to pay the support, subject to the  
16 requirements and procedures of Article VII of Chapter 7 of  
17 the Illinois Vehicle Code;

18 15. To any person released from a term of imprisonment  
19 for violating Section 9-3 of the Criminal Code of 1961 or a  
20 similar provision of a law of another state relating to  
21 reckless homicide or for violating subparagraph (F) of  
22 paragraph (1) of subsection (d) of Section 11-501 of this  
23 Code relating to aggravated driving under the influence of  
24 alcohol, other drug or drugs, intoxicating compound or  
25 compounds, or any combination thereof, if the violation was  
26 the proximate cause of a death, within 24 months of release  
27 from a term of imprisonment; ~~or~~

28 16. To any person who, with intent to influence any act  
29 related to the issuance of any driver's license or permit,  
30 by an employee of the Secretary of State's Office, or the  
31 owner or employee of any commercial driver training school  
32 licensed by the Secretary of State, or any other individual  
33 authorized by the laws of this State to give driving  
34 instructions or administer all or part of a driver's  
35 license examination, promises or tenders to that person any  
36 property or personal advantage which that person is not

1 authorized by law to accept. Any persons promising or  
2 tendering such property or personal advantage shall be  
3 disqualified from holding any class of driver's license or  
4 permit for 120 consecutive days. The Secretary of State  
5 shall establish by rule the procedures for implementing  
6 this period of disqualification and the procedures by which  
7 persons so disqualified may obtain administrative review  
8 of the decision to disqualify; or

9 17. ~~16.~~ To any person for whom the Secretary of State  
10 cannot verify the accuracy of any information or  
11 documentation submitted in application for a driver's  
12 license.

13 The Secretary of State shall retain all conviction  
14 information, if the information is required to be held  
15 confidential under the Juvenile Court Act of 1987.

16 (Source: P.A. 92-343, eff. 1-1-02; 93-174, eff. 1-1-04; 93-712,  
17 eff. 1-1-05; 93-783, eff. 1-1-05; 93-788, eff. 1-1-05; 93-895,  
18 eff. 1-1-05; revised 10-22-04.)

19 (625 ILCS 5/6-110) (from Ch. 95 1/2, par. 6-110)

20 Sec. 6-110. Licenses issued to drivers.

21 (a) The Secretary of State shall issue to every qualifying  
22 applicant a driver's license as applied for, which license  
23 shall bear a distinguishing number assigned to the licensee,  
24 the legal name, social security number, zip code, date of  
25 birth, residence address, and a brief description of the  
26 licensee, and a space where the licensee may write his usual  
27 signature.

28 If the licensee is less than 17 years of age, the license  
29 shall, as a matter of law, be invalid for the operation of any  
30 motor vehicle during any time the licensee is prohibited from  
31 being on any street or highway under the provisions of the  
32 Child Curfew Act.

33 Licenses issued shall also indicate the classification and  
34 the restrictions under Section 6-104 of this Code.

35 In lieu of the social security number, the Secretary may in

1 his discretion substitute a federal tax number or other  
2 distinctive number.

3 A driver's license issued may, in the discretion of the  
4 Secretary, include a suitable photograph of a type prescribed  
5 by the Secretary.

6 (b) The Secretary of State shall provide a format on the  
7 reverse of each driver's license issued which the licensee may  
8 use to execute a document of gift conforming to the provisions  
9 of the Illinois Anatomical Gift Act. The format shall allow the  
10 licensee to indicate the gift intended, whether specific  
11 organs, any organ, or the entire body, and shall accommodate  
12 the signatures of the donor and 2 witnesses. The Secretary  
13 shall also inform each applicant or licensee of this format,  
14 describe the procedure for its execution, and may offer the  
15 necessary witnesses; provided that in so doing, the Secretary  
16 shall advise the applicant or licensee that he or she is under  
17 no compulsion to execute a document of gift. A brochure  
18 explaining this method of executing an anatomical gift document  
19 shall be given to each applicant or licensee. The brochure  
20 shall advise the applicant or licensee that he or she is under  
21 no compulsion to execute a document of gift, and that he or she  
22 may wish to consult with family, friends or clergy before doing  
23 so. The Secretary of State may undertake additional efforts,  
24 including education and awareness activities, to promote organ  
25 and tissue donation.

26 (c) The Secretary of State shall designate on each driver's  
27 license issued a space where the licensee may place a sticker  
28 or decal of the uniform size as the Secretary may specify,  
29 which sticker or decal may indicate in appropriate language  
30 that the owner of the license carries an Emergency Medical  
31 Information Card.

32 The sticker may be provided by any person, hospital,  
33 school, medical group, or association interested in assisting  
34 in implementing the Emergency Medical Information Card, but  
35 shall meet the specifications as the Secretary may by rule or  
36 regulation require.

1 (d) The Secretary of State shall designate on each driver's  
2 license issued a space where the licensee may indicate his  
3 blood type and RH factor.

4 (e) The Secretary of State shall provide that each original  
5 or renewal driver's license issued to a licensee under 21 years  
6 of age shall be of a distinct nature from those driver's  
7 licenses issued to individuals 21 years of age and older. The  
8 color designated for driver's licenses for licensees under 21  
9 years of age shall be at the discretion of the Secretary of  
10 State.

11 (e-1) The Secretary shall provide that each driver's  
12 license issued to a person under the age of 21 displays the  
13 date upon which the person becomes 18 years of age and the date  
14 upon which the person becomes 21 years of age.

15 (f) The Secretary of State shall inform all Illinois  
16 licensed commercial motor vehicle operators of the  
17 requirements of the Uniform Commercial Driver License Act,  
18 Article V of this Chapter, and shall make provisions to insure  
19 that all drivers, seeking to obtain a commercial driver's  
20 license, be afforded an opportunity prior to April 1, 1992, to  
21 obtain the license. The Secretary is authorized to extend  
22 driver's license expiration dates, and assign specific times,  
23 dates and locations where these commercial driver's tests shall  
24 be conducted. Any applicant, regardless of the current  
25 expiration date of the applicant's driver's license, may be  
26 subject to any assignment by the Secretary. Failure to comply  
27 with the Secretary's assignment may result in the applicant's  
28 forfeiture of an opportunity to receive a commercial driver's  
29 license prior to April 1, 1992.

30 (g) The Secretary of State shall designate on a driver's  
31 license issued, a space where the licensee may indicate that he  
32 or she has drafted a living will in accordance with the  
33 Illinois Living Will Act or a durable power of attorney for  
34 health care in accordance with the Illinois Power of Attorney  
35 Act.

36 (g-1) The Secretary of State, in his or her discretion, may

1 designate on each driver's license issued a space where the  
2 licensee may place a sticker or decal, issued by the Secretary  
3 of State, of uniform size as the Secretary may specify, that  
4 shall indicate in appropriate language that the owner of the  
5 license has renewed his or her driver's license.

6 (h) A person who acts in good faith in accordance with the  
7 terms of this Section is not liable for damages in any civil  
8 action or subject to prosecution in any criminal proceeding for  
9 his or her act.

10 (Source: P.A. 92-689, eff. 1-1-03; 93-794, eff. 7-22-04;  
11 93-895, eff. 1-1-05; revised 10-22-04.)

12 (625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

13 Sec. 6-206. Discretionary authority to suspend or revoke  
14 license or permit; Right to a hearing.

15 (a) The Secretary of State is authorized to suspend or  
16 revoke the driving privileges of any person without preliminary  
17 hearing upon a showing of the person's records or other  
18 sufficient evidence that the person:

19 1. Has committed an offense for which mandatory  
20 revocation of a driver's license or permit is required upon  
21 conviction;

22 2. Has been convicted of not less than 3 offenses  
23 against traffic regulations governing the movement of  
24 vehicles committed within any 12 month period. No  
25 revocation or suspension shall be entered more than 6  
26 months after the date of last conviction;

27 3. Has been repeatedly involved as a driver in motor  
28 vehicle collisions or has been repeatedly convicted of  
29 offenses against laws and ordinances regulating the  
30 movement of traffic, to a degree that indicates lack of  
31 ability to exercise ordinary and reasonable care in the  
32 safe operation of a motor vehicle or disrespect for the  
33 traffic laws and the safety of other persons upon the  
34 highway;

35 4. Has by the unlawful operation of a motor vehicle

1 caused or contributed to an accident resulting in death or  
2 injury requiring immediate professional treatment in a  
3 medical facility or doctor's office to any person, except  
4 that any suspension or revocation imposed by the Secretary  
5 of State under the provisions of this subsection shall  
6 start no later than 6 months after being convicted of  
7 violating a law or ordinance regulating the movement of  
8 traffic, which violation is related to the accident, or  
9 shall start not more than one year after the date of the  
10 accident, whichever date occurs later;

11 5. Has permitted an unlawful or fraudulent use of a  
12 driver's license, identification card, or permit;

13 6. Has been lawfully convicted of an offense or  
14 offenses in another state, including the authorization  
15 contained in Section 6-203.1, which if committed within  
16 this State would be grounds for suspension or revocation;

17 7. Has refused or failed to submit to an examination  
18 provided for by Section 6-207 or has failed to pass the  
19 examination;

20 8. Is ineligible for a driver's license or permit under  
21 the provisions of Section 6-103;

22 9. Has made a false statement or knowingly concealed a  
23 material fact or has used false information or  
24 identification in any application for a license,  
25 identification card, or permit;

26 10. Has possessed, displayed, or attempted to  
27 fraudulently use any license, identification card, or  
28 permit not issued to the person;

29 11. Has operated a motor vehicle upon a highway of this  
30 State when the person's driving privilege or privilege to  
31 obtain a driver's license or permit was revoked or  
32 suspended unless the operation was authorized by a judicial  
33 driving permit, probationary license to drive, or a  
34 restricted driving permit issued under this Code;

35 12. Has submitted to any portion of the application  
36 process for another person or has obtained the services of

1 another person to submit to any portion of the application  
2 process for the purpose of obtaining a license,  
3 identification card, or permit for some other person;

4 13. Has operated a motor vehicle upon a highway of this  
5 State when the person's driver's license or permit was  
6 invalid under the provisions of Sections 6-107.1 and 6-110;

7 14. Has committed a violation of Section 6-301,  
8 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B  
9 of the Illinois Identification Card Act;

10 15. Has been convicted of violating Section 21-2 of the  
11 Criminal Code of 1961 relating to criminal trespass to  
12 vehicles in which case, the suspension shall be for one  
13 year;

14 16. Has been convicted of violating Section 11-204 of  
15 this Code relating to fleeing from a peace officer;

16 17. Has refused to submit to a test, or tests, as  
17 required under Section 11-501.1 of this Code and the person  
18 has not sought a hearing as provided for in Section  
19 11-501.1;

20 18. Has, since issuance of a driver's license or  
21 permit, been adjudged to be afflicted with or suffering  
22 from any mental disability or disease;

23 19. Has committed a violation of paragraph (a) or (b)  
24 of Section 6-101 relating to driving without a driver's  
25 license;

26 20. Has been convicted of violating Section 6-104  
27 relating to classification of driver's license;

28 21. Has been convicted of violating Section 11-402 of  
29 this Code relating to leaving the scene of an accident  
30 resulting in damage to a vehicle in excess of \$1,000, in  
31 which case the suspension shall be for one year;

32 22. Has used a motor vehicle in violating paragraph  
33 (3), (4), (7), or (9) of subsection (a) of Section 24-1 of  
34 the Criminal Code of 1961 relating to unlawful use of  
35 weapons, in which case the suspension shall be for one  
36 year;



1           23. Has, as a driver, been convicted of committing a  
2 violation of paragraph (a) of Section 11-502 of this Code  
3 for a second or subsequent time within one year of a  
4 similar violation;

5           24. Has been convicted by a court-martial or punished  
6 by non-judicial punishment by military authorities of the  
7 United States at a military installation in Illinois of or  
8 for a traffic related offense that is the same as or  
9 similar to an offense specified under Section 6-205 or  
10 6-206 of this Code;

11           25. Has permitted any form of identification to be used  
12 by another in the application process in order to obtain or  
13 attempt to obtain a license, identification card, or  
14 permit;

15           26. Has altered or attempted to alter a license or has  
16 possessed an altered license, identification card, or  
17 permit;

18           27. Has violated Section 6-16 of the Liquor Control Act  
19 of 1934;

20           28. Has been convicted of the illegal possession, while  
21 operating or in actual physical control, as a driver, of a  
22 motor vehicle, of any controlled substance prohibited  
23 under the Illinois Controlled Substances Act or any  
24 cannabis prohibited under the provisions of the Cannabis  
25 Control Act, in which case the person's driving privileges  
26 shall be suspended for one year, and any driver who is  
27 convicted of a second or subsequent offense, within 5 years  
28 of a previous conviction, for the illegal possession, while  
29 operating or in actual physical control, as a driver, of a  
30 motor vehicle, of any controlled substance prohibited  
31 under the provisions of the Illinois Controlled Substances  
32 Act or any cannabis prohibited under the Cannabis Control  
33 Act shall be suspended for 5 years. Any defendant found  
34 guilty of this offense while operating a motor vehicle,  
35 shall have an entry made in the court record by the  
36 presiding judge that this offense did occur while the

1 defendant was operating a motor vehicle and order the clerk  
2 of the court to report the violation to the Secretary of  
3 State;

4 29. Has been convicted of the following offenses that  
5 were committed while the person was operating or in actual  
6 physical control, as a driver, of a motor vehicle: criminal  
7 sexual assault, predatory criminal sexual assault of a  
8 child, aggravated criminal sexual assault, criminal sexual  
9 abuse, aggravated criminal sexual abuse, juvenile pimping,  
10 soliciting for a juvenile prostitute and the manufacture,  
11 sale or delivery of controlled substances or instruments  
12 used for illegal drug use or abuse in which case the  
13 driver's driving privileges shall be suspended for one  
14 year;

15 30. Has been convicted a second or subsequent time for  
16 any combination of the offenses named in paragraph 29 of  
17 this subsection, in which case the person's driving  
18 privileges shall be suspended for 5 years;

19 31. Has refused to submit to a test as required by  
20 Section 11-501.6 or has submitted to a test resulting in an  
21 alcohol concentration of 0.08 or more or any amount of a  
22 drug, substance, or compound resulting from the unlawful  
23 use or consumption of cannabis as listed in the Cannabis  
24 Control Act, a controlled substance as listed in the  
25 Illinois Controlled Substances Act, or an intoxicating  
26 compound as listed in the Use of Intoxicating Compounds  
27 Act, in which case the penalty shall be as prescribed in  
28 Section 6-208.1;

29 32. Has been convicted of Section 24-1.2 of the  
30 Criminal Code of 1961 relating to the aggravated discharge  
31 of a firearm if the offender was located in a motor vehicle  
32 at the time the firearm was discharged, in which case the  
33 suspension shall be for 3 years;

34 33. Has as a driver, who was less than 21 years of age  
35 on the date of the offense, been convicted a first time of  
36 a violation of paragraph (a) of Section 11-502 of this Code

1 or a similar provision of a local ordinance;

2 34. Has committed a violation of Section 11-1301.5 of  
3 this Code;

4 35. Has committed a violation of Section 11-1301.6 of  
5 this Code;

6 36. Is under the age of 21 years at the time of arrest  
7 and has been convicted of not less than 2 offenses against  
8 traffic regulations governing the movement of vehicles  
9 committed within any 24 month period. No revocation or  
10 suspension shall be entered more than 6 months after the  
11 date of last conviction;

12 37. Has committed a violation of subsection (c) of  
13 Section 11-907 of this Code;

14 38. Has been convicted of a violation of Section 6-20  
15 of the Liquor Control Act of 1934 or a similar provision of  
16 a local ordinance;

17 39. Has committed a second or subsequent violation of  
18 Section 11-1201 of this Code; ~~or~~

19 40. Has committed a violation of subsection (a-1) of  
20 Section 11-908 of this Code; or ~~or~~

21 41. ~~40.~~ Has committed a second or subsequent violation  
22 of Section 11-605.1 of this Code within 2 years of the date  
23 of the previous violation, in which case the suspension  
24 shall be for 90 days.

25 For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26,  
26 and 27 of this subsection, license means any driver's license,  
27 any traffic ticket issued when the person's driver's license is  
28 deposited in lieu of bail, a suspension notice issued by the  
29 Secretary of State, a duplicate or corrected driver's license,  
30 a probationary driver's license or a temporary driver's  
31 license.

32 (b) If any conviction forming the basis of a suspension or  
33 revocation authorized under this Section is appealed, the  
34 Secretary of State may rescind or withhold the entry of the  
35 order of suspension or revocation, as the case may be, provided  
36 that a certified copy of a stay order of a court is filed with

1 the Secretary of State. If the conviction is affirmed on  
2 appeal, the date of the conviction shall relate back to the  
3 time the original judgment of conviction was entered and the 6  
4 month limitation prescribed shall not apply.

5 (c) 1. Upon suspending or revoking the driver's license or  
6 permit of any person as authorized in this Section, the  
7 Secretary of State shall immediately notify the person in  
8 writing of the revocation or suspension. The notice to be  
9 deposited in the United States mail, postage prepaid, to  
10 the last known address of the person.

11 2. If the Secretary of State suspends the driver's  
12 license of a person under subsection 2 of paragraph (a) of  
13 this Section, a person's privilege to operate a vehicle as  
14 an occupation shall not be suspended, provided an affidavit  
15 is properly completed, the appropriate fee received, and a  
16 permit issued prior to the effective date of the  
17 suspension, unless 5 offenses were committed, at least 2 of  
18 which occurred while operating a commercial vehicle in  
19 connection with the driver's regular occupation. All other  
20 driving privileges shall be suspended by the Secretary of  
21 State. Any driver prior to operating a vehicle for  
22 occupational purposes only must submit the affidavit on  
23 forms to be provided by the Secretary of State setting  
24 forth the facts of the person's occupation. The affidavit  
25 shall also state the number of offenses committed while  
26 operating a vehicle in connection with the driver's regular  
27 occupation. The affidavit shall be accompanied by the  
28 driver's license. Upon receipt of a properly completed  
29 affidavit, the Secretary of State shall issue the driver a  
30 permit to operate a vehicle in connection with the driver's  
31 regular occupation only. Unless the permit is issued by the  
32 Secretary of State prior to the date of suspension, the  
33 privilege to drive any motor vehicle shall be suspended as  
34 set forth in the notice that was mailed under this Section.  
35 If an affidavit is received subsequent to the effective  
36 date of this suspension, a permit may be issued for the

1 remainder of the suspension period.

2 The provisions of this subparagraph shall not apply to  
3 any driver required to obtain a commercial driver's license  
4 under Section 6-507 during the period of a disqualification  
5 of commercial driving privileges under Section 6-514.

6 Any person who falsely states any fact in the affidavit  
7 required herein shall be guilty of perjury under Section  
8 6-302 and upon conviction thereof shall have all driving  
9 privileges revoked without further rights.

10 3. At the conclusion of a hearing under Section 2-118  
11 of this Code, the Secretary of State shall either rescind  
12 or continue an order of revocation or shall substitute an  
13 order of suspension; or, good cause appearing therefor,  
14 rescind, continue, change, or extend the order of  
15 suspension. If the Secretary of State does not rescind the  
16 order, the Secretary may upon application, to relieve undue  
17 hardship, issue a restricted driving permit granting the  
18 privilege of driving a motor vehicle between the  
19 petitioner's residence and petitioner's place of  
20 employment or within the scope of his employment related  
21 duties, or to allow transportation for the petitioner, or a  
22 household member of the petitioner's family, to receive  
23 necessary medical care and if the professional evaluation  
24 indicates, provide transportation for alcohol remedial or  
25 rehabilitative activity, or for the petitioner to attend  
26 classes, as a student, in an accredited educational  
27 institution; if the petitioner is able to demonstrate that  
28 no alternative means of transportation is reasonably  
29 available and the petitioner will not endanger the public  
30 safety or welfare.

31 If a person's license or permit has been revoked or  
32 suspended due to 2 or more convictions of violating Section  
33 11-501 of this Code or a similar provision of a local  
34 ordinance or a similar out-of-state offense, arising out of  
35 separate occurrences, that person, if issued a restricted  
36 driving permit, may not operate a vehicle unless it has

1           been equipped with an ignition interlock device as defined  
2           in Section 1-129.1.

3           If a person's license or permit has been revoked or  
4           suspended 2 or more times within a 10 year period due to a  
5           single conviction of violating Section 11-501 of this Code  
6           or a similar provision of a local ordinance or a similar  
7           out-of-state offense, and a statutory summary suspension  
8           under Section 11-501.1, or 2 or more statutory summary  
9           suspensions, or combination of 2 offenses, or of an offense  
10          and a statutory summary suspension, arising out of separate  
11          occurrences, that person, if issued a restricted driving  
12          permit, may not operate a vehicle unless it has been  
13          equipped with an ignition interlock device as defined in  
14          Section 1-129.1. The person must pay to the Secretary of  
15          State DUI Administration Fund an amount not to exceed \$20  
16          per month. The Secretary shall establish by rule the amount  
17          and the procedures, terms, and conditions relating to these  
18          fees. If the restricted driving permit was issued for  
19          employment purposes, then this provision does not apply to  
20          the operation of an occupational vehicle owned or leased by  
21          that person's employer. In each case the Secretary may  
22          issue a restricted driving permit for a period deemed  
23          appropriate, except that all permits shall expire within  
24          one year from the date of issuance. The Secretary may not,  
25          however, issue a restricted driving permit to any person  
26          whose current revocation is the result of a second or  
27          subsequent conviction for a violation of Section 11-501 of  
28          this Code or a similar provision of a local ordinance  
29          relating to the offense of operating or being in physical  
30          control of a motor vehicle while under the influence of  
31          alcohol, other drug or drugs, intoxicating compound or  
32          compounds, or any similar out-of-state offense, or any  
33          combination of those offenses, until the expiration of at  
34          least one year from the date of the revocation. A  
35          restricted driving permit issued under this Section shall  
36          be subject to cancellation, revocation, and suspension by

1 the Secretary of State in like manner and for like cause as  
2 a driver's license issued under this Code may be cancelled,  
3 revoked, or suspended; except that a conviction upon one or  
4 more offenses against laws or ordinances regulating the  
5 movement of traffic shall be deemed sufficient cause for  
6 the revocation, suspension, or cancellation of a  
7 restricted driving permit. The Secretary of State may, as a  
8 condition to the issuance of a restricted driving permit,  
9 require the applicant to participate in a designated driver  
10 remedial or rehabilitative program. The Secretary of State  
11 is authorized to cancel a restricted driving permit if the  
12 permit holder does not successfully complete the program.

13 (c-5) The Secretary of State may, as a condition of the  
14 reissuance of a driver's license or permit to an applicant  
15 whose driver's license or permit has been suspended before he  
16 or she reached the age of 18 years pursuant to any of the  
17 provisions of this Section, require the applicant to  
18 participate in a driver remedial education course and be  
19 retested under Section 6-109 of this Code.

20 (d) This Section is subject to the provisions of the  
21 Drivers License Compact.

22 (e) The Secretary of State shall not issue a restricted  
23 driving permit to a person under the age of 16 years whose  
24 driving privileges have been suspended or revoked under any  
25 provisions of this Code.

26 (Source: P.A. 92-283, eff. 1-1-02; 92-418, eff. 8-17-01;  
27 92-458, eff. 8-22-01; 92-651, eff. 7-11-02; 92-804, eff.  
28 1-1-03; 92-814, eff. 1-1-03; 93-120, eff. 1-1-04; 93-667, eff.  
29 3-19-04; 93-788, eff. 1-1-05; 93-955, eff. 8-19-04; revised  
30 10-22-04.)

31 (625 ILCS 5/6-208) (from Ch. 95 1/2, par. 6-208)

32 Sec. 6-208. Period of Suspension - Application After  
33 Revocation.

34 (a) Except as otherwise provided by this Code or any other  
35 law of this State, the Secretary of State shall not suspend a

1 driver's license, permit or privilege to drive a motor vehicle  
2 on the highways for a period of more than one year.

3 (b) Any person whose license, permit or privilege to drive  
4 a motor vehicle on the highways has been revoked shall not be  
5 entitled to have such license, permit or privilege renewed or  
6 restored. However, such person may, except as provided under  
7 subsection (d) of Section 6-205, make application for a license  
8 pursuant to Section 6-106 (i) if the revocation was for a cause  
9 which has been removed or (ii) as provided in the following  
10 subparagraphs:

11 1. Except as provided in subparagraphs 2, 3, and 4, the  
12 person may make application for a license after the  
13 expiration of one year from the effective date of the  
14 revocation or, in the case of a violation of paragraph (b)  
15 of Section 11-401 of this Code or a similar provision of a  
16 local ordinance, after the expiration of 3 years from the  
17 effective date of the revocation or, in the case of a  
18 violation of Section 9-3 of the Criminal Code of 1961 or a  
19 similar provision of a law of another state relating to the  
20 offense of reckless homicide or a violation of subparagraph  
21 (F) of paragraph 1 of subsection (d) of Section 11-501 of  
22 this Code relating to aggravated driving under the  
23 influence of alcohol, other drug or drugs, intoxicating  
24 compound or compounds, or any combination thereof, if the  
25 violation was the proximate cause of a death, after the  
26 expiration of 2 years from the effective date of the  
27 revocation or after the expiration of 24 months from the  
28 date of release from a period of imprisonment as provided  
29 in Section 6-103 of this Code, whichever is later.

30 2. If such person is convicted of committing a second  
31 violation within a 20 year period of:

32 (A) Section 11-501 of this Code, or a similar  
33 provision of a local ordinance; or

34 (B) Paragraph (b) of Section 11-401 of this Code,  
35 or a similar provision of a local ordinance; or

36 (C) Section 9-3 of the Criminal Code of 1961, as



1           amended, relating to the offense of reckless homicide;  
2           or

3                   (D) any combination of the above offenses  
4           committed at different instances;

5           then such person may not make application for a license  
6           until after the expiration of 5 years from the effective  
7           date of the most recent revocation. The 20 year period  
8           shall be computed by using the dates the offenses were  
9           committed and shall also include similar out-of-state  
10          offenses.

11          3. However, except as provided in subparagraph 4, if  
12          such person is convicted of committing a third, or  
13          subsequent, violation or any combination of the above  
14          offenses, including similar out-of-state offenses,  
15          contained in subparagraph 2, then such person may not make  
16          application for a license until after the expiration of 10  
17          years from the effective date of the most recent  
18          revocation.

19          4. The person may not make application for a license if  
20          the person is convicted of committing a fourth or  
21          subsequent violation of Section 11-501 of this Code or a  
22          similar provision of a local ordinance, Section 11-401 of  
23          this Code, Section 9-3 of the Criminal Code of 1961, or a  
24          combination of these offenses or similar provisions of  
25          local ordinances or similar out-of-state offenses.

26          Notwithstanding any other provision of this Code, all  
27          persons referred to in this paragraph (b) may not have their  
28          privileges restored until the Secretary receives payment of the  
29          required reinstatement fee pursuant to subsection (b) of  
30          Section 6-118.

31          In no event shall the Secretary issue such license unless  
32          and until such person has had a hearing pursuant to this Code  
33          and the appropriate administrative rules and the Secretary is  
34          satisfied, after a review or investigation of such person, that  
35          to grant the privilege of driving a motor vehicle on the  
36          highways will not endanger the public safety or welfare.

1 (c) (Blank).

2 (Source: P.A. 92-343, eff. 1-1-02; 92-418, eff. 8-17-01;  
3 92-458, eff. 8-22-01; 92-651, eff. 7-11-02; 93-712, eff.  
4 1-1-05; 93-788, eff. 1-1-05; revised 10-14-04.)

5 (625 ILCS 5/6-411) (from Ch. 95 1/2, par. 6-411)

6 Sec. 6-411. Qualifications of Driver Training Instructors.  
7 In order to qualify for a license as an instructor for a  
8 driving school, an applicant must:

9 (a) Be of good moral character;

10 (b) Authorize an investigation to include a fingerprint  
11 based background check to determine if the applicant has ever  
12 been convicted of a crime and if so, the disposition of those  
13 convictions; this authorization shall indicate the scope of the  
14 inquiry and the agencies which may be contacted. Upon this  
15 authorization the Secretary of State may request and receive  
16 information and assistance from any federal, state or local  
17 governmental agency as part of the authorized investigation.  
18 Each applicant shall submit ~~have~~ his or her fingerprints  
19 ~~submitted~~ to the Department of State Police in the form and  
20 manner prescribed by the Department of State Police. These  
21 fingerprints shall be checked against the fingerprint records  
22 now and hereafter filed in the Department of State Police and  
23 Federal Bureau of Investigation criminal history records  
24 ~~record information~~ databases. The Department of State Police  
25 shall charge a fee for conducting the criminal history records  
26 check, which shall be deposited in the State Police Services  
27 Fund and shall not exceed the actual cost of the records check.  
28 The applicant shall be required to pay all related fingerprint  
29 fees including, but not limited to, the amounts established by  
30 the Department of State Police and the Federal Bureau of  
31 Investigation to process fingerprint based criminal background  
32 investigations. The Department of State Police shall provide  
33 information concerning any criminal convictions, and their  
34 disposition, brought against the applicant upon request of the  
35 Secretary of State when the request is made in the form and

1 manner required by the Department of State Police. Unless  
2 otherwise prohibited by law, the information derived from this  
3 investigation including the source of this information, and any  
4 conclusions or recommendations derived from this information  
5 by the Secretary of State shall be provided to the applicant,  
6 or his designee, upon request to the Secretary of State, prior  
7 to any final action by the Secretary of State on the  
8 application. Any criminal convictions and their disposition  
9 information obtained by the Secretary of State shall be  
10 confidential and may not be transmitted outside the Office of  
11 the Secretary of State, except as required herein, and may not  
12 be transmitted to anyone within the Office of the Secretary of  
13 State except as needed for the purpose of evaluating the  
14 applicant. The information obtained from this investigation  
15 may be maintained by the Secretary of State or any agency to  
16 which such information was transmitted. Only information and  
17 standards which bear a reasonable and rational relation to the  
18 performance of a driver training instructor shall be used by  
19 the Secretary of State. Any employee of the Secretary of State  
20 who gives or causes to be given away any confidential  
21 information concerning any criminal charges and their  
22 disposition of an applicant shall be guilty of a Class A  
23 misdemeanor unless release of such information is authorized by  
24 this Section;

25 (c) Pass such examination as the Secretary of State shall  
26 require on (1) traffic laws, (2) safe driving practices, (3)  
27 operation of motor vehicles, and (4) qualifications of teacher;

28 (d) Be physically able to operate safely a motor vehicle  
29 and to train others in the operation of motor vehicles. An  
30 instructors license application must be accompanied by a  
31 medical examination report completed by a competent physician  
32 licensed to practice in the State of Illinois;

33 (e) Hold a valid Illinois drivers license;

34 (f) Have graduated from an accredited high school after at  
35 least 4 years of high school education or the equivalent; and

36 (g) Pay to the Secretary of State an application and

1 license fee of \$70.

2 If a driver training school class room instructor teaches  
3 an approved driver education course, as defined in Section  
4 1-103 of this Code, to students under 18 years of age, he or  
5 she shall furnish to the Secretary of State a certificate  
6 issued by the State Board of Education that the said instructor  
7 is qualified and meets the minimum educational standards for  
8 teaching driver education courses in the local public or  
9 parochial school systems, except that no State Board of  
10 Education certification shall be required of any instructor who  
11 teaches exclusively in a commercial driving school. On and  
12 after July 1, 1986, the existing rules and regulations of the  
13 State Board of Education concerning commercial driving schools  
14 shall continue to remain in effect but shall be administered by  
15 the Secretary of State until such time as the Secretary of  
16 State shall amend or repeal the rules in accordance with The  
17 Illinois Administrative Procedure Act. Upon request, the  
18 Secretary of State shall issue a certificate of completion to a  
19 student under 18 years of age who has completed an approved  
20 driver education course at a commercial driving school.

21 (Source: P.A. 93-408, eff. 1-1-04; 93-418, eff. 1-1-04; revised  
22 9-15-03.)

23 (625 ILCS 5/6-500) (from Ch. 95 1/2, par. 6-500)

24 Sec. 6-500. Definitions of words and phrases.  
25 Notwithstanding the definitions set forth elsewhere in this  
26 Code, for purposes of the Uniform Commercial Driver's License  
27 Act (UCDLA), the words and phrases listed below have the  
28 meanings ascribed to them as follows:

29 (1) Alcohol. "Alcohol" means any substance containing any  
30 form of alcohol, including but not limited to ethanol,  
31 methanol, propanol, and isopropanol.

32 (2) Alcohol concentration. "Alcohol concentration" means:

33 (A) the number of grams of alcohol per 210 liters of  
34 breath; or

35 (B) the number of grams of alcohol per 100 milliliters

1 of blood; or

2 (C) the number of grams of alcohol per 67 milliliters  
3 of urine.

4 Alcohol tests administered within 2 hours of the driver  
5 being "stopped or detained" shall be considered that driver's  
6 "alcohol concentration" for the purposes of enforcing this  
7 UCCLA.

8 (3) (Blank).

9 (4) (Blank).

10 (5) (Blank).

11 (6) Commercial Motor Vehicle.

12 (A) "Commercial motor vehicle" means a motor vehicle,  
13 except those referred to in subdivision (B), designed to  
14 transport passengers or property if:

15 (i) the vehicle has a GVWR of 26,001 pounds or more  
16 or such a lesser GVWR as subsequently determined by  
17 federal regulations or the Secretary of State; or any  
18 combination of vehicles with a GCWR of 26,001 pounds or  
19 more, provided the GVWR of any vehicle or vehicles  
20 being towed is 10,001 pounds or more; or

21 (ii) the vehicle is designed to transport 16 or  
22 more persons; or

23 (iii) the vehicle is transporting hazardous  
24 materials and is required to be placarded in accordance  
25 with 49 C.F.R. Part 172, subpart F.

26 (B) Pursuant to the interpretation of the Commercial  
27 Motor Vehicle Safety Act of 1986 by the Federal Highway  
28 Administration, the definition of "commercial motor  
29 vehicle" does not include:

30 (i) recreational vehicles, when operated primarily  
31 for personal use;

32 (ii) United States Department of Defense vehicles  
33 being operated by non-civilian personnel. This  
34 includes any operator on active military duty; members  
35 of the Reserves; National Guard; personnel on  
36 part-time training; and National Guard military

1 technicians (civilians who are required to wear  
2 military uniforms and are subject to the Code of  
3 Military Justice); or

4 (iii) firefighting and other emergency equipment  
5 with audible and visual signals, owned or operated by  
6 or for a governmental entity, which is necessary to the  
7 preservation of life or property or the execution of  
8 emergency governmental functions which are normally  
9 not subject to general traffic rules and regulations.

10 (7) Controlled Substance. "Controlled substance" shall  
11 have the same meaning as defined in Section 102 of the Illinois  
12 Controlled Substances Act, and shall also include cannabis as  
13 defined in Section 3 of the Cannabis Control Act.

14 (8) Conviction. "Conviction" means an unvacated  
15 adjudication of guilt or a determination that a person has  
16 violated or failed to comply with the law in a court of  
17 original jurisdiction or an authorized administrative  
18 tribunal; an unvacated forfeiture of bail or collateral  
19 deposited to secure the person's appearance in court; the  
20 payment of a fine or court cost regardless of whether the  
21 imposition of sentence is deferred and ultimately a judgment  
22 dismissing the underlying charge is entered; or a violation of  
23 a condition of release without bail, regardless of whether or  
24 not the penalty is rebated, suspended or probated.

25 (9) (Blank).

26 (10) (Blank).

27 (11) (Blank).

28 (12) (Blank).

29 (13) Driver. "Driver" means any person who drives,  
30 operates, or is in physical control of a commercial motor  
31 vehicle, or who is required to hold a CDL.

32 (14) Employee. "Employee" means a person who is employed as  
33 a commercial motor vehicle driver. A person who is  
34 self-employed as a commercial motor vehicle driver must comply  
35 with the requirements of this UCCLA pertaining to employees. An  
36 owner-operator on a long-term lease shall be considered an

1 employee.

2 (15) Employer. "Employer" means a person (including the  
3 United States, a State or a local authority) who owns or leases  
4 a commercial motor vehicle or assigns employees to operate such  
5 a vehicle. A person who is self-employed as a commercial motor  
6 vehicle driver must comply with the requirements of this UCDLA.

7 (16) (Blank).

8 (17) Foreign jurisdiction. "Foreign jurisdiction" means a  
9 sovereign jurisdiction that does not fall within the definition  
10 of "State".

11 (18) (Blank).

12 (19) (Blank).

13 (20) Hazardous Material. Upon a finding by the United  
14 States Secretary of Transportation, in his or her discretion,  
15 under 49 App. U.S.C. 5103(a), that the transportation of a  
16 particular quantity and form of material in commerce may pose  
17 an unreasonable risk to health and safety or property, he or  
18 she shall designate the quantity and form of material or group  
19 or class of the materials as a hazardous material. The  
20 materials so designated may include but are not limited to  
21 explosives, radioactive materials, etiologic agents, flammable  
22 liquids or solids, combustible liquids or solids, poisons,  
23 oxidizing or corrosive materials, and compressed gases.

24 (21) Long-term lease. "Long-term lease" means a lease of a  
25 commercial motor vehicle by the owner-lessor to a lessee, for a  
26 period of more than 29 days.

27 (22) Motor Vehicle. "Motor vehicle" means every vehicle  
28 which is self-propelled, and every vehicle which is propelled  
29 by electric power obtained from over head trolley wires but not  
30 operated upon rails, except vehicles moved solely by human  
31 power and motorized wheel chairs.

32 (23) Non-resident CDL. "Non-resident CDL" means a  
33 commercial driver's license issued by a state to an individual  
34 who is domiciled in a foreign jurisdiction.

35 (24) (Blank).

36 (25) (Blank).

1 (25.5) Railroad-Highway Grade Crossing Violation.  
2 "Railroad-highway grade crossing violation" means a violation,  
3 while operating a commercial motor vehicle, of any of the  
4 following:

5 (A) Section 11-1201, 11-1202, or 11-1425 of this  
6 Code.

7 (B) ~~(C) (D) (E) (F) (G) (H)~~ Any other similar law  
8 or local ordinance of any state relating to  
9 railroad-highway grade crossing. ~~(A) (G)~~

10 (26) Serious Traffic Violation. "Serious traffic  
11 violation" means:

12 (A) a conviction when operating a commercial motor  
13 vehicle of:

14 (i) a violation relating to excessive speeding,  
15 involving a single speeding charge of 15 miles per hour  
16 or more above the legal speed limit; or

17 (ii) a violation relating to reckless driving; or

18 (iii) a violation of any State law or local  
19 ordinance relating to motor vehicle traffic control  
20 (other than parking violations) arising in connection  
21 with a fatal traffic accident; or

22 (iv) a violation of Section 6-501, relating to  
23 having multiple driver's licenses; or

24 (v) a violation of paragraph (a) of Section 6-507,  
25 relating to the requirement to have a valid CDL; or

26 (vi) a violation relating to improper or erratic  
27 traffic lane changes; or

28 (vii) a violation relating to following another  
29 vehicle too closely; or

30 (B) any other similar violation of a law or local  
31 ordinance of any state relating to motor vehicle traffic  
32 control, other than a parking violation, which the  
33 Secretary of State determines by administrative rule to be  
34 serious.

35 (27) State. "State" means a state of the United States, the  
36 District of Columbia and any province or territory of Canada.



1 (28) (Blank).

2 (29) (Blank).

3 (30) (Blank).

4 (31) (Blank).

5 (Source: P.A. 92-249, eff. 1-1-02; 92-651, eff. 7-11-02;  
6 92-834, eff. 8-22-02; revised 8-26-02.)

7 (625 ILCS 5/6-508) (from Ch. 95 1/2, par. 6-508)

8 Sec. 6-508. Commercial Driver's License (CDL) -  
9 qualification standards.

10 (a) Testing.

11 (1) General. No person shall be issued an original or  
12 renewal CDL unless that person is domiciled in this State.  
13 The Secretary shall cause to be administered such tests as  
14 the Secretary deems necessary to meet the requirements of  
15 49 C.F.R. Part 383, subparts G and H.

16 (2) Third party testing. The Secretary of state may  
17 authorize a "third party tester", pursuant to 49 C.F.R.  
18 Part 383.75, to administer the skills test or tests  
19 specified by Federal Highway Administration pursuant to  
20 the Commercial Motor Vehicle Safety Act of 1986 and any  
21 appropriate federal rule.

22 (b) Waiver of Skills Test. The Secretary of State may waive  
23 the skills test specified in this Section for a commercial  
24 driver license applicant who meets the requirements of 49  
25 C.F.R. Part 383.77.

26 (c) Limitations on issuance of a CDL. A CDL, or a  
27 commercial driver instruction permit, shall not be issued to a  
28 person while the person is subject to a disqualification from  
29 driving a commercial motor vehicle, or unless otherwise  
30 permitted by this Code, while the person's driver's license is  
31 suspended, revoked or cancelled in any state, or any territory  
32 or province of Canada; nor may a CDL be issued to a person who  
33 has a CDL issued by any other state, or foreign jurisdiction,  
34 unless the person first surrenders all such licenses. No CDL  
35 shall be issued to or renewed for a person who does not meet

1 the requirement of 49 CFR 391.41(b)(11). The requirement may be  
2 met with the aid of a hearing aid.

3 (c-1) The Secretary may issue a CDL with a school bus  
4 driver endorsement to allow a person to drive the type of bus  
5 described in subsection (d-5) of Section 6-104 of this Code.  
6 The CDL with a school bus driver endorsement may be issued only  
7 to a person meeting the following requirements:

8 (1) the person has submitted his or her fingerprints to  
9 the Department of State Police in the form and manner  
10 prescribed by the Department of State Police. These  
11 fingerprints shall be checked against the fingerprint  
12 records now and hereafter filed in the Department of State  
13 Police and Federal Bureau of Investigation criminal  
14 history records databases ~~for fingerprint based criminal~~  
15 ~~background checks on current and future information~~  
16 ~~available in the state system and current information~~  
17 ~~available through the Federal Bureau of Investigation's~~  
18 ~~system;~~

19 (2) the person has passed a written test, administered  
20 by the Secretary of State, on charter bus operation,  
21 charter bus safety, and certain special traffic laws  
22 relating to school buses determined by the Secretary of  
23 State to be relevant to charter buses, and submitted to a  
24 review of the applicant's driving habits by the Secretary  
25 of State at the time the written test is given;

26 (3) the person has demonstrated physical fitness to  
27 operate school buses by submitting the results of a medical  
28 examination, including tests for drug use; and

29 (4) the person has not been convicted of committing or  
30 attempting to commit any one or more of the following  
31 offenses: (i) those offenses defined in Sections 9-1,  
32 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1,  
33 10-4, 10-5, 10-6, 10-7, 11-6, 11-9, 11-9.1, 11-14, 11-15,  
34 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2,  
35 11-20, 11-20.1, 11-21, 11-22, 12-3.1, 12-4.1, 12-4.2,  
36 12-4.3, 12-4.4, 12-4.5, 12-6, 12-6.2, 12-7.1, 12-7.3,

1 12-7.4, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16,  
2 12-16.2, 12-21.5, 12-21.6, 12-33, 18-1, 18-2, 18-3, 18-4,  
3 18-5, 20-1, 20-1.1, 20-2, 24-1, 24-1.1, 24-1.2, 24-3.3,  
4 31A-1, 31A-1.1, and 33A-2, and in subsection (a) and  
5 subsection (b), clause (1), of Section 12-4 of the Criminal  
6 Code of 1961; (ii) those offenses defined in the Cannabis  
7 Control Act except those offenses defined in subsections  
8 (a) and (b) of Section 4, and subsection (a) of Section 5  
9 of the Cannabis Control Act; (iii) those offenses defined  
10 in the Illinois Controlled Substances Act; (iv) any offense  
11 committed or attempted in any other state or against the  
12 laws of the United States, which if committed or attempted  
13 in this State would be punishable as one or more of the  
14 foregoing offenses; (v) the offenses defined in Sections  
15 4.1 and 5.1 of the Wrongs to Children Act and (vi) those  
16 offenses defined in Section 6-16 of the Liquor Control Act  
17 of 1934.

18 The Department of State Police shall charge a fee for  
19 conducting the criminal history records check, which shall be  
20 deposited into the State Police Services Fund and may not  
21 exceed the actual cost of the records check.

22 (d) Commercial driver instruction permit. A commercial  
23 driver instruction permit may be issued to any person holding a  
24 valid Illinois driver's license if such person successfully  
25 passes such tests as the Secretary determines to be necessary.  
26 A commercial driver instruction permit shall not be issued to a  
27 person who does not meet the requirements of 49 CFR 391.41  
28 (b)(11), except for the renewal of a commercial driver  
29 instruction permit for a person who possesses a commercial  
30 instruction permit prior to the effective date of this  
31 amendatory Act of 1999.

32 (Source: P.A. 93-476, eff. 1-1-04; 93-644, eff. 6-1-04; revised  
33 11-29-04.)

34 (625 ILCS 5/11-501) (from Ch. 95 1/2, par. 11-501)

35 Sec. 11-501. Driving while under the influence of alcohol,

1 other drug or drugs, intoxicating compound or compounds or any  
2 combination thereof.

3 (a) A person shall not drive or be in actual physical  
4 control of any vehicle within this State while:

5 (1) the alcohol concentration in the person's blood or  
6 breath is 0.08 or more based on the definition of blood and  
7 breath units in Section 11-501.2;

8 (2) under the influence of alcohol;

9 (3) under the influence of any intoxicating compound or  
10 combination of intoxicating compounds to a degree that  
11 renders the person incapable of driving safely;

12 (4) under the influence of any other drug or  
13 combination of drugs to a degree that renders the person  
14 incapable of safely driving;

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

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

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

29 (b-1) With regard to penalties imposed under this Section:

30 (1) Any reference to a prior violation of subsection  
31 (a) or a similar provision includes any violation of a  
32 provision of a local ordinance or a provision of a law of  
33 another state that is similar to a violation of subsection  
34 (a) of this Section.

35 (2) Any penalty imposed for driving with a license that  
36 has been revoked for a previous violation of subsection (a)

1 of this Section shall be in addition to the penalty imposed  
2 for any subsequent violation of subsection (a).

3 (b-2) Except as otherwise provided in this Section, any  
4 person convicted of violating subsection (a) of this Section is  
5 guilty of a Class A misdemeanor.

6 (b-3) In addition to any other criminal or administrative  
7 sanction for any second conviction of violating subsection (a)  
8 or a similar provision committed within 5 years of a previous  
9 violation of subsection (a) or a similar provision, the  
10 defendant shall be sentenced to a mandatory minimum of 5 days  
11 of imprisonment or assigned a mandatory minimum of 240 hours of  
12 community service as may be determined by the court.

13 (b-4) In the case of a third or subsequent violation  
14 committed within 5 years of a previous violation of subsection  
15 (a) or a similar provision, in addition to any other criminal  
16 or administrative sanction, a mandatory minimum term of either  
17 10 days of imprisonment or 480 hours of community service shall  
18 be imposed.

19 (b-5) The imprisonment or assignment of community service  
20 under subsections (b-3) and (b-4) shall not be subject to  
21 suspension, nor shall the person be eligible for a reduced  
22 sentence.

23 (c) (Blank).

24 (c-1) (1) A person who violates subsection (a) during a  
25 period in which his or her driving privileges are revoked  
26 or suspended, where the revocation or suspension was for a  
27 violation of subsection (a), Section 11-501.1, paragraph  
28 (b) of Section 11-401, or for reckless homicide as defined  
29 in Section 9-3 of the Criminal Code of 1961 is guilty of a  
30 Class 4 felony.

31 (2) A person who violates subsection (a) a third time,  
32 if the third violation occurs during a period in which his  
33 or her driving privileges are revoked or suspended where  
34 the revocation or suspension was for a violation of  
35 subsection (a), Section 11-501.1, paragraph (b) of Section  
36 11-401, or for reckless homicide as defined in Section 9-3

1 of the Criminal Code of 1961, is guilty of a Class 3  
2 felony.

3 (2.1) A person who violates subsection (a) a third  
4 time, if the third violation occurs during a period in  
5 which his or her driving privileges are revoked or  
6 suspended where the revocation or suspension was for a  
7 violation of subsection (a), Section 11-501.1, subsection  
8 (b) of Section 11-401, or for reckless homicide as defined  
9 in Section 9-3 of the Criminal Code of 1961, is guilty of a  
10 Class 3 felony; and if the person receives a term of  
11 probation or conditional discharge, he or she shall be  
12 required to serve a mandatory minimum of 10 days of  
13 imprisonment or shall be assigned a mandatory minimum of  
14 480 hours of community service, as may be determined by the  
15 court, as a condition of the probation or conditional  
16 discharge. This mandatory minimum term of imprisonment or  
17 assignment of community service shall not be suspended or  
18 reduced by the court.

19 (2.2) A person who violates subsection (a), if the  
20 violation occurs during a period in which his or her  
21 driving privileges are revoked or suspended where the  
22 revocation or suspension was for a violation of subsection  
23 (a) or Section 11-501.1, shall also be sentenced to an  
24 additional mandatory minimum term of 30 consecutive days of  
25 imprisonment, 40 days of 24-hour periodic imprisonment, or  
26 720 hours of community service, as may be determined by the  
27 court. This mandatory term of imprisonment or assignment of  
28 community service shall not be suspended or reduced by the  
29 court.

30 (3) A person who violates subsection (a) a fourth or  
31 subsequent time, if the fourth or subsequent violation  
32 occurs during a period in which his or her driving  
33 privileges are revoked or suspended where the revocation or  
34 suspension was for a violation of subsection (a), Section  
35 11-501.1, paragraph (b) of Section 11-401, or for reckless  
36 homicide as defined in Section 9-3 of the Criminal Code of

1 1961, is guilty of a Class 2 felony and is not eligible for  
2 a sentence of probation or conditional discharge.

3 (c-2) (Blank).

4 (c-3) (Blank).

5 (c-4) (Blank).

6 (c-5) A person who violates subsection (a), if the person  
7 was transporting a person under the age of 16 at the time of  
8 the violation, is subject to an additional mandatory minimum  
9 fine of \$1,000, an additional mandatory minimum 140 hours of  
10 community service, which shall include 40 hours of community  
11 service in a program benefiting children, and an additional 2  
12 days of imprisonment. The imprisonment or assignment of  
13 community service under this subsection (c-5) is not subject to  
14 suspension, nor is the person eligible for a reduced sentence.

15 (c-6) Except as provided in subsections (c-7) and (c-8) a  
16 person who violates subsection (a) a second time, if at the  
17 time of the second violation the person was transporting a  
18 person under the age of 16, is subject to an additional 10 days  
19 of imprisonment, an additional mandatory minimum fine of  
20 \$1,000, and an additional mandatory minimum 140 hours of  
21 community service, which shall include 40 hours of community  
22 service in a program benefiting children. The imprisonment or  
23 assignment of community service under this subsection (c-6) is  
24 not subject to suspension, nor is the person eligible for a  
25 reduced sentence.

26 (c-7) Except as provided in subsection (c-8), any person  
27 convicted of violating subsection (c-6) or a similar provision  
28 within 10 years of a previous violation of subsection (a) or a  
29 similar provision shall receive, in addition to any other  
30 penalty imposed, a mandatory minimum 12 days imprisonment, an  
31 additional 40 hours of mandatory community service in a program  
32 benefiting children, and a mandatory minimum fine of \$1,750.  
33 The imprisonment or assignment of community service under this  
34 subsection (c-7) is not subject to suspension, nor is the  
35 person eligible for a reduced sentence.

36 (c-8) Any person convicted of violating subsection (c-6) or

1 a similar provision within 5 years of a previous violation of  
2 subsection (a) or a similar provision shall receive, in  
3 addition to any other penalty imposed, an additional 80 hours  
4 of mandatory community service in a program benefiting  
5 children, an additional mandatory minimum 12 days of  
6 imprisonment, and a mandatory minimum fine of \$1,750. The  
7 imprisonment or assignment of community service under this  
8 subsection (c-8) is not subject to suspension, nor is the  
9 person eligible for a reduced sentence.

10 (c-9) Any person convicted a third time for violating  
11 subsection (a) or a similar provision, if at the time of the  
12 third violation the person was transporting a person under the  
13 age of 16, is guilty of a Class 4 felony and shall receive, in  
14 addition to any other penalty imposed, an additional mandatory  
15 fine of \$1,000, an additional mandatory 140 hours of community  
16 service, which shall include 40 hours in a program benefiting  
17 children, and a mandatory minimum 30 days of imprisonment. The  
18 imprisonment or assignment of community service under this  
19 subsection (c-9) is not subject to suspension, nor is the  
20 person eligible for a reduced sentence.

21 (c-10) Any person convicted of violating subsection (c-9)  
22 or a similar provision a third time within 20 years of a  
23 previous violation of subsection (a) or a similar provision is  
24 guilty of a Class 4 felony and shall receive, in addition to  
25 any other penalty imposed, an additional mandatory 40 hours of  
26 community service in a program benefiting children, an  
27 additional mandatory fine of \$3,000 ~~\$3000~~, and a mandatory  
28 minimum 120 days of imprisonment. The imprisonment or  
29 assignment of community service under this subsection (c-10) is  
30 not subject to suspension, nor is the person eligible for a  
31 reduced sentence.

32 (c-11) Any person convicted a fourth or subsequent time for  
33 violating subsection (a) or a similar provision, if at the time  
34 of the fourth or subsequent violation the person was  
35 transporting a person under the age of 16, and if the person's  
36 3 prior violations of subsection (a) or a similar provision



1 occurred while transporting a person under the age of 16 or  
2 while the alcohol concentration in his or her blood, breath, or  
3 urine was 0.16 or more based on the definition of blood,  
4 breath, or urine units in Section 11-501.2, is guilty of a  
5 Class 2 felony, is not eligible for probation or conditional  
6 discharge, and is subject to a minimum fine of \$3,000.

7 (c-12) Any person convicted of a first violation of  
8 subsection (a) or a similar provision, if the alcohol  
9 concentration in his or her blood, breath, or urine was 0.16 or  
10 more based on the definition of blood, breath, or urine units  
11 in Section 11-501.2, shall be subject, in addition to any other  
12 penalty that may be imposed, to a mandatory minimum of 100  
13 hours of community service and a mandatory minimum fine of  
14 \$500.

