

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 2007 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 In certain cases in which a repealed Act or Section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16 incorporate amendments to the repealed Act or Section into the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

1 include other versions of the Section to be found in Public
2 Acts not included in the list of sources. The list of sources
3 is not a part of the text of the Section.

4 (d) Public Acts 92-520 through 94-1068 were considered in
5 the preparation of the combining revisories included in this
6 Act. Many of these combining revisories contain no striking or
7 underscoring because no additional changes are being made in
8 the material that is being combined.

9 Section 5. The Regulatory Sunset Act is amended by changing
10 Sections 4.17, 4.22, 4.23, 4.24, 4.26, and 4.27 as follows:

11 (5 ILCS 80/4.17)

12 Sec. 4.17. Acts repealed on January 1, 2007. The following
13 are repealed on January 1, 2007:

14 Articles II, III, IV, V, V 1/2, VI, VIIA, VIIB, VIIC,
15 XVII, XXXI, XXXI 1/4, and XXXI 3/4 of the Illinois
16 Insurance Code.

17 The Medical Practice Act of 1987.

18 The Environmental Health Practitioner Licensing Act.

19 (Source: P.A. 94-754, eff. 5-10-06; 94-787, eff. 5-19-06;
20 94-870, eff. 6-16-06; 94-956, eff. 6-27-06; revised 8-3-06.)

21 (5 ILCS 80/4.22)

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 Acts ~~Act~~ repealed on January 1, 2012.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23 following Acts are ~~Act is~~ repealed on January 1, 2012:

1 The Detection of Deception Examiners Act.
2 The Home Inspector License Act.
3 The Interior Design Title Act.
4 The Massage Licensing Act.
5 The Petroleum Equipment Contractors Licensing Act.
6 The Professional Boxing Act.
7 The Real Estate Appraiser Licensing Act of 2002.
8 The Water Well and Pump Installation Contractor's License
9 Act.

10 (Source: P.A. 92-104, eff. 7-20-01; 92-180, eff. 7-1-02;
11 92-239, eff. 8-3-01; 92-453, eff. 8-21-01; 92-499, eff. 1-1-02;
12 92-500, eff. 12-18-01; 92-618, eff. 7-11-02; 92-651, eff.
13 7-11-02; 92-860, eff. 6-1-03; revised 1-18-03.)

14 (5 ILCS 80/4.23)

15 Sec. 4.23. Acts and Sections ~~Act Section~~ repealed on
16 January 1, 2013. The following Acts and Sections of Acts are
17 ~~Act Section is~~ repealed on January 1, 2013:

18 The Dietetic and Nutrition Services Practice Act.
19 The Elevator Safety and Regulation Act.
20 The Funeral Directors and Embalmers Licensing Code.
21 The Naprapathic Practice Act.
22 The Professional Counselor and Clinical Professional
23 Counselor Licensing Act.
24 The Wholesale Drug Distribution Licensing Act.
25 Section 2.5 of the Illinois Plumbing License Law.

1 (Source: P.A. 92-586, eff. 6-26-02; 92-641, eff. 7-11-02;
2 92-642, eff. 7-11-02; 92-655, eff. 7-16-02; 92-719, eff.
3 7-25-02; 92-778, eff. 8-6-02; 92-873, eff. 6-1-03; revised
4 1-18-03.)

5 (5 ILCS 80/4.24)

6 Sec. 4.24. Acts repealed on January 1, 2014. The following
7 Acts are repealed on January 1, 2014:

8 The Electrologist Licensing Act.

9 The Illinois Certified Shorthand Reporters Act of 1984.

10 The Illinois Occupational Therapy Practice Act.

11 The Illinois Public Accounting Act.

12 The Private Detective, Private Alarm, Private Security,
13 and Locksmith Act of 2004.

14 The Registered Surgical Assistant and Registered Surgical
15 Technologist Title Protection Act.

16 The Veterinary Medicine and Surgery Practice Act of 2004.

17 (Source: P.A. 92-457, eff. 8-21-01; 92-750, eff. 1-1-03;
18 93-280, eff. 7-1-04; 93-281, eff. 12-31-03; 93-438, eff.
19 8-5-03; 93-460, eff. 8-8-03; 93-461, eff. 8-8-03; revised
20 10-29-04.)