15 (c-13) Any person convicted of a second violation of  
16 subsection (a) or a similar provision committed within 10 years  
17 of a previous violation of subsection (a) or a similar  
18 provision committed within 10 years of a previous violation of  
19 subsection (a) or a similar provision, if at the time of the  
20 second violation of subsection (a) the alcohol concentration in  
21 his or her blood, breath, or urine was 0.16 or more based on  
22 the definition of blood, breath, or urine units in Section  
23 11-501.2, shall be subject, in addition to any other penalty  
24 that may be imposed, to a mandatory minimum of 2 days of  
25 imprisonment and a mandatory minimum fine of \$1,250.

26 (c-14) Any person convicted of a third violation of  
27 subsection (a) or a similar provision within 20 years of a  
28 previous violation of subsection (a) or a similar provision, if  
29 at the time of the third violation of subsection (a) or a  
30 similar provision the alcohol concentration in his or her  
31 blood, breath, or urine was 0.16 or more based on the  
32 definition of blood, breath, or urine units in Section  
33 11-501.2, is guilty of a Class 4 felony and shall be subject,  
34 in addition to any other penalty that may be imposed, to a  
35 mandatory minimum of 90 days of imprisonment and a mandatory  
36 minimum fine of \$2,500.

1 (c-15) Any person convicted of a fourth or subsequent  
2 violation of subsection (a) or a similar provision, if at the  
3 time of the fourth or subsequent violation the alcohol  
4 concentration in his or her blood, breath, or urine was 0.16 or  
5 more based on the definition of blood, breath, or urine units  
6 in Section 11-501.2, and if the person's 3 prior violations of  
7 subsection (a) or a similar provision occurred while  
8 transporting a person under the age of 16 or while the alcohol  
9 concentration in his or her blood, breath, or urine was 0.16 or  
10 more based on the definition of blood, breath, or urine units  
11 in Section 11-501.2, is guilty of a Class 2 felony and is not  
12 eligible for a sentence of probation or conditional discharge  
13 and is subject to a minimum fine of \$2,500.

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

19 (A) the person committed a violation of subsection  
20 (a) or a similar provision for the third or subsequent  
21 time;

22 (B) the person committed a violation of subsection  
23 (a) while driving a school bus with persons 18 years of  
24 age or younger on board;

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

30 (D) the person committed a violation of subsection  
31 (a) for a second time and has been previously convicted  
32 of violating Section 9-3 of the Criminal Code of 1961  
33 or a similar provision of a law of another state  
34 relating to reckless homicide in which the person was  
35 determined to have been under the influence of alcohol,  
36 other drug or drugs, or intoxicating compound or

1 compounds as an element of the offense or the person  
2 has previously been convicted under subparagraph (C)  
3 or subparagraph (F) of this paragraph (1);

4 (E) the person, in committing a violation of  
5 subsection (a) while driving at any speed in a school  
6 speed zone at a time when a speed limit of 20 miles per  
7 hour was in effect under subsection (a) of Section  
8 11-605 of this Code, was involved in a motor vehicle  
9 accident that resulted in bodily harm, other than great  
10 bodily harm or permanent disability or disfigurement,  
11 to another person, when the violation of subsection (a)  
12 was a proximate cause of the bodily harm; or

13 (F) the person, in committing a violation of  
14 subsection (a), was involved in a motor vehicle,  
15 snowmobile, all-terrain vehicle, or watercraft  
16 accident that resulted in the death of another person,  
17 when the violation of subsection (a) was a proximate  
18 cause of the death.

19 (2) Except as provided in this paragraph (2), a person  
20 convicted of aggravated driving under the influence of  
21 alcohol, other drug or drugs, or intoxicating compound or  
22 compounds, or any combination thereof is guilty of a Class  
23 4 felony. For a violation of subparagraph (C) of paragraph  
24 (1) of this subsection (d), the defendant, if sentenced to  
25 a term of imprisonment, shall be sentenced to not less than  
26 one year nor more than 12 years. Aggravated driving under  
27 the influence of alcohol, other drug or drugs, or  
28 intoxicating compound or compounds, or any combination  
29 thereof as defined in subparagraph (F) of paragraph (1) of  
30 this subsection (d) is a Class 2 felony, for which the  
31 defendant, if sentenced to a term of imprisonment, shall be  
32 sentenced to: (A) a term of imprisonment of not less than 3  
33 years and not more than 14 years if the violation resulted  
34 in the death of one person; or (B) a term of imprisonment  
35 of not less than 6 years and not more than 28 years if the  
36 violation resulted in the deaths of 2 or more persons. For

1 any prosecution under this subsection (d), a certified copy  
2 of the driving abstract of the defendant shall be admitted  
3 as proof of any prior conviction. Any person sentenced  
4 under this subsection (d) who receives a term of probation  
5 or conditional discharge must serve a minimum term of  
6 either 480 hours of community service or 10 days of  
7 imprisonment as a condition of the probation or conditional  
8 discharge. This mandatory minimum term of imprisonment or  
9 assignment of community service may not be suspended or  
10 reduced by the court.

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

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

33 (f) Every person found guilty of violating this Section,  
34 whose operation of a motor vehicle while in violation of this  
35 Section proximately caused any incident resulting in an  
36 appropriate emergency response, shall be liable for the expense

1 of an emergency response as provided under Section 5-5-3 of the  
2 Unified Code of Corrections.

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

6 (h) [Blank].

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

14 (j) In addition to any other penalties and liabilities, a  
15 person who is found guilty of or pleads guilty to violating  
16 subsection (a), including any person placed on court  
17 supervision for violating subsection (a), shall be fined \$500,  
18 payable to the circuit clerk, who shall distribute the money as  
19 follows: 20% to the law enforcement agency that made the arrest  
20 and 80% shall be forwarded to the State Treasurer for deposit  
21 into the General Revenue Fund. If the person has been  
22 previously convicted of violating subsection (a) or a similar  
23 provision of a local ordinance, the fine shall be \$1,000. In  
24 the event that more than one agency is responsible for the  
25 arrest, the amount payable to law enforcement agencies shall be  
26 shared equally. Any moneys received by a law enforcement agency  
27 under this subsection (j) shall be used to purchase law  
28 enforcement equipment that will assist in the prevention of  
29 alcohol related criminal violence throughout the State. This  
30 shall include, but is not limited to, in-car video cameras,  
31 radar and laser speed detection devices, and alcohol breath  
32 testers. Any moneys received by the Department of State Police  
33 under this subsection (j) shall be deposited into the State  
34 Police DUI Fund and shall be used to purchase law enforcement  
35 equipment that will assist in the prevention of alcohol related  
36 criminal violence throughout the State.

1 (k) The Secretary of State Police DUI Fund is created as a  
2 special fund in the State treasury. All moneys received by the  
3 Secretary of State Police under subsection (j) of this Section  
4 shall be deposited into the Secretary of State Police DUI Fund  
5 and, subject to appropriation, shall be used to purchase law  
6 enforcement equipment to assist in the prevention of alcohol  
7 related criminal violence throughout the State.

8 (l) Whenever an individual is sentenced for an offense  
9 based upon an arrest for a violation of subsection (a) or a  
10 similar provision of a local ordinance, and the professional  
11 evaluation recommends remedial or rehabilitative treatment or  
12 education, neither the treatment nor the education shall be the  
13 sole disposition and either or both may be imposed only in  
14 conjunction with another disposition. The court shall monitor  
15 compliance with any remedial education or treatment  
16 recommendations contained in the professional evaluation.  
17 Programs conducting alcohol or other drug evaluation or  
18 remedial education must be licensed by the Department of Human  
19 Services. If the individual is not a resident of Illinois,  
20 however, the court may accept an alcohol or other drug  
21 evaluation or remedial education program in the individual's  
22 state of residence. Programs providing treatment must be  
23 licensed under existing applicable alcoholism and drug  
24 treatment licensure standards.

25 (m) In addition to any other fine or penalty required by  
26 law, an individual convicted of a violation of subsection (a),  
27 Section 5-7 of the Snowmobile Registration and Safety Act,  
28 Section 5-16 of the Boat Registration and Safety Act, or a  
29 similar provision, whose operation of a motor vehicle,  
30 snowmobile, or watercraft while in violation of subsection (a),  
31 Section 5-7 of the Snowmobile Registration and Safety Act,  
32 Section 5-16 of the Boat Registration and Safety Act, or a  
33 similar provision proximately caused an incident resulting in  
34 an appropriate emergency response, shall be required to make  
35 restitution to a public agency for the costs of that emergency  
36 response. The restitution may not exceed \$1,000 per public

1 agency for each emergency response. As used in this subsection  
2 (m), "emergency response" means any incident requiring a  
3 response by a police officer, a firefighter carried on the  
4 rolls of a regularly constituted fire department, or an  
5 ambulance.

6 (Source: P.A. 92-248, eff. 8-3-01; 92-418, eff. 8-17-01;  
7 92-420, eff. 8-17-01; 92-429, eff. 1-1-02; 92-431, eff. 1-1-02;  
8 92-651, eff. 7-11-02; 93-156, eff. 1-1-04; 93-213, eff.  
9 7-18-03; 93-584, eff. 8-22-03; 93-712, eff. 1-1-05; 93-800,  
10 eff. 1-1-05; 93-840, eff. 7-30-04; revised 1-13-05.)

11 (625 ILCS 5/11-1201) (from Ch. 95 1/2, par. 11-1201)

12 Sec. 11-1201. Obedience to signal indicating approach of  
13 train.

14 (a) Whenever any person driving a vehicle approaches a  
15 railroad grade crossing where the driver is not always required  
16 to stop, the person must exercise due care and caution as the  
17 existence of a railroad track across a highway is a warning of  
18 danger, and under any of the circumstances stated in this  
19 Section, the driver shall stop within 50 feet but not less than  
20 15 feet from the nearest rail of the railroad and shall not  
21 proceed until the tracks are clear and he or she can do so  
22 safely. The foregoing requirements shall apply when:

23 1. A clearly visible electric or mechanical signal  
24 device gives warning of the immediate approach of a  
25 railroad train;

26 2. A crossing gate is lowered or a human flagman gives  
27 or continues to give a signal of the approach or passage of  
28 a railroad train;

29 3. A railroad train approaching a highway crossing  
30 emits a warning signal and such railroad train, by reason  
31 of its speed or nearness to such crossing, is an immediate  
32 hazard;

33 4. An approaching railroad train is plainly visible and  
34 is in hazardous proximity to such crossing;

35 5. A railroad train is approaching so closely that an

1 immediate hazard is created.

2 (a-5) Whenever a person driving a vehicle approaches a  
3 railroad grade crossing where the driver is not always required  
4 to stop but must slow down, the person must exercise due care  
5 and caution as the existence of a railroad track across a  
6 highway is a warning of danger, and under any of the  
7 circumstances stated in this Section, the driver shall slow  
8 down within 50 feet but not less than 15 feet from the nearest  
9 rail of the railroad and shall not proceed until he or she  
10 checks that the tracks are clear of an approaching train.

11 (b) No person shall drive any vehicle through, around or  
12 under any crossing gate or barrier at a railroad crossing while  
13 such gate or barrier is closed or is being opened or closed.

14 (c) The Department, and local authorities with the approval  
15 of the Department, are hereby authorized to designate  
16 particularly dangerous highway grade crossings of railroads  
17 and to erect stop signs thereat. When such stop signs are  
18 erected the driver of any vehicle shall stop within 50 feet but  
19 not less than 15 feet from the nearest rail of such railroad  
20 and shall proceed only upon exercising due care.

21 (d) At any railroad grade crossing provided with railroad  
22 crossbuck signs, without automatic, electric, or mechanical  
23 signal devices, crossing gates, or a human flagman giving a  
24 signal of the approach or passage of a train, the driver of a  
25 vehicle shall in obedience to the railroad crossbuck sign,  
26 yield the right-of-way and slow down to a speed reasonable for  
27 the existing conditions and shall stop, if required for safety,  
28 at a clearly marked stopped line, or if no stop line, within 50  
29 feet but not less than 15 feet from the nearest rail of the  
30 railroad and shall not proceed until he or she can do so  
31 safely. If a driver is involved in a collision at a railroad  
32 crossing or interferes with the movement of a train after  
33 driving past the railroad crossbuck sign, the collision or  
34 interference is prima facie evidence of the driver's failure to  
35 yield right-of-way.

36 (d-1) No person shall, while driving a commercial motor



1 vehicle, fail to negotiate a railroad-highway grade railroad  
2 crossing because of insufficient undercarriage clearance.

3 (d-5) (Blank).

4 (e) It is unlawful to violate any part of this Section.

5 (1) A violation of this Section is a petty offense for  
6 which a fine of \$250 shall be imposed for a first  
7 violation, and a fine of \$500 shall be imposed for a second  
8 or subsequent violation. The court may impose 25 hours of  
9 community service in place of the \$250 fine for the first  
10 violation.

11 (2) For a second or subsequent violation, the Secretary  
12 of State may suspend the driving privileges of the offender  
13 for a minimum of 6 months.

14 (f) Corporate authorities of municipal corporations  
15 regulating operators of vehicles that fail to obey signals  
16 indicating the presence, approach, passage, or departure of a  
17 train shall impose fines as established in subsection (e) of  
18 this Section.

19 (Source: P.A. 92-245, eff. 8-3-01; 92-249, eff. 1-1-02; 92-651,  
20 eff. 7-11-02; 92-814, eff. 1-1-03; 92-834, eff. 8-22-02;  
21 revised 8-26-02.)

22 (625 ILCS 5/11-1414) (from Ch. 95 1/2, par. 11-1414)

23 Sec. 11-1414. Approaching, overtaking, and passing school  
24 bus.

25 (a) The driver of a vehicle shall stop such vehicle before  
26 meeting or overtaking, from either direction, any school bus  
27 stopped at any location for the purpose of receiving or  
28 discharging pupils. Such stop is required before reaching the  
29 school bus when there is in operation on the school bus the  
30 visual signals as specified in Sections 12-803 and 12-805 of  
31 this Code. The driver of the vehicle shall not proceed until  
32 the school bus resumes motion or the driver of the vehicle is  
33 signaled by the school bus driver to proceed or the visual  
34 signals are no longer actuated.

35 (b) The stop signal arm required by Section 12-803 of this

1 Code shall be extended after the school bus has come to a  
2 complete stop for the purpose of loading or discharging pupils  
3 and shall be closed before the school bus is placed in motion  
4 again. The stop signal arm shall not be extended at any other  
5 time.

6 (c) The alternately flashing red signal lamps of an 8-lamp  
7 flashing signal system required by Section 12-805 of this Code  
8 shall be actuated after the school bus has come to a complete  
9 stop for the purpose of loading or discharging pupils and shall  
10 be turned off before the school bus is placed in motion again.  
11 The red signal lamps shall not be actuated at any other time  
12 except as provided in paragraph (d) of this Section.

13 (d) The alternately flashing amber signal lamps of an  
14 8-lamp flashing signal system required by Section 12-805 of  
15 this Code shall be actuated continuously during not less than  
16 the last 100 feet traveled by the school bus before stopping  
17 for the purpose of loading or discharging pupils within an  
18 urban area and during not less than the last 200 feet traveled  
19 by the school bus outside an urban area. The amber signal lamps  
20 shall remain actuated until the school bus is stopped. The  
21 amber signal lamps shall not be actuated at any other time.

22 (d-5) The alternately flashing head lamps permitted by  
23 Section 12-805 of this Code may be operated while the  
24 alternately flashing red or amber signal lamps required by that  
25 Section are actuated.

26 (e) The driver of a vehicle upon a highway having 4 or more  
27 lanes which permits at least 2 lanes of traffic to travel in  
28 opposite directions need not stop such vehicle upon meeting a  
29 school bus which is stopped in the opposing roadway; and need  
30 not stop such vehicle when driving upon a controlled access  
31 highway when passing a school bus traveling in either direction  
32 that is stopped in a loading zone adjacent to the surfaced or  
33 improved part of the controlled access highway where  
34 pedestrians are not permitted to cross.

35 (f) Beginning with the effective date of this amendatory  
36 Act of 1985, the Secretary of State shall suspend for a period

1 of 3 months the driving privileges of any person convicted of a  
2 violation of subsection (a) of this Section or a similar  
3 provision of a local ordinance; the Secretary shall suspend for  
4 a period of one year the driving privileges of any person  
5 convicted of a second or subsequent violation of subsection (a)  
6 of this Section or a similar provision of a local ordinance if  
7 the second or subsequent violation occurs within 5 years of a  
8 prior conviction for the same offense. In addition to the  
9 suspensions authorized by this Section, any person convicted of  
10 violating this Section or a similar provision of a local  
11 ordinance shall be subject to a mandatory fine of \$150 or, upon  
12 a second or subsequent violation, \$500. The Secretary may also  
13 grant, for the duration of any suspension issued under this  
14 subsection, a restricted driving permit granting the privilege  
15 of driving a motor vehicle between the driver's residence and  
16 place of employment or within other proper limits that the  
17 Secretary of State shall find necessary to avoid any undue  
18 hardship. A restricted driving permit issued hereunder shall be  
19 subject to cancellation, revocation and suspension by the  
20 Secretary of State in like manner and for like cause as a  
21 driver's license may be cancelled, revoked or suspended; except  
22 that a conviction upon one or more offenses against laws or  
23 ordinances regulating the movement of traffic shall be deemed  
24 sufficient cause for the revocation, suspension or  
25 cancellation of the restricted driving permit. The Secretary of  
26 State may, as a condition to the issuance of a restricted  
27 driving permit, require the applicant to participate in a  
28 designated driver remedial or rehabilitative program. Any  
29 conviction for a violation of this subsection shall be included  
30 as an offense for the purposes of determining suspension action  
31 under any other provision of this Code, provided however, that  
32 the penalties provided under this subsection shall be imposed  
33 unless those penalties imposed under other applicable  
34 provisions are greater.

35 The owner of any vehicle alleged to have violated paragraph  
36 (a) of this Section shall, upon appropriate demand by the

1 State's Attorney or other authorized prosecutor acting in  
2 response to a signed complaint, provide a written statement or  
3 deposition identifying the operator of the vehicle if such  
4 operator was not the owner at the time of the alleged  
5 violation. Failure to supply such information shall be  
6 construed to be the same as a violation of paragraph (a) and  
7 shall be subject to the same penalties herein provided. In the  
8 event the owner has assigned control for the use of the vehicle  
9 to another, the person to whom control was assigned shall  
10 comply with the provisions of this paragraph and be subject to  
11 the same penalties as herein provided.

12 (Source: P.A. 93-180, eff. 7-11-03; 93-181, eff. 1-1-04;  
13 revised 8-12-03.)

14 (625 ILCS 5/12-215) (from Ch. 95 1/2, par. 12-215)

15 Sec. 12-215. Oscillating, rotating or flashing lights on  
16 motor vehicles. Except as otherwise provided in this Code:

17 (a) The use of red or white oscillating, rotating or  
18 flashing lights, whether lighted or unlighted, is prohibited  
19 except on:

20 1. Law enforcement vehicles of State, Federal or local  
21 authorities;

22 2. A vehicle operated by a police officer or county  
23 coroner and designated or authorized by local authorities,  
24 in writing, as a law enforcement vehicle; however, such  
25 designation or authorization must be carried in the  
26 vehicle;

27 3. Vehicles of local fire departments and State or  
28 federal firefighting vehicles;

29 4. Vehicles which are designed and used exclusively as  
30 ambulances or rescue vehicles; furthermore, such lights  
31 shall not be lighted except when responding to an emergency  
32 call for and while actually conveying the sick or injured;

33 5. Tow trucks licensed in a state that requires such  
34 lights; furthermore, such lights shall not be lighted on  
35 any such tow truck while the tow truck is operating in the

1 State of Illinois;

2 6. Vehicles of the Illinois Emergency Management  
3 Agency, vehicles of the Illinois Department of Public  
4 Health, and vehicles of the Department of Nuclear Safety;

5 7. Vehicles operated by a local or county emergency  
6 management services agency as defined in the Illinois  
7 Emergency Management Agency Act; ~~and~~

8 8. School buses operating alternately flashing head  
9 lamps as permitted under Section 12-805 of this Code; and.

10 9. ~~9.~~ Vehicles that are equipped and used exclusively  
11 as organ transplant vehicles when used in combination with  
12 blue oscillating, rotating, or flashing lights;  
13 furthermore, these lights shall be lighted only when the  
14 transportation is declared an emergency by a member of the  
15 transplant team or a representative of the organ  
16 procurement organization.

17 (b) The use of amber oscillating, rotating or flashing  
18 lights, whether lighted or unlighted, is prohibited except on:

19 1. Second division vehicles designed and used for  
20 towing or hoisting vehicles; furthermore, such lights  
21 shall not be lighted except as required in this paragraph  
22 1; such lights shall be lighted when such vehicles are  
23 actually being used at the scene of an accident or  
24 disablement; if the towing vehicle is equipped with a flat  
25 bed that supports all wheels of the vehicle being  
26 transported, the lights shall not be lighted while the  
27 vehicle is engaged in towing on a highway; if the towing  
28 vehicle is not equipped with a flat bed that supports all  
29 wheels of a vehicle being transported, the lights shall be  
30 lighted while the towing vehicle is engaged in towing on a  
31 highway during all times when the use of headlights is  
32 required under Section 12-201 of this Code;

33 2. Motor vehicles or equipment of the State of  
34 Illinois, local authorities and contractors; furthermore,  
35 such lights shall not be lighted except while such vehicles  
36 are engaged in maintenance or construction operations

1 within the limits of construction projects;

2 3. Vehicles or equipment used by engineering or survey  
3 crews; furthermore, such lights shall not be lighted except  
4 while such vehicles are actually engaged in work on a  
5 highway;

6 4. Vehicles of public utilities, municipalities, or  
7 other construction, maintenance or automotive service  
8 vehicles except that such lights shall be lighted only as a  
9 means for indicating the presence of a vehicular traffic  
10 hazard requiring unusual care in approaching, overtaking  
11 or passing while such vehicles are engaged in maintenance,  
12 service or construction on a highway;

13 5. Oversized vehicle or load; however, such lights  
14 shall only be lighted when moving under permit issued by  
15 the Department under Section 15-301 of this Code;

16 6. The front and rear of motorized equipment owned and  
17 operated by the State of Illinois or any political  
18 subdivision thereof, which is designed and used for removal  
19 of snow and ice from highways;

20 7. Fleet safety vehicles registered in another state,  
21 furthermore, such lights shall not be lighted except as  
22 provided for in Section 12-212 of this Code;

23 8. Such other vehicles as may be authorized by local  
24 authorities;

25 9. Law enforcement vehicles of State or local  
26 authorities when used in combination with red oscillating,  
27 rotating or flashing lights;

28 9.5. Propane delivery trucks;

29 10. Vehicles used for collecting or delivering mail for  
30 the United States Postal Service provided that such lights  
31 shall not be lighted except when such vehicles are actually  
32 being used for such purposes;

33 11. Any vehicle displaying a slow-moving vehicle  
34 emblem as provided in Section 12-205.1;

35 12. All trucks equipped with self-compactors or  
36 roll-off hoists and roll-on containers for garbage or

1 refuse hauling. Such lights shall not be lighted except  
2 when such vehicles are actually being used for such  
3 purposes;

4 13. Vehicles used by a security company, alarm  
5 responder, or control agency;

6 14. Security vehicles of the Department of Human  
7 Services; however, the lights shall not be lighted except  
8 when being used for security related purposes under the  
9 direction of the superintendent of the facility where the  
10 vehicle is located; and

11 15. Vehicles of union representatives, except that the  
12 lights shall be lighted only while the vehicle is within  
13 the limits of a construction project.

14 (c) The use of blue oscillating, rotating or flashing  
15 lights, whether lighted or unlighted, is prohibited except on:

16 1. Rescue squad vehicles not owned by a fire department  
17 and vehicles owned or fully operated by a:

18 voluntary firefighter;

19 paid firefighter;

20 part-paid firefighter;

21 call firefighter;

22 member of the board of trustees of a fire  
23 protection district;

24 paid or unpaid member of a rescue squad;

25 paid or unpaid member of a voluntary ambulance  
26 unit; or

27 paid or unpaid members of a local or county  
28 emergency management services agency as defined in the  
29 Illinois Emergency Management Agency Act, designated  
30 or authorized by local authorities, in writing, and  
31 carrying that designation or authorization in the  
32 vehicle.

33 However, such lights are not to be lighted except when  
34 responding to a bona fide emergency.

35 Any person using these lights in accordance with this  
36 subdivision (c)1 must carry on his or her person an

1 identification card or letter identifying him or her as a  
2 member of a bona fide fire department, fire protection  
3 district, rescue squad, ambulance unit, or emergency  
4 management services agency. The card or letter must  
5 include:

6 (A) the name of the fire department, fire  
7 protection district, rescue squad, ambulance unit, or  
8 emergency management services agency;

9 (B) the member's position within the fire  
10 department, fire protection district, rescue squad,  
11 ambulance unit, or emergency management services  
12 agency;

13 (C) the member's term of service; and

14 (D) the name of a person within the fire  
15 department, fire protection district, rescue squad,  
16 ambulance unit, or emergency management services  
17 agency to contact to verify the information provided.

18 2. Police department vehicles in cities having a  
19 population of 500,000 or more inhabitants.

20 3. Law enforcement vehicles of State or local  
21 authorities when used in combination with red oscillating,  
22 rotating or flashing lights.

23 4. Vehicles of local fire departments and State or  
24 federal firefighting vehicles when used in combination  
25 with red oscillating, rotating or flashing lights.

26 5. Vehicles which are designed and used exclusively as  
27 ambulances or rescue vehicles when used in combination with  
28 red oscillating, rotating or flashing lights; furthermore,  
29 such lights shall not be lighted except when responding to  
30 an emergency call.

31 6. Vehicles that are equipped and used exclusively as  
32 organ transport vehicles when used in combination with red  
33 oscillating, rotating, or flashing lights; furthermore,  
34 these lights shall only be lighted when the transportation  
35 is declared an emergency by a member of the transplant team  
36 or a representative of the organ procurement organization.



1           7. Vehicles of the Illinois Emergency Management  
2 Agency, vehicles of the Illinois Department of Public  
3 Health, and vehicles of the Department of Nuclear Safety,  
4 when used in combination with red oscillating, rotating, or  
5 flashing lights.

6           8. Vehicles operated by a local or county emergency  
7 management services agency as defined in the Illinois  
8 Emergency Management Agency Act, when used in combination  
9 with red oscillating, rotating, or flashing lights.

10          (c-1) In addition to the blue oscillating, rotating, or  
11 flashing lights permitted under subsection (c), and  
12 notwithstanding subsection (a), a vehicle operated by a  
13 voluntary firefighter, a voluntary member of a rescue squad, or  
14 a member of a voluntary ambulance unit may be equipped with  
15 flashing white headlights and blue grill lights, which may be  
16 used only in responding to an emergency call.

17          (c-2) In addition to the blue oscillating, rotating, or  
18 flashing lights permitted under subsection (c), and  
19 notwithstanding subsection (a), a vehicle operated by a paid or  
20 unpaid member of a local or county emergency management  
21 services agency as defined in the Illinois Emergency Management  
22 Agency Act, may be equipped with white oscillating, rotating,  
23 or flashing lights to be used in combination with blue  
24 oscillating, rotating, or flashing lights, if authorization by  
25 local authorities is in writing and carried in the vehicle.

26          (d) The use of a combination of amber and white  
27 oscillating, rotating or flashing lights, whether lighted or  
28 unlighted, is prohibited except motor vehicles or equipment of  
29 the State of Illinois, local authorities, contractors, and  
30 union representatives may be so equipped; furthermore, such  
31 lights shall not be lighted on vehicles of the State of  
32 Illinois, local authorities, and contractors except while such  
33 vehicles are engaged in highway maintenance or construction  
34 operations within the limits of highway construction projects,  
35 and shall not be lighted on the vehicles of union  
36 representatives except when those vehicles are within the

1 limits of a construction project.

2 (e) All oscillating, rotating or flashing lights referred  
3 to in this Section shall be of sufficient intensity, when  
4 illuminated, to be visible at 500 feet in normal sunlight.

5 (f) Nothing in this Section shall prohibit a manufacturer  
6 of oscillating, rotating or flashing lights or his  
7 representative from temporarily mounting such lights on a  
8 vehicle for demonstration purposes only.

9 (g) Any person violating the provisions of subsections (a),  
10 (b), (c) or (d) of this Section who without lawful authority  
11 stops or detains or attempts to stop or detain another person  
12 shall be guilty of a Class 4 felony.

13 (h) Except as provided in subsection (g) above, any person  
14 violating the provisions of subsections (a) or (c) of this  
15 Section shall be guilty of a Class A misdemeanor.

16 (Source: P.A. 92-138, eff. 7-24-01; 92-407, eff. 8-17-01;  
17 92-651, eff. 7-11-02; 92-782, eff. 8-6-02; 92-820, eff.  
18 8-21-02; 92-872, eff. 6-1-03; 93-181, eff. 1-1-04; 93-725, eff.  
19 1-1-05; 93-794, eff. 7-22-04; 93-829, eff. 7-28-04; revised  
20 10-22-04.)

21 (625 ILCS 5/15-301) (from Ch. 95 1/2, par. 15-301)

22 Sec. 15-301. Permits for excess size and weight.

23 (a) The Department with respect to highways under its  
24 jurisdiction and local authorities with respect to highways  
25 under their jurisdiction may, in their discretion, upon  
26 application and good cause being shown therefor, issue a  
27 special permit authorizing the applicant to operate or move a  
28 vehicle or combination of vehicles of a size or weight of  
29 vehicle or load exceeding the maximum specified in this Act or  
30 otherwise not in conformity with this Act upon any highway  
31 under the jurisdiction of the party granting such permit and  
32 for the maintenance of which the party is responsible.  
33 Applications and permits other than those in written or printed  
34 form may only be accepted from and issued to the company or  
35 individual making the movement. Except for an application to

1 move directly across a highway, it shall be the duty of the  
2 applicant to establish in the application that the load to be  
3 moved by such vehicle or combination is composed of a single  
4 nondivisible object that cannot reasonably be dismantled or  
5 disassembled. For the purpose of over length movements, more  
6 than one object may be carried side by side as long as the  
7 height, width, and weight laws are not exceeded and the cause  
8 for the over length is not due to multiple objects. For the  
9 purpose of over height movements, more than one object may be  
10 carried as long as the cause for the over height is not due to  
11 multiple objects and the length, width, and weight laws are not  
12 exceeded. For the purpose of an over width movement, more than  
13 one object may be carried as long as the cause for the over  
14 width is not due to multiple objects and length, height, and  
15 weight laws are not exceeded. No state or local agency shall  
16 authorize the issuance of excess size or weight permits for  
17 vehicles and loads that are divisible and that can be carried,  
18 when divided, within the existing size or weight maximums  
19 specified in this Chapter. Any excess size or weight permit  
20 issued in violation of the provisions of this Section shall be  
21 void at issue and any movement made thereunder shall not be  
22 authorized under the terms of the void permit. In any  
23 prosecution for a violation of this Chapter when the  
24 authorization of an excess size or weight permit is at issue,  
25 it is the burden of the defendant to establish that the permit  
26 was valid because the load to be moved could not reasonably be  
27 dismantled or disassembled, or was otherwise nondivisible.

28 (b) The application for any such permit shall: (1) state  
29 whether such permit is requested for a single trip or for  
30 limited continuous operation; (2) state if the applicant is an  
31 authorized carrier under the Illinois Motor Carrier of Property  
32 Law, if so, his certificate, registration or permit number  
33 issued by the Illinois Commerce Commission; (3) specifically  
34 describe and identify the vehicle or vehicles and load to be  
35 operated or moved except that for vehicles or vehicle  
36 combinations registered by the Department as provided in

1 Section 15-319 of this Chapter, only the Illinois Department of  
2 Transportation's (IDT) registration number or classification  
3 need be given; (4) state the routing requested including the  
4 points of origin and destination, and may identify and include  
5 a request for routing to the nearest certified scale in  
6 accordance with the Department's rules and regulations,  
7 provided the applicant has approval to travel on local roads;  
8 and (5) state if the vehicles or loads are being transported  
9 for hire. No permits for the movement of a vehicle or load for  
10 hire shall be issued to any applicant who is required under the  
11 Illinois Motor Carrier of Property Law to have a certificate,  
12 registration or permit and does not have such certificate,  
13 registration or permit.

14 (c) The Department or local authority when not inconsistent  
15 with traffic safety is authorized to issue or withhold such  
16 permit at its discretion; or, if such permit is issued at its  
17 discretion to prescribe the route or routes to be traveled, to  
18 limit the number of trips, to establish seasonal or other time  
19 limitations within which the vehicles described may be operated  
20 on the highways indicated, or otherwise to limit or prescribe  
21 conditions of operations of such vehicle or vehicles, when  
22 necessary to assure against undue damage to the road  
23 foundations, surfaces or structures, and may require such  
24 undertaking or other security as may be deemed necessary to  
25 compensate for any injury to any roadway or road structure. The  
26 Department shall maintain a daily record of each permit issued  
27 along with the fee and the stipulated dimensions, weights,  
28 conditions and restrictions authorized and this record shall be  
29 presumed correct in any case of questions or dispute. The  
30 Department shall install an automatic device for recording  
31 applications received and permits issued by telephone. In  
32 making application by telephone, the Department and applicant  
33 waive all objections to the recording of the conversation.

34 (d) The Department shall, upon application in writing from  
35 any local authority, issue an annual permit authorizing the  
36 local authority to move oversize highway construction,

1 transportation, utility and maintenance equipment over roads  
2 under the jurisdiction of the Department. The permit shall be  
3 applicable only to equipment and vehicles owned by or  
4 registered in the name of the local authority, and no fee shall  
5 be charged for the issuance of such permits.

6 (e) As an exception to paragraph (a) of this Section, the  
7 Department and local authorities, with respect to highways  
8 under their respective jurisdictions, in their discretion and  
9 upon application in writing may issue a special permit for  
10 limited continuous operation, authorizing the applicant to  
11 move loads of agricultural commodities on a 2 axle single  
12 vehicle registered by the Secretary of State with axle loads  
13 not to exceed 35%, on a 3 or 4 axle vehicle registered by the  
14 Secretary of State with axle loads not to exceed 20%, and on a  
15 5 axle vehicle registered by the Secretary of State not to  
16 exceed 10% above those provided in Section 15-111. The total  
17 gross weight of the vehicle, however, may not exceed the  
18 maximum gross weight of the registration class of the vehicle  
19 allowed under Section 3-815 or 3-818 of this Code.

20 As used in this Section, "agricultural commodities" means:

21 (1) cultivated plants or agricultural produce grown  
22 including, but is not limited to, corn, soybeans, wheat,  
23 oats, grain sorghum, canola, and rice;

24 (2) livestock, including but not limited to hogs,  
25 equine, sheep, and poultry;

26 (3) ensilage; and

27 (4) fruits and vegetables.

28 Permits may be issued for a period not to exceed 40 days  
29 and moves may be made of a distance not to exceed 50 miles from  
30 a field, an on-farm grain storage facility, a warehouse as  
31 defined in the Illinois Grain Code, or a livestock management  
32 facility as defined in the Livestock Management Facilities Act  
33 over any highway except the National System of Interstate and  
34 Defense Highways. The operator of the vehicle, however, must  
35 abide by posted bridge and posted highway weight limits. All  
36 implements of husbandry operating under this Section between

1 sunset and sunrise shall be equipped as prescribed in Section  
2 12-205.1.

3 (e-1) Upon a declaration by the Governor that an emergency  
4 harvest situation exists, a special permit issued by the  
5 Department under this Section shall not be required from  
6 September 1 through December 31 during harvest season  
7 emergencies, provided that the weight does not exceed 20% above  
8 the limits provided in Section 15-111. All other restrictions  
9 that apply to permits issued under this Section shall apply  
10 during the declared time period. With respect to highways under  
11 the jurisdiction of local authorities, the local authorities  
12 may, at their discretion, waive special permit requirements  
13 during harvest season emergencies. This permit exemption shall  
14 apply to all vehicles eligible to obtain permits under this  
15 Section, including commercial vehicles in use during the  
16 declared time period.

17 (f) The form and content of the permit shall be determined  
18 by the Department with respect to highways under its  
19 jurisdiction and by local authorities with respect to highways  
20 under their jurisdiction. Every permit shall be in written form  
21 and carried in the vehicle or combination of vehicles to which  
22 it refers and shall be open to inspection by any police officer  
23 or authorized agent of any authority granting the permit and no  
24 person shall violate any of the terms or conditions of such  
25 special permit. Violation of the terms and conditions of the  
26 permit shall not be deemed a revocation of the permit; however,  
27 any vehicle and load found to be off the route prescribed in  
28 the permit shall be held to be operating without a permit. Any  
29 off route vehicle and load shall be required to obtain a new  
30 permit or permits, as necessary, to authorize the movement back  
31 onto the original permit routing. No rule or regulation, nor  
32 anything herein shall be construed to authorize any police  
33 officer, court, or authorized agent of any authority granting  
34 the permit to remove the permit from the possession of the  
35 permittee unless the permittee is charged with a fraudulent  
36 permit violation as provided in paragraph (i). However, upon

1 arrest for an offense of violation of permit, operating without  
2 a permit when the vehicle is off route, or any size or weight  
3 offense under this Chapter when the permittee plans to raise  
4 the issuance of the permit as a defense, the permittee, or his  
5 agent, must produce the permit at any court hearing concerning  
6 the alleged offense.

7 If the permit designates and includes a routing to a  
8 certified scale, the permittee, while enroute to the designated  
9 scale, shall be deemed in compliance with the weight provisions  
10 of the permit provided the axle or gross weights do not exceed  
11 any of the permitted limits by more than the following amounts:

12	Single axle	2000 pounds
13	Tandem axle	3000 pounds
14	Gross	5000 pounds

15 (g) The Department is authorized to adopt, amend, and to  
16 make available to interested persons a policy concerning  
17 reasonable rules, limitations and conditions or provisions of  
18 operation upon highways under its jurisdiction in addition to  
19 those contained in this Section for the movement by special  
20 permit of vehicles, combinations, or loads which cannot  
21 reasonably be dismantled or disassembled, including  
22 manufactured and modular home sections and portions thereof.  
23 All rules, limitations and conditions or provisions adopted in  
24 the policy shall have due regard for the safety of the  
25 traveling public and the protection of the highway system and  
26 shall have been promulgated in conformity with the provisions  
27 of the Illinois Administrative Procedure Act. The requirements  
28 of the policy for flagmen and escort vehicles shall be the same  
29 for all moves of comparable size and weight. When escort  
30 vehicles are required, they shall meet the following  
31 requirements:

32 (1) All operators shall be 18 years of age or over and  
33 properly licensed to operate the vehicle.

34 (2) Vehicles escorting oversized loads more than  
35 12-feet wide must be equipped with a rotating or flashing  
36 amber light mounted on top as specified under Section

1 12-215.

2 The Department shall establish reasonable rules and  
3 regulations regarding liability insurance or self insurance  
4 for vehicles with oversized loads promulgated under The  
5 Illinois Administrative Procedure Act. Police vehicles may be  
6 required for escort under circumstances as required by rules  
7 and regulations of the Department.

8 (h) Violation of any rule, limitation or condition or  
9 provision of any permit issued in accordance with the  
10 provisions of this Section shall not render the entire permit  
11 null and void but the violator shall be deemed guilty of  
12 violation of permit and guilty of exceeding any size, weight or  
13 load limitations in excess of those authorized by the permit.  
14 The prescribed route or routes on the permit are not mere  
15 rules, limitations, conditions, or provisions of the permit,  
16 but are also the sole extent of the authorization granted by  
17 the permit. If a vehicle and load are found to be off the route  
18 or routes prescribed by any permit authorizing movement, the  
19 vehicle and load are operating without a permit. Any off route  
20 movement shall be subject to the size and weight maximums,  
21 under the applicable provisions of this Chapter, as determined  
22 by the type or class highway upon which the vehicle and load  
23 are being operated.

24 (i) Whenever any vehicle is operated or movement made under  
25 a fraudulent permit the permit shall be void, and the person,  
26 firm, or corporation to whom such permit was granted, the  
27 driver of such vehicle in addition to the person who issued  
28 such permit and any accessory, shall be guilty of fraud and  
29 either one or all persons may be prosecuted for such violation.  
30 Any person, firm, or corporation committing such violation  
31 shall be guilty of a Class 4 felony and the Department shall  
32 not issue permits to the person, firm or corporation convicted  
33 of such violation for a period of one year after the date of  
34 conviction. Penalties for violations of this Section shall be  
35 in addition to any penalties imposed for violation of other  
36 Sections of this Act.



1 (j) Whenever any vehicle is operated or movement made in  
2 violation of a permit issued in accordance with this Section,  
3 the person to whom such permit was granted, or the driver of  
4 such vehicle, is guilty of such violation and either, but not  
5 both, persons may be prosecuted for such violation as stated in  
6 this subsection (j). Any person, firm or corporation convicted  
7 of such violation shall be guilty of a petty offense and shall  
8 be fined for the first offense, not less than \$50 nor more than  
9 \$200 and, for the second offense by the same person, firm or  
10 corporation within a period of one year, not less than \$200 nor  
11 more than \$300 and, for the third offense by the same person,  
12 firm or corporation within a period of one year after the date  
13 of the first offense, not less than \$300 nor more than \$500 and  
14 the Department shall not issue permits to the person, firm or  
15 corporation convicted of a third offense during a period of one  
16 year after the date of conviction for such third offense.

17 (k) Whenever any vehicle is operated on local roads under  
18 permits for excess width or length issued by local authorities,  
19 such vehicle may be moved upon a State highway for a distance  
20 not to exceed one-half mile without a permit for the purpose of  
21 crossing the State highway.

22 (l) Notwithstanding any other provision of this Section,  
23 the Department, with respect to highways under its  
24 jurisdiction, and local authorities, with respect to highways  
25 under their jurisdiction, may at their discretion authorize the  
26 movement of a vehicle in violation of any size or weight  
27 requirement, or both, that would not ordinarily be eligible for  
28 a permit, when there is a showing of extreme necessity that the  
29 vehicle and load should be moved without unnecessary delay.

30 For the purpose of this subsection, showing of extreme  
31 necessity shall be limited to the following: shipments of  
32 livestock, hazardous materials, liquid concrete being hauled  
33 in a mobile cement mixer, or hot asphalt.

34 (m) Penalties for violations of this Section shall be in  
35 addition to any penalties imposed for violating any other  
36 Section of this Code.

1 (n) The Department with respect to highways under its  
2 jurisdiction and local authorities with respect to highways  
3 under their jurisdiction, in their discretion and upon  
4 application in writing, may issue a special permit for  
5 continuous limited operation, authorizing the applicant to  
6 operate a tow-truck that exceeds the weight limits provided for  
7 in subsection (d) of Section 15-111, provided:

8 (1) no rear single axle of the tow-truck exceeds 26,000  
9 pounds;

10 (2) no rear tandem axle of the tow-truck exceeds 50,000  
11 pounds;

12 (2.1) no triple rear axle on a manufactured recovery  
13 unit exceeds 56,000 pounds;

14 (3) neither the disabled vehicle nor the disabled  
15 combination of vehicles exceed the weight restrictions  
16 imposed by this Chapter 15, or the weight limits imposed  
17 under a permit issued by the Department prior to hookup;

18 (4) the tow-truck prior to hookup does not exceed the  
19 weight restrictions imposed by this Chapter 15;

20 (5) during the tow operation the tow-truck does not  
21 violate any weight restriction sign;

22 (6) the tow-truck is equipped with flashing, rotating,  
23 or oscillating amber lights, visible for at least 500 feet  
24 in all directions;

25 (7) the tow-truck is specifically designed and  
26 licensed as a tow-truck;

27 (8) the tow-truck has a gross vehicle weight rating of  
28 sufficient capacity to safely handle the load;

29 (9) the tow-truck is equipped with air brakes;

30 (10) the tow-truck is capable of utilizing the lighting  
31 and braking systems of the disabled vehicle or combination  
32 of vehicles;

33 (11) the tow commences at the initial point of wreck or  
34 disablement and terminates at a point where the repairs are  
35 actually to occur;

36 (12) the permit issued to the tow-truck is carried in

1 the tow-truck and exhibited on demand by a police officer;  
2 and

3 (13) the movement shall be valid only on state routes  
4 approved by the Department.

5 (o) The Department, with respect to highways under its  
6 jurisdiction, and local authorities, with respect to highways  
7 under their jurisdiction, in their discretion and upon  
8 application in writing, may issue a special permit for  
9 continuous limited operation, authorizing the applicant to  
10 transport raw milk that exceeds the weight limits provided for  
11 in subsections (b) and (f) of Section 15-111 of this Code,  
12 provided:

13 (1) no single axle exceeds 20,000 pounds;

14 (2) no gross weight exceeds 80,000 pounds;

15 (3) permits issued by the State are good only for  
16 federal and State highways and are not applicable to  
17 interstate highways; and

18 (4) all road and bridge postings must be obeyed.

19 (Source: P.A. 93-718, eff. 1-1-05; 93-971, eff. 8-20-04;  
20 93-1023, eff. 8-25-04; revised 10-14-04.)

21 (625 ILCS 5/18b-105) (from Ch. 95 1/2, par. 18b-105)

22 Sec. 18b-105. Rules and Regulations.

23 (a) The Department is authorized to make and adopt  
24 reasonable rules and regulations and orders consistent with law  
25 necessary to carry out the provisions of this Chapter.

26 (b) The following parts of Title 49 of the Code of Federal  
27 Regulations, as now in effect, are hereby adopted by reference  
28 as though they were set out in full:

29 Part 383 - Commercial Driver's License Standards,  
30 Requirements, and Penalties;

31 Part 385 - Safety Fitness Procedures;

32 Part 390 - Federal Motor Carrier Safety Regulations:  
33 General;

34 Part 391 - Qualifications of Drivers;

35 Part 392 - Driving of Motor Vehicles;

1 Part 393 - Parts and Accessories Necessary for Safe  
2 Operation;

3 Part 395 - Hours of Service of Drivers, except as provided  
4 in Section 18b-106.1; and

5 Part 396 - Inspection, Repair and Maintenance.

6 (b-5) Individuals who meet the requirements set forth in  
7 the definition of "medical examiner" in Section 390.5 of Part  
8 390 of Title 49 of the Code of Federal Regulations may act as  
9 medical examiners in accordance with Part 391 of Title 49 of  
10 the Code of Federal Regulations.

11 (c) The following parts and Sections of the Federal Motor  
12 Carrier Safety Regulations shall not apply to those intrastate  
13 carriers, drivers or vehicles subject to subsection (b).

14 (1) Section 393.93 of Part 393 for those vehicles  
15 manufactured before June 30, 1972.

16 (2) Section 393.86 of Part 393 for those vehicles which  
17 are registered as farm trucks under subsection (c) of  
18 Section 3-815 of this Code.

19 (3) (Blank).

20 (4) (Blank).

21 (5) Paragraph (b) (1) of Section 391.11 of Part 391.

22 (6) All of Part 395 for all agricultural movements as  
23 defined in Chapter 1, between the period of February 1  
24 through November 30 each year, and all farm to market  
25 agricultural transportation as defined in Chapter 1 and for  
26 grain hauling operations within a radius of 200 air miles  
27 of the normal work reporting location.

28 (7) Paragraphs (b) (3) (insulin dependent diabetic) and  
29 (b) (10) (minimum visual acuity) of Section 391.41 of part  
30 391, but only for any driver who immediately prior to July  
31 29, 1986 was eligible and licensed to operate a motor  
32 vehicle subject to this Section and was engaged in  
33 operating such vehicles, and who was disqualified on July  
34 29, 1986 by the adoption of Part 391 by reason of the  
35 application of paragraphs (b) (3) and (b) (10) of Section  
36 391.41 with respect to a physical condition existing at

1           that time unless such driver has a record of accidents  
2           which would indicate a lack of ability to operate a motor  
3           vehicle in a safe manner.

4           (d) Intrastate carriers subject to the recording  
5           provisions of Section 395.8 of Part 395 of the Federal Motor  
6           Carrier Safety Regulations shall be exempt as established under  
7           paragraph (1) of Section 395.8; provided, however, for the  
8           purpose of this Code, drivers shall operate within a 150  
9           air-mile radius of the normal work reporting location to  
10          qualify for exempt status.

11          (e) Regulations adopted by the Department subsequent to  
12          those adopted under subsection (b) hereof shall be identical in  
13          substance to the Federal Motor Carrier Safety Regulations of  
14          the United States Department of Transportation and adopted in  
15          accordance with the procedures for rulemaking in Section 5-35  
16          of the Illinois Administrative Procedure Act.

17          (Source: P.A. 91-179, eff. 1-1-00; 92-108, eff. 1-1-02; 92-249;  
18          eff. 1-1-02; 92-651, eff. 7-11-02; 92-703, eff. 7-19-02;  
19          revised 7-30-02.)

20          Section 515. The Clerks of Courts Act is amended by  
21          changing Sections 27.1a and 27.3b as follows:

22                 (705 ILCS 105/27.1a) (from Ch. 25, par. 27.1a)

23          Sec. 27.1a. The fees of the clerks of the circuit court in  
24          all counties having a population of not more than 500,000  
25          inhabitants in the instances described in this Section shall be  
26          as provided in this Section. In those instances where a minimum  
27          and maximum fee is stated, the clerk of the circuit court must  
28          charge the minimum fee listed and may charge up to the maximum  
29          fee if the county board has by resolution increased the fee.  
30          The fees shall be paid in advance and shall be as follows:

31          (a) Civil Cases.

32                 The fee for filing a complaint, petition, or other  
33                 pleading initiating a civil action, with the following  
34                 exceptions, shall be a minimum of \$40 and a maximum of

1           \$160.

2                   (A) When the amount of money or damages or the  
3 value of personal property claimed does not exceed  
4 \$250, \$10.

5                   (B) When that amount exceeds \$250 but does not  
6 exceed \$500, a minimum of \$10 and a maximum of \$20.

7                   (C) When that amount exceeds \$500 but does not  
8 exceed \$2500, a minimum of \$25 and a maximum of \$40.

9                   (D) When that amount exceeds \$2500 but does not  
10 exceed \$15,000, a minimum of \$25 and a maximum of \$75.

11                   (E) For the exercise of eminent domain, a minimum  
12 of \$45 and a maximum of \$150. For each additional lot  
13 or tract of land or right or interest therein subject  
14 to be condemned, the damages in respect to which shall  
15 require separate assessment by a jury, a minimum of \$45  
16 and a maximum of \$150.

17 (a-1) Family.

18                   For filing a petition under the Juvenile Court Act of  
19 1987, \$25.

20                   For filing a petition for a marriage license, \$10.

21                   For performing a marriage in court, \$10.

22                   For filing a petition under the Illinois Parentage Act  
23 of 1984, \$40.

24 (b) Forcible Entry and Detainer.

25                   In each forcible entry and detainer case when the  
26 plaintiff seeks possession only or unites with his or her  
27 claim for possession of the property a claim for rent or  
28 damages or both in the amount of \$15,000 or less, a minimum  
29 of \$10 and a maximum of \$50. When the plaintiff unites his  
30 or her claim for possession with a claim for rent or  
31 damages or both exceeding \$15,000, a minimum of \$40 and a  
32 maximum of \$160.

33 (c) Counterclaim or Joining Third Party Defendant.

34                   When any defendant files a counterclaim as part of his  
35 or her answer or otherwise or joins another party as a  
36 third party defendant, or both, the defendant shall pay a

1 fee for each counterclaim or third party action in an  
2 amount equal to the fee he or she would have had to pay had  
3 he or she brought a separate action for the relief sought  
4 in the counterclaim or against the third party defendant,  
5 less the amount of the appearance fee, if that has been  
6 paid.

7 (d) Confession of Judgment.

8 In a confession of judgment when the amount does not  
9 exceed \$1500, a minimum of \$20 and a maximum of \$50. When  
10 the amount exceeds \$1500, but does not exceed \$15,000, a  
11 minimum of \$40 and a maximum of \$115. When the amount  
12 exceeds \$15,000, a minimum of \$40 and a maximum of \$200.

13 (e) Appearance.

14 The fee for filing an appearance in each civil case  
15 shall be a minimum of \$15 and a maximum of \$60, except as  
16 follows:

17 (A) When the plaintiff in a forcible entry and  
18 detainer case seeks possession only, a minimum of \$10  
19 and a maximum of \$50.

20 (B) When the amount in the case does not exceed  
21 \$1500, a minimum of \$10 and a maximum of \$30.

22 (C) When that amount exceeds \$1500 but does not  
23 exceed \$15,000, a minimum of \$15 and a maximum of \$60.

24 (f) Garnishment, Wage Deduction, and Citation.

25 In garnishment affidavit, wage deduction affidavit,  
26 and citation petition when the amount does not exceed  
27 \$1,000, a minimum of \$5 and a maximum of \$15; when the  
28 amount exceeds \$1,000 but does not exceed \$5,000, a minimum  
29 of \$5 and a maximum of \$30; and when the amount exceeds  
30 \$5,000, a minimum of \$5 and a maximum of \$50.

31 (g) Petition to Vacate or Modify.

32 (1) Petition to vacate or modify any final judgment or  
33 order of court, except in forcible entry and detainer cases  
34 and small claims cases or a petition to reopen an estate,  
35 to modify, terminate, or enforce a judgment or order for  
36 child or spousal support, or to modify, suspend, or

1 terminate an order for withholding, if filed before 30 days  
2 after the entry of the judgment or order, a minimum of \$20  
3 and a maximum of \$50.

4 (2) Petition to vacate or modify any final judgment or  
5 order of court, except a petition to modify, terminate, or  
6 enforce a judgment or order for child or spousal support or  
7 to modify, suspend, or terminate an order for withholding,  
8 if filed later than 30 days after the entry of the judgment  
9 or order, a minimum of \$20 and a maximum of \$75.

10 (3) Petition to vacate order of bond forfeiture, a  
11 minimum of \$10 and a maximum of \$40.

12 (h) Mailing.

13 When the clerk is required to mail, the fee will be a  
14 minimum of \$2 and a maximum of \$10, plus the cost of  
15 postage.

16 (i) Certified Copies.

17 Each certified copy of a judgment after the first,  
18 except in small claims and forcible entry and detainer  
19 cases, a minimum of \$2 and a maximum of \$10.

20 (j) Habeas Corpus.

21 For filing a petition for relief by habeas corpus, a  
22 minimum of \$60 and a maximum of \$100.

23 (k) Certification, Authentication, and Reproduction.

24 (1) Each certification or authentication for taking  
25 the acknowledgment of a deed or other instrument in writing  
26 with the seal of office, a minimum of \$2 and a maximum of  
27 \$6.

28 (2) Court appeals when original documents are  
29 forwarded, under 100 pages, plus delivery and costs, a  
30 minimum of \$20 and a maximum of \$60.

31 (3) Court appeals when original documents are  
32 forwarded, over 100 pages, plus delivery and costs, a  
33 minimum of \$50 and a maximum of \$150.

34 (4) Court appeals when original documents are  
35 forwarded, over 200 pages, an additional fee of a minimum  
36 of 20 cents and a maximum of 25 cents per page.



1 (5) For reproduction of any document contained in the  
2 clerk's files:

3 (A) First page, a minimum of \$1 and a maximum of  
4 \$2.

5 (B) Next 19 pages, 50 cents per page.

6 (C) All remaining pages, 25 cents per page.

7 (l) Remands.

8 In any cases remanded to the Circuit Court from the  
9 Supreme Court or the Appellate Court for a new trial, the  
10 clerk shall file the remanding order and reinstate the case  
11 with either its original number or a new number. The Clerk  
12 shall not charge any new or additional fee for the  
13 reinstatement. Upon reinstatement the Clerk shall advise  
14 the parties of the reinstatement. A party shall have the  
15 same right to a jury trial on remand and reinstatement as  
16 he or she had before the appeal, and no additional or new  
17 fee or charge shall be made for a jury trial after remand.

18 (m) Record Search.

19 For each record search, within a division or municipal  
20 district, the clerk shall be entitled to a search fee of a  
21 minimum of \$4 and a maximum of \$6 for each year searched.

22 (n) Hard Copy.

23 For each page of hard copy print output, when case  
24 records are maintained on an automated medium, the clerk  
25 shall be entitled to a fee of a minimum of \$4 and a maximum  
26 of \$6.

27 (o) Index Inquiry and Other Records.

28 No fee shall be charged for a single  
29 plaintiff/defendant index inquiry or single case record  
30 inquiry when this request is made in person and the records  
31 are maintained in a current automated medium, and when no  
32 hard copy print output is requested. The fees to be charged  
33 for management records, multiple case records, and  
34 multiple journal records may be specified by the Chief  
35 Judge pursuant to the guidelines for access and  
36 dissemination of information approved by the Supreme

1 Court.

2 (p) (Blank).

3 ~~a minimum of \$25 and a maximum of \$50~~

4 (q) Alias Summons.

5 For each alias summons or citation issued by the clerk,  
6 a minimum of \$2 and a maximum of \$5.

7 (r) Other Fees.

8 Any fees not covered in this Section shall be set by  
9 rule or administrative order of the Circuit Court with the  
10 approval of the Administrative Office of the Illinois  
11 Courts.

12 The clerk of the circuit court may provide additional  
13 services for which there is no fee specified by statute in  
14 connection with the operation of the clerk's office as may  
15 be requested by the public and agreed to by the clerk and  
16 approved by the chief judge of the circuit court. Any  
17 charges for additional services shall be as agreed to  
18 between the clerk and the party making the request and  
19 approved by the chief judge of the circuit court. Nothing  
20 in this subsection shall be construed to require any clerk  
21 to provide any service not otherwise required by law.

22 (s) Jury Services.

23 The clerk shall be entitled to receive, in addition to  
24 other fees allowed by law, the sum of a minimum of \$62.50  
25 and a maximum of \$212.50, as a fee for the services of a  
26 jury in every civil action not quasi-criminal in its nature  
27 and not a proceeding for the exercise of the right of  
28 eminent domain and in every other action wherein the right  
29 of trial by jury is or may be given by law. The jury fee  
30 shall be paid by the party demanding a jury at the time of  
31 filing the jury demand. If the fee is not paid by either  
32 party, no jury shall be called in the action or proceeding,  
33 and the same shall be tried by the court without a jury.

34 (t) Voluntary Assignment.

35 For filing each deed of voluntary assignment, a minimum  
36 of \$10 and a maximum of \$20; for recording the same, a

1 minimum of 25 cents and a maximum of 50 cents for each 100  
2 words. Exceptions filed to claims presented to an assignee  
3 of a debtor who has made a voluntary assignment for the  
4 benefit of creditors shall be considered and treated, for  
5 the purpose of taxing costs therein, as actions in which  
6 the party or parties filing the exceptions shall be  
7 considered as party or parties plaintiff, and the claimant  
8 or claimants as party or parties defendant, and those  
9 parties respectively shall pay to the clerk the same fees  
10 as provided by this Section to be paid in other actions.

11 (u) Expungement Petition.

12 The clerk shall be entitled to receive a fee of a  
13 minimum of \$15 and a maximum of \$60 for each expungement  
14 petition filed and an additional fee of a minimum of \$2 and  
15 a maximum of \$4 for each certified copy of an order to  
16 expunge arrest records.

17 (v) Probate.

18 The clerk is entitled to receive the fees specified in  
19 this subsection (v), which shall be paid in advance, except  
20 that, for good cause shown, the court may suspend, reduce,  
21 or release the costs payable under this subsection:

22 (1) For administration of the estate of a decedent  
23 (whether testate or intestate) or of a missing person, a  
24 minimum of \$50 and a maximum of \$150, plus the fees  
25 specified in subsection (v) (3), except:

26 (A) When the value of the real and personal  
27 property does not exceed \$15,000, the fee shall be a  
28 minimum of \$25 and a maximum of \$40.

29 (B) When (i) proof of heirship alone is made, (ii)  
30 a domestic or foreign will is admitted to probate  
31 without administration (including proof of heirship),  
32 or (iii) letters of office are issued for a particular  
33 purpose without administration of the estate, the fee  
34 shall be a minimum of \$10 and a maximum of \$40.

35 (C) For filing a petition to sell Real Estate, \$50.

36 (2) For administration of the estate of a ward, a

1 minimum of \$50 and a maximum of \$75, plus the fees  
2 specified in subsection (v) (3), except:

3 (A) When the value of the real and personal  
4 property does not exceed \$15,000, the fee shall be a  
5 minimum of \$25 and a maximum of \$40.

6 (B) When (i) letters of office are issued to a  
7 guardian of the person or persons, but not of the  
8 estate or (ii) letters of office are issued in the  
9 estate of a ward without administration of the estate,  
10 including filing or joining in the filing of a tax  
11 return or releasing a mortgage or consenting to the  
12 marriage of the ward, the fee shall be a minimum of \$10  
13 and a maximum of \$20.

14 (C) For filing a Petition to sell Real Estate, \$50.

15 (3) In addition to the fees payable under subsection  
16 (v) (1) or (v) (2) of this Section, the following fees are  
17 payable:

18 (A) For each account (other than one final account)  
19 filed in the estate of a decedent, or ward, a minimum  
20 of \$10 and a maximum of \$25.

21 (B) For filing a claim in an estate when the amount  
22 claimed is \$150 or more but less than \$500, a minimum  
23 of \$10 and a maximum of \$25; when the amount claimed is  
24 \$500 or more but less than \$10,000, a minimum of \$10  
25 and a maximum of \$40; when the amount claimed is  
26 \$10,000 or more, a minimum of \$10 and a maximum of \$60;  
27 provided that the court in allowing a claim may add to  
28 the amount allowed the filing fee paid by the claimant.

29 (C) For filing in an estate a claim, petition, or  
30 supplemental proceeding based upon an action seeking  
31 equitable relief including the construction or contest  
32 of a will, enforcement of a contract to make a will,  
33 and proceedings involving testamentary trusts or the  
34 appointment of testamentary trustees, a minimum of \$40  
35 and a maximum of \$60.

36 (D) For filing in an estate (i) the appearance of

1 any person for the purpose of consent or (ii) the  
2 appearance of an executor, administrator,  
3 administrator to collect, guardian, guardian ad litem,  
4 or special administrator, no fee.

5 (E) Except as provided in subsection (v) (3) (D),  
6 for filing the appearance of any person or persons, a  
7 minimum of \$10 and a maximum of \$30.

8 (F) For each jury demand, a minimum of \$62.50 and a  
9 maximum of \$137.50.

10 (G) For disposition of the collection of a judgment  
11 or settlement of an action or claim for wrongful death  
12 of a decedent or of any cause of action of a ward, when  
13 there is no other administration of the estate, a  
14 minimum of \$30 and a maximum of \$50, less any amount  
15 paid under subsection (v) (1) (B) or (v) (2) (B) except  
16 that if the amount involved does not exceed \$5,000, the  
17 fee, including any amount paid under subsection  
18 (v) (1) (B) or (v) (2) (B), shall be a minimum of \$10 and a  
19 maximum of \$20.

20 (H) For each certified copy of letters of office,  
21 of court order or other certification, a minimum of \$1  
22 and a maximum of \$2, plus a minimum of 50 cents and a  
23 maximum of \$1 per page in excess of 3 pages for the  
24 document certified.

25 (I) For each exemplification, a minimum of \$1 and a  
26 maximum of \$2, plus the fee for certification.

27 (4) The executor, administrator, guardian, petitioner,  
28 or other interested person or his or her attorney shall pay  
29 the cost of publication by the clerk directly to the  
30 newspaper.

31 (5) The person on whose behalf a charge is incurred for  
32 witness, court reporter, appraiser, or other miscellaneous  
33 fee shall pay the same directly to the person entitled  
34 thereto.

35 (6) The executor, administrator, guardian, petitioner,  
36 or other interested person or his or her attorney shall pay

1 to the clerk all postage charges incurred by the clerk in  
2 mailing petitions, orders, notices, or other documents  
3 pursuant to the provisions of the Probate Act of 1975.

4 (w) Criminal and Quasi-Criminal Costs and Fees.

5 (1) The clerk shall be entitled to costs in all  
6 criminal and quasi-criminal cases from each person  
7 convicted or sentenced to supervision therein as follows:

8 (A) Felony complaints, a minimum of \$40 and a  
9 maximum of \$100.

10 (B) Misdemeanor complaints, a minimum of \$25 and a  
11 maximum of \$75.

12 (C) Business offense complaints, a minimum of \$25  
13 and a maximum of \$75.

14 (D) Petty offense complaints, a minimum of \$25 and  
15 a maximum of \$75.

16 (E) Minor traffic or ordinance violations, \$10.

17 (F) When court appearance required, \$15.

18 (G) Motions to vacate or amend final orders, a  
19 minimum of \$20 and a maximum of \$40.

20 (H) Motions to vacate bond forfeiture orders, a  
21 minimum of \$20 and a maximum of \$40.

22 (I) Motions to vacate ex parte judgments, whenever  
23 filed, a minimum of \$20 and a maximum of \$40.

24 (J) Motions to vacate judgment on forfeitures,  
25 whenever filed, a minimum of \$20 and a maximum of \$40.

26 (K) Motions to vacate "failure to appear" or  
27 "failure to comply" notices sent to the Secretary of  
28 State, a minimum of \$20 and a maximum of \$40.

29 (2) In counties having a population of not more than  
30 500,000 inhabitants, when the violation complaint is  
31 issued by a municipal police department, the clerk shall be  
32 entitled to costs from each person convicted therein as  
33 follows:

34 (A) Minor traffic or ordinance violations, \$10.

35 (B) When court appearance required, \$15.

36 (3) In ordinance violation cases punishable by fine

1           only, the clerk of the circuit court shall be entitled to  
2           receive, unless the fee is excused upon a finding by the  
3           court that the defendant is indigent, in addition to other  
4           fees or costs allowed or imposed by law, the sum of a  
5           minimum of \$62.50 and a maximum of \$137.50 as a fee for the  
6           services of a jury. The jury fee shall be paid by the  
7           defendant at the time of filing his or her jury demand. If  
8           the fee is not so paid by the defendant, no jury shall be  
9           called, and the case shall be tried by the court without a  
10          jury.

11       (x) Transcripts of Judgment.

12                 For the filing of a transcript of judgment, the clerk  
13                 shall be entitled to the same fee as if it were the  
14                 commencement of a new suit.

15       (y) Change of Venue.

16                 (1) For the filing of a change of case on a change of  
17                 venue, the clerk shall be entitled to the same fee as if it  
18                 were the commencement of a new suit.

19                 (2) The fee for the preparation and certification of a  
20                 record on a change of venue to another jurisdiction, when  
21                 original documents are forwarded, a minimum of \$10 and a  
22                 maximum of \$40.

23       (z) Tax objection complaints.

24                 For each tax objection complaint containing one or more  
25                 tax objections, regardless of the number of parcels  
26                 involved or the number of taxpayers joining on the  
27                 complaint, a minimum of \$10 and a maximum of \$50.

28       (aa) Tax Deeds.

29                 (1) Petition for tax deed, if only one parcel is  
30                 involved, a minimum of \$45 and a maximum of \$200.

31                 (2) For each additional parcel, add a fee of a minimum  
32                 of \$10 and a maximum of \$60.

33       (bb) Collections.

34                 (1) For all collections made of others, except the  
35                 State and county and except in maintenance or child support  
36                 cases, a sum equal to a minimum of 2% and a maximum of 2.5%

1 of the amount collected and turned over.

2 (2) Interest earned on any funds held by the clerk  
3 shall be turned over to the county general fund as an  
4 earning of the office.

5 (3) For any check, draft, or other bank instrument  
6 returned to the clerk for non-sufficient funds, account  
7 closed, or payment stopped, \$25.

8 (4) In child support and maintenance cases, the clerk,  
9 if authorized by an ordinance of the county board, may  
10 collect an annual fee of up to \$36 from the person making  
11 payment for maintaining child support records and the  
12 processing of support orders to the State of Illinois KIDS  
13 system and the recording of payments issued by the State  
14 Disbursement Unit for the official record of the Court.  
15 This fee shall be in addition to and separate from amounts  
16 ordered to be paid as maintenance or child support and  
17 shall be deposited into a Separate Maintenance and Child  
18 Support Collection Fund, of which the clerk shall be the  
19 custodian, ex-officio, to be used by the clerk to maintain  
20 child support orders and record all payments issued by the  
21 State Disbursement Unit for the official record of the  
22 Court. The clerk may recover from the person making the  
23 maintenance or child support payment any additional cost  
24 incurred in the collection of this annual fee.

25 The clerk shall also be entitled to a fee of \$5 for  
26 certifications made to the Secretary of State as provided  
27 in Section 7-703 of the Family Financial Responsibility Law  
28 and these fees shall also be deposited into the Separate  
29 Maintenance and Child Support Collection Fund.

30 (cc) Corrections of Numbers.

31 For correction of the case number, case title, or  
32 attorney computer identification number, if required by  
33 rule of court, on any document filed in the clerk's office,  
34 to be charged against the party that filed the document, a  
35 minimum of \$10 and a maximum of \$25.

36 (dd) Exceptions.



1           (1) The fee requirements of this Section shall not  
 2 apply to police departments or other law enforcement  
 3 agencies. In this Section, "law enforcement agency" means  
 4 an agency of the State or a unit of local government which  
 5 is vested by law or ordinance with the duty to maintain  
 6 public order and to enforce criminal laws or ordinances.  
 7 "Law enforcement agency" also means the Attorney General or  
 8 any state's attorney.

9           (2) No fee provided herein shall be charged to any unit  
 10 of local government or school district.

11           (3) The fee requirements of this Section shall not  
 12 apply to any action instituted under subsection (b) of  
 13 Section 11-31-1 of the Illinois Municipal Code by a private  
 14 owner or tenant of real property within 1200 feet of a  
 15 dangerous or unsafe building seeking an order compelling  
 16 the owner or owners of the building to take any of the  
 17 actions authorized under that subsection.

18           (4) The fee requirements of this Section shall not  
 19 apply to the filing of any commitment petition or petition  
 20 for an order authorizing the administration of authorized  
 21 involuntary treatment in the form of medication under the  
 22 Mental Health and Developmental Disabilities Code.

23 (ee) Adoptions.

24           (1) For an adoption ..... \$65

25           (2) Upon good cause shown, the court may waive the  
 26 adoption filing fee in a special needs adoption. The term  
 27 "special needs adoption" shall have the meaning ascribed to  
 28 it by the Illinois Department of Children and Family  
 29 Services.

30 (ff) Adoption exemptions.

31           No fee other than that set forth in subsection (ee)  
 32 shall be charged to any person in connection with an  
 33 adoption proceeding nor may any fee be charged for  
 34 proceedings for the appointment of a confidential  
 35 intermediary under the Adoption Act.

36 (Source: P.A. 92-16, eff. 6-28-01; 92-521, eff. 6-1-02; 93-39,

1 eff. 7-1-03; 93-385, eff. 7-25-03; 93-573, eff. 8-21-03;  
2 revised 9-5-03.)

3 (705 ILCS 105/27.3b) (from Ch. 25, par. 27.3b)

4 Sec. 27.3b. The clerk of court may accept payment of fines,  
5 penalties, or costs by credit card or debit card approved by  
6 the clerk from an offender who has been convicted of or placed  
7 on court supervision for a traffic offense, petty offense,  
8 ordinance offense, or misdemeanor or who has been convicted of  
9 a felony offense. The clerk of the circuit court may accept  
10 credit card payments over the Internet for fines, penalties, or  
11 costs from offenders on voluntary electronic pleas of guilty in  
12 minor traffic and conservation offenses to satisfy the  
13 requirement of written pleas of guilty as provided in Illinois  
14 Supreme Court Rule 529. The clerk of the court may also accept  
15 payment of statutory fees by a credit card or debit card. The  
16 clerk of the court may also accept the credit card or debit  
17 card for the cash deposit of bail bond fees.

18 The Clerk of the circuit court is authorized to enter into  
19 contracts with credit card or debit card companies approved by  
20 the clerk and to negotiate the payment of convenience and  
21 administrative fees normally charged by those companies for  
22 allowing the clerk of the circuit court to accept their credit  
23 cards or debit cards in payment as authorized herein. The clerk  
24 of the circuit court is authorized to enter into contracts with  
25 third party fund guarantors, facilitators, and service  
26 providers under which those entities may contract directly with  
27 customers of the clerk of the circuit court and guarantee and  
28 remit the payments to the clerk of the circuit court. Where the  
29 offender pays fines, penalties, or costs by credit card or  
30 debit card or through a third party fund guarantor,  
31 facilitator, or service provider, or anyone paying statutory  
32 fees of the circuit court clerk or the posting of cash bail,  
33 the clerk shall collect a service fee of up to \$5 or the amount  
34 charged to the clerk for use of its services by the credit card  
35 or debit card issuer, third party fund guarantor, facilitator,

1 or service provider. This service fee shall be in addition to  
2 any other fines, penalties, or costs. The clerk of the circuit  
3 court is authorized to negotiate the assessment of convenience  
4 and administrative fees by the third party fund guarantors,  
5 facilitators, and service providers with the revenue earned by  
6 the clerk of the circuit court to be remitted to the county  
7 general revenue fund.

8 (Source: P.A. 93-391, eff. 1-1-04; 93-760, eff. 1-1-05; 93-836,  
9 eff. 1-1-05; revised 10-14-04.)

10 Section 520. The Juvenile Court Act of 1987 is amended by  
11 changing Sections 1-3, 2-23, 3-24, 4-21, 5-710, and 5-915 as  
12 follows:

13 (705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

14 Sec. 1-3. Definitions. Terms used in this Act, unless the  
15 context otherwise requires, have the following meanings  
16 ascribed to them:

17 (1) "Adjudicatory hearing" means a hearing to determine  
18 whether the allegations of a petition under Section 2-13, 3-15  
19 or 4-12 that a minor under 18 years of age is abused, neglected  
20 or dependent, or requires authoritative intervention, or  
21 addicted, respectively, are supported by a preponderance of the  
22 evidence or whether the allegations of a petition under Section  
23 5-520 that a minor is delinquent are proved beyond a reasonable  
24 doubt.

25 (2) "Adult" means a person 21 years of age or older.

26 (3) "Agency" means a public or private child care facility  
27 legally authorized or licensed by this State for placement or  
28 institutional care or for both placement and institutional  
29 care.

30 (4) "Association" means any organization, public or  
31 private, engaged in welfare functions which include services to  
32 or on behalf of children but does not include "agency" as  
33 herein defined.

34 (4.05) Whenever a "best interest" determination is

1 required, the following factors shall be considered in the  
2 context of the child's age and developmental needs:

3 (a) the physical safety and welfare of the child, including  
4 food, shelter, health, and clothing;

5 (b) the development of the child's identity;

6 (c) the child's background and ties, including familial,  
7 cultural, and religious;

8 (d) the child's sense of attachments, including:

9 (i) where the child actually feels love, attachment,  
10 and a sense of being valued (as opposed to where adults  
11 believe the child should feel such love, attachment, and a  
12 sense of being valued);

13 (ii) the child's sense of security;

14 (iii) the child's sense of familiarity;

15 (iv) continuity of affection for the child;

16 (v) the least disruptive placement alternative for the  
17 child;

18 (e) the child's wishes and long-term goals;

19 (f) the child's community ties, including church, school,  
20 and friends;

21 (g) the child's need for permanence which includes the  
22 child's need for stability and continuity of relationships with  
23 parent figures and with siblings and other relatives;

24 (h) the uniqueness of every family and child;

25 (i) the risks attendant to entering and being in substitute  
26 care; and

27 (j) the preferences of the persons available to care for  
28 the child.

29 (4.1) "Chronic truant" shall have the definition ascribed  
30 to it in Section 26-2a of the School Code.

31 (5) "Court" means the circuit court in a session or  
32 division assigned to hear proceedings under this Act.

33 (6) "Dispositional hearing" means a hearing to determine  
34 whether a minor should be adjudged to be a ward of the court,  
35 and to determine what order of disposition should be made in  
36 respect to a minor adjudged to be a ward of the court.

1 (7) "Emancipated minor" means any minor 16 years of age or  
2 over who has been completely or partially emancipated under the  
3 "~~Emancipation of Mature Minors Act~~", ~~enacted by the~~  
4 ~~Eighty-First General Assembly~~, or under this Act.

5 (8) "Guardianship of the person" of a minor means the duty  
6 and authority to act in the best interests of the minor,  
7 subject to residual parental rights and responsibilities, to  
8 make important decisions in matters having a permanent effect  
9 on the life and development of the minor and to be concerned  
10 with his or her general welfare. It includes but is not  
11 necessarily limited to:

12 (a) the authority to consent to marriage, to enlistment  
13 in the armed forces of the United States, or to a major  
14 medical, psychiatric, and surgical treatment; to represent  
15 the minor in legal actions; and to make other decisions of  
16 substantial legal significance concerning the minor;

17 (b) the authority and duty of reasonable visitation,  
18 except to the extent that these have been limited in the  
19 best interests of the minor by court order;

20 (c) the rights and responsibilities of legal custody  
21 except where legal custody has been vested in another  
22 person or agency; and

23 (d) the power to consent to the adoption of the minor,  
24 but only if expressly conferred on the guardian in  
25 accordance with Section 2-29, 3-30, or 4-27.

26 (9) "Legal custody" means the relationship created by an  
27 order of court in the best interests of the minor which imposes  
28 on the custodian the responsibility of physical possession of a  
29 minor and the duty to protect, train and discipline him and to  
30 provide him with food, shelter, education and ordinary medical  
31 care, except as these are limited by residual parental rights  
32 and responsibilities and the rights and responsibilities of the  
33 guardian of the person, if any.

34 (10) "Minor" means a person under the age of 21 years  
35 subject to this Act.

36 (11) "Parent" means the father or mother of a child and

1 includes any adoptive parent. It also includes a man (i) whose  
2 paternity is presumed or has been established under the law of  
3 this or another jurisdiction or (ii) who has registered with  
4 the Putative Father Registry in accordance with Section 12.1 of  
5 the Adoption Act and whose paternity has not been ruled out  
6 under the law of this or another jurisdiction. It does not  
7 include a parent whose rights in respect to the minor have been  
8 terminated in any manner provided by law.

9 (11.1) "Permanency goal" means a goal set by the court as  
10 defined in subdivision (2) of Section 2-28.

11 (11.2) "Permanency hearing" means a hearing to set the  
12 permanency goal and to review and determine (i) the  
13 appropriateness of the services contained in the plan and  
14 whether those services have been provided, (ii) whether  
15 reasonable efforts have been made by all the parties to the  
16 service plan to achieve the goal, and (iii) whether the plan  
17 and goal have been achieved.

18 (12) "Petition" means the petition provided for in Section  
19 2-13, 3-15, 4-12 or 5-520, including any supplemental petitions  
20 thereunder in Section 3-15, 4-12 or 5-520.

21 (13) "Residual parental rights and responsibilities" means  
22 those rights and responsibilities remaining with the parent  
23 after the transfer of legal custody or guardianship of the  
24 person, including, but not necessarily limited to, the right to  
25 reasonable visitation (which may be limited by the court in the  
26 best interests of the minor as provided in subsection (8) (b) of  
27 this Section), the right to consent to adoption, the right to  
28 determine the minor's religious affiliation, and the  
29 responsibility for his support.

30 (14) "Shelter" means the temporary care of a minor in  
31 physically unrestricting facilities pending court disposition  
32 or execution of court order for placement.

33 (15) "Station adjustment" means the informal handling of an  
34 alleged offender by a juvenile police officer.

35 (16) "Ward of the court" means a minor who is so adjudged  
36 under Section 2-22, 3-23, 4-20 or 5-705, after a finding of the

1 requisite jurisdictional facts, and thus is subject to the  
2 dispositional powers of the court under this Act.

3 (17) "Juvenile police officer" means a sworn police officer  
4 who has completed a Basic Recruit Training Course, has been  
5 assigned to the position of juvenile police officer by his or  
6 her chief law enforcement officer and has completed the  
7 necessary juvenile officers training as prescribed by the  
8 Illinois Law Enforcement Training Standards Board, or in the  
9 case of a State police officer, juvenile officer training  
10 approved by the Director of the Department of State Police.

11 (18) "Secure child care facility" means any child care  
12 facility licensed by the Department of Children and Family  
13 Services to provide secure living arrangements for children  
14 under 18 years of age who are subject to placement in  
15 facilities under the Children and Family Services Act and who  
16 are not subject to placement in facilities for whom standards  
17 are established by the Department of Corrections under Section  
18 3-15-2 of the Unified Code of Corrections. "Secure child care  
19 facility" also means a facility that is designed and operated  
20 to ensure that all entrances and exits from the facility, a  
21 building, or a distinct part of the building are under the  
22 exclusive control of the staff of the facility, whether or not  
23 the child has the freedom of movement within the perimeter of  
24 the facility, building, or distinct part of the building.

25 (Source: P.A. 90-28, eff. 1-1-98; 90-87, eff. 9-1-97; 90-590,  
26 eff. 1-1-99; 90-608, eff. 6-30-98; 90-655, eff. 7-30-98;  
27 91-357, eff. 7-29-99; revised 10-9-03.)

28 (705 ILCS 405/2-23) (from Ch. 37, par. 802-23)

29 Sec. 2-23. Kinds of dispositional orders.

30 (1) The following kinds of orders of disposition may be  
31 made in respect of wards of the court:

32 (a) A minor under 18 years of age found to be neglected  
33 or abused under Section 2-3 or dependent under Section 2-4  
34 may be (1) continued in the custody of his or her parents,  
35 guardian or legal custodian; (2) placed in accordance with

1 Section 2-27; (3) restored to the custody of the parent,  
2 parents, guardian, or legal custodian, provided the court  
3 shall order the parent, parents, guardian, or legal  
4 custodian to cooperate with the Department of Children and  
5 Family Services and comply with the terms of an after-care  
6 plan or risk the loss of custody of the child and the  
7 possible termination of their parental rights; or (4)  
8 ordered partially or completely emancipated in accordance  
9 with the provisions of the Emancipation of ~~Mature~~ Minors  
10 Act.

11 However, in any case in which a minor is found by the  
12 court to be neglected or abused under Section 2-3 of this  
13 Act, custody of the minor shall not be restored to any  
14 parent, guardian or legal custodian whose acts or omissions  
15 or both have been identified, pursuant to subsection (1) of  
16 Section 2-21, as forming the basis for the court's finding  
17 of abuse or neglect, until such time as a hearing is held  
18 on the issue of the best interests of the minor and the  
19 fitness of such parent, guardian or legal custodian to care  
20 for the minor without endangering the minor's health or  
21 safety, and the court enters an order that such parent,  
22 guardian or legal custodian is fit to care for the minor.

23 (b) A minor under 18 years of age found to be dependent  
24 under Section 2-4 may be (1) placed in accordance with  
25 Section 2-27 or (2) ordered partially or completely  
26 emancipated in accordance with the provisions of the  
27 Emancipation of ~~Mature~~ Minors Act.

28 However, in any case in which a minor is found by the  
29 court to be dependent under Section 2-4 of this Act,  
30 custody of the minor shall not be restored to any parent,  
31 guardian or legal custodian whose acts or omissions or both  
32 have been identified, pursuant to subsection (1) of Section  
33 2-21, as forming the basis for the court's finding of  
34 dependency, until such time as a hearing is held on the  
35 issue of the fitness of such parent, guardian or legal  
36 custodian to care for the minor without endangering the



1 minor's health or safety, and the court enters an order  
2 that such parent, guardian or legal custodian is fit to  
3 care for the minor.

4 (c) When the court awards guardianship to the  
5 Department of Children and Family Services, the court shall  
6 order the parents to cooperate with the Department of  
7 Children and Family Services, comply with the terms of the  
8 service plans, and correct the conditions that require the  
9 child to be in care, or risk termination of their parental  
10 rights.

11 (2) Any order of disposition may provide for protective  
12 supervision under Section 2-24 and may include an order of  
13 protection under Section 2-25.

14 Unless the order of disposition expressly so provides, it  
15 does not operate to close proceedings on the pending petition,  
16 but is subject to modification, not inconsistent with Section  
17 2-28, until final closing and discharge of the proceedings  
18 under Section 2-31.

19 (3) The court also shall enter any other orders necessary  
20 to fulfill the service plan, including, but not limited to, (i)  
21 orders requiring parties to cooperate with services, (ii)  
22 restraining orders controlling the conduct of any party likely  
23 to frustrate the achievement of the goal, and (iii) visiting  
24 orders. Unless otherwise specifically authorized by law, the  
25 court is not empowered under this subsection (3) to order  
26 specific placements, specific services, or specific service  
27 providers to be included in the plan. If the court concludes  
28 that the Department of Children and Family Services has abused  
29 its discretion in setting the current service plan or  
30 permanency goal for the minor, the court shall enter specific  
31 findings in writing based on the evidence and shall enter an  
32 order for the Department to develop and implement a new  
33 permanency goal and service plan consistent with the court's  
34 findings. The new service plan shall be filed with the court  
35 and served on all parties. The court shall continue the matter  
36 until the new service plan is filed.

1 (4) In addition to any other order of disposition, the  
2 court may order any minor adjudicated neglected with respect to  
3 his or her own injurious behavior to make restitution, in  
4 monetary or non-monetary form, under the terms and conditions  
5 of Section 5-5-6 of the Unified Code of Corrections, except  
6 that the "presentence hearing" referred to therein shall be the  
7 dispositional hearing for purposes of this Section. The parent,  
8 guardian or legal custodian of the minor may pay some or all of  
9 such restitution on the minor's behalf.

10 (5) Any order for disposition where the minor is committed  
11 or placed in accordance with Section 2-27 shall provide for the  
12 parents or guardian of the estate of such minor to pay to the  
13 legal custodian or guardian of the person of the minor such  
14 sums as are determined by the custodian or guardian of the  
15 person of the minor as necessary for the minor's needs. Such  
16 payments may not exceed the maximum amounts provided for by  
17 Section 9.1 of the Children and Family Services Act.

18 (6) Whenever the order of disposition requires the minor to  
19 attend school or participate in a program of training, the  
20 truant officer or designated school official shall regularly  
21 report to the court if the minor is a chronic or habitual  
22 truant under Section 26-2a of the School Code.

23 (7) The court may terminate the parental rights of a parent  
24 at the initial dispositional hearing if all of the conditions  
25 in subsection (5) of Section 2-21 are met.

26 (Source: P.A. 89-17, eff. 5-31-95; 89-235, eff. 8-4-95; 90-27,  
27 eff. 1-1-98; 90-28, eff. 1-1-98; 90-608, eff. 6-30-98; 90-655,  
28 eff. 7-30-98; revised 10-9-03.)

29 (705 ILCS 405/3-24) (from Ch. 37, par. 803-24)

30 Sec. 3-24. Kinds of dispositional orders.

31 (1) The following kinds of orders of disposition may be  
32 made in respect to wards of the court: A minor found to be  
33 requiring authoritative intervention under Section 3-3 may be  
34 (a) committed to the Department of Children and Family  
35 Services, subject to Section 5 of the Children and Family

1 Services Act; (b) placed under supervision and released to his  
2 or her parents, guardian or legal custodian; (c) placed in  
3 accordance with Section 3-28 with or without also being placed  
4 under supervision. Conditions of supervision may be modified or  
5 terminated by the court if it deems that the best interests of  
6 the minor and the public will be served thereby; (d) ordered  
7 partially or completely emancipated in accordance with the  
8 provisions of the Emancipation of ~~Mature~~ Minors Act; or (e)  
9 subject to having his or her driver's license or driving  
10 privilege suspended for such time as determined by the Court  
11 but only until he or she attains 18 years of age.

12 (2) Any order of disposition may provide for protective  
13 supervision under Section 3-25 and may include an order of  
14 protection under Section 3-26.

15 (3) Unless the order of disposition expressly so provides,  
16 it does not operate to close proceedings on the pending  
17 petition, but is subject to modification until final closing  
18 and discharge of the proceedings under Section 3-32.

19 (4) In addition to any other order of disposition, the  
20 court may order any person found to be a minor requiring  
21 authoritative intervention under Section 3-3 to make  
22 restitution, in monetary or non-monetary form, under the terms  
23 and conditions of Section 5-5-6 of the Unified Code of  
24 Corrections, except that the "presentence hearing" referred to  
25 therein shall be the dispositional hearing for purposes of this  
26 Section. The parent, guardian or legal custodian of the minor  
27 may pay some or all of such restitution on the minor's behalf.

28 (5) Any order for disposition where the minor is committed  
29 or placed in accordance with Section 3-28 shall provide for the  
30 parents or guardian of the estate of such minor to pay to the  
31 legal custodian or guardian of the person of the minor such  
32 sums as are determined by the custodian or guardian of the  
33 person of the minor as necessary for the minor's needs. Such  
34 payments may not exceed the maximum amounts provided for by  
35 Section 9.1 of the Children and Family Services Act.

36 (6) Whenever the order of disposition requires the minor to

1 attend school or participate in a program of training, the  
2 truant officer or designated school official shall regularly  
3 report to the court if the minor is a chronic or habitual  
4 truant under Section 26-2a of the School Code.

5 (7) The court must impose upon a minor under an order of  
6 continuance under supervision or an order of disposition under  
7 this Article III, as a condition of the order, a fee of \$25 for  
8 each month or partial month of supervision with a probation  
9 officer. If the court determines the inability of the minor, or  
10 the parent, guardian, or legal custodian of the minor to pay  
11 the fee, the court may impose a lesser fee. The court may not  
12 impose the fee on a minor who is made a ward of the State under  
13 this Act. The fee may be imposed only upon a minor who is  
14 actively supervised by the probation and court services  
15 department. The fee must be collected by the clerk of the  
16 circuit court. The clerk of the circuit court must pay all  
17 monies collected from this fee to the county treasurer for  
18 deposit into the probation and court services fund under  
19 Section 15.1 of the Probation and Probation Officers Act.

20 (Source: P.A. 92-329, eff. 8-9-01; revised 10-9-03.)

21 (705 ILCS 405/4-21) (from Ch. 37, par. 804-21)

22 Sec. 4-21. Kinds of dispositional orders.

23 (1) A minor found to be addicted under Section 4-3 may be  
24 (a) committed to the Department of Children and Family  
25 Services, subject to Section 5 of the Children and Family  
26 Services Act; (b) placed under supervision and released to his  
27 or her parents, guardian or legal custodian; (c) placed in  
28 accordance with Section 4-25 with or without also being placed  
29 under supervision. Conditions of supervision may be modified or  
30 terminated by the court if it deems that the best interests of  
31 the minor and the public will be served thereby; (d) required  
32 to attend an approved alcohol or drug abuse treatment or  
33 counseling program on an inpatient or outpatient basis instead  
34 of or in addition to the disposition otherwise provided for in  
35 this paragraph; (e) ordered partially or completely

1 emancipated in accordance with the provisions of the  
2 Emancipation of ~~Mature~~ Minors Act; or (f) subject to having his  
3 or her driver's license or driving privilege suspended for such  
4 time as determined by the Court but only until he or she  
5 attains 18 years of age. No disposition under this subsection  
6 shall provide for the minor's placement in a secure facility.

7 (2) Any order of disposition may provide for protective  
8 supervision under Section 4-22 and may include an order of  
9 protection under Section 4-23.

10 (3) Unless the order of disposition expressly so provides,  
11 it does not operate to close proceedings on the pending  
12 petition, but is subject to modification until final closing  
13 and discharge of the proceedings under Section 4-29.

14 (4) In addition to any other order of disposition, the  
15 court may order any minor found to be addicted under this  
16 Article as neglected with respect to his or her own injurious  
17 behavior, to make restitution, in monetary or non-monetary  
18 form, under the terms and conditions of Section 5-5-6 of the  
19 Unified Code of Corrections, except that the "presentence  
20 hearing" referred to therein shall be the dispositional hearing  
21 for purposes of this Section. The parent, guardian or legal  
22 custodian of the minor may pay some or all of such restitution  
23 on the minor's behalf.

24 (5) Any order for disposition where the minor is placed in  
25 accordance with Section 4-25 shall provide for the parents or  
26 guardian of the estate of such minor to pay to the legal  
27 custodian or guardian of the person of the minor such sums as  
28 are determined by the custodian or guardian of the person of  
29 the minor as necessary for the minor's needs. Such payments may  
30 not exceed the maximum amounts provided for by Section 9.1 of  
31 the Children and Family Services Act.

32 (6) Whenever the order of disposition requires the minor to  
33 attend school or participate in a program of training, the  
34 truant officer or designated school official shall regularly  
35 report to the court if the minor is a chronic or habitual  
36 truant under Section 26-2a of the School Code.

1           (7) The court must impose upon a minor under an order of  
2 continuance under supervision or an order of disposition under  
3 this Article IV, as a condition of the order, a fee of \$25 for  
4 each month or partial month of supervision with a probation  
5 officer. If the court determines the inability of the minor, or  
6 the parent, guardian, or legal custodian of the minor to pay  
7 the fee, the court may impose a lesser fee. The court may not  
8 impose the fee on a minor who is made a ward of the State under  
9 this Act. The fee may be imposed only upon a minor who is  
10 actively supervised by the probation and court services  
11 department. The fee must be collected by the clerk of the  
12 circuit court. The clerk of the circuit court must pay all  
13 monies collected from this fee to the county treasurer for  
14 deposit into the probation and court services fund under  
15 Section 15.1 of the Probation and Probation Officers Act.

16       (Source: P.A. 92-329, eff. 8-9-01; revised 10-9-03.)

17           (705 ILCS 405/5-710)

18           Sec. 5-710. Kinds of sentencing orders.

19           (1) The following kinds of sentencing orders may be made in  
20 respect of wards of the court:

21           (a) Except as provided in Sections 5-805, 5-810, 5-815,  
22 a minor who is found guilty under Section 5-620 may be:

23           (i) put on probation or conditional discharge and  
24 released to his or her parents, guardian or legal  
25 custodian, provided, however, that any such minor who  
26 is not committed to the Department of Corrections,  
27 Juvenile Division under this subsection and who is  
28 found to be a delinquent for an offense which is first  
29 degree murder, a Class X felony, or a forcible felony  
30 shall be placed on probation;

31           (ii) placed in accordance with Section 5-740, with  
32 or without also being put on probation or conditional  
33 discharge;

34           (iii) required to undergo a substance abuse  
35 assessment conducted by a licensed provider and

1           participate in the indicated clinical level of care;

2           (iv) placed in the guardianship of the Department  
3 of Children and Family Services, but only if the  
4 delinquent minor is under 13 years of age;

5           (v) placed in detention for a period not to exceed  
6 30 days, either as the exclusive order of disposition  
7 or, where appropriate, in conjunction with any other  
8 order of disposition issued under this paragraph,  
9 provided that any such detention shall be in a juvenile  
10 detention home and the minor so detained shall be 10  
11 years of age or older. However, the 30-day limitation  
12 may be extended by further order of the court for a  
13 minor under age 13 committed to the Department of  
14 Children and Family Services if the court finds that  
15 the minor is a danger to himself or others. The minor  
16 shall be given credit on the sentencing order of  
17 detention for time spent in detention under Sections  
18 5-501, 5-601, 5-710, or 5-720 of this Article as a  
19 result of the offense for which the sentencing order  
20 was imposed. The court may grant credit on a sentencing  
21 order of detention entered under a violation of  
22 probation or violation of conditional discharge under  
23 Section 5-720 of this Article for time spent in  
24 detention before the filing of the petition alleging  
25 the violation. A minor shall not be deprived of credit  
26 for time spent in detention before the filing of a  
27 violation of probation or conditional discharge  
28 alleging the same or related act or acts;

29           (vi) ordered partially or completely emancipated  
30 in accordance with the provisions of the Emancipation  
31 of ~~Mature~~ Minors Act;

32           (vii) subject to having his or her driver's license  
33 or driving privileges suspended for such time as  
34 determined by the court but only until he or she  
35 attains 18 years of age;

36           (viii) put on probation or conditional discharge

1 and placed in detention under Section 3-6039 of the  
2 Counties Code for a period not to exceed the period of  
3 incarceration permitted by law for adults found guilty  
4 of the same offense or offenses for which the minor was  
5 adjudicated delinquent, and in any event no longer than  
6 upon attainment of age 21; this subdivision (viii)  
7 notwithstanding any contrary provision of the law; or

8 (ix) ordered to undergo a medical or other  
9 procedure to have a tattoo symbolizing allegiance to a  
10 street gang removed from his or her body.

11 (b) A minor found to be guilty may be committed to the  
12 Department of Corrections, Juvenile Division, under  
13 Section 5-750 if the minor is 13 years of age or older,  
14 provided that the commitment to the Department of  
15 Corrections, Juvenile Division, shall be made only if a  
16 term of incarceration is permitted by law for adults found  
17 guilty of the offense for which the minor was adjudicated  
18 delinquent. The time during which a minor is in custody  
19 before being released upon the request of a parent,  
20 guardian or legal custodian shall be considered as time  
21 spent in detention.

22 (c) When a minor is found to be guilty for an offense  
23 which is a violation of the Illinois Controlled Substances  
24 Act or the Cannabis Control Act and made a ward of the  
25 court, the court may enter a disposition order requiring  
26 the minor to undergo assessment, counseling or treatment in  
27 a substance abuse program approved by the Department of  
28 Human Services.

29 (2) Any sentencing order other than commitment to the  
30 Department of Corrections, Juvenile Division, may provide for  
31 protective supervision under Section 5-725 and may include an  
32 order of protection under Section 5-730.

33 (3) Unless the sentencing order expressly so provides, it  
34 does not operate to close proceedings on the pending petition,  
35 but is subject to modification until final closing and  
36 discharge of the proceedings under Section 5-750.



1           (4) In addition to any other sentence, the court may order  
2 any minor found to be delinquent to make restitution, in  
3 monetary or non-monetary form, under the terms and conditions  
4 of Section 5-5-6 of the Unified Code of Corrections, except  
5 that the "presentencing hearing" referred to in that Section  
6 shall be the sentencing hearing for purposes of this Section.  
7 The parent, guardian or legal custodian of the minor may be  
8 ordered by the court to pay some or all of the restitution on  
9 the minor's behalf, pursuant to the Parental Responsibility  
10 Law. The State's Attorney is authorized to act on behalf of any  
11 victim in seeking restitution in proceedings under this  
12 Section, up to the maximum amount allowed in Section 5 of the  
13 Parental Responsibility Law.

14           (5) Any sentencing order where the minor is committed or  
15 placed in accordance with Section 5-740 shall provide for the  
16 parents or guardian of the estate of the minor to pay to the  
17 legal custodian or guardian of the person of the minor such  
18 sums as are determined by the custodian or guardian of the  
19 person of the minor as necessary for the minor's needs. The  
20 payments may not exceed the maximum amounts provided for by  
21 Section 9.1 of the Children and Family Services Act.

22           (6) Whenever the sentencing order requires the minor to  
23 attend school or participate in a program of training, the  
24 truant officer or designated school official shall regularly  
25 report to the court if the minor is a chronic or habitual  
26 truant under Section 26-2a of the School Code.

27           (7) In no event shall a guilty minor be committed to the  
28 Department of Corrections, Juvenile Division for a period of  
29 time in excess of that period for which an adult could be  
30 committed for the same act.

31           (8) A minor found to be guilty for reasons that include a  
32 violation of Section 21-1.3 of the Criminal Code of 1961 shall  
33 be ordered to perform community service for not less than 30  
34 and not more than 120 hours, if community service is available  
35 in the jurisdiction. The community service shall include, but  
36 need not be limited to, the cleanup and repair of the damage

1 that was caused by the violation or similar damage to property  
2 located in the municipality or county in which the violation  
3 occurred. The order may be in addition to any other order  
4 authorized by this Section.

5 (8.5) A minor found to be guilty for reasons that include a  
6 violation of Section 3.02 or Section 3.03 of the Humane Care  
7 for Animals Act or paragraph (d) of subsection (1) of Section  
8 21-1 of the Criminal Code of 1961 shall be ordered to undergo  
9 medical or psychiatric treatment rendered by a psychiatrist or  
10 psychological treatment rendered by a clinical psychologist.  
11 The order may be in addition to any other order authorized by  
12 this Section.

13 (9) In addition to any other sentencing order, the court  
14 shall order any minor found to be guilty for an act which would  
15 constitute, predatory criminal sexual assault of a child,  
16 aggravated criminal sexual assault, criminal sexual assault,  
17 aggravated criminal sexual abuse, or criminal sexual abuse if  
18 committed by an adult to undergo medical testing to determine  
19 whether the defendant has any sexually transmissible disease  
20 including a test for infection with human immunodeficiency  
21 virus (HIV) or any other identified causative agency of  
22 acquired immunodeficiency syndrome (AIDS). Any medical test  
23 shall be performed only by appropriately licensed medical  
24 practitioners and may include an analysis of any bodily fluids  
25 as well as an examination of the minor's person. Except as  
26 otherwise provided by law, the results of the test shall be  
27 kept strictly confidential by all medical personnel involved in  
28 the testing and must be personally delivered in a sealed  
29 envelope to the judge of the court in which the sentencing  
30 order was entered for the judge's inspection in camera. Acting  
31 in accordance with the best interests of the victim and the  
32 public, the judge shall have the discretion to determine to  
33 whom the results of the testing may be revealed. The court  
34 shall notify the minor of the results of the test for infection  
35 with the human immunodeficiency virus (HIV). The court shall  
36 also notify the victim if requested by the victim, and if the

1 victim is under the age of 15 and if requested by the victim's  
2 parents or legal guardian, the court shall notify the victim's  
3 parents or the legal guardian, of the results of the test for  
4 infection with the human immunodeficiency virus (HIV). The  
5 court shall provide information on the availability of HIV  
6 testing and counseling at the Department of Public Health  
7 facilities to all parties to whom the results of the testing  
8 are revealed. The court shall order that the cost of any test  
9 shall be paid by the county and may be taxed as costs against  
10 the minor.

11 (10) When a court finds a minor to be guilty the court  
12 shall, before entering a sentencing order under this Section,  
13 make a finding whether the offense committed either: (a) was  
14 related to or in furtherance of the criminal activities of an  
15 organized gang or was motivated by the minor's membership in or  
16 allegiance to an organized gang, or (b) involved a violation of  
17 subsection (a) of Section 12-7.1 of the Criminal Code of 1961,  
18 a violation of any Section of Article 24 of the Criminal Code  
19 of 1961, or a violation of any statute that involved the  
20 wrongful use of a firearm. If the court determines the question  
21 in the affirmative, and the court does not commit the minor to  
22 the Department of Corrections, Juvenile Division, the court  
23 shall order the minor to perform community service for not less  
24 than 30 hours nor more than 120 hours, provided that community  
25 service is available in the jurisdiction and is funded and  
26 approved by the county board of the county where the offense  
27 was committed. The community service shall include, but need  
28 not be limited to, the cleanup and repair of any damage caused  
29 by a violation of Section 21-1.3 of the Criminal Code of 1961  
30 and similar damage to property located in the municipality or  
31 county in which the violation occurred. When possible and  
32 reasonable, the community service shall be performed in the  
33 minor's neighborhood. This order shall be in addition to any  
34 other order authorized by this Section except for an order to  
35 place the minor in the custody of the Department of  
36 Corrections, Juvenile Division. For the purposes of this

1 Section, "organized gang" has the meaning ascribed to it in  
2 Section 10 of the Illinois Streetgang Terrorism Omnibus  
3 Prevention Act.

4 (Source: P.A. 91-98, eff. 1-1-00; 92-454, eff. 1-1-02; revised  
5 10-9-03.)

6 (705 ILCS 405/5-915)

7 Sec. 5-915. Expungement of juvenile law enforcement and  
8 court records.

9 (1) Whenever any person has attained the age of 17 or  
10 whenever all juvenile court proceedings relating to that person  
11 have been terminated, whichever is later, the person may  
12 petition the court to expunge law enforcement records relating  
13 to incidents occurring before his or her 17th birthday or his  
14 or her juvenile court records, or both, but only in the  
15 following circumstances:

16 (a) the minor was arrested and no petition for  
17 delinquency was filed with the clerk of the circuit court;  
18 or

19 (b) the minor was charged with an offense and was found  
20 not delinquent of that offense; or

21 (c) the minor was placed under supervision pursuant to  
22 Section 5-615, and the order of supervision has since been  
23 successfully terminated; or

24 (d) the minor was adjudicated for an offense which  
25 would be a Class B misdemeanor, Class C misdemeanor, or a  
26 petty or business offense if committed by an adult.

27 (2) Any person may petition the court to expunge all law  
28 enforcement records relating to any incidents occurring before  
29 his or her 17th birthday which did not result in proceedings in  
30 criminal court and all juvenile court records with respect to  
31 any adjudications except those based upon first degree murder  
32 and sex offenses which would be felonies if committed by an  
33 adult, if the person for whom expungement is sought has had no  
34 convictions for any crime since his or her 17th birthday and:

35 (a) has attained the age of 21 years; or

1           (b) 5 years have elapsed since all juvenile court  
2           proceedings relating to him or her have been terminated or  
3           his or her commitment to the Department of Corrections,  
4           Juvenile Division pursuant to this Act has been terminated;  
5           whichever is later of (a) or (b).

6           (2.5) If a minor is arrested and no petition for  
7           delinquency is filed with the clerk of the circuit court as  
8           provided in paragraph (a) of subsection (1) at the time the  
9           minor is released from custody, the youth officer, if  
10          applicable, or other designated person from the arresting  
11          agency, shall notify verbally and in writing to the minor or  
12          the minor's parents or guardians that if the State's Attorney  
13          does not file a petition for delinquency, the minor has a right  
14          to petition to have his or her arrest record expunged when the  
15          minor attains the age of 17 or when all juvenile court  
16          proceedings relating to that minor have been terminated and  
17          that unless a petition to expunge is filed, the minor shall  
18          have an arrest record and shall provide the minor and the  
19          minor's parents or guardians with an expungement information  
20          packet, including a petition to expunge juvenile records  
21          obtained from the clerk of the circuit court.

22          (2.6) If a minor is charged with an offense and is found  
23          not delinquent of that offense; or if a minor is placed under  
24          supervision under Section 5-615, and the order of supervision  
25          is successfully terminated; or if a minor is adjudicated for an  
26          offense that would be a Class B misdemeanor, a Class C  
27          misdemeanor, or a business or petty offense if committed by an  
28          adult; or if a minor has incidents occurring before his or her  
29          17th birthday that have not resulted in proceedings in criminal  
30          court, or resulted in proceedings in juvenile court, and the  
31          adjudications were not based upon first degree murder or sex  
32          offenses that would be felonies if committed by an adult; then  
33          at the time of sentencing or dismissal of the case, the judge  
34          shall inform the delinquent minor of his or her right to  
35          petition for expungement as provided by law, and the clerk of  
36          the circuit court shall provide an expungement information

1 packet to the delinquent minor, written in plain language,  
 2 including a petition for expungement, a sample of a completed  
 3 petition, expungement instructions that shall include  
 4 information informing the minor that (i) once the case is  
 5 expunged, it shall be treated as if it never occurred, (ii) he  
 6 or she may apply to have petition fees waived, (iii) once he or  
 7 she obtains an expungement, he or she may not be required to  
 8 disclose that he or she had a juvenile record, and (iv) he or  
 9 she may file the petition on his or her own or with the  
 10 assistance of an attorney. The failure of the judge to inform  
 11 the delinquent minor of his or her right to petition for  
 12 expungement as provided by law does not create a substantive  
 13 right, nor is that failure grounds for: (i) a reversal of an  
 14 adjudication of delinquency, (ii) a new trial; or (iii) an  
 15 appeal.

16 (2.7) For counties with a population over 3,000,000, the  
 17 clerk of the circuit court shall send a "Notification of a  
 18 Possible Right to Expungement" post card to the minor at the  
 19 address last received by the clerk of the circuit court on the  
 20 date that the minor attains the age of 17 based on the  
 21 birthdate provided to the court by the minor or his or her  
 22 guardian in cases under paragraphs (b), (c), and (d) of  
 23 subsection (1); and when the minor attains the age of 21 based  
 24 on the birthdate provided to the court by the minor or his or  
 25 her guardian in cases under subsection (2).