21 (5 ILCS 80/4.26)

22 Sec. 4.26. Acts ~~Act~~ repealed on January 1, 2016. The
23 following Acts ~~Act is~~ repealed on January 1, 2016:

24 The Illinois Athletic Trainers Practice Act.

1 The Illinois Roofing Industry Licensing Act.

2 The Illinois Dental Practice Act.

3 The Collection Agency Act.

4 The Barber, Cosmetology, Esthetics, and Nail Technology
5 Act of 1985.

6 The Respiratory Care Practice Act.

7 The Hearing Instrument Consumer Protection Act.

8 The Illinois Physical Therapy Act.

9 The Professional Geologist Licensing Act.

10 (Source: P.A. 94-246, eff. 1-1-06; 94-254, eff. 7-19-05;
11 94-409, eff. 12-31-05; 94-414, eff. 12-31-05; 94-451, eff.
12 12-31-05; 94-523, eff. 1-1-06; 94-527, eff. 12-31-05; 94-651,
13 eff. 1-1-06; 94-708, eff. 12-5-05; revised 12-8-05.)

14 (5 ILCS 80/4.27)

15 Sec. 4.27. Acts ~~Act~~ repealed on January 1, 2017. The
16 following Acts ~~are Act~~ is repealed on January 1, 2017:

17 The Illinois Optometric Practice Act of 1987.

18 The Clinical Psychologist Licensing Act.

19 The Boiler and Pressure Vessel Repairer Regulation Act.

20 (Source: P.A. 94-787, eff. 5-19-06; 94-870, eff. 6-16-06;
21 94-956, eff. 6-27-06; revised 8-3-06.)

22 (5 ILCS 80/4.13 rep.)

23 (5 ILCS 80/4.14 rep.)

24 (5 ILCS 80/4.16 rep.)

1 (5 ILCS 80/4.19a rep.)

2 Section 7. The Regulatory Sunset Act is amended by
3 repealing Sections 4.13, 4.14, 4.16, and 4.19a.

4 Section 10. The Illinois Administrative Procedure Act is
5 amended by changing Sections 1-5, 1-20, 5-45, and 10-65 as
6 follows:

7 (5 ILCS 100/1-5) (from Ch. 127, par. 1001-5)

8 Sec. 1-5. Applicability.

9 (a) This Act applies to every agency as defined in this
10 Act. Beginning January 1, 1978, in case of conflict between the
11 provisions of this Act and the Act creating or conferring power
12 on an agency, this Act shall control. If, however, an agency
13 (or its predecessor in the case of an agency that has been
14 consolidated or reorganized) has existing procedures on July 1,
15 1977, specifically for contested cases or licensing, those
16 existing provisions control, except that this exception
17 respecting contested cases and licensing does not apply if the
18 Act creating or conferring power on the agency adopts by
19 express reference the provisions of this Act. Where the Act
20 creating or conferring power on an agency establishes
21 administrative procedures not covered by this Act, those
22 procedures shall remain in effect.

23 (b) The provisions of this Act do not apply to (i)
24 preliminary hearings, investigations, or practices where no

1 final determinations affecting State funding are made by the
2 State Board of Education, (ii) legal opinions issued under
3 Section 2-3.7 of the School Code, (iii) as to State colleges
4 and universities, their disciplinary and grievance
5 proceedings, academic irregularity and capricious grading
6 proceedings, and admission standards and procedures, and (iv)
7 the class specifications for positions and individual position
8 descriptions prepared and maintained under the Personnel Code.
9 Those class specifications shall, however, be made reasonably
10 available to the public for inspection and copying. The
11 provisions of this Act do not apply to hearings under Section
12 20 of the Uniform Disposition of Unclaimed Property Act.

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

15 (1) Rules adopted by the Pollution Control Board that,
16 in accordance with Section 7.2 of the Environmental
17 Protection Act, are identical in substance to federal
18 regulations or amendments to those regulations
19 implementing the following: Sections 3001, 3002, 3003,
20 3004, 3005, and 9003 of the Solid Waste Disposal Act;
21 Section 105 of the Comprehensive Environmental Response,
22 Compensation, and Liability Act of 1980; Sections 307(b),
23 307(c), 307(d), 402(b)(8), and 402(b)(9) of the Federal
24 Water Pollution Control Act; and Sections 1412(b),
25 1414(c), 1417(a), 1421, and 1445(a) of the Safe Drinking
26 Water Act.

1 (2) Rules adopted by the Pollution Control Board that
2 establish or amend standards for the emission of
3 hydrocarbons and carbon monoxide from gasoline powered
4 motor vehicles subject to inspection under Section 13A-105
5 of the Vehicle Emissions Inspection Law and rules adopted
6 under Section 13B-20 of the Vehicle Emissions Inspection
7 Law of 1995.

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

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

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

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

1 (e) Section 10-45 of this Act shall not apply to any
2 hearing, proceeding, or investigation conducted under Section
3 13-515 of the Public Utilities Act.