26 (2.8) The petition for expungement for subsection (1) shall  
 27 be substantially in the following form:

28 IN THE CIRCUIT COURT OF ....., ILLINOIS  
 29 ..... JUDICIAL CIRCUIT

30 IN THE INTEREST OF ) NO.  
 31 )  
 32 )  
 33 .....)  
 34 (Name of Petitioner)

1 PETITION TO EXPUNGE JUVENILE RECORDS

2 (705 ILCS 405/5-915 (SUBSECTION 1))

3 (Please prepare a separate petition for each offense)

4 Now comes ....., petitioner, and respectfully requests  
5 that this Honorable Court enter an order expunging all juvenile  
6 law enforcement and court records of petitioner and in support  
7 thereof states that: Petitioner has attained the age of 17,  
8 his/her birth date being ....., or all Juvenile Court  
9 proceedings terminated as of ....., whichever occurred later.  
10 Petitioner was arrested on ..... by the ..... Police  
11 Department for the offense of ....., and:

12 (Check One:)

13 ( ) a. no petition was filed with the Clerk of the Circuit  
14 Court.

15 ( ) b. was charged with ..... and was found not delinquent of  
16 the offense.

17 ( ) c. a petition was filed and the petition was dismissed  
18 without a finding of delinquency on .....

19 ( ) d. on ..... placed under supervision pursuant to Section  
20 5-615 of the Juvenile Court Act of 1987 and such order of  
21 supervision successfully terminated on .....

22 ( ) e. was adjudicated for the offense, which would have been a  
23 Class B misdemeanor, a Class C misdemeanor, or a petty offense  
24 or business offense if committed by an adult.

25 Petitioner .... has .... has not been arrested on charges in  
26 this or any county other than the charges listed above. If  
27 petitioner has been arrested on additional charges, please list  
28 the charges below:

29 Charge(s): .....

30 Arresting Agency or Agencies: .....

31 Disposition/Result: (choose from a. through e., above): .....

32 WHEREFORE, the petitioner respectfully requests this Honorable  
33 Court to (1) order all law enforcement agencies to expunge all  
34 records of petitioner to this incident, and (2) to order the  
35 Clerk of the Court to expunge all records concerning the  
36 petitioner regarding this incident.

1 .....  
2

Petitioner (Signature)

3 .....  
4

Petitioner's Street Address

5 .....  
6

City, State, Zip Code

7 .....  
8

Petitioner's Telephone Number

9 Pursuant to the penalties of perjury under the Code of Civil  
10 Procedure, 735 ILCS 5/1-109, I hereby certify that the  
11 statements in this petition are true and correct, or on  
12 information and belief I believe the same to be true.

13 .....  
14

Petitioner (Signature)

15 The Petition for Expungement for subsection (2) shall be  
16 substantially in the following form:

17 IN THE CIRCUIT COURT OF ....., ILLINOIS

18 ..... JUDICIAL CIRCUIT

19 IN THE INTEREST OF ) NO.

20 )

21 )

22 .....)

23 (Name of Petitioner)

24 PETITION TO EXPUNGE JUVENILE RECORDS

25 (705 ILCS 405/5-915 (SUBSECTION 2))

26 (Please prepare a separate petition for each offense)

27 Now comes ....., petitioner, and respectfully requests



1 that this Honorable Court enter an order expunging all Juvenile  
2 Law Enforcement and Court records of petitioner and in support  
3 thereof states that:

4 The incident for which the Petitioner seeks expungement  
5 occurred before the Petitioner's 17th birthday and did not  
6 result in proceedings in criminal court and the Petitioner has  
7 not had any convictions for any crime since his/her 17th  
8 birthday; and

9 The incident for which the Petitioner seeks expungement  
10 occurred before the Petitioner's 17th birthday and the  
11 adjudication was not based upon first-degree murder or sex  
12 offenses which would be felonies if committed by an adult, and  
13 the Petitioner has not had any convictions for any crime since  
14 his/her 17th birthday.

15 Petitioner was arrested on ..... by the ..... Police  
16 Department for the offense of ....., and:

17 (Check whichever one occurred the latest:)

18 ( ) a. The Petitioner has attained the age of 21 years, his/her  
19 birthday being .....

20 ( ) b. 5 years have elapsed since all juvenile court  
21 proceedings relating to the Petitioner have been terminated; or  
22 the Petitioner's commitment to the Department of Corrections,  
23 Juvenile Division, pursuant to the expungement of juvenile law  
24 enforcement and court records provisions of the Juvenile Court  
25 Act of 1987 has been terminated. Petitioner ...has ...has not  
26 been arrested on charges in this or any other county other than  
27 the charge listed above. If petitioner has been arrested on  
28 additional charges, please list the charges below:

29 Charge(s): .....

30 Arresting Agency or Agencies: .....

31 Disposition/Result: (choose from a or b, above): .....

32 WHEREFORE, the petitioner respectfully requests this Honorable  
33 Court to (1) order all law enforcement agencies to expunge all  
34 records of petitioner related to this incident, and (2) to  
35 order the Clerk of the Court to expunge all records concerning  
36 the petitioner regarding this incident.

1 .....  
2

3  
4 Petitioner (Signature)

5 .....  
6

7 Petitioner's Street Address

8 .....  
9

10 City, State, Zip Code

11 .....  
12

13 Petitioner's Telephone Number

14 Pursuant to the penalties of perjury under the Code of Civil  
15 Procedure, 735 ILCS 5/1-109, I hereby certify that the  
16 statements in this petition are true and correct, or on  
17 information and belief I believe the same to be true.  
18

19 .....  
20

21 Petitioner (Signature)

22 (3) The chief judge of the circuit in which an arrest was  
23 made or a charge was brought or any judge of that circuit  
24 designated by the chief judge may, upon verified petition of a  
25 person who is the subject of an arrest or a juvenile court  
26 proceeding under subsection (1) or (2) of this Section, order  
27 the law enforcement records or official court file, or both, to  
28 be expunged from the official records of the arresting  
29 authority, the clerk of the circuit court and the Department of  
30 State Police. The person whose records are to be expunged shall  
31 petition the court using the appropriate form containing his or  
32 her current address and shall promptly notify the clerk of the  
circuit court of any change of address. Notice of the petition  
shall be served upon the State's Attorney or prosecutor charged  
with the duty of prosecuting the offense, the Department of  
State Police, and the arresting agency or agencies by the clerk  
of the circuit court. If an objection is filed within 90 days  
of the notice of the petition, the clerk of the circuit court  
shall set a date for hearing after the 90 day objection period.

1 At the hearing the court shall hear evidence on whether the  
 2 expungement should or should not be granted. Unless the State's  
 3 Attorney or prosecutor, the Department of State Police, or an  
 4 arresting agency objects to the expungement within 90 days of  
 5 the notice, the court may enter an order granting expungement.  
 6 The person whose records are to be expunged shall pay the clerk  
 7 of the circuit court a fee equivalent to the cost associated  
 8 with expungement of records by the clerk and the Department of  
 9 State Police. The clerk shall forward a certified copy of the  
 10 order to the Department of State Police, the appropriate  
 11 portion of the fee to the Department of State Police for  
 12 processing, and deliver a certified copy of the order to the  
 13 arresting agency. ▸

14 (3.1) The Notice of Expungement shall be in substantially  
 15 the following form:

16 IN THE CIRCUIT COURT OF ....., ILLINOIS  
 17 ..... JUDICIAL CIRCUIT

18 IN THE INTEREST OF ) NO.  
 19 )  
 20 )  
 21 .....)  
 22 (Name of Petitioner)

23 NOTICE

24 TO: State's Attorney  
 25 TO: Arresting Agency  
 26  
 27 .....  
 28 .....  
 29  
 30 .....  
 31 .....  
 32 TO: Illinois State Police  
 33  
 34 .....

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.....

ATTENTION: Expungement

You are hereby notified that on ....., at ....., in courtroom  
..., located at ..., before the Honorable ..., Judge, or any  
judge sitting in his/her stead, I shall then and there present  
a Petition to Expunge Juvenile records in the above-entitled  
matter, at which time and place you may appear.

.....

Petitioner's Signature

.....

Petitioner's Street Address

.....

City, State, Zip Code

.....

Petitioner's Telephone Number

PROOF OF SERVICE

On the ..... day of ....., 20..., I on oath state that I  
served this notice and true and correct copies of the  
above-checked documents by:

(Check One:)

delivering copies personally to each entity to whom they are  
directed;

or

by mailing copies to each entity to whom they are directed by  
depositing the same in the U.S. Mail, proper postage fully  
prepaid, before the hour of 5:00 p.m., at the United States  
Postal Depository located at .....

.....

Signature

Clerk of the Circuit Court or Deputy Clerk

Printed Name of Delinquent Minor/Petitioner: ....

Address: .....

Telephone Number: .....

(3.2) The Order of Expungement shall be in substantially

1 the following form:

2 IN THE CIRCUIT COURT OF ....., ILLINOIS

3 ..... JUDICIAL CIRCUIT

4 IN THE INTEREST OF ) NO.

5 )

6 )

7 .....)

8 (Name of Petitioner)

9 DOB .....

10 Arresting Agency/Agencies .....

11 ORDER OF EXPUNGEMENT

12 (705 ILCS 405/5-915 (SUBSECTION 3))

13 This matter having been heard on the petitioner's motion and  
14 the court being fully advised in the premises does find that  
15 the petitioner is indigent or has presented reasonable cause to  
16 waive all costs in this matter, IT IS HEREBY ORDERED that:

17 ( ) 1. Clerk of Court and Department of State Police costs  
18 are hereby waived in this matter.

19 ( ) 2. The Illinois State Police Bureau of Identification  
20 and the following law enforcement agencies expunge all records  
21 of petitioner relating to an arrest dated ..... for the  
22 offense of .....

23 Law Enforcement Agencies:

24 .....

25 .....

26 ( ) 3. IT IS FURTHER ORDERED that the Clerk of the Circuit  
27 Court expunge all records regarding the above-captioned case.

28 ENTER: .....

29

30 JUDGE

31 DATED: .....

32 Name:

33 Attorney for:

34 Address: City/State/Zip:

1 Attorney Number:

2 (3.3) The Notice of Objection shall be in substantially the  
3 following form:

4 IN THE CIRCUIT COURT OF ....., ILLINOIS  
5 ..... JUDICIAL CIRCUIT

6 IN THE INTEREST OF ) NO.  
7 )  
8 )  
9 .....)  
10 (Name of Petitioner)

11 NOTICE OF OBJECTION

12 TO: (Attorney, Public Defender, Minor)

13 .....

14 .....

15 TO: (Illinois State Police)

16 .....

17 .....

18 TO: (Clerk of the Court)

19 .....

20 .....

21 TO: (Judge)

22 .....

23 .....

24 TO: (Arresting Agency/Agencies)

25 .....

26 .....

27 ATTENTION: You are hereby notified that an objection has been  
28 filed by the following entity regarding the above-named minor's  
29 petition for expungement of juvenile records:

30 ( ) State's Attorney's Office;

31 ( ) Prosecutor (other than State's Attorney's Office) charged  
32 with the duty of prosecuting the offense sought to be expunged;

33 ( ) Department of Illinois State Police; or

34 ( ) Arresting Agency or Agencies.

1 The agency checked above respectfully requests that this case  
2 be continued and set for hearing on whether the expungement  
3 should or should not be granted.

4 DATED: .....

5 Name:

6 Attorney For:

7 Address:

8 City/State/Zip:

9 Telephone:

10 Attorney No.:

11 FOR USE BY CLERK OF THE COURT PERSONNEL ONLY

12 This matter has been set for hearing on the foregoing  
13 objection, on ..... in room ....., located at ....., before the  
14 Honorable ....., Judge, or any judge sitting in his/her stead.  
15 (Only one hearing shall be set, regardless of the number of  
16 Notices of Objection received on the same case).

17 A copy of this completed Notice of Objection containing the  
18 court date, time, and location, has been sent via regular U.S.  
19 Mail to the following entities. (If more than one Notice of  
20 Objection is received on the same case, each one must be  
21 completed with the court date, time and location and mailed to  
22 the following entities):

23 ( ) Attorney, Public Defender or Minor;

24 ( ) State's Attorney's Office;

25 ( ) Prosecutor (other than State's Attorney's Office) charged  
26 with the duty of prosecuting the offense sought to be expunged;

27 ( ) Department of Illinois State Police; and

28 ( ) Arresting agency or agencies.

29 Date: .....

30 Initials of Clerk completing this section: .....

31 (4) Upon entry of an order expunging records or files, the  
32 offense, which the records or files concern shall be treated as  
33 if it never occurred. Law enforcement officers and other public  
34 offices and agencies shall properly reply on inquiry that no  
35 record or file exists with respect to the person.

36 (5) Records which have not been expunged are sealed, and

1 may be obtained only under the provisions of Sections 5-901,  
2 5-905 and 5-915.

3 (6) Nothing in this Section shall be construed to prohibit  
4 the maintenance of information relating to an offense after  
5 records or files concerning the offense have been expunged if  
6 the information is kept in a manner that does not enable  
7 identification of the offender. This information may only be  
8 used for statistical and bona fide research purposes.

9 (7)(a) The State Appellate Defender shall establish,  
10 maintain, and carry out, by December 31, 2004, a juvenile  
11 expungement program to provide information and assistance to  
12 minors eligible to have their juvenile records expunged.

13 (b) The State Appellate Defender shall develop brochures,  
14 pamphlets, and other materials in printed form and through the  
15 agency's World Wide Web site. The pamphlets and other materials  
16 shall include at a minimum the following information:

17 (i) An explanation of the State's juvenile expungement  
18 process;

19 (ii) The circumstances under which juvenile  
20 expungement may occur;

21 (iii) The juvenile offenses that may be expunged;

22 (iv) The steps necessary to initiate and complete the  
23 juvenile expungement process; and

24 (v) Directions on how to contact the State Appellate  
25 Defender.

26 (c) The State Appellate Defender shall establish and  
27 maintain a statewide toll-free telephone number that a person  
28 may use to receive information or assistance concerning the  
29 expungement of juvenile records. The State Appellate Defender  
30 shall advertise the toll-free telephone number statewide. The  
31 State Appellate Defender shall develop an expungement  
32 information packet that may be sent to eligible persons seeking  
33 expungement of their juvenile records, which may include, but  
34 is not limited to, a pre-printed expungement petition with  
35 instructions on how to complete the petition and a pamphlet  
36 containing information that would assist individuals through



1 the juvenile expungement process.

2 (d) The State Appellate Defender shall compile a statewide  
3 list of volunteer attorneys willing to assist eligible  
4 individuals through the juvenile expungement process.

5 (e) This Section shall be implemented from funds  
6 appropriated by the General Assembly to the State Appellate  
7 Defender for this purpose. The State Appellate Defender shall  
8 employ the necessary staff and adopt the necessary rules for  
9 implementation of this Section.

10 (8) (a) Except with respect to law enforcement agencies, the  
11 Department of Corrections, State's Attorneys, or other  
12 prosecutors, an expunged juvenile record may not be considered  
13 by any private or public entity in employment matters,  
14 certification, licensing, revocation of certification or  
15 licensure, or registration. Applications for employment must  
16 contain specific language that states that the applicant is not  
17 obligated to disclose expunged juvenile records of conviction  
18 or arrest. Employers may not ask if an applicant has had a  
19 juvenile record expunged. Effective January 1, 2005, the  
20 Department of Labor shall develop a link on the Department's  
21 website to inform employers that employers may not ask if an  
22 applicant had a juvenile record expunged and that application  
23 for employment must contain specific language that states that  
24 the applicant is not obligated to disclose expunged juvenile  
25 records of arrest or conviction.

26 (b) A person whose juvenile records have been expunged is  
27 not entitled to remission of any fines, costs, or other money  
28 paid as a consequence of expungement. This amendatory Act of  
29 the 93rd General Assembly does not affect the right of the  
30 victim of a crime to prosecute or defend a civil action for  
31 damages.

32 (Source: P.A. 93-912, eff. 8-12-04; revised 10-14-04.)

33 Section 525. The Court of Claims Act is amended by changing  
34 Section 26-1 as follows:

1 (705 ILCS 505/26-1) (from Ch. 37, par. 439.24-6.1)

2 Sec. 26-1. Except as otherwise provided herein, the maximum  
3 contingent fee to be charged by an attorney practicing before  
4 the Court shall not exceed 20 percent of the amount awarded,  
5 which is in excess of the undisputed amount of the claim,  
6 unless further fees shall be allowed by the Court. In cases  
7 involving lapsed appropriations or lost warrants where there is  
8 no dispute as to the liability of the respondent, the fee, if  
9 any, for services rendered is to be fixed by the Court at a  
10 nominal amount.

11 Nothing herein applies to awards made under the Line of  
12 Duty ~~Law Enforcement Officers, Civil Defense Workers, Civil Air~~  
13 ~~Patrol Members, Paramedics and Firemen~~ Compensation Act or the  
14 Illinois National Guardsman's ~~and Naval Militiaman's~~  
15 Compensation Act or the "Illinois Uniform Conviction  
16 Information Act", ~~enacted by the 85th General Assembly, as~~  
17 ~~heretofore or hereafter amended.~~

18 (Source: P.A. 90-492, eff. 8-17-97; revised 11-15-04.)

19 Section 530. The Criminal Code of 1961 is amended by  
20 renumbering and changing Section 2-.5, by changing Sections  
21 10-6, 12-10.1, 12-20.5, 14-3, 17-1, and 24-2, and by setting  
22 forth and renumbering multiple versions of Section 12-4.10 as  
23 follows:

24 (720 ILCS 5/2-0.5) (was 720 ILCS 5/2-.5)

25 Sec. 2-0.5 ~~2-.5~~. Definitions. For the purposes of this  
26 Code, the words and phrases described in this Article have the  
27 meanings designated in this Article, except when a particular  
28 context clearly requires a different meaning.

29 (Source: Laws 1961, p. 1983; revised 1-22-04.)

30 (720 ILCS 5/10-6) (from Ch. 38, par. 10-6)

31 Sec. 10-6. Harboring a runaway.

32 (a) Any person, other than an agency or association  
33 providing crisis intervention services as defined in Section

1 3-5 of the Juvenile Court Act of 1987, or an operator of a  
2 youth emergency shelter as defined in Section 2.21 of the Child  
3 Care Act of 1969, who, without the knowledge and consent of the  
4 minor's parent or guardian, knowingly gives shelter to a minor,  
5 other than a mature minor who has been emancipated under the  
6 Emancipation of ~~Mature~~ Minors Act, for more than 48 hours  
7 without the consent of the minor's parent or guardian, and  
8 without notifying the local law enforcement authorities of the  
9 minor's name and the fact that the minor is being provided  
10 shelter commits the offense of harboring a runaway.

11 (b) Any person who commits the offense of harboring a  
12 runaway is guilty of a Class A misdemeanor.

13 (Source: P.A. 86-278; 86-386; revised 10-9-03.)

14 (720 ILCS 5/12-4.10)

15 Sec. 12-4.10. Drug related child endangerment.

16 (a) A person commits the offense of drug related child  
17 endangerment when he or she endangers the life and health of a  
18 child by knowingly exposing the child to a clandestine drug  
19 laboratory environment by performing any of the following acts:

20 (1) producing, manufacturing, or preparing a  
21 controlled substance; or

22 (2) producing, manufacturing, or preparing an  
23 ingredient required to manufacture a controlled substance;

24 or

25 (3) storing chemicals used in the controlled substance  
26 manufacturing process in a structure to which the child has  
27 access; or

28 (4) storing contaminated apparatus used in the  
29 controlled substance manufacturing process in a structure  
30 to which the child has access; or

31 (5) storing chemical waste and other by-products  
32 created during the controlled substance manufacturing  
33 process in a structure to which the child has access; or

34 (6) storing any device used for the ingestion of  
35 controlled substances in a structure to which the child has

1 access.

2 (b) In this Section:

3 "Child" means a person under the age of 18 years.

4 "Structure" means any house, apartment building, shop,  
5 barn, warehouse, building, vessel, railroad car, cargo  
6 container, motor vehicle, house car, trailer, trailer coach,  
7 camper, mine, floating home, watercraft, any structure capable  
8 of holding a clandestine laboratory or any real property.

9 (c) Sentence. A person convicted of drug related child  
10 endangerment is guilty of a Class 2 felony.

11 (Source: P.A. 93-340, eff. 7-24-03.)

12 (720 ILCS 5/12-4.12)

13 Sec. 12-4.12 ~~12-4.10~~. Endangering the life and health of an  
14 emergency service provider.

15 (a) A person commits the offense of endangering the life  
16 and health of an emergency service provider if an emergency  
17 service provider experiences death, great bodily harm,  
18 disability, or disfigurement as a result of entering a  
19 structure containing a clandestine drug laboratory designed or  
20 intended to produce an unlawful controlled substance or  
21 designed or intended to produce ingredients used in the  
22 manufacture of an unlawful controlled substance.

23 (b) In this Section:

24 "Emergency service provider" means a peace officer, a  
25 firefighter, an emergency medical technician-ambulance, an  
26 emergency medical-technician-intermediate, an emergency  
27 medical technician-paramedic, an ambulance driver or other  
28 medical or first aid personnel.

29 "Structure" means any house, apartment building, shop,  
30 barn, warehouse, building, vessel, railroad car, cargo  
31 container, motor vehicle, housecar, trailer, trailer coach,  
32 camper, mine, floating home, watercraft, any structure capable  
33 of holding a clandestine laboratory or any real property.

34 (c) Sentence. Endangering the life and health of an  
35 emergency service provider is a Class X felony.

1 (Source: P.A. 93-111, eff. 7-8-03; revised 9-25-03.)

2 (720 ILCS 5/12-10.1)

3 Sec. 12-10.1. Piercing the body of a minor.

4 (a) (1) Any person who pierces the body or oral cavity of a  
5 person under 18 years of age without written consent of a  
6 parent or legal guardian of that person commits the offense  
7 of piercing the body of a minor. Before the oral cavity of  
8 a person under 18 years of age may be pierced, the written  
9 consent form signed by the parent or legal guardian must  
10 contain a provision in substantially the following form:

11 "I understand that the oral piercing of the tongue,  
12 lips, cheeks, or any other area of the oral cavity carries  
13 serious risk of infection or damage to the mouth and teeth,  
14 or both infection and damage to those areas, that could  
15 result but is not limited to nerve damage, numbness, and  
16 life threatening blood clots."

17 A person who pierces the oral cavity of a person under  
18 18 years of age without obtaining a signed written consent  
19 form from a parent or legal guardian of the person that  
20 includes the provision describing the health risks of body  
21 piercing, violates this Section.

22 (2) Sentence. Piercing the body of a minor is a Class C  
23 misdemeanor.

24 (b) Definition. As used in this Section, to "pierce" means  
25 to make a hole in the body or oral cavity in order to insert or  
26 allow the insertion of any ring, hoop, stud, or other object  
27 for the purpose of ornamentation of the body. "Piercing" does  
28 not include tongue splitting as defined in Section 12-10.2.

29 (c) Exceptions. This Section may not be construed in any  
30 way to prohibit any injection, incision, acupuncture, or  
31 similar medical or dental procedure performed by a licensed  
32 health care professional or other person authorized to perform  
33 that procedure. This Section does not prohibit ear piercing.  
34 This Section does not apply to a minor emancipated under the  
35 Juvenile Court Act of 1987 or the Emancipation of ~~Mature~~ Minors

1 Act or by marriage.

2 (Source: P.A. 92-692, eff. 1-1-03; 93-449, eff. 1-1-04; revised  
3 10-9-03.)

4 (720 ILCS 5/12-20.5)

5 Sec. 12-20.5. Dismembering a human body.

6 (a) A person commits the offense of dismembering a human  
7 body when he or she knowingly dismembers, severs, separates,  
8 dissects, or mutilates any body part of a deceased's body.

9 (b) This Section does not apply to:

10 (1) an anatomical gift made in accordance with the  
11 Illinois Uniform Anatomical Gift Act;

12 (2) the removal and use of a human cornea in accordance  
13 with the Illinois Anatomical Gift ~~Corneal Transplant~~ Act;

14 (3) the purchase or sale of drugs, reagents, or other  
15 substances made from human body parts, for the use in  
16 medical or scientific research, treatment, or diagnosis;

17 (4) persons employed by a county medical examiner's  
18 office or coroner's office acting within the scope of their  
19 employment while performing an autopsy;

20 (5) the acts of a licensed funeral director or embalmer  
21 while performing acts authorized by the Funeral Directors  
22 and Embalmers Licensing Code;

23 (6) the acts of emergency medical personnel or  
24 physicians performed in good faith and according to the  
25 usual and customary standards of medical practice in an  
26 attempt to resuscitate a life; or

27 (7) physicians licensed to practice medicine in all of  
28 its branches or holding a visiting professor, physician, or  
29 resident permit under the Medical Practice Act of 1987,  
30 performing acts in accordance with usual and customary  
31 standards of medical practice, or a currently enrolled  
32 student in an accredited medical school in furtherance of  
33 his or her education at the accredited medical school.

34 (c) It is not a defense to a violation of this Section that  
35 the decedent died due to natural, accidental, or suicidal

1 causes.

2 (d) Sentence. Dismembering a human body is a Class X  
3 felony.

4 (Source: P.A. 93-339, eff. 7-24-03; revised 11-15-04.)

5 (720 ILCS 5/14-3) (from Ch. 38, par. 14-3)

6 Sec. 14-3. Exemptions. The following activities shall be  
7 exempt from the provisions of this Article:

8 (a) Listening to radio, wireless and television  
9 communications of any sort where the same are publicly made;

10 (b) Hearing conversation when heard by employees of any  
11 common carrier by wire incidental to the normal course of their  
12 employment in the operation, maintenance or repair of the  
13 equipment of such common carrier by wire so long as no  
14 information obtained thereby is used or divulged by the hearer;

15 (c) Any broadcast by radio, television or otherwise whether  
16 it be a broadcast or recorded for the purpose of later  
17 broadcasts of any function where the public is in attendance  
18 and the conversations are overheard incidental to the main  
19 purpose for which such broadcasts are then being made;

20 (d) Recording or listening with the aid of any device to  
21 any emergency communication made in the normal course of  
22 operations by any federal, state or local law enforcement  
23 agency or institutions dealing in emergency services,  
24 including, but not limited to, hospitals, clinics, ambulance  
25 services, fire fighting agencies, any public utility,  
26 emergency repair facility, civilian defense establishment or  
27 military installation;

28 (e) Recording the proceedings of any meeting required to be  
29 open by the Open Meetings Act, as amended;

30 (f) Recording or listening with the aid of any device to  
31 incoming telephone calls of phone lines publicly listed or  
32 advertised as consumer "hotlines" by manufacturers or  
33 retailers of food and drug products. Such recordings must be  
34 destroyed, erased or turned over to local law enforcement  
35 authorities within 24 hours from the time of such recording and

1 shall not be otherwise disseminated. Failure on the part of the  
2 individual or business operating any such recording or  
3 listening device to comply with the requirements of this  
4 subsection shall eliminate any civil or criminal immunity  
5 conferred upon that individual or business by the operation of  
6 this Section;

7 (g) With prior notification to the State's Attorney of the  
8 county in which it is to occur, recording or listening with the  
9 aid of any device to any conversation where a law enforcement  
10 officer, or any person acting at the direction of law  
11 enforcement, is a party to the conversation and has consented  
12 to it being intercepted or recorded under circumstances where  
13 the use of the device is necessary for the protection of the  
14 law enforcement officer or any person acting at the direction  
15 of law enforcement, in the course of an investigation of a  
16 forcible felony, a felony violation of the Illinois Controlled  
17 Substances Act, a felony violation of the Cannabis Control Act,  
18 or any "streetgang related" or "gang-related" felony as those  
19 terms are defined in the Illinois Streetgang Terrorism Omnibus  
20 Prevention Act. Any recording or evidence derived as the result  
21 of this exemption shall be inadmissible in any proceeding,  
22 criminal, civil or administrative, except (i) where a party to  
23 the conversation suffers great bodily injury or is killed  
24 during such conversation, or (ii) when used as direct  
25 impeachment of a witness concerning matters contained in the  
26 interception or recording. The Director of the Department of  
27 State Police shall issue regulations as are necessary  
28 concerning the use of devices, retention of tape recordings,  
29 and reports regarding their use;

30 (g-5) With approval of the State's Attorney of the county  
31 in which it is to occur, recording or listening with the aid of  
32 any device to any conversation where a law enforcement officer,  
33 or any person acting at the direction of law enforcement, is a  
34 party to the conversation and has consented to it being  
35 intercepted or recorded in the course of an investigation of  
36 any offense defined in Article 29D of this Code. In all such



1 cases, an application for an order approving the previous or  
2 continuing use of an eavesdropping device must be made within  
3 48 hours of the commencement of such use. In the absence of  
4 such an order, or upon its denial, any continuing use shall  
5 immediately terminate. The Director of State Police shall issue  
6 rules as are necessary concerning the use of devices, retention  
7 of tape recordings, and reports regarding their use.

8 Any recording or evidence obtained or derived in the course  
9 of an investigation of any offense defined in Article 29D of  
10 this Code shall, upon motion of the State's Attorney or  
11 Attorney General prosecuting any violation of Article 29D, be  
12 reviewed in camera with notice to all parties present by the  
13 court presiding over the criminal case, and, if ruled by the  
14 court to be relevant and otherwise admissible, it shall be  
15 admissible at the trial of the criminal case.

16 This subsection (g-5) is inoperative on and after January  
17 1, 2005. No conversations recorded or monitored pursuant to  
18 this subsection (g-5) shall be inadmissible ~~inadmissable~~ in a  
19 court of law by virtue of the repeal of this subsection (g-5)  
20 on January 1, 2005;

21 (h) Recordings made simultaneously with a video recording  
22 of an oral conversation between a peace officer, who has  
23 identified his or her office, and a person stopped for an  
24 investigation of an offense under the Illinois Vehicle Code;

25 (i) Recording of a conversation made by or at the request  
26 of a person, not a law enforcement officer or agent of a law  
27 enforcement officer, who is a party to the conversation, under  
28 reasonable suspicion that another party to the conversation is  
29 committing, is about to commit, or has committed a criminal  
30 offense against the person or a member of his or her immediate  
31 household, and there is reason to believe that evidence of the  
32 criminal offense may be obtained by the recording;

33 (j) The use of a telephone monitoring device by either (1)  
34 a corporation or other business entity engaged in marketing or  
35 opinion research or (2) a corporation or other business entity  
36 engaged in telephone solicitation, as defined in this

1 subsection, to record or listen to oral telephone solicitation  
2 conversations or marketing or opinion research conversations  
3 by an employee of the corporation or other business entity  
4 when:

5 (i) the monitoring is used for the purpose of service  
6 quality control of marketing or opinion research or  
7 telephone solicitation, the education or training of  
8 employees or contractors engaged in marketing or opinion  
9 research or telephone solicitation, or internal research  
10 related to marketing or opinion research or telephone  
11 solicitation; and

12 (ii) the monitoring is used with the consent of at  
13 least one person who is an active party to the marketing or  
14 opinion research conversation or telephone solicitation  
15 conversation being monitored.

16 No communication or conversation or any part, portion, or  
17 aspect of the communication or conversation made, acquired, or  
18 obtained, directly or indirectly, under this exemption (j), may  
19 be, directly or indirectly, furnished to any law enforcement  
20 officer, agency, or official for any purpose or used in any  
21 inquiry or investigation, or used, directly or indirectly, in  
22 any administrative, judicial, or other proceeding, or divulged  
23 to any third party.

24 When recording or listening authorized by this subsection  
25 (j) on telephone lines used for marketing or opinion research  
26 or telephone solicitation purposes results in recording or  
27 listening to a conversation that does not relate to marketing  
28 or opinion research or telephone solicitation; the person  
29 recording or listening shall, immediately upon determining  
30 that the conversation does not relate to marketing or opinion  
31 research or telephone solicitation, terminate the recording or  
32 listening and destroy any such recording as soon as is  
33 practicable.

34 Business entities that use a telephone monitoring or  
35 telephone recording system pursuant to this exemption (j) shall  
36 provide current and prospective employees with notice that the

1 monitoring or recordings may occur during the course of their  
2 employment. The notice shall include prominent signage  
3 notification within the workplace.

4 Business entities that use a telephone monitoring or  
5 telephone recording system pursuant to this exemption (j) shall  
6 provide their employees or agents with access to personal-only  
7 telephone lines which may be pay telephones, that are not  
8 subject to telephone monitoring or telephone recording.

9 For the purposes of this subsection (j), "telephone  
10 solicitation" means a communication through the use of a  
11 telephone by live operators:

12 (i) soliciting the sale of goods or services;

13 (ii) receiving orders for the sale of goods or  
14 services;

15 (iii) assisting in the use of goods or services; or

16 (iv) engaging in the solicitation, administration, or  
17 collection of bank or retail credit accounts.

18 For the purposes of this subsection (j), "marketing or  
19 opinion research" means a marketing or opinion research  
20 interview conducted by a live telephone interviewer engaged by  
21 a corporation or other business entity whose principal business  
22 is the design, conduct, and analysis of polls and surveys  
23 measuring the opinions, attitudes, and responses of  
24 respondents toward products and services, or social or  
25 political issues, or both;:-

26 (k) Electronic recordings, including but not limited to, a  
27 motion picture, videotape, digital, or other visual or audio  
28 recording, made of a custodial interrogation of an individual  
29 at a police station or other place of detention by a law  
30 enforcement officer under Section 5-401.5 of the Juvenile Court  
31 Act of 1987 or Section 103-2.1 of the Code of Criminal  
32 Procedure of 1963; and

33 (l) ~~(\*)~~ Recording the interview or statement of any person  
34 when the person knows that the interview is being conducted by  
35 a law enforcement officer or prosecutor and the interview takes  
36 place at a police station that is currently participating in

1 the Custodial Interview Pilot Program established under the  
2 Illinois Criminal Justice Information Act.

3 (Source: P.A. 92-854, eff. 12-5-02; 93-206, eff. 7-18-03;  
4 93-517, eff. 8-6-03; 93-605, eff. 11-19-03; revised 12-9-03.)

5 (720 ILCS 5/17-1) (from Ch. 38, par. 17-1)  
6 Sec. 17-1. Deceptive practices.

7 (A) Definitions.

8 As used in this Section:

9 (i) ~~A~~ "Financial institution" means any bank, savings  
10 and loan association, credit union, or other depository of  
11 money, or medium of savings and collective investment.

12 (ii) An "account holder" is any person~~r~~ having a  
13 checking account or savings account in a financial  
14 institution.

15 (iii) To act with the "intent to defraud" means to act  
16 wilfully, and with the specific intent to deceive or cheat,  
17 for the purpose of causing financial loss to another, or to  
18 bring some financial gain to oneself. It is not necessary  
19 to establish that any person was actually defrauded or  
20 deceived.

21 (B) General Deception.

22 A person commits a deceptive practice when, with intent to  
23 defraud, the person does any of the following:

24 (a) He or she causes another, by deception or threat,  
25 to execute a document disposing of property or a document  
26 by which a pecuniary obligation is incurred.~~r or~~

27 (b) Being an officer, manager or other person  
28 participating in the direction of a financial institution,  
29 he or she knowingly receives or permits the receipt of a  
30 deposit or other investment, knowing that the institution  
31 is insolvent.~~r or~~

32 (c) He or she knowingly makes or directs another to  
33 make a false or deceptive statement addressed to the public  
34 for the purpose of promoting the sale of property or

1 services, ~~or~~

2 (d) With intent to obtain control over property or to  
3 pay for property, labor or services of another, or in  
4 satisfaction of an obligation for payment of tax under the  
5 Retailers' Occupation Tax Act or any other tax due to the  
6 State of Illinois, he or she issues or delivers a check or  
7 other order upon a real or fictitious depository for the  
8 payment of money, knowing that it will not be paid by the  
9 depository. Failure to have sufficient funds or credit with  
10 the depository when the check or other order is issued or  
11 delivered, or when such check or other order is presented  
12 for payment and dishonored on each of 2 occasions at least  
13 7 days apart, is prima facie evidence that the offender  
14 knows that it will not be paid by the depository, and that  
15 he or she has the intent to defraud. In this paragraph (d),  
16 "property" includes rental property (real or personal).

17 (e) He or she issues or delivers a check or other order  
18 upon a real or fictitious depository in an amount exceeding  
19 \$150 in payment of an amount owed on any credit transaction  
20 for property, labor or services, or in payment of the  
21 entire amount owed on any credit transaction for property,  
22 labor or services, knowing that it will not be paid by the  
23 depository, and thereafter fails to provide funds or credit  
24 with the depository in the face amount of the check or  
25 order within 7 ~~seven~~ days of receiving actual notice from  
26 the depository or payee of the dishonor of the check or  
27 order.

28 Sentence.

29 A person convicted of a deceptive practice under paragraph  
30 ~~paragraphs~~ (a), (b), (c), (d), or ~~through~~ (e) of this  
31 subsection (B), except as otherwise provided by this Section,  
32 is guilty of a Class A misdemeanor.

33 A person convicted of a deceptive practice in violation of  
34 paragraph (d) a second or subsequent time shall be guilty of a  
35 Class 4 felony.

36 A person convicted of deceptive practices in violation of

1 paragraph (d), when the value of the property so obtained, in a  
2 single transaction, or in separate transactions within a 90 day  
3 period, exceeds \$150, shall be guilty of a Class 4 felony. In  
4 the case of a prosecution for separate transactions totaling  
5 more than \$150 within a 90 day period, such separate  
6 transactions shall be alleged in a single charge and provided  
7 in a single prosecution.

8 (C) Deception on a Bank or Other Financial Institution.

9 (1) False Statements.

10 ~~1~~ Any person who, with the intent to defraud, makes or  
11 causes to be made, any false statement in writing in order to  
12 obtain an account with a bank or other financial institution,  
13 or to obtain credit from a bank or other financial institution,  
14 knowing such writing to be false, and with the intent that it  
15 be relied upon, is guilty of a Class A misdemeanor.

16 For purposes of this subsection (C), a false statement  
17 shall mean any false statement representing identity, address,  
18 or employment, or the identity, address or employment of any  
19 person, firm or corporation.

20 (2) Possession of Stolen or Fraudulently Obtained Checks.

21 ~~2~~ Any person who possesses, with the intent to obtain  
22 access to funds of another person held in a real or fictitious  
23 deposit account at a financial institution, makes a false  
24 statement or a misrepresentation to the financial institution,  
25 or possesses, transfers, negotiates, or presents for payment a  
26 check, draft, or other item purported to direct the financial  
27 institution to withdraw or pay funds out of the account  
28 holder's deposit account with knowledge that such possession,  
29 transfer, negotiation, or presentment is not authorized by the  
30 account holder or the issuing financial institution is guilty  
31 of a Class A misdemeanor. A person shall be deemed to have been  
32 authorized to possess, transfer, negotiate, or present for  
33 payment such item if the person was otherwise entitled by law  
34 to withdraw or recover funds from the account in question and  
35 followed the requisite procedures under the law. In the event

1 that the account holder, upon discovery of the withdrawal or  
2 payment, claims that the withdrawal or payment was not  
3 authorized, the financial institution may require the account  
4 holder to submit an affidavit to that effect on a form  
5 satisfactory to the financial institution before the financial  
6 institution may be required to credit the account in an amount  
7 equal to the amount or amounts that were withdrawn or paid  
8 without authorization.

9 Any person who, within any 12 month period, violates this  
10 Section with respect to 3 or more checks or orders for the  
11 payment of money at the same time or consecutively, each the  
12 property of a different account holder or financial  
13 institution, is guilty of a Class 4 felony.

14 (3) Possession of Implements of Check Fraud.

15 Any person who possesses, with the intent to defraud~~7~~ and  
16 without the authority of the account holder or financial  
17 institution, any check imprinter, signature imprinter, or  
18 "certified" stamp is guilty of a Class A misdemeanor.

19 A person who within any 12 month period violates this  
20 subsection (C) as to possession of 3 or more such devices at  
21 the same time or consecutively, is guilty of a Class 4 felony.

22 (4) Possession of Identification Card.

23 ~~4)~~ Any person~~7~~ who any with the intent to defraud, possesses  
24 any check guarantee card or key card or identification card for  
25 cash dispensing machines without the authority of the account  
26 holder or financial institution~~7~~ is guilty of a Class A  
27 misdemeanor.

28 A person who, within any 12 month period, violates this  
29 Section at the same time or consecutively with respect to 3 or  
30 more cards, each the property of different account holders, is  
31 guilty of a Class 4 felony.

32 A person convicted under this Section, when the value of  
33 property so obtained, in a single transaction, or in separate  
34 transactions within any 90 day period, exceeds \$150 shall be  
35 guilty of a Class 4 felony.

36 (Source: P.A. 92-633, eff. 1-1-03; 92-646, eff. 1-1-03; revised

1 10-3-02.)

2 (720 ILCS 5/24-2) (from Ch. 38, par. 24-2)

3 Sec. 24-2. Exemptions.

4 (a) Subsections 24-1(a)(3), 24-1(a)(4) and 24-1(a)(10) and  
5 Section 24-1.6 do not apply to or affect any of the following:

6 (1) Peace officers, and any person summoned by a peace  
7 officer to assist in making arrests or preserving the  
8 peace, while actually engaged in assisting such officer.

9 (2) Wardens, superintendents and keepers of prisons,  
10 penitentiaries, jails and other institutions for the  
11 detention of persons accused or convicted of an offense,  
12 while in the performance of their official duty, or while  
13 commuting between their homes and places of employment.

14 (3) Members of the Armed Services or Reserve Forces of  
15 the United States or the Illinois National Guard or the  
16 Reserve Officers Training Corps, while in the performance  
17 of their official duty.

18 (4) Special agents employed by a railroad or a public  
19 utility to perform police functions, and guards of armored  
20 car companies, while actually engaged in the performance of  
21 the duties of their employment or commuting between their  
22 homes and places of employment; and watchmen while actually  
23 engaged in the performance of the duties of their  
24 employment.

25 (5) Persons licensed as private security contractors,  
26 private detectives, or private alarm contractors, or  
27 employed by an agency certified by the Department of  
28 Professional Regulation, if their duties include the  
29 carrying of a weapon under the provisions of the Private  
30 Detective, Private Alarm, Private Security, and Locksmith  
31 Act of 2004, while actually engaged in the performance of  
32 the duties of their employment or commuting between their  
33 homes and places of employment, provided that such  
34 commuting is accomplished within one hour from departure  
35 from home or place of employment, as the case may be.



1 Persons exempted under this subdivision (a)(5) shall be  
2 required to have completed a course of study in firearms  
3 handling and training approved and supervised by the  
4 Department of Professional Regulation as prescribed by  
5 Section 28 of the Private Detective, Private Alarm, Private  
6 Security, and Locksmith Act of 2004, prior to becoming  
7 eligible for this exemption. The Department of  
8 Professional Regulation shall provide suitable  
9 documentation demonstrating the successful completion of  
10 the prescribed firearms training. Such documentation shall  
11 be carried at all times when such persons are in possession  
12 of a concealable weapon.

13 (6) Any person regularly employed in a commercial or  
14 industrial operation as a security guard for the protection  
15 of persons employed and private property related to such  
16 commercial or industrial operation, while actually engaged  
17 in the performance of his or her duty or traveling between  
18 sites or properties belonging to the employer, and who, as  
19 a security guard, is a member of a security force of at  
20 least 5 persons registered with the Department of  
21 Professional Regulation; provided that such security guard  
22 has successfully completed a course of study, approved by  
23 and supervised by the Department of Professional  
24 Regulation, consisting of not less than 40 hours of  
25 training that includes the theory of law enforcement,  
26 liability for acts, and the handling of weapons. A person  
27 shall be considered eligible for this exemption if he or  
28 she has completed the required 20 hours of training for a  
29 security officer and 20 hours of required firearm training,  
30 and has been issued a firearm authorization card by the  
31 Department of Professional Regulation. Conditions for the  
32 renewal of firearm authorization cards issued under the  
33 provisions of this Section shall be the same as for those  
34 cards issued under the provisions of the Private Detective,  
35 Private Alarm, Private Security, and Locksmith Act of 2004.  
36 Such firearm authorization card shall be carried by the

1 security guard at all times when he or she is in possession  
2 of a concealable weapon.

3 (7) Agents and investigators of the Illinois  
4 Legislative Investigating Commission authorized by the  
5 Commission to carry the weapons specified in subsections  
6 24-1(a)(3) and 24-1(a)(4), while on duty in the course of  
7 any investigation for the Commission.

8 (8) Persons employed by a financial institution for the  
9 protection of other employees and property related to such  
10 financial institution, while actually engaged in the  
11 performance of their duties, commuting between their homes  
12 and places of employment, or traveling between sites or  
13 properties owned or operated by such financial  
14 institution, provided that any person so employed has  
15 successfully completed a course of study, approved by and  
16 supervised by the Department of Professional Regulation,  
17 consisting of not less than 40 hours of training which  
18 includes theory of law enforcement, liability for acts, and  
19 the handling of weapons. A person shall be considered to be  
20 eligible for this exemption if he or she has completed the  
21 required 20 hours of training for a security officer and 20  
22 hours of required firearm training, and has been issued a  
23 firearm authorization card by the Department of  
24 Professional Regulation. Conditions for renewal of firearm  
25 authorization cards issued under the provisions of this  
26 Section shall be the same as for those issued under the  
27 provisions of the Private Detective, Private Alarm,  
28 Private Security, and Locksmith Act of 2004. Such firearm  
29 authorization card shall be carried by the person so  
30 trained at all times when such person is in possession of a  
31 concealable weapon. For purposes of this subsection,  
32 "financial institution" means a bank, savings and loan  
33 association, credit union or company providing armored car  
34 services.

35 (9) Any person employed by an armored car company to  
36 drive an armored car, while actually engaged in the

1 performance of his duties.

2 (10) Persons who have been classified as peace officers  
3 pursuant to the Peace Officer Fire Investigation Act.

4 (11) Investigators of the Office of the State's  
5 Attorneys Appellate Prosecutor authorized by the board of  
6 governors of the Office of the State's Attorneys Appellate  
7 Prosecutor to carry weapons pursuant to Section 7.06 of the  
8 State's Attorneys Appellate Prosecutor's Act.

9 (12) Special investigators appointed by a State's  
10 Attorney under Section 3-9005 of the Counties Code.

11 (12.5) Probation officers while in the performance of  
12 their duties, or while commuting between their homes,  
13 places of employment or specific locations that are part of  
14 their assigned duties, with the consent of the chief judge  
15 of the circuit for which they are employed.

16 (13) Court Security Officers while in the performance  
17 of their official duties, or while commuting between their  
18 homes and places of employment, with the consent of the  
19 Sheriff.

20 (13.5) A person employed as an armed security guard at  
21 a nuclear energy, storage, weapons or development site or  
22 facility regulated by the Nuclear Regulatory Commission  
23 who has completed the background screening and training  
24 mandated by the rules and regulations of the Nuclear  
25 Regulatory Commission.

26 (14) Manufacture, transportation, or sale of weapons  
27 to persons authorized under subdivisions (1) through  
28 (13.5) of this subsection to possess those weapons.

29 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section  
30 24-1.6 do not apply to or affect any of the following:

31 (1) Members of any club or organization organized for  
32 the purpose of practicing shooting at targets upon  
33 established target ranges, whether public or private, and  
34 patrons of such ranges, while such members or patrons are  
35 using their firearms on those target ranges.

36 (2) Duly authorized military or civil organizations

1 while parading, with the special permission of the  
2 Governor.

3 (3) Hunters, trappers or fishermen with a license or  
4 permit while engaged in hunting, trapping or fishing.

5 (4) Transportation of weapons that are broken down in a  
6 non-functioning state or are not immediately accessible.

7 (c) Subsection 24-1(a)(7) does not apply to or affect any  
8 of the following:

9 (1) Peace officers while in performance of their  
10 official duties.

11 (2) Wardens, superintendents and keepers of prisons,  
12 penitentiaries, jails and other institutions for the  
13 detention of persons accused or convicted of an offense.

14 (3) Members of the Armed Services or Reserve Forces of  
15 the United States or the Illinois National Guard, while in  
16 the performance of their official duty.

17 (4) Manufacture, transportation, or sale of machine  
18 guns to persons authorized under subdivisions (1) through  
19 (3) of this subsection to possess machine guns, if the  
20 machine guns are broken down in a non-functioning state or  
21 are not immediately accessible.

22 (5) Persons licensed under federal law to manufacture  
23 any weapon from which 8 or more shots or bullets can be  
24 discharged by a single function of the firing device, or  
25 ammunition for such weapons, and actually engaged in the  
26 business of manufacturing such weapons or ammunition, but  
27 only with respect to activities which are within the lawful  
28 scope of such business, such as the manufacture,  
29 transportation, or testing of such weapons or ammunition.  
30 This exemption does not authorize the general private  
31 possession of any weapon from which 8 or more shots or  
32 bullets can be discharged by a single function of the  
33 firing device, but only such possession and activities as  
34 are within the lawful scope of a licensed manufacturing  
35 business described in this paragraph.

36 During transportation, such weapons shall be broken

1 down in a non-functioning state or not immediately  
2 accessible.

3 (6) The manufacture, transport, testing, delivery,  
4 transfer or sale, and all lawful commercial or experimental  
5 activities necessary thereto, of rifles, shotguns, and  
6 weapons made from rifles or shotguns, or ammunition for  
7 such rifles, shotguns or weapons, where engaged in by a  
8 person operating as a contractor or subcontractor pursuant  
9 to a contract or subcontract for the development and supply  
10 of such rifles, shotguns, weapons or ammunition to the  
11 United States government or any branch of the Armed Forces  
12 of the United States, when such activities are necessary  
13 and incident to fulfilling the terms of such contract.

14 The exemption granted under this subdivision (c)(6)  
15 shall also apply to any authorized agent of any such  
16 contractor or subcontractor who is operating within the  
17 scope of his employment, where such activities involving  
18 such weapon, weapons or ammunition are necessary and  
19 incident to fulfilling the terms of such contract.

20 During transportation, any such weapon shall be broken  
21 down in a non-functioning state, or not immediately  
22 accessible.

23 (d) Subsection 24-1(a)(1) does not apply to the purchase,  
24 possession or carrying of a black-jack or slung-shot by a peace  
25 officer.

26 (e) Subsection 24-1(a)(8) does not apply to any owner,  
27 manager or authorized employee of any place specified in that  
28 subsection nor to any law enforcement officer.

29 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and  
30 Section 24-1.6 do not apply to members of any club or  
31 organization organized for the purpose of practicing shooting  
32 at targets upon established target ranges, whether public or  
33 private, while using their firearms on those target ranges.

34 (g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not apply  
35 to:

36 (1) Members of the Armed Services or Reserve Forces of

1 the United States or the Illinois National Guard, while in  
2 the performance of their official duty.

3 (2) Bonafide collectors of antique or surplus military  
4 ordinance.

5 (3) Laboratories having a department of forensic  
6 ballistics, or specializing in the development of  
7 ammunition or explosive ordinance.

8 (4) Commerce, preparation, assembly or possession of  
9 explosive bullets by manufacturers of ammunition licensed  
10 by the federal government, in connection with the supply of  
11 those organizations and persons exempted by subdivision  
12 (g)(1) of this Section, or like organizations and persons  
13 outside this State, or the transportation of explosive  
14 bullets to any organization or person exempted in this  
15 Section by a common carrier or by a vehicle owned or leased  
16 by an exempted manufacturer.

17 (g-5) Subsection 24-1(a)(6) does not apply to or affect  
18 persons licensed under federal law to manufacture any device or  
19 attachment of any kind designed, used, or intended for use in  
20 silencing the report of any firearm, firearms, or ammunition  
21 for those firearms equipped with those devices, and actually  
22 engaged in the business of manufacturing those devices,  
23 firearms, or ammunition, but only with respect to activities  
24 that are within the lawful scope of that business, such as the  
25 manufacture, transportation, or testing of those devices,  
26 firearms, or ammunition. This exemption does not authorize the  
27 general private possession of any device or attachment of any  
28 kind designed, used, or intended for use in silencing the  
29 report of any firearm, but only such possession and activities  
30 as are within the lawful scope of a licensed manufacturing  
31 business described in this subsection (g-5). During  
32 transportation, those devices shall be detached from any weapon  
33 or not immediately accessible.

34 (h) An information or indictment based upon a violation of  
35 any subsection of this Article need not negative any exemptions  
36 contained in this Article. The defendant shall have the burden

1 of proving such an exemption.

2 (i) Nothing in this Article shall prohibit, apply to, or  
3 affect the transportation, carrying, or possession, of any  
4 pistol or revolver, stun gun, taser, or other firearm consigned  
5 to a common carrier operating under license of the State of  
6 Illinois or the federal government, where such transportation,  
7 carrying, or possession is incident to the lawful  
8 transportation in which such common carrier is engaged; and  
9 nothing in this Article shall prohibit, apply to, or affect the  
10 transportation, carrying, or possession of any pistol,  
11 revolver, stun gun, taser, or other firearm, not the subject of  
12 and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of  
13 this Article, which is unloaded and enclosed in a case, firearm  
14 carrying box, shipping box, or other container, by the  
15 possessor of a valid Firearm Owners Identification Card.

16 (Source: P.A. 92-325, eff. 8-9-01; 93-438, eff. 8-5-03; 93-439,  
17 eff. 8-5-03; 93-576, eff. 1-1-04; revised 9-15-03.)

18 Section 535. The Drug Paraphernalia Control Act is amended  
19 by changing Section 4 as follows:

20 (720 ILCS 600/4) (from Ch. 56 1/2, par. 2104)

21 Sec. 4. Exemptions. This Act does not apply to:

22 (a) Items used in the preparation, compounding,  
23 packaging, labeling, or other use of cannabis or a  
24 controlled substance as an incident to lawful research,  
25 teaching, or chemical analysis and not for sale.

26 (b) Items historically and customarily used in  
27 connection with<sup>r</sup> the planting, propagating, cultivating,  
28 growing, harvesting, manufacturing, compounding,  
29 converting, producing, processing, preparing, testing,  
30 analyzing, packaging, repackaging, storing, containing,  
31 concealing, injecting, ingesting, or inhaling of tobacco  
32 or any other lawful substance.

33 Items exempt under this subsection include, but are not  
34 limited to, garden hoes, rakes, sickles, baggies, tobacco

1 pipes, and cigarette-rolling papers.

2 (c) Items listed in Section 2 of this Act which are  
3 used for decorative purposes, when such items have been  
4 rendered completely inoperable or incapable of being used  
5 for any illicit purpose prohibited by this Act.

6 (d) A person who is legally authorized to possess  
7 hypodermic syringes or needles under the Hypodermic  
8 Syringes and Needles Act.

9 In determining whether or not a particular item is exempt under  
10 this Section ~~subsection~~, the trier of fact should consider, in  
11 addition to all other logically relevant factors, the  
12 following:

13 (1) the general, usual, customary, and historical use  
14 to which the item involved has been put;

15 (2) expert evidence concerning the ordinary or  
16 customary use of the item and the effect of any peculiarity  
17 in the design or engineering of the device upon its  
18 functioning;

19 (3) any written instructions accompanying the delivery  
20 of the item concerning the purposes or uses to which the  
21 item can or may be put;

22 (4) any oral instructions provided by the seller of the  
23 item at the time and place of sale or commercial delivery;

24 (5) any national or local advertising concerning the  
25 design, purpose or use of the item involved, and the entire  
26 context in which such advertising occurs;

27 (6) the manner, place and circumstances in which the  
28 item was displayed for sale, as well as any item or items  
29 displayed for sale or otherwise exhibited upon the premises  
30 where the sale was made;

31 (7) whether the owner or anyone in control of the  
32 object is a legitimate supplier of like or related items to  
33 the community, such as a licensed distributor or dealer of  
34 tobacco products;

35 (8) the existence and scope of legitimate uses for the  
36 object in the community.



1 (Source: P.A. 93-392, eff. 7-25-03; 93-526, eff. 8-12-03;  
2 revised 9-22-03.)

3 Section 540. The Code of Criminal Procedure of 1963 is  
4 amended by changing Sections 108B-1, 108B-5, 108B-11, and  
5 112A-28 as follows:

6 (725 ILCS 5/108B-1) (from Ch. 38, par. 108B-1)

7 Sec. 108B-1. Definitions. For the purpose of this Article:

8 (a) "Aggrieved person" means a person who was a party to  
9 any intercepted private communication or any person against  
10 whom the intercept was directed.

11 (b) "Chief Judge" means, when referring to a judge  
12 authorized to receive application for, and to enter orders  
13 authorizing, interceptions of private communications, the  
14 Chief Judge of the Circuit Court wherein the application for  
15 order of interception is filed, or a Circuit Judge designated  
16 by the Chief Judge to enter these orders. In circuits other  
17 than the Cook County Circuit, "Chief Judge" also means, when  
18 referring to a judge authorized to receive application for, and  
19 to enter orders authorizing, interceptions of private  
20 communications, an Associate Judge authorized by Supreme Court  
21 Rule to try felony cases who is assigned by the Chief Judge to  
22 enter these orders. After assignment by the Chief Judge, an  
23 Associate Judge shall have plenary authority to issue orders  
24 without additional authorization for each specific application  
25 made to him by the State's Attorney until the time the  
26 Associate Judge's power is rescinded by the Chief Judge.

27 (c) "Communications common carrier" means any person  
28 engaged as a common carrier in the transmission of  
29 communications by wire or radio, not including radio  
30 broadcasting.

31 (d) "Contents" includes information obtained from a  
32 private communication concerning the existence, substance,  
33 purport or meaning of the communication, or the identity of a  
34 party of the communication.

1 (e) "Court of competent jurisdiction" means any circuit  
2 court.

3 (f) "Department" means Illinois Department of State  
4 Police.

5 (g) "Director" means Director of the Illinois Department of  
6 State Police.

7 (g-1) "Electronic communication" means any transfer of  
8 signs, signals, writing, images, sounds, data, or intelligence  
9 of any nature transmitted in whole or part by a wire, radio,  
10 pager, computer, or electromagnetic, photo electronic, or  
11 photo optical system where the sending and receiving parties  
12 intend the electronic communication to be private and the  
13 interception, recording, or transcription of the electronic  
14 communication is accomplished by a device in a surreptitious  
15 manner contrary to the provisions of this Article. "Electronic  
16 communication" does not include:

17 (1) any wire or oral communication; or

18 (2) any communication from a tracking device.

19 (h) "Electronic criminal surveillance device" or  
20 "eavesdropping device" means any device or apparatus, or  
21 computer program including an induction coil, that can be used  
22 to intercept private communication other than:

23 (1) Any telephone, telegraph or telecommunication  
24 instrument, equipment or facility, or any component of it,  
25 furnished to the subscriber or user by a communication  
26 common carrier in the ordinary course of its business, or  
27 purchased by any person and being used by the subscriber,  
28 user or person in the ordinary course of his business, or  
29 being used by a communications common carrier in the  
30 ordinary course of its business, or by an investigative or  
31 law enforcement officer in the ordinary course of his  
32 duties; or

33 (2) A hearing aid or similar device being used to  
34 correct subnormal hearing to not better than normal.

35 (i) "Electronic criminal surveillance officer" means any  
36 law enforcement officer or retired law enforcement officer of

1 the United States or of the State or political subdivision of  
2 it, or of another State, or of a political subdivision of it,  
3 who is certified by the Illinois Department of State Police to  
4 intercept private communications. A retired law enforcement  
5 officer may be certified by the Illinois State Police only to  
6 (i) prepare petitions for the authority to intercept private  
7 ~~oral~~ communications in accordance with the provisions of this  
8 Act; (ii) intercept and supervise the interception of private  
9 ~~oral~~ communications; (iii) handle, safeguard, and use evidence  
10 derived from such private ~~oral~~ communications; and (iv) operate  
11 and maintain equipment used to intercept private ~~oral~~  
12 communications.

13 (j) "In-progress trace" means to determine the origin of a  
14 wire communication to a telephone or telegraph instrument,  
15 equipment or facility during the course of the communication.

16 (k) "Intercept" means the aural or other acquisition of the  
17 contents of any private communication through the use of any  
18 electronic criminal surveillance device.

19 (l) "Journalist" means a person engaged in, connected with,  
20 or employed by news media, including newspapers, magazines,  
21 press associations, news agencies, wire services, radio,  
22 television or other similar media, for the purpose of  
23 gathering, processing, transmitting, compiling, editing or  
24 disseminating news for the general public.

25 (m) "Law enforcement agency" means any law enforcement  
26 agency of the United States, or the State or a political  
27 subdivision of it.

28 (n) "Oral communication" means human speech used to  
29 communicate by one party to another, in person, by wire  
30 communication or by any other means.

31 (o) "Private communication" means a wire, oral, or  
32 electronic communication uttered or transmitted by a person  
33 exhibiting an expectation that the communication is not subject  
34 to interception, under circumstances reasonably justifying the  
35 expectation. Circumstances that reasonably justify the  
36 expectation that a communication is not subject to interception

1 include the use of a cordless telephone or cellular  
2 communication device.

3 (p) "Wire communication" means any human speech used to  
4 communicate by one party to another in whole or in part through  
5 the use of facilities for the transmission of communications by  
6 wire, cable or other like connection between the point of  
7 origin and the point of reception furnished or operated by a  
8 communications common carrier.

9 (q) "Privileged communications" means a private  
10 communication between:

11 (1) a licensed and practicing physician and a patient  
12 within the scope of the profession of the physician;

13 (2) a licensed and practicing psychologist to a patient  
14 within the scope of the profession of the psychologist;

15 (3) a licensed and practicing attorney-at-law and a  
16 client within the scope of the profession of the lawyer;

17 (4) a practicing clergyman and a confidant within the  
18 scope of the profession of the clergyman;

19 (5) a practicing journalist within the scope of his  
20 profession;

21 (6) spouses within the scope of their marital  
22 relationship; or

23 (7) a licensed and practicing social worker to a client  
24 within the scope of the profession of the social worker.

25 (r) "Retired law enforcement officer" means a person: (1)  
26 who is a graduate of a police training institute or academy,  
27 who after graduating served for at least 15 consecutive years  
28 as a sworn, full-time peace officer qualified to carry firearms  
29 for any federal or State department or agency or for any unit  
30 of local government of Illinois; (2) who has retired as a  
31 local, State, or federal peace officer in a publicly created  
32 peace officer retirement system; and (3) whose service in law  
33 enforcement was honorably terminated through retirement or  
34 disability and not as a result of discipline, suspension, or  
35 discharge.

36 (Source: P.A. 92-854, eff. 12-5-02; 92-863, eff. 1-3-03;

1 revised 1-9-03.)

2 (725 ILCS 5/108B-5) (from Ch. 38, par. 108B-5)

3 Sec. 108B-5. Requirements for order of interception.

4 (a) Upon consideration of an application, the chief judge  
5 may enter an ex parte order, as requested or as modified,  
6 authorizing the interception of a private communication, if the  
7 chief judge determines on the basis of the application  
8 submitted by the applicant, that:

9 (1) There is probable cause for belief that (A) ~~(a)~~ the  
10 person whose private communication is to be intercepted is  
11 committing, has committed, or is about to commit an offense  
12 enumerated in Section 108B-3, or (B) ~~(b)~~ the facilities  
13 from which, or the place where, the private communication  
14 is to be intercepted, is, has been, or is about to be used  
15 in connection with the commission of the offense, or is  
16 leased to, listed in the name of, or commonly used by, the  
17 person; and

18 (2) There is probable cause for belief that a  
19 particular private communication concerning such offense  
20 may be obtained through the interception; and

21 (3) Normal investigative procedures with respect to  
22 the offense have been tried and have failed or reasonably  
23 appear to be unlikely to succeed if tried or too dangerous  
24 to employ; and

25 (4) The electronic criminal surveillance officers to  
26 be authorized to supervise the interception of the private  
27 communication have been certified by the Department.

28 (b) In the case of an application, other than for an  
29 extension, for an order to intercept a communication of a  
30 person or on a wire communication facility that was the subject  
31 of a previous order authorizing interception, the application  
32 shall be based upon new evidence or information different from  
33 and in addition to the evidence or information offered to  
34 support the prior order, regardless of whether the evidence was  
35 derived from prior interceptions or from other sources.

1 (c) The chief judge may authorize interception of a private  
2 communication anywhere in the judicial circuit. If the court  
3 authorizes the use of an eavesdropping device with respect to a  
4 vehicle, watercraft, or aircraft that is within the judicial  
5 circuit at the time the order is issued, the order may provide  
6 that the interception may continue anywhere within the State if  
7 the vehicle, watercraft, or aircraft leaves the judicial  
8 circuit.

9 (Source: P.A. 92-854, eff. 12-5-02; revised 1-20-03.)

10 (725 ILCS 5/108B-11) (from Ch. 38, par. 108B-11)

11 Sec. 108B-11. Inventory.

12 (a) Within a reasonable period of time but not later than  
13 90 days after the termination of the period of the order, or  
14 its extensions, or the date of the denial of an application  
15 made under Section 108B-8, the chief judge issuing or denying  
16 the order or extension shall cause an inventory to be served on  
17 any person:

18 (1) named in the order;

19 (2) arrested as a result of the interception of his  
20 private communication;

21 (3) indicted or otherwise charged as a result of the  
22 interception of his private communication;

23 (4) ~~Any person~~ whose private communication was  
24 intercepted and who the judge issuing or denying the order  
25 or application may in his discretion determine should be  
26 informed in the interest of justice.

27 (b) The inventory under this Section shall include:

28 (1) notice of the entry of the order or the application  
29 for an order denied under Section 108B-8;

30 (2) the date of the entry of the order or the denial of  
31 an order applied for under Section 108B-8;

32 (3) the period of authorized or disapproved  
33 interception; and

34 (4) the fact that during the period a private

1 communication was or was not intercepted.

2 (c) A court of competent jurisdiction, upon filing of a  
3 motion, may in its discretion make available to those persons  
4 or their attorneys for inspection those portions of the  
5 intercepted communications, applications and orders as the  
6 court determines to be in the interest of justice.

7 (d) On an ex parte showing of good cause to a court of  
8 competent jurisdiction, the serving of the inventories  
9 required by this Section may be postponed for a period not to  
10 exceed 12 months.

11 (Source: P.A. 92-854, eff. 12-5-02; revised 1-20-03.)

12 (725 ILCS 5/112A-28) (from Ch. 38, par. 112A-28)

13 Sec. 112A-28. Data maintenance by law enforcement  
14 agencies.

15 (a) All sheriffs shall furnish to the Department of State  
16 Police, daily, in the form and detail the Department requires,  
17 copies of any recorded orders of protection issued by the  
18 court, and any foreign orders of protection filed by the clerk  
19 of the court, and transmitted to the sheriff by the clerk of  
20 the court pursuant to subsection (b) of Section 112A-22 of this  
21 Act. Each order of protection shall be entered in the Law  
22 Enforcement Agencies Automated Data System on the same day it  
23 is issued by the court. If an emergency order of protection was  
24 issued in accordance with subsection (c) of Section 112A-17,  
25 the order shall be entered in the Law Enforcement Agencies  
26 ~~Automated~~ Data System as soon as possible after receipt from  
27 the clerk.

28 (b) The Department of State Police shall maintain a  
29 complete and systematic record and index of all valid and  
30 recorded orders of protection issued or filed pursuant to this  
31 Act. The data shall be used to inform all dispatchers and law  
32 enforcement officers at the scene of an alleged incident of  
33 abuse or violation of an order of protection of any recorded  
34 prior incident of abuse involving the abused party and the  
35 effective dates and terms of any recorded order of protection.

1 (c) The data, records and transmittals required under this  
2 Section shall pertain to any valid emergency, interim or  
3 plenary order of protection, whether issued in a civil or  
4 criminal proceeding or authorized under the laws of another  
5 state, tribe, or United States territory.

6 (Source: P.A. 90-392, eff. 1-1-98; 91-903, eff. 1-1-01; revised  
7 2-17-03.)

8 Section 545. The State Appellate Defender Act is amended by  
9 changing Section 10 as follows:

10 (725 ILCS 105/10) (from Ch. 38, par. 208-10)

11 Sec. 10. Powers and duties of State Appellate Defender.

12 (a) The State Appellate Defender shall represent indigent  
13 persons on appeal in criminal and delinquent minor proceedings,  
14 when appointed to do so by a court under a Supreme Court Rule  
15 or law of this State.

16 (b) The State Appellate Defender shall submit a budget for  
17 the approval of the State Appellate Defender Commission.

18 (c) The State Appellate Defender may:

19 (1) maintain a panel of private attorneys available to  
20 serve as counsel on a case basis;

21 (2) establish programs, alone or in conjunction with  
22 law schools, for the purpose of utilizing volunteer law  
23 students as legal assistants;

24 (3) cooperate and consult with state agencies,  
25 professional associations, and other groups concerning the  
26 causes of criminal conduct, the rehabilitation and  
27 correction of persons charged with and convicted of crime,  
28 the administration of criminal justice, and, in counties of  
29 less than 1,000,000 population, study, design, develop and  
30 implement model systems for the delivery of trial level  
31 defender services, and make an annual report to the General  
32 Assembly;

33 (4) hire investigators to provide investigative  
34 services to appointed counsel and county public defenders;



1           (5) in cases in which a death sentence is an authorized  
2 disposition, provide trial counsel with the assistance of  
3 expert witnesses, investigators, and mitigation  
4 specialists from funds appropriated to the State Appellate  
5 Defender specifically for that purpose by the General  
6 Assembly. The Office of State Appellate Defender shall not  
7 be appointed to serve as trial counsel in capital cases.

8           Investigators employed by the Death Penalty Trial  
9 Assistance and Capital Litigation Division of the State  
10 Appellate Defender shall be authorized to inquire through the  
11 Illinois State Police or local law enforcement with the Law  
12 Enforcement Agencies Data System (LEADS) under Section  
13 2605-375 of the Civil Administrative Code of Illinois to  
14 ascertain whether their potential witnesses have a criminal  
15 background, including: (i) warrants; (ii) arrests; (iii)  
16 convictions; and (iv) officer safety information. This  
17 authorization applies only to information held on the State  
18 level and shall be used only to protect the personal safety of  
19 the investigators. Any information that is obtained through  
20 this inquiry may not be disclosed by the investigators.

21           (d) For each State fiscal year, the State Appellate  
22 Defender shall appear before the General Assembly and request  
23 appropriations to be made from the Capital Litigation Trust  
24 Fund to the State Treasurer for the purpose of providing  
25 defense assistance in capital cases outside of Cook County and  
26 for expenses incurred by ~~the~~ the State Appellate Defender in  
27 representing petitioners in capital cases in post-conviction  
28 proceedings under Article 122 of the Code of Criminal Procedure  
29 of 1963 and in relation to petitions filed under Section 2-1401  
30 of the Code of Civil Procedure in relation to capital cases and  
31 for the representation of those petitioners by attorneys  
32 approved by or contracted with the State Appellate Defender.  
33 The State Appellate Defender may appear before the General  
34 Assembly at other times during the State's fiscal year to  
35 request supplemental appropriations from the Trust Fund to the  
36 State Treasurer.

1 (e) The requirement for reporting to the General Assembly  
2 shall be satisfied by filing copies of the report with the  
3 Speaker, the Minority Leader and the Clerk of the House of  
4 Representatives and the President, the Minority Leader and the  
5 Secretary of the Senate and the Legislative Research Unit, as  
6 required by Section 3.1 of the General Assembly Organization  
7 Act and filing such additional copies with the State Government  
8 Report Distribution Center for the General Assembly as is  
9 required under paragraph (t) of Section 7 of the State Library  
10 Act.

11 (Source: P.A. 93-972, eff. 8-20-04; 93-1011, eff. 1-1-05;  
12 revised 10-14-04.)

13 Section 550. The Capital Crimes Litigation Act is amended  
14 by changing Section 19 as follows:

15 (725 ILCS 124/19)

16 Sec. 19. Report, ~~repeal~~.

17 (a) The Cook County Public Defender, the Cook County  
18 State's Attorney, the State Appellate Defender, the State's  
19 Attorneys Appellate Prosecutor, and the Attorney General shall  
20 each report separately to the General Assembly by January 1,  
21 2004 detailing the amounts of money received by them through  
22 this Act, the uses for which those funds were expended, the  
23 balances then in the Capital Litigation Trust Fund or county  
24 accounts, as the case may be, dedicated to them for the use and  
25 support of Public Defenders, appointed trial defense counsel,  
26 and State's Attorneys, as the case may be. The report shall  
27 describe and discuss the need for continued funding through the  
28 Fund and contain any suggestions for changes to this Act.

29 (b) (Blank).

30 (Source: P.A. 93-605, eff. 11-19-03; revised 12-9-03.)

31 Section 555. The Sexually Dangerous Persons Act is amended  
32 by changing Section 9 as follows:

1 (725 ILCS 205/9) (from Ch. 38, par. 105-9)

2 Sec. 9. An application in writing setting forth facts  
3 showing that such sexually dangerous person or criminal sexual  
4 psychopathic person has recovered may be filed before the  
5 committing court. Upon receipt thereof, the clerk of the court  
6 shall cause a copy of the application to be sent to the  
7 Director of the Department of Corrections. The Director shall  
8 then cause to be prepared and sent to the court a  
9 socio-psychiatric report concerning the applicant. The report  
10 shall be prepared by a social worker and psychologist under the  
11 supervision of a licensed psychiatrist assigned to the  
12 institution wherein such applicant is confined. The court shall  
13 set a date for the hearing upon such application and shall  
14 consider the report so prepared under the direction of the  
15 Director of the Department of Corrections and any other  
16 relevant information submitted by or on behalf of such  
17 applicant. If the person is found to be no longer dangerous,  
18 the court shall order that he be discharged. If the court finds  
19 that the person appears no longer to be dangerous but that it  
20 is impossible to determine with certainty under conditions of  
21 institutional care that such person has fully recovered, the  
22 court shall enter an order permitting such person to go at  
23 large subject to such conditions and such supervision by the  
24 Director as in the opinion of the court will adequately protect  
25 the public. In the event the person violates any of the  
26 conditions of such order, the court shall revoke such  
27 conditional release and recommit the person pursuant to Section  
28 5-6-4 of the Unified Code of Corrections under the terms of the  
29 original commitment. Upon an order of discharge every  
30 outstanding information and indictment, the basis of which was  
31 the reason for the present detention, shall be quashed.

32 (Source: P.A. 92-786, eff. 8-6-02; revised 10-9-03.)

33 Section 560. The Unified Code of Corrections is amended by  
34 changing Sections 3-6-3, 5-2-4, 5-4-1, 5-5-3, 5-6-4, 5-8-1.3,  
35 and 5-9-1.7 and by setting forth and renumbering multiple

1 versions of Section 5-9-1.12 as follows:

2 (730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

3 Sec. 3-6-3. Rules and Regulations for Early Release.

4 (a) (1) The Department of Corrections shall prescribe  
5 rules and regulations for the early release on account of  
6 good conduct of persons committed to the Department which  
7 shall be subject to review by the Prisoner Review Board.

8 (2) The rules and regulations on early release shall  
9 provide, with respect to offenses committed on or after  
10 June 19, 1998, the following:

11 (i) that a prisoner who is serving a term of  
12 imprisonment for first degree murder or for the offense  
13 of terrorism shall receive no good conduct credit and  
14 shall serve the entire sentence imposed by the court;

15 (ii) that a prisoner serving a sentence for attempt  
16 to commit first degree murder, solicitation of murder,  
17 solicitation of murder for hire, intentional homicide  
18 of an unborn child, predatory criminal sexual assault  
19 of a child, aggravated criminal sexual assault,  
20 criminal sexual assault, aggravated kidnapping,  
21 aggravated battery with a firearm, heinous battery,  
22 aggravated battery of a senior citizen, or aggravated  
23 battery of a child shall receive no more than 4.5 days  
24 of good conduct credit for each month of his or her  
25 sentence of imprisonment; and

26 (iii) that a prisoner serving a sentence for home  
27 invasion, armed robbery, aggravated vehicular  
28 hijacking, aggravated discharge of a firearm, or armed  
29 violence with a category I weapon or category II  
30 weapon, when the court has made and entered a finding,  
31 pursuant to subsection (c-1) of Section 5-4-1 of this  
32 Code, that the conduct leading to conviction for the  
33 enumerated offense resulted in great bodily harm to a  
34 victim, shall receive no more than 4.5 days of good  
35 conduct credit for each month of his or her sentence of

1           imprisonment.

2           (2.1) For all offenses, other than those enumerated in  
3           subdivision (a)(2) committed on or after June 19, 1998, and  
4           other than the offense of reckless homicide as defined in  
5           subsection (e) of Section 9-3 of the Criminal Code of 1961  
6           committed on or after January 1, 1999, or aggravated  
7           driving under the influence of alcohol, other drug or  
8           drugs, or intoxicating compound or compounds, or any  
9           combination thereof as defined in subparagraph (F) of  
10          paragraph (1) of subsection (d) of Section 11-501 of the  
11          Illinois Vehicle Code, the rules and regulations shall  
12          provide that a prisoner who is serving a term of  
13          imprisonment shall receive one day of good conduct credit  
14          for each day of his or her sentence of imprisonment or  
15          recommitment under Section 3-3-9. Each day of good conduct  
16          credit shall reduce by one day the prisoner's period of  
17          imprisonment or recommitment under Section 3-3-9.

18          (2.2) A prisoner serving a term of natural life  
19          imprisonment or a prisoner who has been sentenced to death  
20          shall receive no good conduct credit.

21          (2.3) The rules and regulations on early release shall  
22          provide that a prisoner who is serving a sentence for  
23          reckless homicide as defined in subsection (e) of Section  
24          9-3 of the Criminal Code of 1961 committed on or after  
25          January 1, 1999, or aggravated driving under the influence  
26          of alcohol, other drug or drugs, or intoxicating compound  
27          or compounds, or any combination thereof as defined in  
28          subparagraph (F) of paragraph (1) of subsection (d) of  
29          Section 11-501 of the Illinois Vehicle Code, shall receive  
30          no more than 4.5 days of good conduct credit for each month  
31          of his or her sentence of imprisonment.

32          (2.4) The rules and regulations on early release shall  
33          provide with respect to the offenses of aggravated battery  
34          with a machine gun or a firearm equipped with any device or  
35          attachment designed or used for silencing the report of a  
36          firearm or aggravated discharge of a machine gun or a

1 firearm equipped with any device or attachment designed or  
2 used for silencing the report of a firearm, committed on or  
3 after July 15, 1999 (the effective date of Public Act  
4 91-121) ~~this amendatory Act of 1999~~, that a prisoner  
5 serving a sentence for any of these offenses shall receive  
6 no more than 4.5 days of good conduct credit for each month  
7 of his or her sentence of imprisonment.

8 (2.5) The rules and regulations on early release shall  
9 provide that a prisoner who is serving a sentence for  
10 aggravated arson committed on or after July 27, 2001 (the  
11 effective date of Public Act 92-176) ~~this amendatory Act of~~  
12 ~~the 92nd 93rd General Assembly~~ shall receive no more than  
13 4.5 days of good conduct credit for each month of his or  
14 her sentence of imprisonment.

15 (3) The rules and regulations shall also provide that  
16 the Director may award up to 180 days additional good  
17 conduct credit for meritorious service in specific  
18 instances as the Director deems proper; except that no more  
19 than 90 days of good conduct credit for meritorious service  
20 shall be awarded to any prisoner who is serving a sentence  
21 for conviction of first degree murder, reckless homicide  
22 while under the influence of alcohol or any other drug, or  
23 aggravated driving under the influence of alcohol, other  
24 drug or drugs, or intoxicating compound or compounds, or  
25 any combination thereof as defined in subparagraph (F) of  
26 paragraph (1) of subsection (d) of Section 11-501 of the  
27 Illinois Vehicle Code, aggravated kidnapping, kidnapping,  
28 predatory criminal sexual assault of a child, aggravated  
29 criminal sexual assault, criminal sexual assault, deviate  
30 sexual assault, aggravated criminal sexual abuse,  
31 aggravated indecent liberties with a child, indecent  
32 liberties with a child, child pornography, heinous  
33 battery, aggravated battery of a spouse, aggravated  
34 battery of a spouse with a firearm, stalking, aggravated  
35 stalking, aggravated battery of a child, endangering the  
36 life or health of a child, cruelty to a child, or narcotic

1 racketeering. Notwithstanding the foregoing, good conduct  
2 credit for meritorious service shall not be awarded on a  
3 sentence of imprisonment imposed for conviction of: (i) one  
4 of the offenses enumerated in subdivision (a)(2) when the  
5 offense is committed on or after June 19, 1998, (ii)  
6 reckless homicide as defined in subsection (e) of Section  
7 9-3 of the Criminal Code of 1961 when the offense is  
8 committed on or after January 1, 1999, or aggravated  
9 driving under the influence of alcohol, other drug or  
10 drugs, or intoxicating compound or compounds, or any  
11 combination thereof as defined in subparagraph (F) of  
12 paragraph (1) of subsection (d) of Section 11-501 of the  
13 Illinois Vehicle Code, (iii) one of the offenses enumerated  
14 in subdivision (a)(2.4) when the offense is committed on or  
15 after July 15, 1999 (the effective date of Public Act  
16 91-121) ~~this amendatory Act of 1999~~, or (iv) aggravated  
17 arson when the offense is committed on or after July 27,  
18 2001 (the effective date of Public Act 92-176) ~~this~~  
19 ~~amendatory Act of the 92nd 93rd General Assembly.~~

20 (4) The rules and regulations shall also provide that  
21 the good conduct credit accumulated and retained under  
22 paragraph (2.1) of subsection (a) of this Section by any  
23 inmate during specific periods of time in which such inmate  
24 is engaged full-time in substance abuse programs,  
25 correctional industry assignments, or educational programs  
26 provided by the Department under this paragraph (4) and  
27 satisfactorily completes the assigned program as  
28 determined by the standards of the Department, shall be  
29 multiplied by a factor of 1.25 for program participation  
30 before August 11, 1993 and 1.50 for program participation  
31 on or after that date. However, no inmate shall be eligible  
32 for the additional good conduct credit under this paragraph  
33 (4) while assigned to a boot camp, mental health unit, or  
34 electronic detention, or if convicted of an offense  
35 enumerated in paragraph (a)(2) of this Section that is  
36 committed on or after June 19, 1998, or if convicted of

1 reckless homicide as defined in subsection (e) of Section  
2 9-3 of the Criminal Code of 1961 if the offense is  
3 committed on or after January 1, 1999, or aggravated  
4 driving under the influence of alcohol, other drug or  
5 drugs, or intoxicating compound or compounds, or any  
6 combination thereof as defined in subparagraph (F) of  
7 paragraph (1) of subsection (d) of Section 11-501 of the  
8 Illinois Vehicle Code, or if convicted of an offense  
9 enumerated in paragraph (a)(2.4) of this Section that is  
10 committed on or after July 15, 1999 (the effective date of  
11 Public Act 91-121) ~~this amendatory Act of 1999~~, or first  
12 degree murder, a Class X felony, criminal sexual assault,  
13 felony criminal sexual abuse, aggravated criminal sexual  
14 abuse, aggravated battery with a firearm, or any  
15 predecessor or successor offenses with the same or  
16 substantially the same elements, or any inchoate offenses  
17 relating to the foregoing offenses. No inmate shall be  
18 eligible for the additional good conduct credit under this  
19 paragraph (4) who (i) has previously received increased  
20 good conduct credit under this paragraph (4) and has  
21 subsequently been convicted of a felony, or (ii) has  
22 previously served more than one prior sentence of  
23 imprisonment for a felony in an adult correctional  
24 facility.

25 Educational, vocational, substance abuse and  
26 correctional industry programs under which good conduct  
27 credit may be increased under this paragraph (4) shall be  
28 evaluated by the Department on the basis of documented  
29 standards. The Department shall report the results of these  
30 evaluations to the Governor and the General Assembly by  
31 September 30th of each year. The reports shall include data  
32 relating to the recidivism rate among program  
33 participants.

34 Availability of these programs shall be subject to the  
35 limits of fiscal resources appropriated by the General  
36 Assembly for these purposes. Eligible inmates who are



1 denied immediate admission shall be placed on a waiting  
2 list under criteria established by the Department. The  
3 inability of any inmate to become engaged in any such  
4 programs by reason of insufficient program resources or for  
5 any other reason established under the rules and  
6 regulations of the Department shall not be deemed a cause  
7 of action under which the Department or any employee or  
8 agent of the Department shall be liable for damages to the  
9 inmate.

10 (4.5) The rules and regulations on early release shall  
11 also provide that a prisoner who is serving a sentence for  
12 a crime committed as a result of the use of, abuse of, or  
13 addiction to alcohol or a controlled substance and the  
14 crime was committed on or after September 1, 2003 (the  
15 effective date of Public Act 93-354) ~~this Amendatory Act of~~  
16 ~~the 93rd General Assembly~~ shall receive no good conduct  
17 credit until he or she participates in and completes a  
18 substance abuse treatment program. Good conduct credit  
19 awarded under clauses (2), (3), and (4) of this subsection  
20 (a) for crimes committed on or after September 1, 2003 ~~the~~  
21 ~~effective date of this amendatory Act of the 93rd General~~  
22 ~~Assembly~~ is subject to the provisions of this clause (4.5).  
23 If the prisoner completes a substance abuse treatment  
24 program, the Department may award good conduct credit for  
25 the time spent in treatment. Availability of substance  
26 abuse treatment shall be subject to the limits of fiscal  
27 resources appropriated by the General Assembly for these  
28 purposes. If treatment is not available, the prisoner shall  
29 be placed on a waiting list under criteria established by  
30 the Department. The Department may require a prisoner  
31 placed on a waiting list to attend a substance abuse  
32 education class or attend substance abuse self-help  
33 meetings. A prisoner may not lose good conduct credit as a  
34 result of being placed on a waiting list. A prisoner placed  
35 on a waiting list remains eligible for increased good  
36 conduct credit for participation in an educational,

1           vocational, or correctional industry program under clause  
2           (4) of subsection (a) of this Section.

3           (5) Whenever the Department is to release any inmate  
4           earlier than it otherwise would because of a grant of good  
5           conduct credit for meritorious service given at any time  
6           during the term, the Department shall give reasonable  
7           advance notice of the impending release to the State's  
8           Attorney of the county where the prosecution of the inmate  
9           took place.

10          (b) Whenever a person is or has been committed under  
11          several convictions, with separate sentences, the sentences  
12          shall be construed under Section 5-8-4 in granting and  
13          forfeiting of good time.

14          (c) The Department shall prescribe rules and regulations  
15          for revoking good conduct credit, or suspending or reducing the  
16          rate of accumulation of good conduct credit for specific rule  
17          violations, during imprisonment. These rules and regulations  
18          shall provide that no inmate may be penalized more than one  
19          year of good conduct credit for any one infraction.

20          When the Department seeks to revoke, suspend or reduce the  
21          rate of accumulation of any good conduct credits for an alleged  
22          infraction of its rules, it shall bring charges therefor  
23          against the prisoner sought to be so deprived of good conduct  
24          credits before the Prisoner Review Board as provided in  
25          subparagraph (a)(4) of Section 3-3-2 of this Code, if the  
26          amount of credit at issue exceeds 30 days or when during any 12  
27          month period, the cumulative amount of credit revoked exceeds  
28          30 days except where the infraction is committed or discovered  
29          within 60 days of scheduled release. In those cases, the  
30          Department of Corrections may revoke up to 30 days of good  
31          conduct credit. The Board may subsequently approve the  
32          revocation of additional good conduct credit, if the Department  
33          seeks to revoke good conduct credit in excess of 30 days.  
34          However, the Board shall not be empowered to review the  
35          Department's decision with respect to the loss of 30 days of  
36          good conduct credit within any calendar year for any prisoner

1 or to increase any penalty beyond the length requested by the  
2 Department.

3 The Director of the Department of Corrections, in  
4 appropriate cases, may restore up to 30 days good conduct  
5 credits which have been revoked, suspended or reduced. Any  
6 restoration of good conduct credits in excess of 30 days shall  
7 be subject to review by the Prisoner Review Board. However, the  
8 Board may not restore good conduct credit in excess of the  
9 amount requested by the Director.

10 Nothing contained in this Section shall prohibit the  
11 Prisoner Review Board from ordering, pursuant to Section  
12 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the  
13 sentence imposed by the court that was not served due to the  
14 accumulation of good conduct credit.

15 (d) If a lawsuit is filed by a prisoner in an Illinois or  
16 federal court against the State, the Department of Corrections,  
17 or the Prisoner Review Board, or against any of their officers  
18 or employees, and the court makes a specific finding that a  
19 pleading, motion, or other paper filed by the prisoner is  
20 frivolous, the Department of Corrections shall conduct a  
21 hearing to revoke up to 180 days of good conduct credit by  
22 bringing charges against the prisoner sought to be deprived of  
23 the good conduct credits before the Prisoner Review Board as  
24 provided in subparagraph (a)(8) of Section 3-3-2 of this Code.  
25 If the prisoner has not accumulated 180 days of good conduct  
26 credit at the time of the finding, then the Prisoner Review  
27 Board may revoke all good conduct credit accumulated by the  
28 prisoner.

29 For purposes of this subsection (d):

30 (1) "Frivolous" means that a pleading, motion, or other  
31 filing which purports to be a legal document filed by a  
32 prisoner in his or her lawsuit meets any or all of the  
33 following criteria:

34 (A) it lacks an arguable basis either in law or in  
35 fact;

36 (B) it is being presented for any improper purpose,

1           such as to harass or to cause unnecessary delay or  
2           needless increase in the cost of litigation;

3           (C) the claims, defenses, and other legal  
4           contentions therein are not warranted by existing law  
5           or by a nonfrivolous argument for the extension,  
6           modification, or reversal of existing law or the  
7           establishment of new law;

8           (D) the allegations and other factual contentions  
9           do not have evidentiary support or, if specifically so  
10          identified, are not likely to have evidentiary support  
11          after a reasonable opportunity for further  
12          investigation or discovery; or

13          (E) the denials of factual contentions are not  
14          warranted on the evidence, or if specifically so  
15          identified, are not reasonably based on a lack of  
16          information or belief.

17          (2) "Lawsuit" means a petition for post-conviction  
18          relief under Article 122 of the Code of Criminal Procedure  
19          of 1963, a motion pursuant to Section 116-3 of the Code of  
20          Criminal Procedure of 1963, a habeas corpus action under  
21          Article X of the Code of Civil Procedure or under federal  
22          law (28 U.S.C. 2254), a petition for claim under the Court  
23          of Claims Act or an action under the federal Civil Rights  
24          Act (42 U.S.C. 1983).

25          (e) Nothing in Public Act 90-592 or 90-593 ~~this amendatory~~  
26          ~~Act of 1998~~ affects the validity of Public Act 89-404.

27          (Source: P.A. 92-176, eff. 7-27-01; 92-854, eff. 12-5-02;  
28          93-213, eff. 7-18-03; 93-354, eff. 9-1-03; revised 10-15-03.)

29                 (730 ILCS 5/5-2-4) (from Ch. 38, par. 1005-2-4)

30                 Sec. 5-2-4. Proceedings after Acquittal by Reason of  
31                 Insanity.

32                 (a) After a finding or verdict of not guilty by reason of  
33                 insanity under Sections 104-25, 115-3 or 115-4 of The Code of  
34                 Criminal Procedure of 1963, the defendant shall be ordered to  
35                 the Department of Human Services for an evaluation as to

1 whether he is in need of mental health services. The order  
2 shall specify whether the evaluation shall be conducted on an  
3 inpatient or outpatient basis. If the evaluation is to be  
4 conducted on an inpatient basis, the defendant shall be placed  
5 in a secure setting unless the Court determines that there are  
6 compelling reasons why such placement is not necessary. After  
7 the evaluation and during the period of time required to  
8 determine the appropriate placement, the defendant shall  
9 remain in jail. Upon completion of the placement process the  
10 sheriff shall be notified and shall transport the defendant to  
11 the designated facility.

12 The Department shall provide the Court with a report of its  
13 evaluation within 30 days of the date of this order. The Court  
14 shall hold a hearing as provided under the Mental Health and  
15 Developmental Disabilities Code to determine if the individual  
16 is: (a) in need of mental health services on an inpatient  
17 basis; (b) in need of mental health services on an outpatient  
18 basis; (c) a person not in need of mental health services. The  
19 Court shall enter its findings.

20 If the defendant is found to be in need of mental health  
21 services on an inpatient care basis, the Court shall order the  
22 defendant to the Department of Human Services. The defendant  
23 shall be placed in a secure setting unless the Court determines  
24 that there are compelling reasons why such placement is not  
25 necessary. Such defendants placed in a secure setting shall not  
26 be permitted outside the facility's housing unit unless  
27 escorted or accompanied by personnel of the Department of Human  
28 Services or with the prior approval of the Court for  
29 unsupervised on-grounds privileges as provided herein. Any  
30 defendant placed in a secure setting pursuant to this Section,  
31 transported to court hearings or other necessary appointments  
32 off facility grounds by personnel of the Department of Human  
33 Services, shall be placed in security devices or otherwise  
34 secured during the period of transportation to assure secure  
35 transport of the defendant and the safety of Department of  
36 Human Services personnel and others. These security measures

1 shall not constitute restraint as defined in the Mental Health  
2 and Developmental Disabilities Code. If the defendant is found  
3 to be in need of mental health services, but not on an  
4 inpatient care basis, the Court shall conditionally release the  
5 defendant, under such conditions as set forth in this Section  
6 as will reasonably assure the defendant's satisfactory  
7 progress and participation in treatment or rehabilitation and  
8 the safety of the defendant and others. If the Court finds the  
9 person not in need of mental health services, then the Court  
10 shall order the defendant discharged from custody.

11 (a-1) ~~(1)~~ Definitions. For the purposes of this Section:

12 (A) (Blank).

13 (B) "In need of mental health services on an inpatient  
14 basis" means: a defendant who has been found not guilty by  
15 reason of insanity but who due to mental illness is  
16 reasonably expected to inflict serious physical harm upon  
17 himself or another and who would benefit from inpatient  
18 care or is in need of inpatient care.

19 (C) "In need of mental health services on an outpatient  
20 basis" means: a defendant who has been found not guilty by  
21 reason of insanity who is not in need of mental health  
22 services on an inpatient basis, but is in need of  
23 outpatient care, drug and/or alcohol rehabilitation  
24 programs, community adjustment programs, individual,  
25 group, or family therapy, or chemotherapy.

26 (D) "Conditional Release" means: the release from  
27 either the custody of the Department of Human Services or  
28 the custody of the Court of a person who has been found not  
29 guilty by reason of insanity under such conditions as the  
30 Court may impose which reasonably assure the defendant's  
31 satisfactory progress in treatment or habilitation and the  
32 safety of the defendant and others. The Court shall  
33 consider such terms and conditions which may include, but  
34 need not be limited to, outpatient care, alcoholic and drug  
35 rehabilitation programs, community adjustment programs,  
36 individual, group, family, and chemotherapy, random

1 testing to ensure the defendant's timely and continuous  
2 taking of any medicines prescribed to control or manage his  
3 or her conduct or mental state, and periodic checks with  
4 the legal authorities and/or the Department of Human  
5 Services. The Court may order as a condition of conditional  
6 release that the defendant not contact the victim of the  
7 offense that resulted in the finding or verdict of not  
8 guilty by reason of insanity or any other person. The Court  
9 may order the Department of Human Services to provide care  
10 to any person conditionally released under this Section.  
11 The Department may contract with any public or private  
12 agency in order to discharge any responsibilities imposed  
13 under this Section. The Department shall monitor the  
14 provision of services to persons conditionally released  
15 under this Section and provide periodic reports to the  
16 Court concerning the services and the condition of the  
17 defendant. Whenever a person is conditionally released  
18 pursuant to this Section, the State's Attorney for the  
19 county in which the hearing is held shall designate in  
20 writing the name, telephone number, and address of a person  
21 employed by him or her who shall be notified in the event  
22 that either the reporting agency or the Department decides  
23 that the conditional release of the defendant should be  
24 revoked or modified pursuant to subsection (i) of this  
25 Section. Such conditional release shall be for a period of  
26 five years. However, the defendant, the person or facility  
27 rendering the treatment, therapy, program or outpatient  
28 care, the Department, or the State's Attorney may petition  
29 the Court for an extension of the conditional release  
30 period for an additional 5 years. Upon receipt of such a  
31 petition, the Court shall hold a hearing consistent with  
32 the provisions of this paragraph (a) and paragraph (f) of  
33 this Section, shall determine whether the defendant should  
34 continue to be subject to the terms of conditional release,  
35 and shall enter an order either extending the defendant's  
36 period of conditional release for an additional 5 year

1 period or discharging the defendant. Additional 5-year  
2 periods of conditional release may be ordered following a  
3 hearing as provided in this Section. However, in no event  
4 shall the defendant's period of conditional release  
5 continue beyond the maximum period of commitment ordered by  
6 the Court pursuant to paragraph (b) of this Section. These  
7 provisions for extension of conditional release shall only  
8 apply to defendants conditionally released on or after  
9 August 8, 2003 ~~the effective date of this amendatory Act of~~  
10 ~~the 93rd General Assembly~~. However the extension  
11 provisions of Public Act 83-1449 apply only to defendants  
12 charged with a forcible felony.

13 (E) "Facility director" means the chief officer of a  
14 mental health or developmental disabilities facility or  
15 his or her designee or the supervisor of a program of  
16 treatment or habilitation or his or her designee.  
17 "Designee" may include a physician, clinical psychologist,  
18 social worker, nurse, or clinical professional counselor.

19 (b) If the Court finds the defendant in need of mental  
20 health services on an inpatient basis, the admission,  
21 detention, care, treatment or habilitation, treatment plans,  
22 review proceedings, including review of treatment and  
23 treatment plans, and discharge of the defendant after such  
24 order shall be under the Mental Health and Developmental  
25 Disabilities Code, except that the initial order for admission  
26 of a defendant acquitted of a felony by reason of insanity  
27 shall be for an indefinite period of time. Such period of  
28 commitment shall not exceed the maximum length of time that the  
29 defendant would have been required to serve, less credit for  
30 good behavior as provided in Section 5-4-1 of the Unified Code  
31 of Corrections, before becoming eligible for release had he  
32 been convicted of and received the maximum sentence for the  
33 most serious crime for which he has been acquitted by reason of  
34 insanity. The Court shall determine the maximum period of  
35 commitment by an appropriate order. During this period of time,  
36 the defendant shall not be permitted to be in the community in



1 any manner, including but not limited to off-grounds  
2 privileges, with or without escort by personnel of the  
3 Department of Human Services, unsupervised on-grounds  
4 privileges, discharge or conditional or temporary release,  
5 except by a plan as provided in this Section. In no event shall  
6 a defendant's continued unauthorized absence be a basis for  
7 discharge. Not more than 30 days after admission and every 60  
8 days thereafter so long as the initial order remains in effect,  
9 the facility director shall file a treatment plan report in  
10 writing with the court and forward a copy of the treatment plan  
11 report to the clerk of the court, the State's Attorney, and the  
12 defendant's attorney, if the defendant is represented by  
13 counsel, or to a person authorized by the defendant under the  
14 Mental Health and Developmental Disabilities Confidentiality  
15 Act to be sent a copy of the report. The report shall include  
16 an opinion as to whether the defendant is currently in need of  
17 mental health services on an inpatient basis or in need of  
18 mental health services on an outpatient basis. The report shall  
19 also summarize the basis for those findings and provide a  
20 current summary of the following items from the treatment plan:  
21 (1) an assessment of the defendant's treatment needs, (2) a  
22 description of the services recommended for treatment, (3) the  
23 goals of each type of element of service, (4) an anticipated  
24 timetable for the accomplishment of the goals, and (5) a  
25 designation of the qualified professional responsible for the  
26 implementation of the plan. The report may also include  
27 unsupervised on-grounds privileges, off-grounds privileges  
28 (with or without escort by personnel of the Department of Human  
29 Services), home visits and participation in work programs, but  
30 only where such privileges have been approved by specific court  
31 order, which order may include such conditions on the defendant  
32 as the Court may deem appropriate and necessary to reasonably  
33 assure the defendant's satisfactory progress in treatment and  
34 the safety of the defendant and others.

35 (c) Every defendant acquitted of a felony by reason of  
36 insanity and subsequently found to be in need of mental health

1 services shall be represented by counsel in all proceedings  
2 under this Section and under the Mental Health and  
3 Developmental Disabilities Code.

4 (1) The Court shall appoint as counsel the public  
5 defender or an attorney licensed by this State.

6 (2) Upon filing with the Court of a verified statement  
7 of legal services rendered by the private attorney  
8 appointed pursuant to paragraph (1) of this subsection, the  
9 Court shall determine a reasonable fee for such services.  
10 If the defendant is unable to pay the fee, the Court shall  
11 enter an order upon the State to pay the entire fee or such  
12 amount as the defendant is unable to pay from funds  
13 appropriated by the General Assembly for that purpose.

14 (d) When the facility director determines that:

15 (1) the defendant is no longer in need of mental health  
16 services on an inpatient basis; and

17 (2) the defendant may be conditionally released  
18 because he or she is still in need of mental health  
19 services or that the defendant may be discharged as not in  
20 need of any mental health services; or

21 (3) the defendant no longer requires placement in a  
22 secure setting;

23 the facility director shall give written notice to the Court,  
24 State's Attorney and defense attorney. Such notice shall set  
25 forth in detail the basis for the recommendation of the  
26 facility director, and specify clearly the recommendations, if  
27 any, of the facility director, concerning conditional release.  
28 Any recommendation for conditional release shall include an  
29 evaluation of the defendant's need for psychotropic  
30 medication, what provisions should be made, if any, to ensure  
31 that the defendant will continue to receive psychotropic  
32 medication following discharge, and what provisions should be  
33 made to assure the safety of the defendant and others in the  
34 event the defendant is no longer receiving psychotropic  
35 medication. Within 30 days of the notification by the facility  
36 director, the Court shall set a hearing and make a finding as

1 to whether the defendant is:

2 (i) (blank); or

3 (ii) in need of mental health services in the form of  
4 inpatient care; or

5 (iii) in need of mental health services but not subject  
6 to inpatient care; or

7 (iv) no longer in need of mental health services; or

8 (v) no longer requires placement in a secure setting.

9 Upon finding by the Court, the Court shall enter its  
10 findings and such appropriate order as provided in subsection  
11 (a) of this Section.

12 (e) A defendant admitted pursuant to this Section, or any  
13 person on his behalf, may file a petition for treatment plan  
14 review, transfer to a non-secure setting within the Department  
15 of Human Services or discharge or conditional release under the  
16 standards of this Section in the Court which rendered the  
17 verdict. Upon receipt of a petition for treatment plan review,  
18 transfer to a non-secure setting or discharge or conditional  
19 release, the Court shall set a hearing to be held within 120  
20 days. Thereafter, no new petition may be filed for 180 days  
21 without leave of the Court.

22 (f) The Court shall direct that notice of the time and  
23 place of the hearing be served upon the defendant, the facility  
24 director, the State's Attorney, and the defendant's attorney.  
25 If requested by either the State or the defense or if the Court  
26 feels it is appropriate, an impartial examination of the  
27 defendant by a psychiatrist or clinical psychologist as defined  
28 in Section 1-103 of the Mental Health and Developmental  
29 Disabilities Code who is not in the employ of the Department of  
30 Human Services shall be ordered, and the report considered at  
31 the time of the hearing.

32 (g) The findings of the Court shall be established by clear  
33 and convincing evidence. The burden of proof and the burden of  
34 going forth with the evidence rest with the defendant or any  
35 person on the defendant's behalf when a hearing is held to  
36 review a petition filed by or on behalf of the defendant. The

1 evidence shall be presented in open Court with the right of  
2 confrontation and cross-examination. Such evidence may  
3 include, but is not limited to:

4 (1) whether the defendant appreciates the harm caused  
5 by the defendant to others and the community by his or her  
6 prior conduct that resulted in the finding of not guilty by  
7 reason of insanity;

8 (2) Whether the person appreciates the criminality of  
9 conduct similar ~~similar~~ to the conduct for which he or she  
10 was originally charged in this matter;

11 (3) the current state of the defendant's illness;

12 (4) what, if any, medications the defendant is taking  
13 to control his or her mental illness;

14 (5) what, if any, adverse physical side effects the  
15 medication has on the defendant;

16 (6) the length of time it would take for the  
17 defendant's mental health to deteriorate if the defendant  
18 stopped taking prescribed medication;

19 (7) the defendant's history or potential for alcohol  
20 and drug abuse;

21 (8) the defendant's past criminal history;

22 (9) any specialized physical or medical needs of the  
23 defendant;

24 (10) any family participation or involvement expected  
25 upon release and what is the willingness and ability of the  
26 family to participate or be involved;

27 (11) the defendant's potential to be a danger to  
28 himself, herself, or others; and

29 (12) any other factor or factors the Court deems  
30 appropriate.

31 (h) Before the court orders that the defendant be  
32 discharged or conditionally released, it shall order the  
33 facility director to establish a discharge plan that includes a  
34 plan for the defendant's shelter, support, and medication. If  
35 appropriate, the court shall order that the facility director  
36 establish a program to train the defendant in self-medication

1 under standards established by the Department of Human  
2 Services. If the Court finds, consistent with the provisions of  
3 this Section, that the defendant is no longer in need of mental  
4 health services it shall order the facility director to  
5 discharge the defendant. If the Court finds, consistent with  
6 the provisions of this Section, that the defendant is in need  
7 of mental health services, and no longer in need of inpatient  
8 care, it shall order the facility director to release the  
9 defendant under such conditions as the Court deems appropriate  
10 and as provided by this Section. Such conditional release shall  
11 be imposed for a period of 5 years as provided in paragraph (1)  
12 (D) of subsection (a) and shall be subject to later  
13 modification by the Court as provided by this Section. If the  
14 Court finds consistent with the provisions in this Section that  
15 the defendant is in need of mental health services on an  
16 inpatient basis, it shall order the facility director not to  
17 discharge or release the defendant in accordance with paragraph  
18 (b) of this Section.

19 (i) If within the period of the defendant's conditional  
20 release the State's Attorney determines that the defendant has  
21 not fulfilled the conditions of his or her release, the State's  
22 Attorney may petition the Court to revoke or modify the  
23 conditional release of the defendant. Upon the filing of such  
24 petition the defendant may be remanded to the custody of the  
25 Department, or to any other mental health facility designated  
26 by the Department, pending the resolution of the petition.  
27 Nothing in this Section shall prevent the emergency admission  
28 of a defendant pursuant to Article VI of Chapter III of the  
29 Mental Health and Developmental Disabilities Code or the  
30 voluntary admission of the defendant pursuant to Article IV of  
31 Chapter III of the Mental Health and Developmental Disabilities  
32 Code. If the Court determines, after hearing evidence, that the  
33 defendant has not fulfilled the conditions of release, the  
34 Court shall order a hearing to be held consistent with the  
35 provisions of paragraph (f) and (g) of this Section. At such  
36 hearing, if the Court finds that the defendant is in need of

1 mental health services on an inpatient basis, it shall enter an  
2 order remanding him or her to the Department of Human Services  
3 or other facility. If the defendant is remanded to the  
4 Department of Human Services, he or she shall be placed in a  
5 secure setting unless the Court determines that there are  
6 compelling reasons that such placement is not necessary. If the  
7 Court finds that the defendant continues to be in need of  
8 mental health services but not on an inpatient basis, it may  
9 modify the conditions of the original release in order to  
10 reasonably assure the defendant's satisfactory progress in  
11 treatment and his or her safety and the safety of others in  
12 accordance with the standards established in paragraph (1) (D)  
13 of subsection (a). Nothing in this Section shall limit a  
14 Court's contempt powers or any other powers of a Court.

15 (j) An order of admission under this Section does not  
16 affect the remedy of habeas corpus.

17 (k) In the event of a conflict between this Section and the  
18 Mental Health and Developmental Disabilities Code or the Mental  
19 Health and Developmental Disabilities Confidentiality Act, the  
20 provisions of this Section shall govern.