4 (f) Article 10 of this Act does not apply to any hearing,
5 proceeding, or investigation conducted by the State Council for
6 the State of Illinois created under Section 3-3-11.05 of the
7 Unified Code of Corrections or by the Interstate Commission
8 ~~Commission~~ for Adult Offender Supervision created under the
9 Interstate Compact for Adult Offender Supervision.

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

11 (5 ILCS 100/1-20) (from Ch. 127, par. 1001-20)

12 Sec. 1-20. "Agency" means each officer, board, commission,
13 and agency created by the Constitution, whether in the
14 executive, legislative, or judicial branch of State
15 government, but other than the circuit court; each officer,
16 department, board, commission, agency, institution, authority,
17 university, and body politic and corporate of the State; each
18 administrative unit or corporate outgrowth of the State
19 government that is created by or pursuant to statute, other
20 than units of local government and their officers, school
21 districts, and boards of election commissioners; and each
22 administrative unit or corporate outgrowth of the above and as
23 may be created by executive order of the Governor. "Agency",
24 however, does not include the following:

25 (1) The House of Representatives and Senate and their

1 respective standing and service committees, including
2 without limitation the Board of the Office of the Architect
3 of the Capitol and the Architect of the Capitol established
4 under the Legislative Commission Reorganization Act of
5 1984.

6 (2) The Governor.

7 (3) The justices and judges of the Supreme and
8 Appellate Courts.

9 (4) The Legislative Ethics Commission.

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

12 (5 ILCS 100/5-45) (from Ch. 127, par. 1005-45)

13 Sec. 5-45. Emergency rulemaking.

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

17 (b) If any agency finds that an emergency exists that
18 requires adoption of a rule upon fewer days than is required by
19 Section 5-40 and states in writing its reasons for that
20 finding, the agency may adopt an emergency rule without prior
21 notice or hearing upon filing a notice of emergency rulemaking
22 with the Secretary of State under Section 5-70. The notice
23 shall include the text of the emergency rule and shall be
24 published in the Illinois Register. Consent orders or other
25 court orders adopting settlements negotiated by an agency may

1 be adopted under this Section. Subject to applicable
2 constitutional or statutory provisions, an emergency rule
3 becomes effective immediately upon filing under Section 5-65 or
4 at a stated date less than 10 days thereafter. The agency's
5 finding and a statement of the specific reasons for the finding
6 shall be filed with the rule. The agency shall take reasonable
7 and appropriate measures to make emergency rules known to the
8 persons who may be affected by them.

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

1 Section.

2 (d) In order to provide for the expeditious and timely
3 implementation of the State's fiscal year 1999 budget,
4 emergency rules to implement any provision of Public Act 90-587
5 or 90-588 or any other budget initiative for fiscal year 1999
6 may be adopted in accordance with this Section by the agency
7 charged with administering that provision or initiative,
8 except that the 24-month limitation on the adoption of
9 emergency rules and the provisions of Sections 5-115 and 5-125
10 do not apply to rules adopted under this subsection (d). The
11 adoption of emergency rules authorized by this subsection (d)
12 shall be deemed to be necessary for the public interest,
13 safety, and welfare.

14 (e) In order to provide for the expeditious and timely
15 implementation of the State's fiscal year 2000 budget,
16 emergency rules to implement any provision of this amendatory
17 Act of the 91st General Assembly or any other budget initiative
18 for fiscal year 2000 may be adopted in accordance with this
19 Section by the agency charged with administering that provision
20 or initiative, except that the 24-month limitation on the
21 adoption of emergency rules and the provisions of Sections
22 5-115 and 5-125 do not apply to rules adopted under this
23 subsection (e). The adoption of emergency rules authorized by
24 this subsection (e) shall be deemed to be necessary for the
25 public interest, safety, and welfare.

26 (f) In order to provide for the expeditious and timely

1 implementation of the State's fiscal year 2001 budget,
2 emergency rules to implement any provision of this amendatory
3 Act of the 91st General Assembly or any other budget initiative
4 for fiscal year 2001 may be adopted in accordance with this
5 Section by the agency charged with administering that provision
6 or initiative, except that the 24-month limitation on the
7 adoption of emergency rules and the provisions of Sections
8 5-115 and 5-125 do not apply to rules adopted under this
9 subsection (f). The adoption of emergency rules authorized by
10 this subsection (f) shall be deemed to be necessary for the
11 public interest, safety, and welfare.