21 (l) This amendatory Act shall apply to all persons who have  
22 been found not guilty by reason of insanity and who are  
23 presently committed to the Department of Mental Health and  
24 Developmental Disabilities (now the Department of Human  
25 Services).

26 (m) The Clerk of the Court shall, after the entry of an  
27 order of transfer to a non-secure setting of the Department of  
28 Human Services or discharge or conditional release, transmit a  
29 certified copy of the order to the Department of Human  
30 Services, and the sheriff of the county from which the  
31 defendant was admitted. The Clerk of the Court shall also  
32 transmit a certified copy of the order of discharge or  
33 conditional release to the Illinois Department of State Police,  
34 to the proper law enforcement agency for the municipality where  
35 the offense took place, and to the sheriff of the county into  
36 which the defendant is conditionally discharged. The Illinois

1 Department of State Police shall maintain a centralized record  
2 of discharged or conditionally released defendants while they  
3 are under court supervision for access and use of appropriate  
4 law enforcement agencies.

5 (Source: P.A. 93-78, eff. 1-1-04; 93-473, eff. 8-8-03; revised  
6 1-22-04.)

7 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

8 Sec. 5-4-1. Sentencing Hearing.

9 (a) Except when the death penalty is sought under hearing  
10 procedures otherwise specified, after a determination of  
11 guilt, a hearing shall be held to impose the sentence. However,  
12 prior to the imposition of sentence on an individual being  
13 sentenced for an offense based upon a charge for a violation of  
14 Section 11-501 of the Illinois Vehicle Code or a similar  
15 provision of a local ordinance, the individual must undergo a  
16 professional evaluation to determine if an alcohol or other  
17 drug abuse problem exists and the extent of such a problem.  
18 Programs conducting these evaluations shall be licensed by the  
19 Department of Human Services. However, if the individual is not  
20 a resident of Illinois, the court may, in its discretion,  
21 accept an evaluation from a program in the state of such  
22 individual's residence. The court may in its sentencing order  
23 approve an eligible defendant for placement in a Department of  
24 Corrections impact incarceration program as provided in  
25 Section 5-8-1.1 or 5-8-1.3. At the hearing the court shall:

26 (1) consider the evidence, if any, received upon the  
27 trial;

28 (2) consider any presentence reports;

29 (3) consider the financial impact of incarceration  
30 based on the financial impact statement filed with the  
31 clerk of the court by the Department of Corrections;

32 (4) consider evidence and information offered by the  
33 parties in aggravation and mitigation;

34 (5) hear arguments as to sentencing alternatives;

35 (6) afford the defendant the opportunity to make a

1 statement in his own behalf;

2 (7) afford the victim of a violent crime or a violation  
3 of Section 11-501 of the Illinois Vehicle Code, or a  
4 similar provision of a local ordinance, or a qualified  
5 individual affected by: (i) a violation of Section 405,  
6 405.1, 405.2, or 407 of the Illinois Controlled Substances  
7 Act, or (ii) a Class 4 felony violation of Section 11-14,  
8 11-15, 11-17, 11-18, 11-18.1, or 11-19 of the Criminal Code  
9 of 1961, committed by the defendant the opportunity to make  
10 a statement concerning the impact on the victim and to  
11 offer evidence in aggravation or mitigation; provided that  
12 the statement and evidence offered in aggravation or  
13 mitigation must first be prepared in writing in conjunction  
14 with the State's Attorney before it may be presented orally  
15 at the hearing. Any sworn testimony offered by the victim  
16 is subject to the defendant's right to cross-examine. All  
17 statements and evidence offered under this paragraph (7)  
18 shall become part of the record of the court. For the  
19 purpose of this paragraph (7), "qualified individual"  
20 means any person who (i) lived or worked within the  
21 territorial jurisdiction where the offense took place when  
22 the offense took place; and (ii) is familiar with various  
23 public places within the territorial jurisdiction where  
24 the offense took place when the offense took place. For the  
25 purposes of this paragraph (7), "qualified individual"  
26 includes any peace officer, or any member of any duly  
27 organized State, county, or municipal peace unit assigned  
28 to the territorial jurisdiction where the offense took  
29 place when the offense took place;

30 (8) in cases of reckless homicide afford the victim's  
31 spouse, guardians, parents or other immediate family  
32 members an opportunity to make oral statements; and

33 (9) in cases involving a felony sex offense as defined  
34 under the Sex Offender Management Board Act, consider the  
35 results of the sex offender evaluation conducted pursuant  
36 to Section 5-3-2 of this Act.



1 (b) All sentences shall be imposed by the judge based upon  
2 his independent assessment of the elements specified above and  
3 any agreement as to sentence reached by the parties. The judge  
4 who presided at the trial or the judge who accepted the plea of  
5 guilty shall impose the sentence unless he is no longer sitting  
6 as a judge in that court. Where the judge does not impose  
7 sentence at the same time on all defendants who are convicted  
8 as a result of being involved in the same offense, the  
9 defendant or the State's Attorney may advise the sentencing  
10 court of the disposition of any other defendants who have been  
11 sentenced.

12 (c) In imposing a sentence for a violent crime or for an  
13 offense of operating or being in physical control of a vehicle  
14 while under the influence of alcohol, any other drug or any  
15 combination thereof, or a similar provision of a local  
16 ordinance, when such offense resulted in the personal injury to  
17 someone other than the defendant, the trial judge shall specify  
18 on the record the particular evidence, information, factors in  
19 mitigation and aggravation or other reasons that led to his  
20 sentencing determination. The full verbatim record of the  
21 sentencing hearing shall be filed with the clerk of the court  
22 and shall be a public record.

23 (c-1) In imposing a sentence for the offense of aggravated  
24 kidnapping for ransom, home invasion, armed robbery,  
25 aggravated vehicular hijacking, aggravated discharge of a  
26 firearm, or armed violence with a category I weapon or category  
27 II weapon, the trial judge shall make a finding as to whether  
28 the conduct leading to conviction for the offense resulted in  
29 great bodily harm to a victim, and shall enter that finding and  
30 the basis for that finding in the record.

31 (c-2) If the defendant is sentenced to prison, other than  
32 when a sentence of natural life imprisonment or a sentence of  
33 death is imposed, at the time the sentence is imposed the judge  
34 shall state on the record in open court the approximate period  
35 of time the defendant will serve in custody according to the  
36 then current statutory rules and regulations for early release

1 found in Section 3-6-3 and other related provisions of this  
2 Code. This statement is intended solely to inform the public,  
3 has no legal effect on the defendant's actual release, and may  
4 not be relied on by the defendant on appeal.

5 The judge's statement, to be given after pronouncing the  
6 sentence, other than when the sentence is imposed for one of  
7 the offenses enumerated in paragraph (a)(3) of Section 3-6-3,  
8 shall include the following:

9 "The purpose of this statement is to inform the public of  
10 the actual period of time this defendant is likely to spend in  
11 prison as a result of this sentence. The actual period of  
12 prison time served is determined by the statutes of Illinois as  
13 applied to this sentence by the Illinois Department of  
14 Corrections and the Illinois Prisoner Review Board. In this  
15 case, assuming the defendant receives all of his or her good  
16 conduct credit, the period of estimated actual custody is ...  
17 years and ... months, less up to 180 days additional good  
18 conduct credit for meritorious service. If the defendant,  
19 because of his or her own misconduct or failure to comply with  
20 the institutional regulations, does not receive those credits,  
21 the actual time served in prison will be longer. The defendant  
22 may also receive an additional one-half day good conduct credit  
23 for each day of participation in vocational, industry,  
24 substance abuse, and educational programs as provided for by  
25 Illinois statute."

26 When the sentence is imposed for one of the offenses  
27 enumerated in paragraph (a)(3) of Section 3-6-3, other than  
28 when the sentence is imposed for one of the offenses enumerated  
29 in paragraph (a)(2) of Section 3-6-3 committed on or after June  
30 19, 1998, and other than when the sentence is imposed for  
31 reckless homicide as defined in subsection (e) of Section 9-3  
32 of the Criminal Code of 1961 if the offense was committed on or  
33 after January 1, 1999, and other than when the sentence is  
34 imposed for aggravated arson if the offense was committed on or  
35 after July 27, 2001 (the effective date of Public Act 92-176)  
36 ~~this amendatory Act of the 92nd 93rd General Assembly, the~~

1 judge's statement, to be given after pronouncing the sentence,  
2 shall include the following:

3 "The purpose of this statement is to inform the public of  
4 the actual period of time this defendant is likely to spend in  
5 prison as a result of this sentence. The actual period of  
6 prison time served is determined by the statutes of Illinois as  
7 applied to this sentence by the Illinois Department of  
8 Corrections and the Illinois Prisoner Review Board. In this  
9 case, assuming the defendant receives all of his or her good  
10 conduct credit, the period of estimated actual custody is ...  
11 years and ... months, less up to 90 days additional good  
12 conduct credit for meritorious service. If the defendant,  
13 because of his or her own misconduct or failure to comply with  
14 the institutional regulations, does not receive those credits,  
15 the actual time served in prison will be longer. The defendant  
16 may also receive an additional one-half day good conduct credit  
17 for each day of participation in vocational, industry,  
18 substance abuse, and educational programs as provided for by  
19 Illinois statute."

20 When the sentence is imposed for one of the offenses  
21 enumerated in paragraph (a)(2) of Section 3-6-3, other than  
22 first degree murder, and the offense was committed on or after  
23 June 19, 1998, and when the sentence is imposed for reckless  
24 homicide as defined in subsection (e) of Section 9-3 of the  
25 Criminal Code of 1961 if the offense was committed on or after  
26 January 1, 1999, and when the sentence is imposed for  
27 aggravated driving under the influence of alcohol, other drug  
28 or drugs, or intoxicating compound or compounds, or any  
29 combination thereof as defined in subparagraph (F) of paragraph  
30 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle  
31 Code, and when the sentence is imposed for aggravated arson if  
32 the offense was committed on or after July 27, 2001 (the  
33 effective date of Public Act 92-176) ~~this amendatory Act of the~~  
34 ~~92nd 93rd General Assembly~~, the judge's statement, to be given  
35 after pronouncing the sentence, shall include the following:

36 "The purpose of this statement is to inform the public of

1 the actual period of time this defendant is likely to spend in  
2 prison as a result of this sentence. The actual period of  
3 prison time served is determined by the statutes of Illinois as  
4 applied to this sentence by the Illinois Department of  
5 Corrections and the Illinois Prisoner Review Board. In this  
6 case, the defendant is entitled to no more than 4 1/2 days of  
7 good conduct credit for each month of his or her sentence of  
8 imprisonment. Therefore, this defendant will serve at least 85%  
9 of his or her sentence. Assuming the defendant receives 4 1/2  
10 days credit for each month of his or her sentence, the period  
11 of estimated actual custody is ... years and ... months. If the  
12 defendant, because of his or her own misconduct or failure to  
13 comply with the institutional regulations receives lesser  
14 credit, the actual time served in prison will be longer."

15 When a sentence of imprisonment is imposed for first degree  
16 murder and the offense was committed on or after June 19, 1998,  
17 the judge's statement, to be given after pronouncing the  
18 sentence, shall include the following:

19 "The purpose of this statement is to inform the public of  
20 the actual period of time this defendant is likely to spend in  
21 prison as a result of this sentence. The actual period of  
22 prison time served is determined by the statutes of Illinois as  
23 applied to this sentence by the Illinois Department of  
24 Corrections and the Illinois Prisoner Review Board. In this  
25 case, the defendant is not entitled to good conduct credit.  
26 Therefore, this defendant will serve 100% of his or her  
27 sentence."

28 When the sentence is imposed for any offense that results  
29 in incarceration in a Department of Corrections facility  
30 committed as a result of the use of, abuse of, or addiction to  
31 alcohol or a controlled substance and the crime was committed  
32 on or after September 1, 2003 (the effective date of Public Act  
33 93-354) ~~this amendatory Act of the 93rd General Assembly~~, the  
34 judge's statement, in addition to any other judge's statement  
35 required under this Section, to be given after pronouncing the  
36 sentence, shall include the following:

1           "The purpose of this statement is to inform the public of  
2 the actual period of time this defendant is likely to spend in  
3 prison as a result of this sentence. The actual period of  
4 prison time served is determined by the statutes of Illinois as  
5 applied to this sentence by the Illinois Department of  
6 Corrections and the Illinois Prisoner Review Board. In this  
7 case, the defendant shall receive no good conduct credit until  
8 he or she participates in and completes a substance abuse  
9 treatment program."

10           (d) When the defendant is committed to the Department of  
11 Corrections, the State's Attorney shall and counsel for the  
12 defendant may file a statement with the clerk of the court to  
13 be transmitted to the department, agency or institution to  
14 which the defendant is committed to furnish such department,  
15 agency or institution with the facts and circumstances of the  
16 offense for which the person was committed together with all  
17 other factual information accessible to them in regard to the  
18 person prior to his commitment relative to his habits,  
19 associates, disposition and reputation and any other facts and  
20 circumstances which may aid such department, agency or  
21 institution during its custody of such person. The clerk shall  
22 within 10 days after receiving any such statements transmit a  
23 copy to such department, agency or institution and a copy to  
24 the other party, provided, however, that this shall not be  
25 cause for delay in conveying the person to the department,  
26 agency or institution to which he has been committed.

27           (e) The clerk of the court shall transmit to the  
28 department, agency or institution, if any, to which the  
29 defendant is committed, the following:

- 30           (1) the sentence imposed;
- 31           (2) any statement by the court of the basis for  
32 imposing the sentence;
- 33           (3) any presentence reports;
- 34           (3.5) any sex offender evaluations;
- 35           (4) the number of days, if any, which the defendant has  
36 been in custody and for which he is entitled to credit

1 against the sentence, which information shall be provided  
2 to the clerk by the sheriff;

3 (4.1) any finding of great bodily harm made by the  
4 court with respect to an offense enumerated in subsection  
5 (c-1);

6 (5) all statements filed under subsection (d) of this  
7 Section;

8 (6) any medical or mental health records or summaries  
9 of the defendant;

10 (7) the municipality where the arrest of the offender  
11 or the commission of the offense has occurred, where such  
12 municipality has a population of more than 25,000 persons;

13 (8) all statements made and evidence offered under  
14 paragraph (7) of subsection (a) of this Section; and

15 (9) all additional matters which the court directs the  
16 clerk to transmit.

17 (Source: P.A. 92-176, eff. 7-27-01; 92-806, eff. 1-1-03;  
18 93-213, eff. 7-18-03; 93-317, eff. 1-1-04; 93-354, eff. 9-1-03;  
19 93-616, eff. 1-1-04; revised 12-9-03.)

20 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

21 Sec. 5-5-3. Disposition.

22 (a) Except as provided in Section 11-501 of the Illinois  
23 Vehicle Code, every person convicted of an offense shall be  
24 sentenced as provided in this Section.

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

29 (1) A period of probation.

30 (2) A term of periodic imprisonment.

31 (3) A term of conditional discharge.

32 (4) A term of imprisonment.

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

1 (now repealed).

2 (6) A fine.

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

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

7 (9) A term of imprisonment in combination with a term  
8 of probation when the offender has been admitted into a  
9 drug court program under Section 20 of the Drug Court  
10 Treatment Act.

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

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

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

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

28 (B) Attempted first degree murder.

29 (C) A Class X felony.

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

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

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

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

10 (H) Criminal sexual assault.

11 (I) Aggravated battery of a senior citizen.

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

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

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

24 (K) Vehicular hijacking.

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

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

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

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



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

4 (Q) A violation of Section 20-1.2 or 20-1.3 of the  
5 Criminal Code of 1961.

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

8 (S) (Blank).

9 (T) A second or subsequent violation of paragraph  
10 (6.6) of subsection (a), subsection (c-5), or  
11 subsection (d-5) of Section 401 of the Illinois  
12 Controlled Substances Act.

13 (3) (Blank).

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

18 (4.1) (Blank).

19 (4.2) Except as provided in paragraph (4.3) of this  
20 subsection (c), a minimum of 100 hours of community service  
21 shall be imposed for a second violation of Section 6-303 of  
22 the Illinois Vehicle Code.

23 (4.3) A minimum term of imprisonment of 30 days or 300  
24 hours of community service, as determined by the court,  
25 shall be imposed for a second violation of subsection (c)  
26 of Section 6-303 of the Illinois Vehicle Code.

27 (4.4) Except as provided in paragraph (4.5) and  
28 paragraph (4.6) of this subsection (c), a minimum term of  
29 imprisonment of 30 days or 300 hours of community service,  
30 as determined by the court, shall be imposed for a third or  
31 subsequent violation of Section 6-303 of the Illinois  
32 Vehicle Code.

33 (4.5) A minimum term of imprisonment of 30 days shall  
34 be imposed for a third violation of subsection (c) of  
35 Section 6-303 of the Illinois Vehicle Code.

36 (4.6) A minimum term of imprisonment of 180 days shall

1 be imposed for a fourth or subsequent violation of  
2 subsection (c) of Section 6-303 of the Illinois Vehicle  
3 Code.

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

7 (A) a period of conditional discharge;

8 (B) a fine;

9 (C) make restitution to the victim under Section  
10 5-5-6 of this Code.

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

19 (5.2) In addition to any penalties imposed under  
20 paragraph (5) of this subsection (c), and except as  
21 provided in paragraph (5.3), a person convicted of  
22 violating subsection (c) of Section 11-907 of the Illinois  
23 Vehicle Code shall have his or her driver's license,  
24 permit, or privileges suspended for at least 180 days but  
25 not more than 2 years, if the violation resulted in injury  
26 to another person.

27 (5.3) In addition to any penalties imposed under  
28 paragraph (5) of this subsection (c), a person convicted of  
29 violating subsection (c) of Section 11-907 of the Illinois  
30 Vehicle Code shall have his or her driver's license,  
31 permit, or privileges suspended for 2 years, if the  
32 violation resulted in the death of another person.

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

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

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

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

24           (10) (Blank).

25           (11) The court shall impose a minimum fine of \$1,000  
26 for a first offense and \$2,000 for a second or subsequent  
27 offense upon a person convicted of or placed on supervision  
28 for battery when the individual harmed was a sports  
29 official or coach at any level of competition and the act  
30 causing harm to the sports official or coach occurred  
31 within an athletic facility or within the immediate  
32 vicinity of the athletic facility at which the sports  
33 official or coach was an active participant of the athletic  
34 contest held at the athletic facility. For the purposes of  
35 this paragraph (11), "sports official" means a person at an  
36 athletic contest who enforces the rules of the contest,

1 such as an umpire or referee; "athletic facility" means an  
2 indoor or outdoor playing field or recreational area where  
3 sports activities are conducted; and "coach" means a person  
4 recognized as a coach by the sanctioning authority that  
5 conducted the sporting event.

6 (12) ~~(11)~~ A person may not receive a disposition of  
7 court supervision for a violation of Section 5-16 of the  
8 Boat Registration and Safety Act if that person has  
9 previously received a disposition of court supervision for  
10 a violation of that Section.

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

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

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

36 (A) the defendant is willing to undergo a court

1 approved counseling program for a minimum duration of 2  
2 years; or

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

6 (i) removal from the household;

7 (ii) restricted contact with the victim;

8 (iii) continued financial support of the  
9 family;

10 (iv) restitution for harm done to the victim;

11 and

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

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

21 Probation may be revoked or modified pursuant to Section  
22 5-6-4; except where the court determines at the hearing that  
23 the defendant violated a condition of his or her probation  
24 restricting contact with the victim or other family members or  
25 commits another offense with the victim or other family  
26 members, the court shall revoke the defendant's probation and  
27 impose a term of imprisonment.

28 For the purposes of this Section, "family member" and  
29 "victim" shall have the meanings ascribed to them in Section  
30 12-12 of the Criminal Code of 1961.

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

35 (g) Whenever a defendant is convicted of an offense under  
36 Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,

1 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16  
2 of the Criminal Code of 1961, the defendant shall undergo  
3 medical testing to determine whether the defendant has any  
4 sexually transmissible disease, including a test for infection  
5 with human immunodeficiency virus (HIV) or any other identified  
6 causative agent of acquired immunodeficiency syndrome (AIDS).  
7 Any such medical test shall be performed only by appropriately  
8 licensed medical practitioners and may include an analysis of  
9 any bodily fluids as well as an examination of the defendant's  
10 person. Except as otherwise provided by law, the results of  
11 such test shall be kept strictly confidential by all medical  
12 personnel involved in the testing and must be personally  
13 delivered in a sealed envelope to the judge of the court in  
14 which the conviction was entered for the judge's inspection in  
15 camera. Acting in accordance with the best interests of the  
16 victim and the public, the judge shall have the discretion to  
17 determine to whom, if anyone, the results of the testing may be  
18 revealed. The court shall notify the defendant of the test  
19 results. The court shall also notify the victim if requested by  
20 the victim, and if the victim is under the age of 15 and if  
21 requested by the victim's parents or legal guardian, the court  
22 shall notify the victim's parents or legal guardian of the test  
23 results. The court shall provide information on the  
24 availability of HIV testing and counseling at Department of  
25 Public Health facilities to all parties to whom the results of  
26 the testing are revealed and shall direct the State's Attorney  
27 to provide the information to the victim when possible. A  
28 State's Attorney may petition the court to obtain the results  
29 of any HIV test administered under this Section, and the court  
30 shall grant the disclosure if the State's Attorney shows it is  
31 relevant in order to prosecute a charge of criminal  
32 transmission of HIV under Section 12-16.2 of the Criminal Code  
33 of 1961 against the defendant. The court shall order that the  
34 cost of any such test shall be paid by the county and may be  
35 taxed as costs against the convicted defendant.

36 (g-5) When an inmate is tested for an airborne communicable

1 disease, as determined by the Illinois Department of Public  
2 Health including but not limited to tuberculosis, the results  
3 of the test shall be personally delivered by the warden or his  
4 or her designee in a sealed envelope to the judge of the court  
5 in which the inmate must appear for the judge's inspection in  
6 camera if requested by the judge. Acting in accordance with the  
7 best interests of those in the courtroom, the judge shall have  
8 the discretion to determine what if any precautions need to be  
9 taken to prevent transmission of the disease in the courtroom.

10 (h) Whenever a defendant is convicted of an offense under  
11 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the  
12 defendant shall undergo medical testing to determine whether  
13 the defendant has been exposed to human immunodeficiency virus  
14 (HIV) or any other identified causative agent of acquired  
15 immunodeficiency syndrome (AIDS). Except as otherwise provided  
16 by law, the results of such test shall be kept strictly  
17 confidential by all medical personnel involved in the testing  
18 and must be personally delivered in a sealed envelope to the  
19 judge of the court in which the conviction was entered for the  
20 judge's inspection in camera. Acting in accordance with the  
21 best interests of the public, the judge shall have the  
22 discretion to determine to whom, if anyone, the results of the  
23 testing may be revealed. The court shall notify the defendant  
24 of a positive test showing an infection with the human  
25 immunodeficiency virus (HIV). The court shall provide  
26 information on the availability of HIV testing and counseling  
27 at Department of Public Health facilities to all parties to  
28 whom the results of the testing are revealed and shall direct  
29 the State's Attorney to provide the information to the victim  
30 when possible. A State's Attorney may petition the court to  
31 obtain the results of any HIV test administered under this  
32 Section, and the court shall grant the disclosure if the  
33 State's Attorney shows it is relevant in order to prosecute a  
34 charge of criminal transmission of HIV under Section 12-16.2 of  
35 the Criminal Code of 1961 against the defendant. The court  
36 shall order that the cost of any such test shall be paid by the

1 county and may be taxed as costs against the convicted  
2 defendant.

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

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

33 (j-5) A defendant at least 17 years of age who is convicted  
34 of a felony and who has not been previously convicted of a  
35 misdemeanor or felony and who is sentenced to a term of  
36 imprisonment in the Illinois Department of Corrections shall as



1 a condition of his or her sentence be required by the court to  
2 attend educational courses designed to prepare the defendant  
3 for a high school diploma and to work toward a high school  
4 diploma or to work toward passing the high school level Test of  
5 General Educational Development (GED) or to work toward  
6 completing a vocational training program offered by the  
7 Department of Corrections. If a defendant fails to complete the  
8 educational training required by his or her sentence during the  
9 term of incarceration, the Prisoner Review Board shall, as a  
10 condition of mandatory supervised release, require the  
11 defendant, at his or her own expense, to pursue a course of  
12 study toward a high school diploma or passage of the GED test.  
13 The Prisoner Review Board shall revoke the mandatory supervised  
14 release of a defendant who wilfully fails to comply with this  
15 subsection (j-5) upon his or her release from confinement in a  
16 penal institution while serving a mandatory supervised release  
17 term; however, the inability of the defendant after making a  
18 good faith effort to obtain financial aid or pay for the  
19 educational training shall not be deemed a wilful failure to  
20 comply. The Prisoner Review Board shall recommit the defendant  
21 whose mandatory supervised release term has been revoked under  
22 this subsection (j-5) as provided in Section 3-3-9. This  
23 subsection (j-5) does not apply to a defendant who has a high  
24 school diploma or has successfully passed the GED test. This  
25 subsection (j-5) does not apply to a defendant who is  
26 determined by the court to be developmentally disabled or  
27 otherwise mentally incapable of completing the educational or  
28 vocational program.

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

32 (l) (A) Except as provided in paragraph (C) of subsection  
33 (l), whenever a defendant, who is an alien as defined by  
34 the Immigration and Nationality Act, is convicted of any  
35 felony or misdemeanor offense, the court after sentencing  
36 the defendant may, upon motion of the State's Attorney,

1 hold sentence in abeyance and remand the defendant to the  
2 custody of the Attorney General of the United States or his  
3 or her designated agent to be deported when:

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

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

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

12 (B) If the defendant has already been sentenced for a  
13 felony or misdemeanor offense, or has been placed on  
14 probation under Section 10 of the Cannabis Control Act or  
15 Section 410 of the Illinois Controlled Substances Act, the  
16 court may, upon motion of the State's Attorney to suspend  
17 the sentence imposed, commit the defendant to the custody  
18 of the Attorney General of the United States or his or her  
19 designated agent when:

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

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

26 (C) This subsection (1) does not apply to offenders who  
27 are subject to the provisions of paragraph (2) of  
28 subsection (a) of Section 3-6-3.

29 (D) Upon motion of the State's Attorney, if a defendant  
30 sentenced under this Section returns to the jurisdiction of  
31 the United States, the defendant shall be recommitted to  
32 the custody of the county from which he or she was  
33 sentenced. Thereafter, the defendant shall be brought  
34 before the sentencing court, which may impose any sentence  
35 that was available under Section 5-5-3 at the time of  
36 initial sentencing. In addition, the defendant shall not be

1 eligible for additional good conduct credit for  
2 meritorious service as provided under Section 3-6-6.

3 (m) A person convicted of criminal defacement of property  
4 under Section 21-1.3 of the Criminal Code of 1961, in which the  
5 property damage exceeds \$300 and the property damaged is a  
6 school building, shall be ordered to perform community service  
7 that may include cleanup, removal, or painting over the  
8 defacement.

9 (n) The court may sentence a person convicted of a  
10 violation of Section 12-19, 12-21, or 16-1.3 of the Criminal  
11 Code of 1961 (i) to an impact incarceration program if the  
12 person is otherwise eligible for that program under Section  
13 5-8-1.1, (ii) to community service, or (iii) if the person is  
14 an addict or alcoholic, as defined in the Alcoholism and Other  
15 Drug Abuse and Dependency Act, to a substance or alcohol abuse  
16 program licensed under that Act.

17 (Source: P.A. 92-183, eff. 7-27-01; 92-248, eff. 8-3-01;  
18 92-283, eff. 1-1-02; 92-340, eff. 8-10-01; 92-418, eff.  
19 8-17-01; 92-422, eff. 8-17-01; 92-651, eff. 7-11-02; 92-698,  
20 eff. 7-19-02; 93-44, eff. 7-1-03; 93-156, eff. 1-1-04; 93-169,  
21 eff. 7-10-03; 93-301, eff. 1-1-04; 93-419, eff. 1-1-04; 93-546,  
22 eff. 1-1-04; 93-694, eff. 7-9-04; 93-782, eff. 1-1-05; 93-800,  
23 eff. 1-1-05; 93-1014, eff. 1-1-05; revised 10-25-04.)

24 (730 ILCS 5/5-6-4) (from Ch. 38, par. 1005-6-4)

25 Sec. 5-6-4. Violation, Modification or Revocation of  
26 Probation, of Conditional Discharge or Supervision or of a  
27 sentence of county impact incarceration - Hearing.

28 (a) Except in cases where conditional discharge or  
29 supervision was imposed for a petty offense as defined in  
30 Section 5-1-17, when a petition is filed charging a violation  
31 of a condition, the court may:

32 (1) in the case of probation violations, order the  
33 issuance of a notice to the offender to be present by the  
34 County Probation Department or such other agency  
35 designated by the court to handle probation matters; and in

1 the case of conditional discharge or supervision  
2 violations, such notice to the offender shall be issued by  
3 the Circuit Court Clerk; and in the case of a violation of  
4 a sentence of county impact incarceration, such notice  
5 shall be issued by the Sheriff;

6 (2) order a summons to the offender to be present for  
7 hearing; or

8 (3) order a warrant for the offender's arrest where  
9 there is danger of his fleeing the jurisdiction or causing  
10 serious harm to others or when the offender fails to answer  
11 a summons or notice from the clerk of the court or Sheriff.

12 Personal service of the petition for violation of probation  
13 or the issuance of such warrant, summons or notice shall toll  
14 the period of probation, conditional discharge, supervision,  
15 or sentence of county impact incarceration until the final  
16 determination of the charge, and the term of probation,  
17 conditional discharge, supervision, or sentence of county  
18 impact incarceration shall not run until the hearing and  
19 disposition of the petition for violation.

20 (b) The court shall conduct a hearing of the alleged  
21 violation. The court shall admit the offender to bail pending  
22 the hearing unless the alleged violation is itself a criminal  
23 offense in which case the offender shall be admitted to bail on  
24 such terms as are provided in the Code of Criminal Procedure of  
25 1963, as amended. In any case where an offender remains  
26 incarcerated only as a result of his alleged violation of the  
27 court's earlier order of probation, supervision, conditional  
28 discharge, or county impact incarceration such hearing shall be  
29 held within 14 days of the onset of said incarceration, unless  
30 the alleged violation is the commission of another offense by  
31 the offender during the period of probation, supervision or  
32 conditional discharge in which case such hearing shall be held  
33 within the time limits described in Section 103-5 of the Code  
34 of Criminal Procedure of 1963, as amended.

35 (c) The State has the burden of going forward with the  
36 evidence and proving the violation by the preponderance of the

1 evidence. The evidence shall be presented in open court with  
2 the right of confrontation, cross-examination, and  
3 representation by counsel.

4 (d) Probation, conditional discharge, periodic  
5 imprisonment and supervision shall not be revoked for failure  
6 to comply with conditions of a sentence or supervision, which  
7 imposes financial obligations upon the offender unless such  
8 failure is due to his willful refusal to pay.

9 (e) If the court finds that the offender has violated a  
10 condition at any time prior to the expiration or termination of  
11 the period, it may continue him on the existing sentence, with  
12 or without modifying or enlarging the conditions, or may impose  
13 any other sentence that was available under Section 5-5-3 of  
14 this Code or Section 11-501 of the Illinois Vehicle Code at the  
15 time of initial sentencing. If the court finds that the person  
16 has failed to successfully complete his or her sentence to a  
17 county impact incarceration program, the court may impose any  
18 other sentence that was available under Section 5-5-3 of this  
19 Code or Section 11-501 of the Illinois Vehicle Code at the time  
20 of initial sentencing, except for a sentence of probation or  
21 conditional discharge.

22 (f) The conditions of probation, of conditional discharge,  
23 of supervision, or of a sentence of county impact incarceration  
24 may be modified by the court on motion of the supervising  
25 agency or on its own motion or at the request of the offender  
26 after notice and a hearing.

27 (g) A judgment revoking supervision, probation,  
28 conditional discharge, or a sentence of county impact  
29 incarceration is a final appealable order.

30 (h) Resentencing after revocation of probation,  
31 conditional discharge, supervision, or a sentence of county  
32 impact incarceration shall be under Article 4. Time served on  
33 probation, conditional discharge or supervision shall not be  
34 credited by the court against a sentence of imprisonment or  
35 periodic imprisonment unless the court orders otherwise.

36 (i) Instead of filing a violation of probation, conditional

1 discharge, supervision, or a sentence of county impact  
2 incarceration, an agent or employee of the supervising agency  
3 with the concurrence of his or her supervisor may serve on the  
4 defendant a Notice of Intermediate Sanctions. The Notice shall  
5 contain the technical violation or violations involved, the  
6 date or dates of the violation or violations, and the  
7 intermediate sanctions to be imposed. Upon receipt of the  
8 Notice, the defendant shall immediately accept or reject the  
9 intermediate sanctions. If the sanctions are accepted, they  
10 shall be imposed immediately. If the intermediate sanctions are  
11 rejected or the defendant does not respond to the Notice, a  
12 violation of probation, conditional discharge, supervision, or  
13 a sentence of county impact incarceration shall be immediately  
14 filed with the court. The State's Attorney and the sentencing  
15 court shall be notified of the Notice of Sanctions. Upon  
16 successful completion of the intermediate sanctions, a court  
17 may not revoke probation, conditional discharge, supervision,  
18 or a sentence of county impact incarceration or impose  
19 additional sanctions for the same violation. A notice of  
20 intermediate sanctions may not be issued for any violation of  
21 probation, conditional discharge, supervision, or a sentence  
22 of county impact incarceration which could warrant an  
23 additional, separate felony charge. The intermediate sanctions  
24 shall include a term of home detention as provided in Article  
25 8A of Chapter V of this Code for multiple or repeat violations  
26 of the terms and conditions of a sentence of probation,  
27 conditional discharge, or supervision.

28 (j) When an offender is re-sentenced after revocation of  
29 probation that was imposed in combination with a sentence of  
30 imprisonment for the same offense, the aggregate of the  
31 sentences may not exceed the maximum term authorized under  
32 Article 8 of this Chapter.

33 (Source: P.A. 93-800, eff. 1-1-05; 93-1014, eff. 1-1-05;  
34 revised 10-25-04.)

1           Sec. 5-8-1.3. Pilot residential and transition treatment  
2 program for women.

3           (a) The General Assembly recognizes:

4                 (1) that drug-offending women with children who have  
5 been in and out of the criminal justice system for years  
6 are a serious problem;

7                 (2) that the intergenerational cycle of women  
8 continuously being part of the criminal justice system  
9 needs to be broken;

10                (3) that the effects of drug offending women with  
11 children disrupts family harmony and creates an atmosphere  
12 that is not conducive to healthy childhood development;

13                (4) that there is a need for an effective residential  
14 community supervision model to provide help to women to  
15 become drug free, recover from trauma, focus on healthy  
16 mother-child relationships, and establish economic  
17 independence and long-term support;

18                (5) that certain non-violent women offenders with  
19 children eligible for sentences of incarceration, may  
20 benefit from the rehabilitative aspects of gender  
21 responsive treatment programs and services. This Section  
22 shall not be construed to allow violent offenders to  
23 participate in a treatment program.

24           (b) Under the direction of the sheriff and with the  
25 approval of the county board of commissioners, the sheriff, in  
26 any county with more than 3,000,000 inhabitants, may operate a  
27 residential and transition treatment program for women  
28 established by the Illinois Department of Corrections if  
29 funding has been provided by federal, local or private  
30 entities. If the court finds during the sentencing hearing  
31 conducted under Section 5-4-1 that a woman convicted of a  
32 felony meets the eligibility requirements of the sheriff's  
33 residential and transition treatment program for women, the  
34 court may refer the offender to the sheriff's residential and  
35 transition treatment program for women for consideration as a  
36 participant as an alternative to incarceration in the

1 penitentiary. The sheriff shall be responsible for supervising  
2 all women who are placed in the residential and transition  
3 treatment program for women for the 12-month period. In the  
4 event that the woman is not accepted for placement in the  
5 sheriff's residential and transition treatment program for  
6 women, the court shall proceed to sentence the woman to any  
7 other disposition authorized by this Code. If the woman does  
8 not successfully complete the residential and transition  
9 treatment program for women, the woman's failure to do so shall  
10 constitute a violation of the sentence to the residential and  
11 transition treatment program for women.

12 (c) In order to be eligible to be a participant in the  
13 pilot residential and transition treatment program for women,  
14 the participant shall meet all of the following conditions:

15 (1) The woman has not been convicted of a violent crime  
16 as defined in subsection (c) of Section 3 of the Rights of  
17 Crime Victims and Witnesses Act, a Class X felony, first or  
18 second degree murder, armed violence, aggravated  
19 kidnapping, criminal sexual assault, aggravated criminal  
20 sexual abuse or a subsequent conviction for criminal sexual  
21 abuse, forcible detention, or arson and has not been  
22 previously convicted of any of those offenses.

23 (2) The woman must undergo an initial assessment  
24 evaluation to determine the treatment and program plan.

25 (3) The woman was recommended and accepted for  
26 placement in the pilot residential and transition  
27 treatment program for women by the Department of  
28 Corrections and has consented in writing to participation  
29 in the program under the terms and conditions of the  
30 program. The Department of Corrections may consider  
31 whether space is available.

32 (d) The program may include a substance abuse treatment  
33 program designed for women offenders, mental health, trauma,  
34 and medical treatment; parenting skills and family  
35 relationship counseling, preparation for a GED or vocational  
36 certificate; life skills program; job readiness and job skill



1 training, and a community transition development plan.

2 (e) With the approval of the Department of Corrections, the  
3 sheriff shall issue requirements for the program and inform the  
4 participants who shall sign an agreement to adhere to all rules  
5 and all requirements for the pilot residential and transition  
6 treatment program.

7 (f) Participation in the pilot residential and transition  
8 treatment program for women shall be for a period not to exceed  
9 12 months. The period may not be reduced by accumulation of  
10 good time.

11 (g) If the woman successfully completes the pilot  
12 residential and transition treatment program for women, the  
13 sheriff shall notify the Department of Corrections, the court,  
14 and the State's Attorney of the county of the woman's  
15 successful completion.

16 (h) A woman may be removed from the pilot residential and  
17 transition treatment program for women for violation of the  
18 terms and conditions of the program or in the event she is  
19 unable to participate. The failure to complete the program  
20 shall be deemed a violation of the conditions of the program.  
21 The sheriff shall give notice to the Department of Corrections,  
22 the court, and the State's Attorney of the woman's failure to  
23 complete the program. The Department of Corrections or its  
24 designee shall file a petition alleging that the woman has  
25 violated the conditions of the program with the court. The  
26 State's Attorney may proceed on the petition under Section  
27 5-4-1 of this Code.

28 (i) The conditions of the pilot residential and transition  
29 treatment program for women shall include that the woman while  
30 in the program:

31 (1) not violate any criminal statute of any  
32 jurisdiction;

33 (2) report or appear in person before any person or  
34 agency as directed by the court, the sheriff, or Department  
35 of Corrections;

36 (3) refrain from possessing a firearm or other

1 dangerous weapon;

2 (4) consent to drug testing;

3 (5) not leave the State without the consent of the  
4 court or, in circumstances in which reason for the absence  
5 is of such an emergency nature that prior consent by the  
6 court is not possible, without prior notification and  
7 approval of the Department of Corrections;

8 (6) upon placement in the program, must agree to follow  
9 all requirements of the program.†

10 (j) The Department of Corrections or the sheriff may  
11 terminate the program at any time by mutual agreement or with  
12 30 days prior written notice by either the Department of  
13 Corrections or the sheriff.

14 (k) The Department of Corrections may enter into a joint  
15 contract with a county with more than 3,000,000 inhabitants to  
16 establish and operate a pilot residential and treatment program  
17 for women.

18 (l) The Director of the Department of Corrections shall  
19 have the authority to develop rules to establish and operate a  
20 pilot residential and treatment program for women that shall  
21 include criteria for selection of the participants of the  
22 program in conjunction and approval by the sentencing court.  
23 Violent crime offenders are not eligible to participate in the  
24 program.

25 (m) The Department shall report to the Governor and the  
26 General Assembly before September 30th of each year on the  
27 pilot residential and treatment program for women, including  
28 the composition of the program by offenders, sentence, age,  
29 offense, and race.

30 (n) The Department of Corrections or the sheriff may  
31 terminate the program with 30 days prior written notice.

32 (o) A county with more than 3,000,000 inhabitants is  
33 authorized to apply for funding from federal, local or private  
34 entities to create a Residential and Treatment Program for  
35 Women. This sentencing option may not go into effect until the  
36 funding is secured for the program and the program has been

1 established.

2 (Source: P.A. 92-806, eff. 1-1-03; revised 1-20-03.)

3 (730 ILCS 5/5-9-1.7) (from Ch. 38, par. 1005-9-1.7)

4 Sec. 5-9-1.7. Sexual assault fines.

5 (a) Definitions. The terms used in this Section shall have  
6 the following meanings ascribed to them:

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

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

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

28 (b) Sexual assault fine; collection by clerk.

29 (1) In addition to any other penalty imposed, a fine of  
30 \$200 shall be imposed upon any person who pleads guilty or  
31 who is convicted of, or who receives a disposition of court  
32 supervision for, a sexual assault or attempt of a sexual  
33 assault. Upon request of the victim or the victim's  
34 representative, the court shall determine whether the fine  
35 will impose an undue burden on the victim of the offense.

1 For purposes of this paragraph, the defendant may not be  
2 considered the victim's representative. If the court finds  
3 that the fine would impose an undue burden on the victim,  
4 the court may reduce or waive the fine. The court shall  
5 order that the defendant may not use funds belonging solely  
6 to the victim of the offense for payment of the fine.

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

14 (i) for family member offenders, one-half to the  
15 Sexual Assault Services Fund, and one-half to the  
16 Domestic Violence Shelter and Service Fund; and

17 (ii) for other than family member offenders, the  
18 full amount to the Sexual Assault Services Fund.

19 (c) Sexual Assault Services Fund; administration. There is  
20 created a Sexual Assault Services Fund. Moneys deposited into  
21 the Fund under this Section shall be appropriated to the  
22 Department of Public Health. Upon appropriation of moneys from  
23 the Sexual Assault Services Fund, the Department of Public  
24 Health shall make grants of these moneys from the Fund to  
25 sexual assault organizations with whom the Department has  
26 contracts for the purpose of providing community-based  
27 services to victims of sexual assault. Grants made under this  
28 Section are in addition to, and are not substitutes for, other  
29 grants authorized and made by the Department.

30 (Source: P.A. 93-699, eff. 1-1-05; 93-810, eff. 1-1-05; revised  
31 10-14-04.)

32 (730 ILCS 5/5-9-1.12)

33 Sec. 5-9-1.12. Arson fines.

34 (a) In addition to any other penalty imposed, a fine of  
35 \$500 shall be imposed upon a person convicted of the offense of

1 arson, residential arson, or aggravated arson.

2 (b) The additional fine shall be assessed by the court  
3 imposing sentence and shall be collected by the Circuit Clerk  
4 in addition to the fine, if any, and costs in the case. Each  
5 such additional fine shall be remitted by the Circuit Clerk  
6 within one month after receipt to the State Treasurer for  
7 deposit into the Fire Prevention Fund. The Circuit Clerk shall  
8 retain 10% of such fine to cover the costs incurred in  
9 administering and enforcing this Section. The additional fine  
10 may not be considered a part of the fine for purposes of any  
11 reduction in the fine for time served either before or after  
12 sentencing.

13 (c) The moneys in the Fire Prevention Fund collected as  
14 additional fines under this Section shall be distributed by the  
15 Office of the State Fire Marshal to the fire department or fire  
16 protection district that suppressed or investigated the fire  
17 that was set by the defendant and for which the defendant was  
18 convicted of arson, residential arson, or aggravated arson. If  
19 more than one fire department or fire protection district  
20 suppressed or investigated the fire, the additional fine shall  
21 be distributed equally among those departments or districts.

22 (d) The moneys distributed to the fire departments or fire  
23 protection districts under this Section may only be used to  
24 purchase fire suppression or fire investigation equipment.

25 (Source: P.A. 93-169, eff. 7-10-03.)

26 (730 ILCS 5/5-9-1.13)

27 Sec. 5-9-1.13 ~~5-9-1.12~~. Applications for transfer to other  
28 states. A person subject to conditions of probation, parole,  
29 or mandatory supervised release who seeks to transfer to  
30 another state subject to the Interstate Compact for Adult  
31 Offender Supervision must make provisions for the payment of  
32 any restitution awarded by the circuit court and pay a fee of  
33 \$125 to the proper administrative or judicial authorities  
34 before being granted the transfer, or otherwise arrange for  
35 payment. The fee payment from persons subject to a sentence of

1 probation shall be deposited into the general fund of the  
2 county in which the circuit has jurisdiction. The fee payment  
3 from persons subject to parole or mandatory supervised release  
4 shall be deposited into the General Revenue Fund. The proceeds  
5 of this fee shall be used to defray the costs of the Department  
6 of Corrections or county sheriff departments, respectively,  
7 who will be required to retrieve offenders that violate the  
8 terms of their transfers to other states. Upon return to the  
9 State of Illinois, these persons shall also be subject to  
10 reimbursing either the State of Illinois or the county for the  
11 actual costs of returning them to Illinois.

12 (Source: P.A. 93-475, eff. 8-8-03; revised 9-26-03.)

13 Section 565. The Sex Offender Registration Act is amended  
14 by changing Section 2 as follows:

15 (730 ILCS 150/2) (from Ch. 38, par. 222)

16 Sec. 2. Definitions.

17 (A) As used in this Article, "sex offender" means any  
18 person who is:

19 (1) charged pursuant to Illinois law, or any  
20 substantially similar federal, Uniform Code of Military  
21 Justice, sister state, or foreign country law, with a sex  
22 offense set forth in subsection (B) of this Section or the  
23 attempt to commit an included sex offense, and:

24 (a) is convicted of such offense or an attempt to  
25 commit such offense; or

26 (b) is found not guilty by reason of insanity of  
27 such offense or an attempt to commit such offense; or

28 (c) is found not guilty by reason of insanity  
29 pursuant to Section 104-25(c) of the Code of Criminal  
30 Procedure of 1963 of such offense or an attempt to  
31 commit such offense; or

32 (d) is the subject of a finding not resulting in an  
33 acquittal at a hearing conducted pursuant to Section  
34 104-25(a) of the Code of Criminal Procedure of 1963 for

1 the alleged commission or attempted commission of such  
2 offense; or

3 (e) is found not guilty by reason of insanity  
4 following a hearing conducted pursuant to a federal,  
5 Uniform Code of Military Justice, sister state, or  
6 foreign country law substantially similar to Section  
7 104-25(c) of the Code of Criminal Procedure of 1963 of  
8 such offense or of the attempted commission of such  
9 offense; or

10 (f) is the subject of a finding not resulting in an  
11 acquittal at a hearing conducted pursuant to a federal,  
12 Uniform Code of Military Justice, sister state, or  
13 foreign country law substantially similar to Section  
14 104-25(a) of the Code of Criminal Procedure of 1963 for  
15 the alleged violation or attempted commission of such  
16 offense; or

17 (2) certified as a sexually dangerous person pursuant  
18 to the Illinois Sexually Dangerous Persons Act, or any  
19 substantially similar federal, Uniform Code of Military  
20 Justice, sister state, or foreign country law; or

21 (3) subject to the provisions of Section 2 of the  
22 Interstate Agreements on Sexually Dangerous Persons Act;  
23 or

24 (4) found to be a sexually violent person pursuant to  
25 the Sexually Violent Persons Commitment Act or any  
26 substantially similar federal, Uniform Code of Military  
27 Justice, sister state, or foreign country law; or

28 (5) adjudicated a juvenile delinquent as the result of  
29 committing or attempting to commit an act which, if  
30 committed by an adult, would constitute any of the offenses  
31 specified in item (B), (C), or (C-5) of this Section or a  
32 violation of any substantially similar federal, Uniform  
33 Code of Military Justice, sister state, or foreign country  
34 law, or found guilty under Article V of the Juvenile Court  
35 Act of 1987 of committing or attempting to commit an act  
36 which, if committed by an adult, would constitute any of

1 the offenses specified in item (B), (C), or (C-5) of this  
2 Section or a violation of any substantially similar  
3 federal, Uniform Code of Military Justice, sister state, or  
4 foreign country law.

5 Convictions that result from or are connected with the same  
6 act, or result from offenses committed at the same time, shall  
7 be counted for the purpose of this Article as one conviction.  
8 Any conviction set aside pursuant to law is not a conviction  
9 for purposes of this Article.

10 For purposes of this Section, "convicted" shall have the  
11 same meaning as "adjudicated".

12 (B) As used in this Article, "sex offense" means:

13 (1) A violation of any of the following Sections of the  
14 Criminal Code of 1961:

15 11-20.1 (child pornography),  
16 11-6 (indecent solicitation of a child),  
17 11-9.1 (sexual exploitation of a child),  
18 11-15.1 (soliciting for a juvenile prostitute),  
19 11-18.1 (patronizing a juvenile prostitute),  
20 11-17.1 (keeping a place of juvenile  
21 prostitution),  
22 11-19.1 (juvenile pimping),  
23 11-19.2 (exploitation of a child),  
24 12-13 (criminal sexual assault),  
25 12-14 (aggravated criminal sexual assault),  
26 12-14.1 (predatory criminal sexual assault of a  
27 child),  
28 12-15 (criminal sexual abuse),  
29 12-16 (aggravated criminal sexual abuse),  
30 12-33 (ritualized abuse of a child).

31 An attempt to commit any of these offenses.

32 (1.5) A violation of any of the following Sections of  
33 the Criminal Code of 1961, when the victim is a person  
34 under 18 years of age, the defendant is not a parent of the  
35 victim, and the offense was committed on or after January  
36 1, 1996:



1           10-1 (kidnapping),  
2           10-2 (aggravated kidnapping),  
3           10-3 (unlawful restraint),  
4           10-3.1 (aggravated unlawful restraint).

5           An attempt to commit any of these offenses.

6           (1.6) First degree murder under Section 9-1 of the  
7           Criminal Code of 1961, when the victim was a person under  
8           18 years of age and the defendant was at least 17 years of  
9           age at the time of the commission of the offense.

10          (1.7) (Blank).

11          (1.8) A violation or attempted violation of Section  
12          11-11 (sexual relations within families) of the Criminal  
13          Code of 1961, and the offense was committed on or after  
14          June 1, 1997.

15          (1.9) Child abduction under paragraph (10) of  
16          subsection (b) of Section 10-5 of the Criminal Code of 1961  
17          committed by luring or attempting to lure a child under the  
18          age of 16 into a motor vehicle, building, house trailer, or  
19          dwelling place without the consent of the parent or lawful  
20          custodian of the child for other than a lawful purpose and  
21          the offense was committed on or after January 1, 1998.

22          (1.10) A violation or attempted violation of any of the  
23          following Sections of the Criminal Code of 1961 when the  
24          offense was committed on or after July 1, 1999:

25                 10-4 (forcible detention, if the victim is under 18  
26                 years of age),

27                 11-6.5 (indecent solicitation of an adult),

28                 11-15 (soliciting for a prostitute, if the victim  
29                 is under 18 years of age),

30                 11-16 (pandering, if the victim is under 18 years  
31                 of age),

32                 11-18 (patronizing a prostitute, if the victim is  
33                 under 18 years of age),

34                 11-19 (pimping, if the victim is under 18 years of  
35                 age).

36          (1.11) A violation or attempted violation of any of the

1 following Sections of the Criminal Code of 1961 when the  
2 offense was committed on or after the effective date of  
3 this amendatory Act of the 92nd General Assembly:

4 11-9 (public indecency for a third or subsequent  
5 conviction),

6 11-9.2 (custodial sexual misconduct).

7 (1.12) A violation or attempted violation of Section  
8 5.1 of the Wrongs to Children Act (permitting sexual abuse)  
9 when the offense was committed on or after the effective  
10 date of this amendatory Act of the 92nd General Assembly.

11 (2) A violation of any former law of this State  
12 substantially equivalent to any offense listed in  
13 subsection (B) of this Section.

14 (C) A conviction for an offense of federal law, Uniform  
15 Code of Military Justice, or the law of another state or a  
16 foreign country that is substantially equivalent to any offense  
17 listed in subsections (B), (C), and (E) of this Section shall  
18 constitute a conviction for the purpose of this Article. A  
19 finding or adjudication as a sexually dangerous person or a  
20 sexually violent person under any federal law, Uniform Code of  
21 Military Justice, or the law of another state or foreign  
22 country that is substantially equivalent to the Sexually  
23 Dangerous Persons Act or the Sexually Violent Persons  
24 Commitment Act shall constitute an adjudication for the  
25 purposes of this Article.

26 (C-5) A person at least 17 years of age at the time of the  
27 commission of the offense who is convicted of first degree  
28 murder under Section 9-1 of the Criminal Code of 1961, against  
29 a person under 18 years of age, shall be required to register  
30 for natural life. A conviction for an offense of federal,  
31 Uniform Code of Military Justice, sister state, or foreign  
32 country law that is substantially equivalent to any offense  
33 listed in subsection (C-5) of this Section shall constitute a  
34 conviction for the purpose of this Article. This subsection  
35 (C-5) applies to a person who committed the offense before June  
36 1, 1996 only if the person is incarcerated in an Illinois

1 Department of Corrections facility on August 20, 2004 (the  
2 effective date of Public Act 93-977) ~~this amendatory Act of the~~  
3 ~~93rd General Assembly.~~

4 (D) As used in this Article, "law enforcement agency having  
5 jurisdiction" means the Chief of Police in each of the  
6 municipalities in which the sex offender expects to reside,  
7 work, or attend school (1) upon his or her discharge, parole or  
8 release or (2) during the service of his or her sentence of  
9 probation or conditional discharge, or the Sheriff of the  
10 county, in the event no Police Chief exists or if the offender  
11 intends to reside, work, or attend school in an unincorporated  
12 area. "Law enforcement agency having jurisdiction" includes  
13 the location where out-of-state students attend school and  
14 where out-of-state employees are employed or are otherwise  
15 required to register.

16 (D-1) As used in this Article, "supervising officer" means  
17 the assigned Illinois Department of Corrections parole agent or  
18 county probation officer.

19 (E) As used in this Article, "sexual predator" means any  
20 person who, after July 1, 1999, is:

21 (1) Convicted for an offense of federal, Uniform Code  
22 of Military Justice, sister state, or foreign country law  
23 that is substantially equivalent to any offense listed in  
24 subsection (E) of this Section shall constitute a  
25 conviction for the purpose of this Article. Convicted of a  
26 violation or attempted violation of any of the following  
27 Sections of the Criminal Code of 1961, if the conviction  
28 occurred after July 1, 1999:

29 11-17.1 (keeping a place of juvenile  
30 prostitution),

31 11-19.1 (juvenile pimping),

32 11-19.2 (exploitation of a child),

33 11-20.1 (child pornography),

34 12-13 (criminal sexual assault, if the victim is a  
35 person under 12 years of age),

36 12-14 (aggravated criminal sexual assault),

1           12-14.1 (predatory criminal sexual assault of a  
2           child),

3           12-16 (aggravated criminal sexual abuse),

4           12-33 (ritualized abuse of a child); or

5           (2) convicted of first degree murder under Section 9-1  
6           of the Criminal Code of 1961, when the victim was a person  
7           under 18 years of age and the defendant was at least 17  
8           years of age at the time of the commission of the offense;  
9           or

10          (3) certified as a sexually dangerous person pursuant  
11          to the Sexually Dangerous Persons Act or any substantially  
12          similar federal, Uniform Code of Military Justice, sister  
13          state, or foreign country law; or

14          (4) found to be a sexually violent person pursuant to  
15          the Sexually Violent Persons Commitment Act or any  
16          substantially similar federal, Uniform Code of Military  
17          Justice, sister state, or foreign country law; or

18          (5) convicted of a second or subsequent offense which  
19          requires registration pursuant to this Act. The conviction  
20          for the second or subsequent offense must have occurred  
21          after July 1, 1999. For purposes of this paragraph (5),  
22          "convicted" shall include a conviction under any  
23          substantially similar Illinois, federal, Uniform Code of  
24          Military Justice, sister state, or foreign country law.

25          (F) As used in this Article, "out-of-state student" means  
26          any sex offender, as defined in this Section, or sexual  
27          predator who is enrolled in Illinois, on a full-time or  
28          part-time basis, in any public or private educational  
29          institution, including, but not limited to, any secondary  
30          school, trade or professional institution, or institution of  
31          higher learning.

32          (G) As used in this Article, "out-of-state employee" means  
33          any sex offender, as defined in this Section, or sexual  
34          predator who works in Illinois, regardless of whether the  
35          individual receives payment for services performed, for a  
36          period of time of 10 or more days or for an aggregate period of

1 time of 30 or more days during any calendar year. Persons who  
2 operate motor vehicles in the State accrue one day of  
3 employment time for any portion of a day spent in Illinois.

4 (H) As used in this Article, "school" means any public or  
5 private educational institution, including, but not limited  
6 to, any elementary or secondary school, trade or professional  
7 institution, or institution of higher education.

8 (Source: P.A. 92-828, eff. 8-22-02; 93-977, eff. 8-20-04;  
9 93-979, eff. 8-20-04; revised 10-14-04.)

10 Section 570. The Code of Civil Procedure is amended by  
11 changing Section 2-1401 and by setting forth and renumbering  
12 multiple versions of Section 7-103.102 as follows:

13 (735 ILCS 5/2-1401) (from Ch. 110, par. 2-1401)

14 Sec. 2-1401. Relief from judgments.

15 (a) Relief from final orders and judgments, after 30 days  
16 from the entry thereof, may be had upon petition as provided in  
17 this Section. Writs of error coram nobis and coram vobis, bills  
18 of review and bills in the nature of bills of review are  
19 abolished. All relief heretofore obtainable and the grounds for  
20 such relief heretofore available, whether by any of the  
21 foregoing remedies or otherwise, shall be available in every  
22 case, by proceedings hereunder, regardless of the nature of the  
23 order or judgment from which relief is sought or of the  
24 proceedings in which it was entered. Except as provided in  
25 Section 6 of the Illinois Parentage Act of 1984, there shall be  
26 no distinction between actions and other proceedings,  
27 statutory or otherwise, as to availability of relief, grounds  
28 for relief or the relief obtainable.

29 (b) The petition must be filed in the same proceeding in  
30 which the order or judgment was entered but is not a  
31 continuation thereof. The petition must be supported by  
32 affidavit or other appropriate showing as to matters not of  
33 record. All parties to the petition shall be notified as  
34 provided by rule.

1 (c) Except as provided in Section 20b of the Adoption Act  
2 and Section 2-32 ~~3-32~~ of the Juvenile Court Act of 1987 or in a  
3 petition based upon Section 116-3 of the Code of Criminal  
4 Procedure of 1963, the petition must be filed not later than 2  
5 years after the entry of the order or judgment. Time during  
6 which the person seeking relief is under legal disability or  
7 duress or the ground for relief is fraudulently concealed shall  
8 be excluded in computing the period of 2 years.

9 (d) The filing of a petition under this Section does not  
10 affect the order or judgment, or suspend its operation.

11 (e) Unless lack of jurisdiction affirmatively appears from  
12 the record proper, the vacation or modification of an order or  
13 judgment pursuant to the provisions of this Section does not  
14 affect the right, title or interest in or to any real or  
15 personal property of any person, not a party to the original  
16 action, acquired for value after the entry of the order or  
17 judgment but before the filing of the petition, nor affect any  
18 right of any person not a party to the original action under  
19 any certificate of sale issued before the filing of the  
20 petition, pursuant to a sale based on the order or judgment.

21 (f) Nothing contained in this Section affects any existing  
22 right to relief from a void order or judgment, or to employ any  
23 existing method to procure that relief.

24 (Source: P.A. 90-18, eff. 7-1-97; 90-27, eff. 1-1-98; 90-141,  
25 eff. 1-1-98; 90-655, eff. 7-30-98; revised 11-06-02.)

26 (735 ILCS 5/7-103.102)

27 Sec. 7-103.102. Quick-take; Lake County. Quick-take  
28 proceedings under Section 7-103 may be used for a period of 2  
29 years after the effective date of this amendatory Act of the  
30 93rd General Assembly by Lake County for the acquisition of  
31 property necessary for the purpose of improving County Highway  
32 31 (Rollins Road) from Illinois Route 83 to U.S. Route 45.

33 (Source: P.A. 93-646, eff. 12-31-03.)

34 (735 ILCS 5/7-103.111)

1           Sec. 7-103.111. ~~7-103.102.~~ Quick-take; Village of  
2 Palatine. Quick-take proceedings under Section 7-103 may be  
3 used for a period of 60 months after the effective date of this  
4 amendatory Act of the 93rd General Assembly by the Village of  
5 Palatine for the acquisition of property for the purposes of  
6 the Downtown Tax Increment Redevelopment Project Area, bounded  
7 generally by Plum Grove Road on the East, Palatine Road on the  
8 South, Cedar Street on the West, and Colfax Street on the  
9 North, and the Rand Corridor Redevelopment Project Area,  
10 bounded generally by Dundee Road on the South, Lake-Cook Road  
11 on the North, and on the East and West by Rand Road, in the  
12 Village of Palatine more specifically described in the  
13 following ordinances adopted by the Village of Palatine:

14           Village ordinance 0-224-99, adopted December 13, 1999;

15           Village ordinance 0-225-99, adopted December 13, 1999;

16           Village ordinance 0-226-99, adopted December 13, 1999;

17           Village ordinance 0-13-00, adopted January 24, 2000,  
18           correcting certain scrivener's errors and attached as  
19           exhibit A to the foregoing legal descriptions;

20           Village ordinance 0-23-03, adopted January 27, 2003;

21           Village ordinance 0-24-03, adopted January 27, 2003;

22           and

23           Village ordinance 0-25-03, adopted January 27, 2003.

24           (Source: P.A. 93-602, eff. 11-18-03; revised 1-13-04.)

25           (735 ILCS 5/7-103.112)

26           Sec. 7-103.112. ~~7-103.102.~~ Quick-take; Bi-State  
27           Development Agency; MetroLink Light Rail System. Quick-take  
28           proceedings under Section 7-103 may be used for a period from  
29           September 1, 2003 through September 1, 2004 by the Bi-State  
30           Development Agency of the Missouri-Illinois Metropolitan  
31           District for station area development, transit oriented  
32           development and economic development initiatives in support of  
33           the MetroLink Light Rail System, beginning in East St. Louis,  
34           Illinois, and terminating at MidAmerica Airport, St. Clair  
35           County, Illinois.

1 (Source: P.A. 93-603, eff. 11-19-03; revised 1-13-04.)

2 Section 575. The State Lawsuit Immunity Act is amended by  
3 changing Section 1 as follows:

4 (745 ILCS 5/1) (from Ch. 127, par. 801)

5 Sec. 1. Except as provided in the Illinois Public Labor  
6 Relations Act, the Court of Claims Act, ~~and~~ the State Officials  
7 and Employees Ethics Act, and ~~or~~ Section 1.5 of this Act, the  
8 State of Illinois shall not be made a defendant or party in any  
9 court.

10 (Source: P.A. 93-414, eff. 1-1-04; 93-615, eff. 11-19-03;  
11 revised 12-19-03.)

12 Section 580. The Non-Support Punishment Act is amended by  
13 changing Section 20 as follows:

14 (750 ILCS 16/20)

15 Sec. 20. Entry of order for support; income withholding.

16 (a) In a case in which no court or administrative order for  
17 support is in effect against the defendant:

18 (1) at any time before the trial, upon motion of the  
19 State's Attorney, or of the Attorney General if the action  
20 has been instituted by his office, and upon notice to the  
21 defendant, or at the time of arraignment or as a condition  
22 of postponement of arraignment, the court may enter such  
23 temporary order for support as may seem just, providing for  
24 the support or maintenance of the spouse or child or  
25 children of the defendant, or both, pendente lite; or

26 (2) before trial with the consent of the defendant, or  
27 at the trial on entry of a plea of guilty, or after  
28 conviction, instead of imposing the penalty provided in  
29 this Act, or in addition thereto, the court may enter an  
30 order for support, subject to modification by the court  
31 from time to time as circumstances may require, directing  
32 the defendant to pay a certain sum for maintenance of the



1 spouse, or for support of the child or children, or both.

2 (b) The court shall determine the amount of child support  
3 by using the guidelines and standards set forth in subsection  
4 (a) of Section 505 and in Section 505.2 of the Illinois  
5 Marriage and Dissolution of Marriage Act.

6 If (i) the non-custodial parent was properly served with a  
7 request for discovery of financial information relating to the  
8 non-custodial parent's ability to provide child support, (ii)  
9 the non-custodial parent failed to comply with the request,  
10 despite having been ordered to do so by the court, and (iii)  
11 the non-custodial parent is not present at the hearing to  
12 determine support despite having received proper notice, then  
13 any relevant financial information concerning the  
14 non-custodial parent's ability to provide support that was  
15 obtained pursuant to subpoena and proper notice shall be  
16 admitted into evidence without the need to establish any  
17 further foundation for its admission.

18 (c) The court shall determine the amount of maintenance  
19 using the standards set forth in Section 504 of the Illinois  
20 Marriage and Dissolution of Marriage Act.

21 (d) The court may, for violation of any order under this  
22 Section, punish the offender as for a contempt of court, but no  
23 pendente lite order shall remain in effect longer than 4  
24 months, or after the discharge of any panel of jurors summoned  
25 for service thereafter in such court, whichever is sooner.

26 (e) Any order for support entered by the court under this  
27 Section shall be deemed to be a series of judgments against the  
28 person obligated to pay support under the judgments, each such  
29 judgment to be in the amount of each payment or installment of  
30 support and each judgment to be deemed entered as of the date  
31 the corresponding payment or installment becomes due under the  
32 terms of the support order. Each judgment shall have the full  
33 force, effect, and attributes of any other judgment of this  
34 State, including the ability to be enforced. Each judgment is  
35 subject to modification or termination only in accordance with  
36 Section 510 of the Illinois Marriage and Dissolution of

1 Marriage Act. A lien arises by operation of law against the  
2 real and personal property of the noncustodial parent for each  
3 installment of overdue support owed by the noncustodial parent.

4 (f) An order for support entered under this Section shall  
5 include a provision requiring the obligor to report to the  
6 obligee and to the clerk of the court within 10 days each time  
7 the obligor obtains new employment, and each time the obligor's  
8 employment is terminated for any reason. The report shall be in  
9 writing and shall, in the case of new employment, include the  
10 name and address of the new employer.

11 Failure to report new employment or the termination of  
12 current employment, if coupled with nonpayment of support for a  
13 period in excess of 60 days, is indirect criminal contempt. For  
14 any obligor arrested for failure to report new employment, bond  
15 shall be set in the amount of the child support that should  
16 have been paid during the period of unreported employment.

17 An order for support entered under this Section shall also  
18 include a provision requiring the obligor and obligee parents  
19 to advise each other of a change in residence within 5 days of  
20 the change except when the court finds that the physical,  
21 mental, or emotional health of a party or of a minor child, or  
22 both, would be seriously endangered by disclosure of the  
23 party's address.

24 (g) An order for support entered or modified in a case in  
25 which a party is receiving child support enforcement services  
26 under Article X of the Illinois Public Aid Code shall include a  
27 provision requiring the noncustodial parent to notify the  
28 Illinois Department of Public Aid, within 7 days, of the name  
29 and address of any new employer of the noncustodial parent,  
30 whether the noncustodial parent has access to health insurance  
31 coverage through the employer or other group coverage and, if  
32 so, the policy name and number and the names of persons covered  
33 under the policy.

34 (h) In any subsequent action to enforce an order for  
35 support entered under this Act, upon sufficient showing that  
36 diligent effort has been made to ascertain the location of the

1 noncustodial parent, service of process or provision of notice  
2 necessary in that action may be made at the last known address  
3 of the noncustodial parent, in any manner expressly provided by  
4 the Code of Civil Procedure or in this Act, which service shall  
5 be sufficient for purposes of due process.

6 (i) An order for support shall include a date on which the  
7 current support obligation terminates. The termination date  
8 shall be no earlier than the date on which the child covered by  
9 the order will attain the age of 18. However, if the child will  
10 not graduate from high school until after attaining the age of  
11 18, then the termination date shall be no earlier than the  
12 earlier of the date on which the child's high school graduation  
13 will occur or the date on which the child will attain the age  
14 of 19. The order for support shall state that the termination  
15 date does not apply to any arrearage that may remain unpaid on  
16 that date. Nothing in this subsection shall be construed to  
17 prevent the court from modifying the order or terminating the  
18 order in the event the child is otherwise emancipated.

19 (j) A support obligation, or any portion of a support  
20 obligation, which becomes due and remains unpaid for 30 days or  
21 more shall accrue simple interest at the rate of 9% per annum.  
22 An order for support entered or modified on or after January 1,  
23 2002 shall contain a statement that a support obligation  
24 required under the order, or any portion of a support  
25 obligation required under the order, that becomes due and  
26 remains unpaid for 30 days or more shall accrue simple interest  
27 at the rate of 9% per annum. Failure to include the statement  
28 in the order for support does not affect the validity of the  
29 order or the accrual of interest as provided in this Section.

30 (Source: P.A. 92-374, eff. 8-15-01; 92-590, eff. 7-1-02;  
31 92-876, eff. 6-1-03; revised 9-27-03.)

32 Section 585. The Illinois Parentage Act of 1984 is amended  
33 by changing Section 14 as follows:

34 (750 ILCS 45/14) (from Ch. 40, par. 2514)

1           Sec. 14. Judgment.

2           (a) (1) The judgment shall contain or explicitly reserve  
3 provisions concerning any duty and amount of child support and  
4 may contain provisions concerning the custody and guardianship  
5 of the child, visitation privileges with the child, the  
6 furnishing of bond or other security for the payment of the  
7 judgment, which the court shall determine in accordance with  
8 the relevant factors set forth in the Illinois Marriage and  
9 Dissolution of Marriage Act and any other applicable law of  
10 Illinois, to guide the court in a finding in the best interests  
11 of the child. In determining custody, joint custody, removal,  
12 or visitation, the court shall apply the relevant standards of  
13 the Illinois Marriage and Dissolution of Marriage Act,  
14 including Section 609. Specifically, in determining the amount  
15 of any child support award, the court shall use the guidelines  
16 and standards set forth in subsection (a) of Section 505 and in  
17 Section 505.2 of the Illinois Marriage and Dissolution of  
18 Marriage Act. For purposes of Section 505 of the Illinois  
19 Marriage and Dissolution of Marriage Act, "net income" of the  
20 non-custodial parent shall include any benefits available to  
21 that person under the Illinois Public Aid Code or from other  
22 federal, State or local government-funded programs. The court  
23 shall, in any event and regardless of the amount of the  
24 non-custodial parent's net income, in its judgment order the  
25 non-custodial parent to pay child support to the custodial  
26 parent in a minimum amount of not less than \$10 per month. In  
27 an action brought within 2 years after a child's birth, the  
28 judgment or order may direct either parent to pay the  
29 reasonable expenses incurred by either parent related to the  
30 mother's pregnancy and the delivery of the child. The judgment  
31 or order shall contain the father's social security number,  
32 which the father shall disclose to the court; however, failure  
33 to include the father's social security number on the judgment  
34 or order does not invalidate the judgment or order.

35           (2) If a judgment of parentage contains no explicit award  
36 of custody, the establishment of a support obligation or of

1 visitation rights in one parent shall be considered a judgment  
2 granting custody to the other parent. If the parentage judgment  
3 contains no such provisions, custody shall be presumed to be  
4 with the mother; however, the presumption shall not apply if  
5 the father has had physical custody for at least 6 months prior  
6 to the date that the mother seeks to enforce custodial rights.

7 (b) The court shall order all child support payments,  
8 determined in accordance with such guidelines, to commence with  
9 the date summons is served. The level of current periodic  
10 support payments shall not be reduced because of payments set  
11 for the period prior to the date of entry of the support order.  
12 The Court may order any child support payments to be made for a  
13 period prior to the commencement of the action. In determining  
14 whether and the extent to which the payments shall be made for  
15 any prior period, the court shall consider all relevant facts,  
16 including the factors for determining the amount of support  
17 specified in the Illinois Marriage and Dissolution of Marriage  
18 Act and other equitable factors including but not limited to:

19 (1) The father's prior knowledge of the fact and  
20 circumstances of the child's birth.

21 (2) The father's prior willingness or refusal to help  
22 raise or support the child.

23 (3) The extent to which the mother or the public agency  
24 bringing the action previously informed the father of the  
25 child's needs or attempted to seek or require his help in  
26 raising or supporting the child.

27 (4) The reasons the mother or the public agency did not  
28 file the action earlier.

29 (5) The extent to which the father would be prejudiced  
30 by the delay in bringing the action.

31 For purposes of determining the amount of child support to  
32 be paid for any period before the date the order for current  
33 child support is entered, there is a rebuttable presumption  
34 that the father's net income for the prior period was the same  
35 as his net income at the time the order for current child  
36 support is entered.

1           If (i) the non-custodial parent was properly served with a  
2 request for discovery of financial information relating to the  
3 non-custodial parent's ability to provide child support, (ii)  
4 the non-custodial parent failed to comply with the request,  
5 despite having been ordered to do so by the court, and (iii)  
6 the non-custodial parent is not present at the hearing to  
7 determine support despite having received proper notice, then  
8 any relevant financial information concerning the  
9 non-custodial parent's ability to provide child support that  
10 was obtained pursuant to subpoena and proper notice shall be  
11 admitted into evidence without the need to establish any  
12 further foundation for its admission.

13           (c) Any new or existing support order entered by the court  
14 under this Section shall be deemed to be a series of judgments  
15 against the person obligated to pay support thereunder, each  
16 judgment to be in the amount of each payment or installment of  
17 support and each such judgment to be deemed entered as of the  
18 date the corresponding payment or installment becomes due under  
19 the terms of the support order. Each judgment shall have the  
20 full force, effect and attributes of any other judgment of this  
21 State, including the ability to be enforced. A lien arises by  
22 operation of law against the real and personal property of the  
23 noncustodial parent for each installment of overdue support  
24 owed by the noncustodial parent.

25           (d) If the judgment or order of the court is at variance  
26 with the child's birth certificate, the court shall order that  
27 a new birth certificate be issued under the Vital Records Act.

28           (e) On request of the mother and the father, the court  
29 shall order a change in the child's name. After hearing  
30 evidence the court may stay payment of support during the  
31 period of the father's minority or period of disability.

32           (f) If, upon a showing of proper service, the father fails  
33 to appear in court, or otherwise appear as provided by law, the  
34 court may proceed to hear the cause upon testimony of the  
35 mother or other parties taken in open court and shall enter a  
36 judgment by default. The court may reserve any order as to the

1 amount of child support until the father has received notice,  
2 by regular mail, of a hearing on the matter.

3 (g) A one-time charge of 20% is imposable upon the amount  
4 of past-due child support owed on July 1, 1988 which has  
5 accrued under a support order entered by the court. The charge  
6 shall be imposed in accordance with the provisions of Section  
7 10-21 of the Illinois Public Aid Code and shall be enforced by  
8 the court upon petition.

9 (h) All orders for support, when entered or modified, shall  
10 include a provision requiring the non-custodial parent to  
11 notify the court and, in cases in which party is receiving  
12 child support enforcement services under Article X of the  
13 Illinois Public Aid Code, the Illinois Department of Public  
14 Aid, within 7 days, (i) of the name and address of any new  
15 employer of the non-custodial parent, (ii) whether the  
16 non-custodial parent has access to health insurance coverage  
17 through the employer or other group coverage and, if so, the  
18 policy name and number and the names of persons covered under  
19 the policy, and (iii) of any new residential or mailing address  
20 or telephone number of the non-custodial parent. In any  
21 subsequent action to enforce a support order, upon a sufficient  
22 showing that a diligent effort has been made to ascertain the  
23 location of the non-custodial parent, service of process or  
24 provision of notice necessary in the case may be made at the  
25 last known address of the non-custodial parent in any manner  
26 expressly provided by the Code of Civil Procedure or this Act,  
27 which service shall be sufficient for purposes of due process.

28 (i) An order for support shall include a date on which the  
29 current support obligation terminates. The termination date  
30 shall be no earlier than the date on which the child covered by  
31 the order will attain the age of 18. However, if the child will  
32 not graduate from high school until after attaining the age of  
33 18, then the termination date shall be no earlier than the  
34 earlier of the date on which the child's high school graduation  
35 will occur or the date on which the child will attain the age  
36 of 19. The order for support shall state that the termination

1 date does not apply to any arrearage that may remain unpaid on  
2 that date. Nothing in this subsection shall be construed to  
3 prevent the court from modifying the order or terminating the  
4 order in the event the child is otherwise emancipated.

5 (j) An order entered under this Section shall include a  
6 provision requiring the obligor to report to the obligee and to  
7 the clerk of court within 10 days each time the obligor obtains  
8 new employment, and each time the obligor's employment is  
9 terminated for any reason. The report shall be in writing and  
10 shall, in the case of new employment, include the name and  
11 address of the new employer. Failure to report new employment  
12 or the termination of current employment, if coupled with  
13 nonpayment of support for a period in excess of 60 days, is  
14 indirect criminal contempt. For any obligor arrested for  
15 failure to report new employment bond shall be set in the  
16 amount of the child support that should have been paid during  
17 the period of unreported employment. An order entered under  
18 this Section shall also include a provision requiring the  
19 obligor and obligee parents to advise each other of a change in  
20 residence within 5 days of the change except when the court  
21 finds that the physical, mental, or emotional health of a party  
22 or that of a minor child, or both, would be seriously  
23 endangered by disclosure of the party's address.

24 (Source: P.A. 92-590, eff. 7-1-02; 92-876, eff. 6-1-03; 93-139,  
25 eff. 7-10-03; revised 9-15-03.)

26 Section 590. The Illinois Domestic Violence Act of 1986 is  
27 amended by changing Sections 219, 224, and 302 as follows:

28 (750 ILCS 60/219) (from Ch. 40, par. 2312-19)

29 Sec. 219. Plenary order of protection. A plenary order of  
30 protection shall issue if petitioner has served notice of the  
31 hearing for that order on respondent, in accordance with  
32 Section 211, and satisfies the requirements of this Section for  
33 one or more of the requested remedies. For each remedy  
34 requested, petitioner must establish that:



- 1 (1) the court has jurisdiction under Section 208;
- 2 (2) the requirements of Section 214 are satisfied; ~~and~~
- 3 (3) a general appearance was made or filed by or for  
4 respondent or process was served on respondent in the manner  
5 required by Section 210; and
- 6 (4) respondent has answered or is in default.
- 7 (Source: P.A. 84-1305; revised 2-25-02.)

8 (750 ILCS 60/224) (from Ch. 40, par. 2312-24)

9 Sec. 224. Modification and re-opening of orders.

10 (a) Except as otherwise provided in this Section, upon  
11 motion by petitioner, the court may modify an emergency,  
12 interim, or plenary order of protection:

13 (1) If respondent has abused petitioner since the  
14 hearing for that order, by adding or altering one or more  
15 remedies, as authorized by Section 214; and

16 (2) Otherwise, by adding any remedy authorized by  
17 Section 214 which was:

18 (i) reserved in that order of protection;

19 (ii) not requested for inclusion in that order of  
20 protection; or

21 (iii) denied on procedural grounds, but not on the  
22 merits.

23 (b) Upon motion by petitioner or respondent, the court may  
24 modify any prior order of protection's remedy for custody,  
25 visitation or payment of support in accordance with the  
26 relevant provisions of the Illinois Marriage and Dissolution of  
27 Marriage Act. Each order of protection shall be entered in the  
28 Law Enforcement Agencies Automated ~~Automated~~ Data System on the same day  
29 it is issued by the court.

30 (c) After 30 days following entry of a plenary order of  
31 protection, a court may modify that order only when changes in  
32 the applicable law or facts since that plenary order was  
33 entered warrant a modification of its terms.

34 (d) Upon 2 days' notice to petitioner, in accordance with  
35 Section 211 of this Act, or such shorter notice as the court

1 may prescribe, a respondent subject to an emergency or interim  
2 order of protection issued under this Act may appear and  
3 petition the court to re-hear the original or amended petition.  
4 Any petition to re-hear shall be verified and shall allege the  
5 following:

6 (1) that respondent did not receive prior notice of the  
7 initial hearing in which the emergency, interim, or plenary  
8 order was entered under Sections 211 and 217; and

9 (2) that respondent had a meritorious defense to the  
10 order or any of its remedies or that the order or any of  
11 its remedies was not authorized by this Act.

12 (e) In the event that the emergency or interim order  
13 granted petitioner exclusive possession and the petition of  
14 respondent seeks to re-open or vacate that grant, the court  
15 shall set a date for hearing within 14 days on all issues  
16 relating to exclusive possession. Under no circumstances shall  
17 a court continue a hearing concerning exclusive possession  
18 beyond the 14th day, except by agreement of the parties. Other  
19 issues raised by the pleadings may be consolidated for the  
20 hearing if neither party nor the court objects.

21 (f) This Section does not limit the means, otherwise  
22 available by law, for vacating or modifying orders of  
23 protection.

24 (Source: P.A. 87-1186; revised 2-17-03.)

25 (750 ILCS 60/302) (from Ch. 40, par. 2313-2)

26 Sec. 302. Data maintenance by law enforcement agencies.

27 (a) All sheriffs shall furnish to the Department of State  
28 Police, on the same day as received, in the form and detail the  
29 Department requires, copies of any recorded emergency,  
30 interim, or plenary orders of protection issued by the court,  
31 and any foreign orders of protection filed by the clerk of the  
32 court, and transmitted to the sheriff by the clerk of the court  
33 pursuant to subsection (b) of Section 222 of this Act. Each  
34 order of protection shall be entered in the Law Enforcement  
35 Agencies Automated Data System on the same day it is issued by

1 the court. If an emergency order of protection was issued in  
2 accordance with subsection (c) of Section 217, the order shall  
3 be entered in the Law Enforcement Agencies ~~Automated~~ Data  
4 System as soon as possible after receipt from the clerk.

5 (b) The Department of State Police shall maintain a  
6 complete and systematic record and index of all valid and  
7 recorded orders of protection issued pursuant to this Act. The  
8 data shall be used to inform all dispatchers and law  
9 enforcement officers at the scene of an alleged incident of  
10 abuse, neglect, or exploitation or violation of an order of  
11 protection of any recorded prior incident of abuse, neglect, or  
12 exploitation involving the abused, neglected, or exploited  
13 party and the effective dates and terms of any recorded order  
14 of protection.

15 (c) The data, records and transmittals required under this  
16 Section shall pertain to any valid emergency, interim or  
17 plenary order of protection, whether issued in a civil or  
18 criminal proceeding or authorized under the laws of another  
19 state, tribe, or United States territory.

20 (Source: P.A. 90-392, eff. 1-1-98; 91-903, eff. 1-1-01; revised  
21 2-17-03.)

22 Section 595. The Parental Notice of Abortion Act of 1995 is  
23 amended by changing Section 10 as follows:

24 (750 ILCS 70/10)

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

26 "Abortion" means the use of any instrument, medicine, drug,  
27 or any other substance or device to terminate the pregnancy of  
28 a woman known to be pregnant with an intention other than to  
29 increase the probability of a live birth, to preserve the life  
30 or health of a child after live birth, or to remove a dead  
31 fetus.

32 "Actual notice" means the giving of notice directly, in  
33 person, or by telephone.

34 "Adult family member" means a person over 21 years of age

1 who is the parent, grandparent, step-parent living in the  
2 household, or legal guardian.

3 "Constructive notice" means notice by certified mail to the  
4 last known address of the person entitled to notice with  
5 delivery deemed to have occurred 48 hours after the certified  
6 notice is mailed.

7 "Incompetent" means any person who has been adjudged as  
8 mentally ill or developmentally disabled and who, because of  
9 her mental illness or developmental disability, is not fully  
10 able to manage her person and for whom a guardian of the person  
11 has been appointed under Section 11a-3(a) (1) of the Probate Act  
12 of 1975.

13 "Medical emergency" means a condition that, on the basis of  
14 the physician's good faith clinical judgment, so complicates  
15 the medical condition of a pregnant woman as to necessitate the  
16 immediate abortion of her pregnancy to avert her death or for  
17 which a delay will create serious risk of substantial and  
18 irreversible impairment of major bodily function.

19 "Minor" means any person under 18 years of age who is not  
20 or has not been married or who has not been emancipated under  
21 the Emancipation of ~~Mature~~ Minors Act.

22 "Neglect" means the failure of an adult family member to  
23 supply a child with necessary food, clothing, shelter, or  
24 medical care when reasonably able to do so or the failure to  
25 protect a child from conditions or actions that imminently and  
26 seriously endanger the child's physical or mental health when  
27 reasonably able to do so.

28 "Physical abuse" means any physical injury intentionally  
29 inflicted by an adult family member on a child.

30 "Physician" means any person licensed to practice medicine  
31 in all its branches under the Illinois Medical Practice Act of  
32 1987.

33 "Sexual abuse" means any sexual conduct or sexual  
34 penetration as defined in Section 12-12 of the Criminal Code of  
35 1961 that is prohibited by the criminal laws of the State of  
36 Illinois and committed against a minor by an adult family

1 member as defined in this Act.

2 (Source: P.A. 89-18, eff. 6-1-95; revised 10-9-03.)

3 Section 600. The Probate Act of 1975 is amended by changing  
4 Section 11a-18 as follows:

5 (755 ILCS 5/11a-18) (from Ch. 110 1/2, par. 11a-18)

6 Sec. 11a-18. Duties of the estate guardian.

7 (a) To the extent specified in the order establishing the  
8 guardianship, the guardian of the estate shall have the care,  
9 management and investment of the estate, shall manage the  
10 estate frugally and shall apply the income and principal of the  
11 estate so far as necessary for the comfort and suitable support  
12 and education of the ward, his minor and adult dependent  
13 children, and persons related by blood or marriage who are  
14 dependent upon or entitled to support from him, or for any  
15 other purpose which the court deems to be for the best  
16 interests of the ward, and the court may approve the making on  
17 behalf of the ward of such agreements as the court determines  
18 to be for the ward's best interests. The guardian may make  
19 disbursement of his ward's funds and estate directly to the  
20 ward or other distributee or in such other manner and in such  
21 amounts as the court directs. If the estate of a ward is  
22 derived in whole or in part from payments of compensation,  
23 adjusted compensation, pension, insurance or other similar  
24 benefits made directly to the estate by the Veterans  
25 Administration, notice of the application for leave to invest  
26 or expend the ward's funds or estate, together with a copy of  
27 the petition and proposed order, shall be given to the  
28 Veterans' Administration Regional Office in this State at least  
29 7 days before the hearing on the application.

30 (a-5) The probate court, upon petition of a guardian, other  
31 than the guardian of a minor, and after notice to all other  
32 persons interested as the court directs, may authorize the  
33 guardian to exercise any or all powers over the estate and  
34 business affairs of the ward that the ward could exercise if

1 present and not under disability. The court may authorize the  
2 taking of an action or the application of funds not required  
3 for the ward's current and future maintenance and support in  
4 any manner approved by the court as being in keeping with the  
5 ward's wishes so far as they can be ascertained. The court must  
6 consider the permanence of the ward's disabling condition and  
7 the natural objects of the ward's bounty. In ascertaining and  
8 carrying out the ward's wishes the court may consider, but  
9 shall not be limited to, minimization of State or federal  
10 income, estate, or inheritance taxes; and providing gifts to  
11 charities, relatives, and friends that would be likely  
12 recipients of donations from the ward. The ward's wishes as  
13 best they can be ascertained shall be carried out, whether or  
14 not tax savings are involved. Actions or applications of funds  
15 may include, but shall not be limited to, the following:

16 (1) making gifts of income or principal, or both, of  
17 the estate, either outright or in trust;

18 (2) conveying, releasing, or disclaiming his or her  
19 contingent and expectant interests in property, including  
20 marital property rights and any right of survivorship  
21 incident to joint tenancy or tenancy by the entirety;

22 (3) releasing or disclaiming his or her powers as  
23 trustee, personal representative, custodian for minors, or  
24 guardian;

25 (4) exercising, releasing, or disclaiming his or her  
26 powers as donee of a power of appointment;

27 (5) entering into contracts;

28 (6) creating for the benefit of the ward or others,  
29 revocable or irrevocable trusts of his or her property that  
30 may extend beyond his or her disability or life;;

31 (7) exercising options of the ward to purchase or  
32 exchange securities or other property;

33 (8) exercising the rights of the ward to elect benefit  
34 or payment options, to terminate, to change beneficiaries  
35 or ownership, to assign rights, to borrow, or to receive  
36 cash value in return for a surrender of rights under any

1 one or more of the following:

2 (i) life insurance policies, plans, or benefits~~;~~

3 (ii) annuity policies, plans, or benefits~~;~~

4 (iii) mutual fund and other dividend investment  
5 plans~~;~~

6 (iv) retirement, profit sharing, and employee  
7 welfare plans and benefits;

8 (9) exercising his or her right to claim or disclaim an  
9 elective share in the estate of his or her deceased spouse  
10 and to renounce any interest by testate or intestate  
11 succession or by inter vivos transfer;

12 (10) changing the ward's residence or domicile; or

13 (11) modifying by means of codicil or trust amendment  
14 the terms of the ward's will or any revocable trust created  
15 by the ward, as the court may consider advisable in light  
16 of changes in applicable tax laws.

17 The guardian in his or her petition shall briefly outline  
18 the action or application of funds for which he or she seeks  
19 approval, the results expected to be accomplished thereby, and  
20 the tax savings, if any, expected to accrue. The proposed  
21 action or application of funds may include gifts of the ward's  
22 personal property or real estate, but transfers of real estate  
23 shall be subject to the requirements of Section 20 of this Act.  
24 Gifts may be for the benefit of prospective legatees, devisees,  
25 or heirs apparent of the ward or may be made to individuals or  
26 charities in which the ward is believed to have an interest.  
27 The guardian shall also indicate in the petition that any  
28 planned disposition is consistent with the intentions of the  
29 ward insofar as they can be ascertained, and if the ward's  
30 intentions cannot be ascertained, the ward will be presumed to  
31 favor reduction in the incidents of various forms of taxation  
32 and the partial distribution of his or her estate as provided  
33 in this subsection. The guardian shall not, however, be  
34 required to include as a beneficiary or fiduciary any person  
35 who he has reason to believe would be excluded by the ward. A  
36 guardian shall be required to investigate and pursue a ward's

1 eligibility for governmental benefits.

2 (b) Upon the direction of the court which issued his  
3 letters, a guardian may perform the contracts of his ward which  
4 were legally subsisting at the time of the commencement of the  
5 ward's disability. The court may authorize the guardian to  
6 execute and deliver any bill of sale, deed or other instrument.

7 (c) The guardian of the estate of a ward shall appear for  
8 and represent the ward in all legal proceedings unless another  
9 person is appointed for that purpose as guardian or next  
10 friend. This does not impair the power of any court to appoint  
11 a guardian ad litem or next friend to defend the interests of  
12 the ward in that court, or to appoint or allow any person as  
13 the next friend of a ward to commence, prosecute or defend any  
14 proceeding in his behalf. Without impairing the power of the  
15 court in any respect, if the guardian of the estate of a ward  
16 and another person as next friend shall appear for and  
17 represent the ward in a legal proceeding in which the  
18 compensation of the attorney or attorneys representing the  
19 guardian and next friend is solely determined under a  
20 contingent fee arrangement, the guardian of the estate of the  
21 ward shall not participate in or have any duty to review the  
22 prosecution of the action, to participate in or review the  
23 appropriateness of any settlement of the action, or to  
24 participate in or review any determination of the  
25 appropriateness of any fees awarded to the attorney or  
26 attorneys employed in the prosecution of the action.

27 (d) Adjudication of disability shall not revoke or  
28 otherwise terminate a trust which is revocable by the ward. A  
29 guardian of the estate shall have no authority to revoke a  
30 trust that is revocable by the ward, except that the court may  
31 authorize a guardian to revoke a Totten trust or similar  
32 deposit or withdrawable capital account in trust to the extent  
33 necessary to provide funds for the purposes specified in  
34 paragraph (a) of this Section. If the trustee of any trust for  
35 the benefit of the ward has discretionary power to apply income  
36 or principal for the ward's benefit, the trustee shall not be



1 required to distribute any of the income or principal to the  
2 guardian of the ward's estate, but the guardian may bring an  
3 action on behalf of the ward to compel the trustee to exercise  
4 the trustee's discretion or to seek relief from an abuse of  
5 discretion. This paragraph shall not limit the right of a  
6 guardian of the estate to receive accountings from the trustee  
7 on behalf of the ward.

8 (e) Absent court order pursuant to the ~~"Illinois Power of~~  
9 ~~Attorney Act"~~ ~~enacted by the 85th General Assembly~~ directing a  
10 guardian to exercise powers of the principal under an agency  
11 that survives disability, the guardian will have no power, duty  
12 or liability with respect to any property subject to the  
13 agency. This subsection (e) applies to all agencies, whenever  
14 and wherever executed.

15 (f) Upon petition by any interested person (including the  
16 standby or short-term guardian), with such notice to interested  
17 persons as the court directs and a finding by the court that it  
18 is in the best interest of the disabled person, the court may  
19 terminate or limit the authority of a standby or short-term  
20 guardian or may enter such other orders as the court deems  
21 necessary to provide for the best interest of the disabled  
22 person. The petition for termination or limitation of the  
23 authority of a standby or short-term guardian may, but need  
24 not, be combined with a petition to have another guardian  
25 appointed for the disabled person.

26 (Source: P.A. 89-672, eff. 8-14-96; 90-345, eff. 8-8-97;  
27 90-796, eff. 12-15-98; revised 1-20-03.)

28 Section 605. The Illinois Living Will Act is amended by  
29 changing Section 3 as follows:

30 (755 ILCS 35/3) (from Ch. 110 1/2, par. 703)

31 Sec. 3. Execution of a Document.

32 (a) An individual of sound mind and having reached the age  
33 of majority or having obtained the status of an emancipated  
34 person pursuant to the ~~"Emancipation of Mature~~ ~~Minors Act"~~, as

1 now or hereafter amended, may execute a document directing that  
2 if he is suffering from a terminal condition, then death  
3 delaying procedures shall not be utilized for the prolongation  
4 of his life.

5 (b) The declaration must be signed by the declarant, or  
6 another at the declarant's direction, and witnessed by 2  
7 individuals 18 years of age or older.

8 (c) The declaration of a qualified patient diagnosed as  
9 pregnant by the attending physician shall be given no force and  
10 effect as long as in the opinion of the attending physician it  
11 is possible that the fetus could develop to the point of live  
12 birth with the continued application of death delaying  
13 procedures.

14 (d) If the patient is able, it shall be the responsibility  
15 of the patient to provide for notification to his or her  
16 attending physician of the existence of a declaration, to  
17 provide the declaration to the physician and to ask the  
18 attending physician whether he or she is willing to comply with  
19 its provisions. An attending physician who is so notified shall  
20 make the declaration, or copy of the declaration, a part of the  
21 patient's medical records. If the physician is at any time  
22 unwilling to comply with its provisions, the physician shall  
23 promptly so advise the declarant. If the physician is unwilling  
24 to comply with its provisions and the patient is able, it is  
25 the patient's responsibility to initiate the transfer to  
26 another physician of the patient's choosing. If the physician  
27 is unwilling to comply with its provisions and the patient is  
28 at any time not able to initiate the transfer, then the  
29 attending physician shall without delay notify the person with  
30 the highest priority, as set forth in this subsection, who is  
31 available, able, and willing to make arrangements for the  
32 transfer of the patient and the appropriate medical records to  
33 another physician for the effectuation of the patient's  
34 declaration. The order of priority is as follows: (1) any  
35 person authorized by the patient to make such arrangements, (2)  
36 a guardian of the person of the patient, without the necessity

1 of obtaining a court order to do so, and (3) any member of the  
2 patient's family.

3 (e) The declaration may, but need not, be in the following  
4 form, and in addition may include other specific directions.  
5 Should any specific direction be determined to be invalid, such  
6 invalidity shall not affect other directions of the declaration  
7 which can be given effect without the invalid direction, and to  
8 this end the directions in the declaration are severable.

9 DECLARATION

10 This declaration is made this ..... day of  
11 ..... (month, year). I, ....., being of  
12 sound mind, willfully and voluntarily make known my desires  
13 that my moment of death shall not be artificially postponed.

14 If at any time I should have an incurable and irreversible  
15 injury, disease, or illness judged to be a terminal condition  
16 by my attending physician who has personally examined me and  
17 has determined that my death is imminent except for death  
18 delaying procedures, I direct that such procedures which would  
19 only prolong the dying process be withheld or withdrawn, and  
20 that I be permitted to die naturally with only the  
21 administration of medication, sustenance, or the performance  
22 of any medical procedure deemed necessary by my attending  
23 physician to provide me with comfort care.

24 In the absence of my ability to give directions regarding  
25 the use of such death delaying procedures, it is my intention  
26 that this declaration shall be honored by my family and  
27 physician as the final expression of my legal right to refuse  
28 medical or surgical treatment and accept the consequences from  
29 such refusal.

30 Signed .....

31 City, County and State of Residence .....

32 The declarant is personally known to me and I believe him  
33 or her to be of sound mind. I saw the declarant sign the  
34 declaration in my presence (or the declarant acknowledged in my  
35 presence that he or she had signed the declaration) and I  
36 signed the declaration as a witness in the presence of the

1 declarant. I did not sign the declarant's signature above for  
 2 or at the direction of the declarant. At the date of this  
 3 instrument, I am not entitled to any portion of the estate of  
 4 the declarant according to the laws of intestate succession or,  
 5 to the best of my knowledge and belief, under any will of  
 6 declarant or other instrument taking effect at declarant's  
 7 death, or directly financially responsible for declarant's  
 8 medical care.

9 Witness .....

10 Witness .....

11 (Source: P.A. 85-1209; revised 10-9-03.)

12 Section 610. The Health Care Surrogate Act is amended by  
 13 changing Sections 10 and 65 as follows:

14 (755 ILCS 40/10) (from Ch. 110 1/2, par. 851-10)

15 Sec. 10. Definitions.

16 "Adult" means a person who is (i) 18 years of age or older  
 17 or (ii) an emancipated minor under the Emancipation of ~~Mature~~  
 18 Minors Act.

19 "Artificial nutrition and hydration" means supplying food  
 20 and water through a conduit, such as a tube or intravenous  
 21 line, where the recipient is not required to chew or swallow  
 22 voluntarily, including, but not limited to, nasogastric tubes,  
 23 gastrostomies, jejunostomies, and intravenous infusions.  
 24 Artificial nutrition and hydration does not include assisted  
 25 feeding, such as spoon or bottle feeding.

26 "Available" means that a person is not "unavailable". A  
 27 person is unavailable if (i) the person's existence is not  
 28 known, (ii) the person has not been able to be contacted by  
 29 telephone or mail, or (iii) the person lacks decisional  
 30 capacity, refuses to accept the office of surrogate, or is  
 31 unwilling to respond in a manner that indicates a choice among  
 32 the treatment matters at issue.

33 "Attending physician" means the physician selected by or  
 34 assigned to the patient who has primary responsibility for

1 treatment and care of the patient and who is a licensed  
2 physician in Illinois. If more than one physician shares that  
3 responsibility, any of those physicians may act as the  
4 attending physician under this Act.

5 "Close friend" means any person 18 years of age or older  
6 who has exhibited special care and concern for the patient and  
7 who presents an affidavit to the attending physician stating  
8 that he or she (i) is a close friend of the patient, (ii) is  
9 willing and able to become involved in the patient's health  
10 care, and (iii) has maintained such regular contact with the  
11 patient as to be familiar with the patient's activities,  
12 health, and religious and moral beliefs. The affidavit must  
13 also state facts and circumstances that demonstrate that  
14 familiarity.

15 "Death" means when, according to accepted medical  
16 standards, there is (i) an irreversible cessation of  
17 circulatory and respiratory functions or (ii) an irreversible  
18 cessation of all functions of the entire brain, including the  
19 brain stem.

20 "Decisional capacity" means the ability to understand and  
21 appreciate the nature and consequences of a decision regarding  
22 medical treatment or forgoing life-sustaining treatment and  
23 the ability to reach and communicate an informed decision in  
24 the matter as determined by the attending physician.

25 "Forgo life-sustaining treatment" means to withhold,  
26 withdraw, or terminate all or any portion of life-sustaining  
27 treatment with knowledge that the patient's death is likely to  
28 result.

29 "Guardian" means a court appointed guardian of the person  
30 who serves as a representative of a minor or as a  
31 representative of a person under legal disability.

32 "Health care facility" means a type of health care provider  
33 commonly known by a wide variety of titles, including but not  
34 limited to, hospitals, medical centers, nursing homes,  
35 rehabilitation centers, long term or tertiary care facilities,  
36 and other facilities established to administer health care and

1 provide overnight stays in their ordinary course of business or  
2 practice.

3 "Health care provider" means a person that is licensed,  
4 certified, or otherwise authorized or permitted by the law of  
5 this State to administer health care in the ordinary course of  
6 business or practice of a profession, including, but not  
7 limited to, physicians, nurses, health care facilities, and any  
8 employee, officer, director, agent, or person under contract  
9 with such a person.

10 "Imminent" (as in "death is imminent") means a  
11 determination made by the attending physician according to  
12 accepted medical standards that death will occur in a  
13 relatively short period of time, even if life-sustaining  
14 treatment is initiated or continued.

15 "Life-sustaining treatment" means any medical treatment,  
16 procedure, or intervention that, in the judgment of the  
17 attending physician, when applied to a patient with a  
18 qualifying condition, would not be effective to remove the  
19 qualifying condition or would serve only to prolong the dying  
20 process. Those procedures can include, but are not limited to,  
21 assisted ventilation, renal dialysis, surgical procedures,  
22 blood transfusions, and the administration of drugs,  
23 antibiotics, and artificial nutrition and hydration.

24 "Minor" means an individual who is not an adult as defined  
25 in this Act.

26 "Parent" means a person who is the natural or adoptive  
27 mother or father of the child and whose parental rights have  
28 not been terminated by a court of law.

29 "Patient" means an adult or minor individual, unless  
30 otherwise specified, under the care or treatment of a licensed  
31 physician or other health care provider.

32 "Person" means an individual, a corporation, a business  
33 trust, a trust, a partnership, an association, a government, a  
34 governmental subdivision or agency, or any other legal entity.

35 "Qualifying condition" means the existence of one or more  
36 of the following conditions in a patient certified in writing

1 in the patient's medical record by the attending physician and  
2 by at least one other qualified physician:

3 (1) "Terminal condition" means an illness or injury for  
4 which there is no reasonable prospect of cure or recovery,  
5 death is imminent, and the application of life-sustaining  
6 treatment would only prolong the dying process.

7 (2) "Permanent unconsciousness" means a condition  
8 that, to a high degree of medical certainty, (i) will last  
9 permanently, without improvement, (ii) in which thought,  
10 sensation, purposeful action, social interaction, and  
11 awareness of self and environment are absent, and (iii) for  
12 which initiating or continuing life-sustaining treatment,  
13 in light of the patient's medical condition, provides only  
14 minimal medical benefit.

15 (3) "Incurable or irreversible condition" means an  
16 illness or injury (i) for which there is no reasonable  
17 prospect of cure or recovery, (ii) that ultimately will  
18 cause the patient's death even if life-sustaining  
19 treatment is initiated or continued, (iii) that imposes  
20 severe pain or otherwise imposes an inhumane burden on the  
21 patient, and (iv) for which initiating or continuing  
22 life-sustaining treatment, in light of the patient's  
23 medical condition, provides only minimal medical benefit.

24 The determination that a patient has a qualifying condition  
25 creates no presumption regarding the application or  
26 non-application of life-sustaining treatment. It is only after  
27 a determination by the attending physician that the patient has  
28 a qualifying condition that the surrogate decision maker may  
29 consider whether or not to forgo life-sustaining treatment. In  
30 making this decision, the surrogate shall weigh the burdens on  
31 the patient of initiating or continuing life-sustaining  
32 treatment against the benefits of that treatment.

33 "Qualified physician" means a physician licensed to  
34 practice medicine in all of its branches in Illinois who has  
35 personally examined the patient.

36 "Surrogate decision maker" means an adult individual or

1 individuals who (i) have decisional capacity, (ii) are  
2 available upon reasonable inquiry, (iii) are willing to make  
3 medical treatment decisions on behalf of a patient who lacks  
4 decisional capacity, and (iv) are identified by the attending  
5 physician in accordance with the provisions of this Act as the  
6 person or persons who are to make those decisions in accordance  
7 with the provisions of this Act.

8 (Source: P.A. 90-246, eff. 1-1-98; 90-538, eff. 12-1-97;  
9 90-655, eff. 7-30-98; revised 10-9-03.)

10 (755 ILCS 40/65)

11 Sec. 65. Do-not-resuscitate orders.

12 (a) An individual of sound mind and having reached the age  
13 of majority or having obtained the status of an emancipated  
14 person pursuant to the Emancipation of ~~Mature~~ Minors Act may  
15 execute a document (consistent with the Department of Public  
16 Health Uniform DNR Order Form) directing that resuscitating  
17 efforts shall not be implemented. Such an order may also be  
18 executed by an attending physician. Notwithstanding the  
19 existence of a DNR order, appropriate organ donation treatment  
20 may be applied or continued temporarily in the event of the  
21 patient's death, in accordance with subsection (g) of Section  
22 20 of this Act, if the patient is an organ donor.

23 (b) Consent to a DNR order may be obtained from the  
24 individual, or from another person at the individual's  
25 direction, or from the individual's legal guardian, agent under  
26 a power of attorney for health care, or surrogate decision  
27 maker, and witnessed by 2 individuals 18 years of age or older.

28 (c) The DNR order may, but need not, be in the form adopted  
29 by the Department of Public Health pursuant to Section 2310-600  
30 of the Department of Public Health Powers and Duties Law (20  
31 ILCS 2310/2310-600).

32 (d) A health care professional or health care provider may  
33 presume, in the absence of knowledge to the contrary, that a  
34 completed Department of Public Health Uniform DNR Order form or  
35 a copy of that form is a valid DNR order. A health care



1 professional or health care provider, or an employee of a  
2 health care professional or health care provider, who in good  
3 faith complies with a do-not-resuscitate order made in  
4 accordance with this Act is not, as a result of that  
5 compliance, subject to any criminal or civil liability, except  
6 for willful and wanton misconduct, and may not be found to have  
7 committed an act of unprofessional conduct.

8 (Source: P.A. 92-356, eff. 10-1-01; 93-794, eff. 7-22-04;  
9 revised 11-5-04.)

10 Section 612. The Illinois Anatomical Gift Act is amended by  
11 adding Section 5-27 (incorporating and renumbering Section 3.5  
12 of the Organ Donation Request Act from Public Act 93-888) as  
13 follows:

14 (755 ILCS 50/5-27)

15 Sec. 5-27 ~~3.5~~. Notification of patient; family rights and  
16 options.

17 (a) In this Section, "donation after cardiac death" means  
18 the donation of organs from a ventilated patient without a  
19 certification of brain death and with a do-not-resuscitate  
20 order, if a decision has been reached by the physician and the  
21 family to withdraw life support and if the donation does not  
22 occur until after the declaration of cardiac death.

23 (b) If (i) a potential organ donor, or an individual given  
24 authority under subsection (b) of Section 5-25 ~~2~~ to consent to  
25 an organ donation, expresses an interest in organ donation,  
26 (ii) there has not been a certification of brain death for the  
27 potential donor, and (iii) the potential donor is a patient at  
28 a hospital that does not allow donation after cardiac death,  
29 then the organ procurement agency shall inform the patient or  
30 the individual given authority to consent to organ donation  
31 that the hospital does not allow donation after cardiac death.

32 (c) In addition to providing oral notification, the organ  
33 procurement agency shall develop a written form that indicates  
34 to the patient or the individual given authority to consent to

1 organ donation, at a minimum, the following information:

2 (1) That the patient or the individual given authority  
3 to consent to organ donation has received literature and  
4 has been counseled by (representative's name) of the (organ  
5 procurement agency name).

6 (2) That all organ donation options have been explained  
7 to the patient or the individual given authority to consent  
8 to organ donation, including the option of donation after  
9 cardiac death.

10 (3) That the patient or the individual given authority  
11 to consent to organ donation is aware that the hospital  
12 where the potential donor is a patient does not allow  
13 donation after cardiac death.

14 (4) That the patient or the individual given authority  
15 to consent to organ donation has been informed of the right  
16 to request a patient transfer to a facility allowing  
17 donation after cardiac death.

18 (5) That the patient or the individual given authority  
19 to consent to organ donation has been informed of another  
20 hospital that will allow donation after cardiac death and  
21 will accept a patient transfer for the purpose of donation  
22 after cardiac death; and that the cost of transferring the  
23 patient to that other hospital will be covered by the organ  
24 procurement agency, with no additional cost to the patient  
25 or the individual given authority to consent to organ  
26 donation.

27 The form required under this subsection must include a  
28 place for the signatures of the patient or the individual given  
29 authority to consent to organ donation and the representative  
30 of the organ procurement agency and space to provide the date  
31 that the form was signed.

32 (Source: Incorporates P.A. 93-888, eff. 8-9-04; revised  
33 1-16-05.)

34 Section 615. The Business Corporation Act of 1983 is  
35 amended by changing Sections 15.10 and 15.95 as follows:

1 (805 ILCS 5/15.10) (from Ch. 32, par. 15.10)

2 Sec. 15.10. Fees for filing documents. The Secretary of  
3 State shall charge and collect for:

4 (a) Filing articles of incorporation, \$150.

5 (b) Filing articles of amendment, \$50, unless the amendment  
6 is a restatement of the articles of incorporation, in which  
7 case the fee shall be \$150.

8 (c) Filing articles of merger or consolidation, \$100, but  
9 if the merger or consolidation involves more than 2  
10 corporations, \$50 for each additional corporation.

11 (d) Filing articles of share exchange, \$100.

12 (e) Filing articles of dissolution, \$5.

13 (f) Filing application to reserve a corporate name, \$25.

14 (g) Filing a notice of transfer of a reserved corporate  
15 name, \$25.

16 (h) Filing statement of change of address of registered  
17 office or change of registered agent, or both, \$25.

18 (i) Filing statement of the establishment of a series of  
19 shares, \$25.

20 (j) Filing an application of a foreign corporation for  
21 authority to transact business in this State, \$150.

22 (k) Filing an application of a foreign corporation for  
23 amended authority to transact business in this State, \$25.

24 (l) Filing a copy of amendment to the articles of  
25 incorporation of a foreign corporation holding authority to  
26 transact business in this State, \$50, unless the amendment is a  
27 restatement of the articles of incorporation, in which case the  
28 fee shall be \$150.

29 (m) Filing a copy of articles of merger of a foreign  
30 corporation holding a certificate of authority to transact  
31 business in this State, \$100, but if the merger involves more  
32 than 2 corporations, \$50 for each additional corporation.

33 (n) Filing an application for withdrawal and final report  
34 or a copy of articles of dissolution of a foreign corporation,  
35 \$25.

1 (o) Filing an annual report, interim annual report, or  
2 final transition annual report of a domestic or foreign  
3 corporation, \$75.

4 (p) Filing an application for reinstatement of a domestic  
5 or a foreign corporation, \$200.

6 (q) Filing an application for use of an assumed corporate  
7 name, \$150 for each year or part thereof ending in 0 or 5, \$120  
8 for each year or part thereof ending in 1 or 6, \$90 for each  
9 year or part thereof ending in 2 or 7, \$60 for each year or part  
10 thereof ending in 3 or 8, \$30 for each year or part thereof  
11 ending in 4 or 9, between the date of filing the application  
12 and the date of the renewal of the assumed corporate name; and  
13 a renewal fee for each assumed corporate name, \$150.

14 (r) To change an assumed corporate name for the period  
15 remaining until the renewal date of the original assumed name,  
16 \$25.

17 (s) Filing an application for cancellation of an assumed  
18 corporate name, \$5.

19 (t) Filing an application to register the corporate name of  
20 a foreign corporation, \$50; and an annual renewal fee for the  
21 registered name, \$50.

22 (u) Filing an application for cancellation of a registered  
23 name of a foreign corporation, \$25.

24 (v) Filing a statement of correction, \$50.

25 (w) Filing a petition for refund or adjustment, \$5.

26 (x) Filing a statement of election of an extended filing  
27 month, \$25.

28 (y) Filing any other statement or report, \$5.

29 (Source: P.A. 92-33, eff. 7-1-01; 93-32, eff. 12-1-03; 93-59,  
30 eff. 7-1-03; revised 9-5-03.)

31 (805 ILCS 5/15.95) (from Ch. 32, par. 15.95)

32 Sec. 15.95. Department of Business Services Special  
33 Operations Fund.

34 (a) A special fund in the State treasury known as the  
35 Division of Corporations Special Operations Fund is renamed the

1 Department of Business Services Special Operations Fund.  
2 Moneys deposited into the Fund shall, subject to appropriation,  
3 be used by the Department of Business Services of the Office of  
4 the Secretary of State, hereinafter "Department", to create and  
5 maintain the capability to perform expedited services in  
6 response to special requests made by the public for same day or  
7 24 hour service. Moneys deposited into the Fund shall be used  
8 for, but not limited to, expenditures for personal services,  
9 retirement, social security, contractual services, equipment,  
10 electronic data processing, and telecommunications.

11 (b) The balance in the Fund at the end of any fiscal year  
12 shall not exceed \$600,000 and any amount in excess thereof  
13 shall be transferred to the General Revenue Fund.

14 (c) All fees payable to the Secretary of State under this  
15 Section shall be deposited into the Fund. No other fees or  
16 taxes collected under this Act shall be deposited into the  
17 Fund.

18 (d) "Expedited services" means services rendered within  
19 the same day, or within 24 hours from the time, the request  
20 therefor is submitted by the filer, law firm, service company,  
21 or messenger physically in person or, at the Secretary of  
22 State's discretion, by electronic means, to the Department's  
23 Springfield Office and includes requests for certified copies,  
24 photocopies, and certificates of good standing or fact made to  
25 the Department's Springfield Office in person or by telephone,  
26 or requests for certificates of good standing or fact made in  
27 person or by telephone to the Department's Chicago Office.

28 (e) Fees for expedited services shall be as follows:

29 Restatement of articles, \$200;

30 Merger, consolidation or exchange, \$200;

31 Articles of incorporation, \$100;

32 Articles of amendment, \$100;

33 Revocation of dissolution, \$100;

34 Reinstatement, \$100;

35 Application for authority, \$100;

36 Cumulative report of changes in issued shares or paid-in

1 capital, \$100;

2 Report following merger or consolidation, \$100;

3 Certificate of good standing or fact, \$20;

4 All other filings, copies of documents, annual reports  
5 filed on or after January 1, 1984, and copies of documents of  
6 dissolved or revoked corporations having a file number over  
7 5199, \$50.

8 (f) Expedited services shall not be available for a  
9 statement of correction, a petition for refund or adjustment,  
10 or a request involving annual reports filed before January 1,  
11 1984 or involving dissolved corporations with a file number  
12 below 5200.

13 (Source: P.A. 92-33, eff. 7-1-01; 93-32, eff. 9-1-03; 93-59,  
14 eff. 7-1-03; revised 9-5-03.)

15 Section 620. The Limited Liability Company Act is amended  
16 by changing Sections 1-25 and 50-10 as follows:

17 (805 ILCS 180/1-25)

18 Sec. 1-25. Nature of business. A limited liability company  
19 may be formed for any lawful purpose or business except:

20 (1) (blank);

21 (2) insurance unless, for the purpose of carrying on  
22 business as a member of a group including incorporated and  
23 individual unincorporated underwriters, the Director of  
24 Insurance finds that the group meets the requirements of  
25 subsection (3) of Section 86 of the Illinois Insurance Code  
26 and the limited liability company, if insolvent, is subject  
27 to liquidation by the Director of Insurance under Article  
28 XIII of the Illinois Insurance Code;

29 (3) the practice of dentistry unless all the members  
30 and managers are licensed as dentists under the Illinois  
31 Dental Practice Act; or

32 (4) the practice of medicine unless all the managers,  
33 if any, are licensed to practice medicine under the Medical  
34 Practice Act of 1987 and each member is either:

1 (A) licensed to practice medicine under the  
2 Medical Practice Act of 1987; or

3 (B) a registered medical corporation or  
4 corporations organized pursuant to the Medical  
5 Corporation Act; or

6 (C) a professional corporation organized pursuant  
7 to the Professional Service Corporation Act of  
8 physicians licensed to practice medicine in all its  
9 branches; or

10 (D) a limited liability company that satisfies the  
11 requirements of subparagraph (A), (B), or (C).

12 (Source: P.A. 92-144, eff. 7-24-01; 93-59, eff. 7-1-03; 93-561,  
13 eff. 1-1-04; revised 9-5-03.)

14 (805 ILCS 180/50-10)

15 Sec. 50-10. Fees.

16 (a) The Secretary of State shall charge and collect in  
17 accordance with the provisions of this Act and rules  
18 promulgated under its authority all of the following:

19 (1) Fees for filing documents.

20 (2) Miscellaneous charges.

21 (3) Fees for the sale of lists of filings and for  
22 copies of any documents.

23 (b) The Secretary of State shall charge and collect for all  
24 of the following:

25 (1) Filing articles of organization of limited  
26 liability companies (domestic), application for admission  
27 (foreign), and restated articles of organization  
28 (domestic), \$500.

29 (2) Filing amendments:

30 (A) For other than change of registered agent name  
31 or registered office, or both, \$150.

32 (B) For the purpose of changing the registered  
33 agent name or registered office, or both, \$35.

34 (3) Filing articles of dissolution or application for  
35 withdrawal, \$100.

- 1 (4) Filing an application to reserve a name, \$300.
- 2 (5) (Blank).
- 3 (6) Filing a notice of a transfer of a reserved name,
- 4 \$100.
- 5 (7) Registration of a name, \$300.
- 6 (8) Renewal of registration of a name, \$100.
- 7 (9) Filing an application for use of an assumed name
- 8 under Section 1-20 of this Act, \$150 for each year or part
- 9 thereof ending in 0 or 5, \$120 for each year or part
- 10 thereof ending in 1 or 6, \$90 for each year or part thereof
- 11 ending in 2 or 7, \$60 for each year or part thereof ending
- 12 in 3 or 8, \$30 for each year or part thereof ending in 4 or
- 13 9, and a renewal for each assumed name, \$150.
- 14 (10) Filing an application for change of an assumed
- 15 name, \$100.
- 16 (11) Filing an annual report of a limited liability
- 17 company or foreign limited liability company, \$250, if
- 18 filed as required by this Act, plus a penalty if
- 19 delinquent.
- 20 (12) Filing an application for reinstatement of a
- 21 limited liability company or foreign limited liability
- 22 company \$500.
- 23 (13) Filing Articles of Merger, \$100 plus \$50 for each
- 24 party to the merger in excess of the first 2 parties.
- 25 (14) Filing an Agreement of Conversion or Statement of
- 26 Conversion, \$100.
- 27 (15) Filing a statement of correction, \$25.
- 28 (16) Filing a petition for refund, \$15.
- 29 (17) Filing any other document, \$100.
- 30 (c) The Secretary of State shall charge and collect all of
- 31 the following:
  - 32 (1) For furnishing a copy or certified copy of any
  - 33 document, instrument, or paper relating to a limited
  - 34 liability company or foreign limited liability company, \$1
  - 35 per page, but not less than \$25, and \$25 for the
  - 36 certificate and for affixing the seal thereto.



1 (2) For the transfer of information by computer process  
2 media to any purchaser, fees established by rule.

3 (Source: P.A. 92-33, eff. 7-1-01; 93-32, eff. 12-1-03; 93-59,  
4 eff. 7-1-03; revised 9-5-03.)

5 Section 625. The Uniform Commercial Code is amended by  
6 changing Section 8-106 as follows:

7 (810 ILCS 5/8-106) (from Ch. 26, par. 8-106)

8 Sec. 8-106. Control.

9 (a) A purchaser has "control" of a certificated security in  
10 bearer form if the certificated security is delivered to the  
11 purchaser.

12 (b) A purchaser has "control" of a certificated security in  
13 registered form if the certificated security is delivered to  
14 the purchaser, and:

15 (1) the certificate is indorsed to the purchaser or in  
16 blank by an effective indorsement; or

17 (2) the certificate is registered in the name of the  
18 purchaser, upon original issue or registration of transfer  
19 by the issuer.

20 (c) A purchaser has "control" of an uncertificated security  
21 if:

22 (1) the uncertificated security is delivered to the  
23 purchaser; or

24 (2) the issuer has agreed that it will comply with  
25 instructions originated by the purchaser without further  
26 consent by the registered owner. ~~or~~

27 ~~(3) another person has control of the security~~  
28 ~~entitlement on behalf of the purchaser or, having~~  
29 ~~previously acquired control of the security entitlement,~~  
30 ~~acknowledges that it has control on behalf of the~~  
31 ~~purchaser.~~

32 (d) A purchaser has "control" of a security entitlement if:

33 (1) the purchaser becomes the entitlement holder; ~~or~~

34 (2) the securities intermediary has agreed that it will

1           comply with entitlement orders originated by the purchaser  
2           without further consent by the entitlement holder; ~~or~~.

3           (3) another person has control of the security  
4           entitlement on behalf of the purchaser or, having  
5           previously acquired control of the security entitlement,  
6           acknowledges that it has control on behalf of the  
7           purchaser.

8           (e) If an interest in a security entitlement is granted by  
9           the entitlement holder to the entitlement holder's own  
10          securities intermediary, the securities intermediary has  
11          control.

12          (f) A purchaser who has satisfied the requirements of  
13          subsection (c) or (d) has control even if the registered owner  
14          in the case of subsection (c) or the entitlement holder in the  
15          case of subsection (d) retains the right to make substitutions  
16          for the uncertificated security or security entitlement, to  
17          originate instructions or entitlement orders to the issuer or  
18          securities intermediary, or otherwise to deal with the  
19          uncertificated security or security entitlement.

20          (g) An issuer or a securities intermediary may not enter  
21          into an agreement of the kind described in subsection (c) (2) or  
22          (d) (2) without the consent of the registered owner or  
23          entitlement holder, but an issuer or a securities intermediary  
24          is not required to enter into such an agreement even though the  
25          registered owner or entitlement holder so directs. An issuer or  
26          securities intermediary that has entered into such an agreement  
27          is not required to confirm the existence of the agreement to  
28          another party unless requested to do so by the registered owner  
29          or entitlement holder.

30          (Source: P.A. 91-893, eff. 7-1-01; revised 2-27-02.)

31          Section 630. The Consumer Fraud and Deceptive Business  
32          Practices Act is amended by setting forth and renumbering  
33          multiple versions of Sections 2MM and 2QQ as follows:

34                 (815 ILCS 505/2MM)

1           Sec. 2MM. Verification of accuracy of credit reporting  
2 information used to extend consumers credit.

3           (a) A credit card issuer who mails an offer or solicitation  
4 to apply for a credit card and who receives a completed  
5 application in response to the offer or solicitation which  
6 lists an address that is not substantially the same as the  
7 address on the offer or solicitation may not issue a credit  
8 card based on that application until reasonable steps have been  
9 taken to verify the applicant's change of address.

10           (b) Any person who uses a consumer credit report in  
11 connection with the approval of credit based on the application  
12 for an extension of credit, and who has received notification  
13 of a police report filed with a consumer reporting agency that  
14 the applicant has been a victim of financial identity theft, as  
15 defined in Section 16G-15 of the Criminal Code of 1961, may not  
16 lend money or extend credit without taking reasonable steps to  
17 verify the consumer's identity and confirm that the application  
18 for an extension of credit is not the result of financial  
19 identity theft.

20           (c) For purposes of this Section, "extension of credit"  
21 does not include an increase in an existing open-end credit  
22 plan, as defined in Regulation Z of the Federal Reserve System  
23 (12 C.F.R. 226.2), or any change to or review of an existing  
24 credit account.

25           (d) Any person who violates subsection (a) or subsection  
26 (b) commits an unlawful practice within the meaning of this  
27 Act.

28           (Source: P.A. 93-195, eff. 1-1-04.)

29           (815 ILCS 505/2NN)

30           Sec. 2NN ~~2MM~~. Receipts; credit card and debit card account  
31 numbers.

32           (a) Definitions. As used in this Section:

33           "Cardholder" has the meaning ascribed to it in Section 2.02  
34 of the Illinois Credit Card and Debit Card Act.

35           "Credit card" has the meaning ascribed to it in Section

1 2.03 of the Illinois Credit Card and Debit Card Act.

2 "Debit card" has the meaning ascribed to it in Section 2.15  
3 of the Illinois Credit Card and Debit Card Act.

4 "Issuer" has the meaning ascribed to it in Section 2.08 of  
5 the Illinois Credit Card and Debit Card Act.

6 "Person" has the meaning ascribed to it in Section 2.09 of  
7 the Illinois Credit Card and Debit Card Act.

8 "Provider" means a person who furnishes money, goods,  
9 services, or anything else of value upon presentation, whether  
10 physically, in writing, verbally, electronically, or  
11 otherwise, of a credit card or debit card by the cardholder, or  
12 any agent or employee of that person.

13 (b) Except as otherwise provided in this Section, no  
14 provider may print or otherwise produce or reproduce or permit  
15 the printing or other production or reproduction of the  
16 following: (i) any part of the credit card or debit card  
17 account number, other than the last 4 digits or other  
18 characters, (ii) the credit card or debit card expiration date  
19 on any receipt provided or made available to the cardholder.

20 (c) This Section does not apply to a credit card or debit  
21 card transaction in which the sole means available to the  
22 provider of recording the credit card or debit card account  
23 number is by handwriting or by imprint of the card.

24 (d) This Section does not apply to receipts issued for  
25 transactions on the electronic benefits transfer card system in  
26 accordance with 7 CFR 274.12(g)(3).

27 (e) A violation of this Section constitutes an unlawful  
28 practice within the meaning of this Act.

29 (f) This Section is operative on January 1, 2005.

30 (Source: P.A. 93-231, eff. 1-1-04; revised 9-26-03.)

31 (815 ILCS 505/2PP)

32 Sec. 2PP ~~2MM~~. Mail; disclosure. It is an unlawful practice  
33 under this Act to knowingly mail or send or cause to be mailed  
34 or sent a postcard or letter to a recipient in this State if:

35 (1) the postcard or letter contains a request that the

1 recipient call a telephone number; and

2 (2) the postcard or letter is mailed or sent to induce  
3 the recipient to call the telephone number so that goods,  
4 services, or other merchandise, as defined in Section 1,  
5 may be offered for sale to the recipient; and

6 (3) the postcard or letter does not disclose that  
7 goods, services, or other merchandise, as defined in  
8 Section 1, may be offered for sale if the recipient calls  
9 the telephone number.

10 (Source: P.A. 93-459, eff. 1-1-04; revised 9-26-03.)

11 (815 ILCS 505/200)

12 Sec. 200. Insurance cards; social security number.

13 (a) As used in this Section, "insurance card" means a card  
14 that a person or entity provides to an individual so that the  
15 individual may present the card to establish the eligibility of  
16 the individual or his or her dependents to receive health,  
17 dental, optical, or accident insurance benefits, prescription  
18 drug benefits, or benefits under a managed care plan or a plan  
19 provided by a health maintenance organization, a health  
20 services plan corporation, or a similar entity.

21 (b) A person or entity may not print an individual's social  
22 security number on an insurance card. A person or entity that  
23 provides an insurance card must print on the card an  
24 identification number unique to the holder of the card in the  
25 format prescribed by Section 15 of the Uniform Prescription  
26 Drug Information Card Act.

27 (c) An insurance card issued to an individual before the  
28 effective date of this amendatory Act of the 93rd General  
29 Assembly that does not comply with subsection (b) must be  
30 replaced by January 1, 2006 with an insurance card that  
31 complies with subsection (b) if the individual's eligibility  
32 for benefits continues after the effective date of this  
33 amendatory Act of the 93rd General Assembly.

34 (d) A violation of this Section constitutes an unlawful  
35 practice within the meaning of this Act.

1 (Source: P.A. 93-728, eff. 1-1-05.)

2 (815 ILCS 505/2RR)

3 (This Section may contain text from a Public Act with a  
4 delayed effective date)

5 Sec. 2RR 200. Use of Social Security numbers.

6 (a) Except as otherwise provided in this Section, a person  
7 may not do any of the following:

8 (1) Publicly post or publicly display in any manner an  
9 individual's social security number. As used in this  
10 Section, "publicly post" or "publicly display" means to  
11 intentionally communicate or otherwise make available to  
12 the general public.

13 (2) Print an individual's social security number on any  
14 card required for the individual to access products or  
15 services provided by the person or entity; however, a  
16 person or entity that provides an insurance card must print  
17 on the card an identification number unique to the holder  
18 of the card in the format prescribed by Section 15 of the  
19 Uniform Prescription Drug Information Card Act.

20 (3) Require an individual to transmit his or her social  
21 security number over the Internet, unless the connection is  
22 secure or the social security number is encrypted.

23 (4) Require an individual to use his or her social  
24 security number to access an Internet web site, unless a  
25 password or unique personal identification number or other  
26 authentication device is also required to access the  
27 Internet Web site.

28 (5) Print an individual's social security number on any  
29 materials that are mailed to the individual, unless State  
30 or federal law requires the social security number to be on  
31 the document to be mailed. Notwithstanding any provision in  
32 this Section to the contrary, social security numbers may  
33 be included in applications and forms sent by mail,  
34 including documents sent as part of an application or  
35 enrollment process or to establish, amend, or terminate an

1 account, contract, or policy or to confirm the accuracy of  
2 the social security number. A social security number that  
3 may permissibly be mailed under this Section may not be  
4 printed, in whole or in part, on a postcard or other mailer  
5 that does not require an envelope or be visible on an  
6 envelope or visible without the envelope having been  
7 opened.

8 (b) A person that used, before July 1, 2005, an  
9 individual's social security number in a manner inconsistent  
10 with subsection (a) may continue using that individual's social  
11 security number in the same manner on or after July 1, 2005 if  
12 all of the following conditions are met:

13 (1) The use of the social security number is  
14 continuous. If the use is stopped for any reason,  
15 subsection (a) shall apply.

16 (2) The individual is provided an annual disclosure  
17 that informs the individual that he or she has the right to  
18 stop the use of his or her social security number in a  
19 manner prohibited by subsection (a).

20 A written request by an individual to stop the use of his  
21 or her social security number in a manner prohibited by  
22 subsection (a) shall be implemented within 30 days of the  
23 receipt of the request. There shall be no fee or charge for  
24 implementing the request. A person shall not deny services to  
25 an individual because the individual makes such a written  
26 request.

27 (c) This Section does not apply to the collection, use, or  
28 release of a social security number as required by State or  
29 federal law or the use of a social security number for internal  
30 verification or administrative purposes. This Section does not  
31 apply to the collection, use, or release of a social security  
32 number by the State, a subdivision of the State, or an  
33 individual in the employ of the State or a subdivision of the  
34 State in connection with his or her official duties.

35 (d) This Section does not apply to documents that are  
36 recorded or required to be open to the public under State or

1 federal law, applicable case law, Supreme Court Rule, or the  
2 Constitution of the State of Illinois.

3 (e) If a federal law takes effect requiring the United  
4 States Department of Health and Human Services to establish a  
5 national unique patient health identifier program, any person  
6 who complies with the federal law shall be deemed to be in  
7 compliance with this Section.

8 (f) A person may not encode or embed a social security  
9 number in or on a card or document, including, but not limited  
10 to, using a bar code, chip, magnetic strip, or other  
11 technology, in place of removing the social security number as  
12 required by this Section.

13 (g) Any person who violates this Section commits an  
14 unlawful practice within the meaning of this Act.

15 (Source: P.A. 93-739, eff. 7-1-06; revised 11-10-04.)

16 (815 ILCS 505/2SS)

17 Sec. 2SS ~~200~~. Gift certificates.

18 (a) "Gift certificate" means a record evidencing a promise,  
19 made for consideration, by the seller or issuer of the record  
20 that goods or services will be provided to the holder of the  
21 record for the value shown in the record and includes, but is  
22 not limited to, a record that contains a microprocessor chip,  
23 magnetic stripe or other means for the storage of information  
24 that is prefunded and for which the value is decremented upon  
25 each use, a gift card, an electronic gift card, stored-value  
26 card or certificate, a store card or a similar record or card.  
27 For purposes of this Act, the term "gift certificate" does not  
28 include any of the following:

29 (i) prepaid telecommunications and technology cards  
30 including, but not limited to, prepaid telephone calling  
31 cards, prepaid technical support cards, and prepaid  
32 Internet disks that are distributed to or purchased by a  
33 consumer;

34 (ii) prepaid telecommunications and technology cards  
35 including, but not limited to, prepaid telephone calling



1 cards, prepaid technical support cards, and prepaid  
2 Internet disks that are provided to a consumer pursuant to  
3 any award, loyalty, or promotion program without any money  
4 or other thing of value being given in exchange for the  
5 card; or

6 (iii) any gift certificate usable with multiple  
7 sellers of goods or services.

8 (b) Any gift certificate subject to a fee must contain a  
9 statement clearly and conspicuously printed on the gift  
10 certificate stating whether there is a fee, the amount of the  
11 fee, how often the fee will occur, that the fee is triggered by  
12 inactivity of the gift certificate, and at what point the fee  
13 will be charged. The statement may appear on the front or back  
14 of the gift certificate in a location where it is visible to  
15 any purchaser prior to the purchase.

16 (c) Any gift certificate subject to an expiration date must  
17 contain a statement clearly and conspicuously printed on the  
18 gift certificate stating the expiration date. The statement may  
19 appear on the front or back of the gift certificate in a  
20 location where it is visible to any purchaser prior to the  
21 purchase.

22 (d) Subsection (c) does not apply to any gift certificate  
23 that contains a toll free phone number and a statement clearly  
24 and conspicuously printed on the gift certificate stating that  
25 holders can call the toll free number to find out the balance  
26 on the gift certificate, if applicable, and the expiration  
27 date. The toll free number and statement may appear on the  
28 front or back of the gift certificate in a location where it is  
29 visible to any purchaser prior to the purchase.

30 (e) This Section does not apply to any of the following  
31 gift certificates:

32 (i) Gift certificates that are distributed by the  
33 issuer to a consumer pursuant to an awards, loyalty, or  
34 promotional program without any money or thing of value  
35 being given in exchange for the gift certificate by the  
36 consumer.

1           (ii) Gift certificates that are sold below face value  
2           at a volume discount to employers or to nonprofit and  
3           charitable organizations for fundraising purposes if the  
4           expiration date on those gift certificates is not more than  
5           30 days after the date of sale.

6           (iii) Gift certificates that are issued for a food  
7           product.

8           (Source: P.A. 93-945, eff. 1-1-05; revised 11-10-04.)

9           (815 ILCS 505/2TT)

10          Sec. 2TT ~~200~~. Prepaid calling service.

11          (a) For purposes of this Section ~~200~~, the terms "Prepaid  
12          Calling Service", "Prepaid Calling Service Provider", "Prepaid  
13          Calling Service Retailer", and "Prepaid Calling Service  
14          Reseller" shall have the same definitions as those in Sections  
15          13-230, 13-231, 13-232, and 13-233, respectively, of the Public  
16          Utilities Act.

17          For the purposes of this Section, "international preferred  
18          destination" means a prepaid calling service that advertises a  
19          specific international destination either on the card, the  
20          packaging material accompanying the card, or through an  
21          offering of sale of the service.

22          (b) On and after July 1, 2005, it is an unlawful practice  
23          under this Act for any prepaid calling service provider or  
24          prepaid calling service reseller to sell or offer to sell  
25          prepaid calling service to any prepaid calling service retailer  
26          unless the prepaid calling service provider has applied for and  
27          received a Certificate of Prepaid Calling Service Provider  
28          Authority from the Illinois Commerce Commission pursuant to the  
29          Public Utilities Act and the prepaid calling service provider  
30          or prepaid calling service reseller shows proof of the prepaid  
31          calling service provider's Certificate of Prepaid Calling  
32          Service Provider Authority to the prepaid calling service  
33          retailer.

34          (c) On and after July 1, 2005, it is an unlawful practice  
35          under this Act for any prepaid calling service retailer to sell

1 or offer to sell prepaid calling service to any consumer unless  
2 the prepaid calling service retailer retains proof of  
3 certification of the prepaid calling service provider by the  
4 Illinois Commerce Commission pursuant to the Public Utilities  
5 Act. The prepaid calling service retailer must retain proof of  
6 certification for one year or the duration of the contract with  
7 the reseller, whichever is longer. A prepaid calling service  
8 retailer with multiple locations selling prepaid calling cards  
9 under contract with a prepaid calling service provider may keep  
10 the certification at a central location provided, however, that  
11 the prepaid calling service retailer make a copy of the  
12 certification available upon reasonable request within 48  
13 hours.

14 (d) On and after July 1, 2005, no prepaid calling service  
15 provider or prepaid calling service reseller shall sell or  
16 offer to sell prepaid calling service, as those terms are  
17 defined in Article XIII of the Public Utilities Act, to any  
18 Illinois consumer, either directly or through a prepaid calling  
19 service retailer, unless the following disclosures are made  
20 clearly and conspicuously:

21 (1) At a minimum, the following terms and conditions  
22 shall be disclosed clearly and conspicuously on the prepaid  
23 calling card, if applicable:

24 (A) the full name of the Prepaid Calling Service  
25 Provider as certificated by the Illinois Commerce  
26 Commission;

27 (B) the toll-free customer service number;

28 (C) an access number that is toll-free or a number  
29 local to the prepaid calling retailer; and

30 (D) the refund policy or a statement that the  
31 refund policy is located on the packaging materials.

32 (2) At a minimum, all the material terms and conditions  
33 pertaining to the specific prepaid calling card shall be  
34 disclosed clearly and conspicuously on the packaging  
35 materials accompanying the prepaid calling card including,  
36 but not limited to, the following, if applicable:

1 (A) the value of the card in minutes or the  
2 domestic rate per minute of the card;

3 (B) all surcharges and fees applicable to the use  
4 of the domestic prepaid calling service;

5 (C) all applicable rates for international  
6 preferred destinations;

7 (D) all applicable surcharges and fees for  
8 international preferred destinations;

9 (E) a disclosure statement indicating that all  
10 rates, surcharges, and fees applicable to  
11 international calls are available through the  
12 toll-free customer service number and a statement  
13 disclosing if international rates vary from domestic  
14 rates; and

15 (F) the expiration policy.

16 (3) At a minimum, the following information shall be  
17 disclosed clearly and conspicuously and accurately through  
18 the toll-free customer service telephone number through  
19 which the customer is able to speak with a live customer  
20 service representative:

21 (A) the Illinois Commerce Commission certificate  
22 number of the Prepaid Calling Service Provider;

23 (B) all applicable rates, terms, surcharges, and  
24 fees for domestic and international calls;

25 (C) all information necessary to determine the  
26 cost of a given call;

27 (D) the balance of use in the consumer's account;  
28 and

29 (E) the applicable expiration date or period.

30 The disclosures required under this subsection (d) do not  
31 apply to the recharging of dollars or minutes to a previously  
32 purchased card allowing prepaid calling service.

33 (Source: P.A. 93-1002, eff. 1-1-05; revised 11-10-04.)

34 (815 ILCS 505/2UU)

35 Sec. 2UU ~~209~~. Internet service; cancellation.

1 (a) As used in this Section:

2 "Internet service provider" means a person who provides a  
3 service that combines computer processing, information  
4 storage, protocol conversion, and routing with transmission to  
5 enable a consumer to access Internet content and services.

6 (b) This Section applies only to agreements under which an  
7 Internet service provider provides service to consumers, for  
8 home and personal use, for a one-year term that is  
9 automatically renewed for another one-year term unless a  
10 consumer cancels the service.

11 (c) An Internet service provider must give a consumer who  
12 is an Illinois resident the following: (1) a secure method at  
13 the Internet service provider's web site that the consumer may  
14 use to cancel the service, which method shall not require the  
15 consumer to make a telephone call or send U.S. Postal Service  
16 mail to effectuate the cancellation; and (2) instructions that  
17 the consumer may follow to cancel the service at the Internet  
18 service provider's web site.

19 (d) A person who violates this Section commits an unlawful  
20 practice within the meaning of this Act.

21 (Source: P.A. 93-1016, eff. 1-1-05; revised 11-10-04.)

22 Section 635. The Prevailing Wage Act is amended by changing  
23 Sections 2 and 4 as follows:

24 (820 ILCS 130/2) (from Ch. 48, par. 39s-2)

25 Sec. 2. This Act applies to the wages of laborers,  
26 mechanics and other workers employed in any public works, as  
27 hereinafter defined, by any public body and to anyone under  
28 contracts for public works.

29 As used in this Act, unless the context indicates  
30 otherwise:

31 "Public works" means all fixed works constructed by any  
32 public body, other than work done directly by any public  
33 utility company, whether or not done under public supervision  
34 or direction, or paid for wholly or in part out of public

1 funds. "Public works" as defined herein includes all projects  
2 financed in whole or in part with bonds issued under the  
3 Industrial Project Revenue Bond Act (Article 11, Division 74 of  
4 the Illinois Municipal Code), the Industrial Building Revenue  
5 Bond Act, the Illinois Finance Authority Act, the Illinois  
6 Sports Facilities Authority Act, or the Build Illinois Bond  
7 Act, and all projects financed in whole or in part with loans  
8 or other funds made available pursuant to the Build Illinois  
9 Act. "Public works" also includes all projects financed in  
10 whole or in part with funds from the Fund for Illinois' Future  
11 under Section 6z-47 of the State Finance Act, funds for school  
12 construction under Section 5 of the General Obligation Bond  
13 Act, funds authorized under Section 3 of the School  
14 Construction Bond Act, funds for school infrastructure under  
15 Section 6z-45 of the State Finance Act, and funds for  
16 transportation purposes under Section 4 of the General  
17 Obligation Bond Act. "Public works" also includes all projects  
18 financed in whole or in part with funds from the Department of  
19 Commerce and Economic Opportunity ~~Community Affairs~~ under the  
20 Illinois Renewable Fuels Development Program Act for which  
21 there is no project labor agreement.

22 "Construction" means all work on public works involving  
23 laborers, workers or mechanics.

24 "Locality" means the county where the physical work upon  
25 public works is performed, except (1) that if there is not  
26 available in the county a sufficient number of competent  
27 skilled laborers, workers and mechanics to construct the public  
28 works efficiently and properly, "locality" includes any other  
29 county nearest the one in which the work or construction is to  
30 be performed and from which such persons may be obtained in  
31 sufficient numbers to perform the work and (2) that, with  
32 respect to contracts for highway work with the Department of  
33 Transportation of this State, "locality" may at the discretion  
34 of the Secretary of the Department of Transportation be  
35 construed to include two or more adjacent counties from which  
36 workers may be accessible for work on such construction.

1 "Public body" means the State or any officer, board or  
2 commission of the State or any political subdivision or  
3 department thereof, or any institution supported in whole or in  
4 part by public funds, and includes every county, city, town,  
5 village, township, school district, irrigation, utility,  
6 reclamation improvement or other district and every other  
7 political subdivision, district or municipality of the state  
8 whether such political subdivision, municipality or district  
9 operates under a special charter or not.

10 The terms "general prevailing rate of hourly wages",  
11 "general prevailing rate of wages" or "prevailing rate of  
12 wages" when used in this Act mean the hourly cash wages plus  
13 fringe benefits for training and apprenticeship programs  
14 approved by the U.S. Department of Labor, Bureau of  
15 Apprenticeship and Training, health and welfare, insurance,  
16 vacations and pensions paid generally, in the locality in which  
17 the work is being performed, to employees engaged in work of a  
18 similar character on public works.

19 (Source: P.A. 92-16, eff. 6-28-01; 93-15, eff. 6-11-03; 93-16,  
20 eff. 1-1-04; 93-205, eff. 1-1-04; revised 1-12-04.)

21 (820 ILCS 130/4) (from Ch. 48, par. 39s-4)

22 Sec. 4. (a) The public body awarding any contract for  
23 public work or otherwise undertaking any public works, shall  
24 ascertain the general prevailing rate of hourly wages in the  
25 locality in which the work is to be performed, for each craft  
26 or type of worker or mechanic needed to execute the contract,  
27 and where the public body performs the work without letting a  
28 contract therefor, shall ascertain the prevailing rate of wages  
29 on a per hour basis in the locality, and such public body shall  
30 specify in the resolution or ordinance and in the call for bids  
31 for the contract, that the general prevailing rate of wages in  
32 the locality for each craft or type of worker or mechanic  
33 needed to execute the contract or perform such work, also the  
34 general prevailing rate for legal holiday and overtime work, as  
35 ascertained by the public body or by the Department of Labor

1 shall be paid for each craft or type of worker needed to  
2 execute the contract or to perform such work, and it shall be  
3 mandatory upon the contractor to whom the contract is awarded  
4 and upon any subcontractor under him, and where the public body  
5 performs the work, upon the public body, to pay not less than  
6 the specified rates to all laborers, workers and mechanics  
7 employed by them in the execution of the contract or such work;  
8 provided, however, that if the public body desires that the  
9 Department of Labor ascertain the prevailing rate of wages, it  
10 shall notify the Department of Labor to ascertain the general  
11 prevailing rate of hourly wages for work under contract, or for  
12 work performed by a public body without letting a contract as  
13 required in the locality in which the work is to be performed,  
14 for each craft or type of worker or mechanic needed to execute  
15 the contract or project or work to be performed. Upon such  
16 notification the Department of Labor shall ascertain such  
17 general prevailing rate of wages, and certify the prevailing  
18 wage to such public body. The public body awarding the contract  
19 shall cause to be inserted in the project specifications and  
20 the contract a stipulation to the effect that not less than the  
21 prevailing rate of wages as found by the public body or  
22 Department of Labor or determined by the court on review shall  
23 be paid to all laborers, workers and mechanics performing work  
24 under the contract.

25 (b) It shall also be mandatory upon the contractor to whom  
26 the contract is awarded to insert into each subcontract and  
27 into the project specifications for each subcontract a written  
28 stipulation to the effect that not less than the prevailing  
29 rate of wages shall be paid to all laborers, workers, and  
30 mechanics performing work under the contract. It shall also be  
31 mandatory upon each subcontractor to cause to be inserted into  
32 each lower tiered subcontract and into the project  
33 specifications for each lower tiered subcontract a stipulation  
34 to the effect that not less than the prevailing rate of wages  
35 shall be paid to all laborers, workers, and mechanics  
36 performing work under the contract. A contractor or



1 subcontractor who fails to comply with this subsection (b) is  
2 in violation of this Act.

3 (c) It shall also require in all such contractor's bonds  
4 that the contractor include such provision as will guarantee  
5 the faithful performance of such prevailing wage clause as  
6 provided by contract. All bid specifications shall list the  
7 specified rates to all laborers, workers and mechanics in the  
8 locality for each craft or type of worker or mechanic needed to  
9 execute the contract.

10 (d) If the Department of Labor revises the prevailing rate  
11 of hourly wages to be paid by the public body, the revised rate  
12 shall apply to such contract, and the public body shall be  
13 responsible to notify the contractor and each subcontractor, of  
14 the revised rate.

15 (e) Two or more investigatory hearings under this Section  
16 on the issue of establishing a new prevailing wage  
17 classification for a particular craft or type of worker shall  
18 be consolidated in a single hearing before the Department. Such  
19 consolidation shall occur whether each separate investigatory  
20 hearing is conducted by a public body or the Department. The  
21 party requesting a consolidated investigatory hearing shall  
22 have the burden of establishing that there is no existing  
23 prevailing wage classification for the particular craft or type  
24 of worker in any of the localities under consideration.

25 (f) It shall be mandatory upon the contractor or  
26 construction manager to whom a contract for public works is  
27 awarded to post, at a location on the project site of the  
28 public works that is easily accessible to the workers engaged  
29 on the project, the prevailing wage rates for each craft or  
30 type of worker or mechanic needed to execute the contract or  
31 project or work to be performed. A failure to post a prevailing  
32 wage rate as required by this Section is a violation of this  
33 Act.

34 (Source: P.A. 92-783, eff. 8-6-02; 93-15, eff. 6-11-03; 93-16,  
35 eff. 1-1-04; 93-38, eff. 6-1-04; revised 10-29-04.)

1 Section 640. The Workers' Compensation Act is amended by  
2 changing Section 4d as follows:

3 (820 ILCS 305/4d)

4 Sec. 4d. Illinois Workers' Compensation Commission  
5 Operations Fund Fee.

6 (a) As of the effective date of this amendatory Act of the  
7 93rd General Assembly, each employer that self-insures its  
8 liabilities arising under this Act or Workers' Occupational  
9 Diseases Act shall pay a fee measured by the annual actual  
10 wages paid in this State of such an employer in the manner  
11 provided in this Section. Such proceeds shall be deposited in  
12 the Illinois Workers' Compensation Commission Operations Fund.  
13 If an employer survives or was formed by a merger,  
14 consolidation, reorganization, or reincorporation, the actual  
15 wages paid in this State of all employers party to the merger,  
16 consolidation, reorganization, or reincorporation shall, for  
17 purposes of determining the amount of the fee imposed by this  
18 Section, be regarded as those of the surviving or new employer.

19 (b) Beginning on July 30, 2004 (the effective date of  
20 Public Act 93-840) ~~this amendatory Act of 2004~~ and on July 1 of  
21 each year thereafter, the Chairman shall charge and collect an  
22 annual Illinois Workers' Compensation Commission Operations  
23 Fund Fee from every employer subject to subsection (a) of this  
24 Section equal to 0.0075% of its annual actual wages paid in  
25 this State as reported in each employer's annual self-insurance  
26 renewal filed for the previous year as required by Section 4 of  
27 this Act and Section 4 of the Workers' Occupational Diseases  
28 Act. All sums collected by the Commission under the provisions  
29 of this Section shall be paid promptly after the receipt of the  
30 same, accompanied by a detailed statement thereof, into the  
31 Illinois Workers' Compensation Commission Operations Fund. The  
32 fee due pursuant to Public Act 93-840 ~~this amendatory Act of~~  
33 ~~2004~~ shall be collected instead of the fee due on July 1, 2004  
34 under Public Act 93-32. Payment of the fee due under Public Act  
35 93-840 ~~this amendatory Act of 2004~~ shall discharge the

1 employer's obligations due on July 1, 2004.

2 (c) In addition to the authority specifically granted under  
3 Section 16, the Chairman shall have such authority to adopt  
4 rules or establish forms as may be reasonably necessary for  
5 purposes of enforcing this Section. The Commission shall have  
6 authority to defer, waive, or abate the fee or any penalties  
7 imposed by this Section if in the Commission's opinion the  
8 employer's solvency and ability to meet its obligations to pay  
9 workers' compensation benefits would be immediately threatened  
10 by payment of the fee due.

11 (d) When an employer fails to pay the full amount of any  
12 annual Illinois Workers' Compensation Commission Operations  
13 Fund Fee of \$100 or more due under this Section, there shall be  
14 added to the amount due as a penalty the greater of \$1,000 or  
15 an amount equal to 5% of the deficiency for each month or part  
16 of a month that the deficiency remains unpaid.

17 (e) The Commission may enforce the collection of any  
18 delinquent payment, penalty or portion thereof by legal action  
19 or in any other manner by which the collection of debts due the  
20 State of Illinois may be enforced under the laws of this State.

21 (f) Whenever it appears to the satisfaction of the Chairman  
22 that an employer has paid pursuant to this Act an Illinois  
23 Workers' Compensation Commission Operations Fund Fee in an  
24 amount in excess of the amount legally collectable from the  
25 employer, the Chairman shall issue a credit memorandum for an  
26 amount equal to the amount of such overpayment. A credit  
27 memorandum may be applied for the 2-year period from the date  
28 of issuance against the payment of any amount due during that  
29 period under the fee imposed by this Section or, subject to  
30 reasonable rule of the Commission including requirement of  
31 notification, may be assigned to any other employer subject to  
32 regulation under this Act. Any application of credit memoranda  
33 after the period provided for in this Section is void.

34 (Source: P.A. 93-32, eff. 6-20-03; 93-721, eff. 1-1-05; 93-840,  
35 eff. 7-30-04; revised 10-25-04.)

1 Section 645. The Workers' Occupational Diseases Act is  
2 amended by changing Section 1 as follows:

3 (820 ILCS 310/1) (from Ch. 48, par. 172.36)

4 Sec. 1. This Act shall be known and may be cited as the  
5 "Workers' Occupational Diseases Act".

6 (a) The term "employer" as used in this Act shall be  
7 construed to be:

8 1. The State and each county, city, town, township,  
9 incorporated village, school district, body politic, or  
10 municipal corporation therein.

11 2. Every person, firm, public or private corporation,  
12 including hospitals, public service, eleemosynary,  
13 religious or charitable corporations or associations, who  
14 has any person in service or under any contract for hire,  
15 express or implied, oral or written.

16 3. Where an employer operating under and subject to the  
17 provisions of this Act loans an employee to another such  
18 employer and such loaned employee sustains a compensable  
19 occupational disease in the employment of such borrowing  
20 employer and where such borrowing employer does not provide  
21 or pay the benefits or payments due such employee, such  
22 loaning employer shall be liable to provide or pay all  
23 benefits or payments due such employee under this Act and  
24 as to such employee the liability of such loaning and  
25 borrowing employers shall be joint and several, provided  
26 that such loaning employer shall in the absence of  
27 agreement to the contrary be entitled to receive from such  
28 borrowing employer full reimbursement for all sums paid or  
29 incurred pursuant to this paragraph together with  
30 reasonable attorneys' fees and expenses in any hearings  
31 before the Illinois Workers' Compensation Commission or in  
32 any action to secure such reimbursement. Where any benefit  
33 is provided or paid by such loaning employer, the employee  
34 shall have the duty of rendering reasonable co-operation in  
35 any hearings, trials or proceedings in the case, including

1 such proceedings for reimbursement.

2 Where an employee files an Application for Adjustment  
3 of Claim with the Illinois Workers' Compensation  
4 Commission alleging that his or her claim is covered by the  
5 provisions of the preceding paragraph, and joining both the  
6 alleged loaning and borrowing employers, they and each of  
7 them, upon written demand by the employee and within 7 days  
8 after receipt of such demand, shall have the duty of filing  
9 with the Illinois Workers' Compensation Commission a  
10 written admission or denial of the allegation that the  
11 claim is covered by the provisions of the preceding  
12 paragraph and in default of such filing or if any such  
13 denial be ultimately determined not to have been bona fide  
14 then the provisions of Paragraph K of Section 19 of this  
15 Act shall apply.

16 An employer whose business or enterprise or a  
17 substantial part thereof consists of hiring, procuring or  
18 furnishing employees to or for other employers operating  
19 under and subject to the provisions of this Act for the  
20 performance of the work of such other employers and who  
21 pays such employees their salary or wage notwithstanding  
22 that they are doing the work of such other employers shall  
23 be deemed a loaning employer within the meaning and  
24 provisions of this Section.

25 (b) The term "employee" as used in this Act, shall be  
26 construed to mean:

27 1. Every person in the service of the State, county,  
28 city, town, township, incorporated village or school  
29 district, body politic or municipal corporation therein,  
30 whether by election, appointment or contract of hire,  
31 express or implied, oral or written, including any official  
32 of the State, or of any county, city, town, township,  
33 incorporated village, school district, body politic or  
34 municipal corporation therein and except any duly  
35 appointed member of the fire department in any city whose  
36 population exceeds 500,000 according to the last Federal or

1 State census, and except any member of a fire insurance  
2 patrol maintained by a board of underwriters in this State.  
3 One employed by a contractor who has contracted with the  
4 State, or a county, city, town, township, incorporated  
5 village, school district, body politic or municipal  
6 corporation therein, through its representatives, shall  
7 not be considered as an employee of the State, county,  
8 city, town, township, incorporated village, school  
9 district, body politic or municipal corporation which made  
10 the contract.

11 2. Every person in the service of another under any  
12 contract of hire, express or implied, oral or written, who  
13 contracts an occupational disease while working in the  
14 State of Illinois, or who contracts an occupational disease  
15 while working outside of the State of Illinois but where  
16 the contract of hire is made within the State of Illinois,  
17 and any person whose employment is principally localized  
18 within the State of Illinois, regardless of the place where  
19 the disease was contracted or place where the contract of  
20 hire was made, including aliens, and minors who, for the  
21 purpose of this Act, except Section 3 hereof, shall be  
22 considered the same and have the same power to contract,  
23 receive payments and give quittances therefor, as adult  
24 employees. An employee or his or her dependents under this  
25 Act who shall have a cause of action by reason of an  
26 occupational disease, disablement or death arising out of  
27 and in the course of his or her employment may elect or  
28 pursue his or her remedy in the State where the disease was  
29 contracted, or in the State where the contract of hire is  
30 made, or in the State where the employment is principally  
31 localized.

32 (c) "Commission" means the Illinois Workers' Compensation  
33 Commission created by the Workers' Compensation Act, approved  
34 July 9, 1951, as amended.

35 (d) In this Act the term "Occupational Disease" means a  
36 disease arising out of and in the course of the employment or

1 which has become aggravated and rendered disabling as a result  
2 of the exposure of the employment. Such aggravation shall arise  
3 out of a risk peculiar to or increased by the employment and  
4 not common to the general public.

5 A disease shall be deemed to arise out of the employment if  
6 there is apparent to the rational mind, upon consideration of  
7 all the circumstances, a causal connection between the  
8 conditions under which the work is performed and the  
9 occupational disease. The disease need not to have been  
10 foreseen or expected but after its contraction it must appear  
11 to have had its origin or aggravation in a risk connected with  
12 the employment and to have flowed from that source as a  
13 rational consequence.

14 An employee shall be conclusively deemed to have been  
15 exposed to the hazards of an occupational disease when, for any  
16 length of time however short, he or she is employed in an  
17 occupation or process in which the hazard of the disease  
18 exists; provided however, that in a claim of exposure to atomic  
19 radiation, the fact of such exposure must be verified by the  
20 records of the central registry of radiation exposure  
21 maintained by the Department of Public Health or by some other  
22 recognized governmental agency maintaining records of such  
23 exposures whenever and to the extent that the records are on  
24 file with the Department of Public Health or the agency.

25 Any injury to or disease or death of an employee arising  
26 from the administration of a vaccine, including without  
27 limitation smallpox vaccine, to prepare for, or as a response  
28 to, a threatened or potential bioterrorist incident to the  
29 employee as part of a voluntary inoculation program in  
30 connection with the person's employment or in connection with  
31 any governmental program or recommendation for the inoculation  
32 of workers in the employee's occupation, geographical area, or  
33 other category that includes the employee is deemed to arise  
34 out of and in the course of the employment for all purposes  
35 under this Act. This paragraph added by Public Act 93-829 ~~this~~  
36 ~~amendatory Act of the 93rd General Assembly~~ is declarative of

1 existing law and is not a new enactment.

2 The employer liable for the compensation in this Act  
3 provided shall be the employer in whose employment the employee  
4 was last exposed to the hazard of the occupational disease  
5 claimed upon regardless of the length of time of such last  
6 exposure, except, in cases of silicosis or asbestosis, the only  
7 employer liable shall be the last employer in whose employment  
8 the employee was last exposed during a period of 60 days or  
9 more after the effective date of this Act, to the hazard of  
10 such occupational disease, and, in such cases, an exposure  
11 during a period of less than 60 days, after the effective date  
12 of this Act, shall not be deemed a last exposure. If a miner  
13 who is suffering or suffered from pneumoconiosis was employed  
14 for 10 years or more in one or more coal mines there shall,  
15 effective July 1, 1973 be a rebuttable presumption that his or  
16 her pneumoconiosis arose out of such employment.

17 If a deceased miner was employed for 10 years or more in  
18 one or more coal mines and died from a respirable disease there  
19 shall, effective July 1, 1973, be a rebuttable presumption that  
20 his or her death was due to pneumoconiosis.

21 The insurance carrier liable shall be the carrier whose  
22 policy was in effect covering the employer liable on the last  
23 day of the exposure rendering such employer liable in  
24 accordance with the provisions of this Act.

25 (e) "Disablement" means an impairment or partial  
26 impairment, temporary or permanent, in the function of the body  
27 or any of the members of the body, or the event of becoming  
28 disabled from earning full wages at the work in which the  
29 employee was engaged when last exposed to the hazards of the  
30 occupational disease by the employer from whom he or she claims  
31 compensation, or equal wages in other suitable employment; and  
32 "disability" means the state of being so incapacitated.

33 (f) No compensation shall be payable for or on account of  
34 any occupational disease unless disablement, as herein  
35 defined, occurs within two years after the last day of the last  
36 exposure to the hazards of the disease, except in cases of



1 occupational disease caused by berylliosis or by the inhalation  
2 of silica dust or asbestos dust and, in such cases, within 3  
3 years after the last day of the last exposure to the hazards of  
4 such disease and except in the case of occupational disease  
5 caused by exposure to radiological materials or equipment, and  
6 in such case, within 25 years after the last day of last  
7 exposure to the hazards of such disease.

8 (Source: P.A. 93-721, eff. 1-1-05; 93-829, eff. 7-28-04;  
9 revised 10-25-04.)

10 Section 995. No acceleration or delay. Where this Act makes  
11 changes in a statute that is represented in this Act by text  
12 that is not yet or no longer in effect (for example, a Section  
13 represented by multiple versions), the use of that text does  
14 not accelerate or delay the taking effect of (i) the changes  
15 made by this Act or (ii) provisions derived from any other  
16 Public Act.

17 Section 996. No revival or extension. This Act does not  
18 revive or extend any Section or Act otherwise repealed.

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

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21	815 ILCS 505/2UU	
22	820 ILCS 130/2	from Ch. 48, par. 39s-2
23	820 ILCS 130/4	from Ch. 48, par. 39s-4
24	820 ILCS 305/4d	
25	820 ILCS 310/1	from Ch. 48, par. 172.36