12 (g) In order to provide for the expeditious and timely
13 implementation of the State's fiscal year 2002 budget,
14 emergency rules to implement any provision of this amendatory
15 Act of the 92nd General Assembly or any other budget initiative
16 for fiscal year 2002 may be adopted in accordance with this
17 Section by the agency charged with administering that provision
18 or initiative, except that the 24-month limitation on the
19 adoption of emergency rules and the provisions of Sections
20 5-115 and 5-125 do not apply to rules adopted under this
21 subsection (g). The adoption of emergency rules authorized by
22 this subsection (g) shall be deemed to be necessary for the
23 public interest, safety, and welfare.

24 (h) In order to provide for the expeditious and timely
25 implementation of the State's fiscal year 2003 budget,
26 emergency rules to implement any provision of this amendatory

1 Act of the 92nd General Assembly or any other budget initiative
2 for fiscal year 2003 may be adopted in accordance with this
3 Section by the agency charged with administering that provision
4 or initiative, except that the 24-month limitation on the
5 adoption of emergency rules and the provisions of Sections
6 5-115 and 5-125 do not apply to rules adopted under this
7 subsection (h). The adoption of emergency rules authorized by
8 this subsection (h) shall be deemed to be necessary for the
9 public interest, safety, and welfare.

10 (i) In order to provide for the expeditious and timely
11 implementation of the State's fiscal year 2004 budget,
12 emergency rules to implement any provision of this amendatory
13 Act of the 93rd General Assembly or any other budget initiative
14 for fiscal year 2004 may be adopted in accordance with this
15 Section by the agency charged with administering that provision
16 or initiative, except that the 24-month limitation on the
17 adoption of emergency rules and the provisions of Sections
18 5-115 and 5-125 do not apply to rules adopted under this
19 subsection (i). The adoption of emergency rules authorized by
20 this subsection (i) shall be deemed to be necessary for the
21 public interest, safety, and welfare.

22 (j) In order to provide for the expeditious and timely
23 implementation of the provisions of the State's fiscal year
24 2005 budget as provided under the Fiscal Year 2005 Budget
25 Implementation (Human Services) Act, emergency rules to
26 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 (k) In order to provide for the expeditious and timely
13 implementation of the provisions of the State's fiscal year
14 2006 budget, emergency rules to implement any provision of this
15 amendatory Act of the 94th General Assembly or any other budget
16 initiative for fiscal year 2006 may be adopted in accordance
17 with this Section by the agency charged with administering that
18 provision or initiative, except that the 24-month limitation on
19 the adoption of emergency rules and the provisions of Sections
20 5-115 and 5-125 do not apply to rules adopted under this
21 subsection (k). The Department of Healthcare and Family
22 Services may also adopt rules under this subsection (k)
23 necessary to administer the Illinois Public Aid Code, the
24 Senior Citizens and Disabled Persons Property Tax Relief and
25 Pharmaceutical Assistance Act, the Senior Citizens and
26 Disabled Persons Prescription Drug Discount Program Act (now

1 the Illinois Prescription Drug Discount Program Act), and the
2 Children's Health Insurance Program Act. The adoption of
3 emergency rules authorized by this subsection (k) shall be
4 deemed to be necessary for the public interest, safety, and
5 welfare.

6 (l) In order to provide for the expeditious and timely
7 implementation of the provisions of the State's fiscal year
8 2007 budget, the Department of Healthcare and Family Services
9 may adopt emergency rules during fiscal year 2007, including
10 rules effective July 1, 2007, in accordance with this
11 subsection to the extent necessary to administer the
12 Department's responsibilities with respect to amendments to
13 the State plans and Illinois waivers approved by the federal
14 Centers for Medicare and Medicaid Services necessitated by the
15 requirements of Title XIX and Title XXI of the federal Social
16 Security Act. The adoption of emergency rules authorized by
17 this subsection (l) shall be deemed to be necessary for the
18 public interest, safety, and welfare.

19 (Source: P.A. 93-20, eff. 6-20-03; 93-829, eff. 7-28-04;
20 93-841, eff. 7-30-04; 94-48, eff. 7-1-05; 94-838, eff. 6-6-06;
21 revised 10-19-06.)

22 (5 ILCS 100/10-65) (from Ch. 127, par. 1010-65)

23 Sec. 10-65. Licenses.

24 (a) When any licensing is required by law to be preceded by
25 notice and an opportunity for a hearing, the provisions of this

1 Act concerning contested cases shall apply.

2 (b) When a licensee has made timely and sufficient
3 application for the renewal of a license or a new license with
4 reference to any activity of a continuing nature, the existing
5 license shall continue in full force and effect until the final
6 agency decision on the application has been made unless a later
7 date is fixed by order of a reviewing court.

8 (c) Except as provided in Section 1-27 of the Department of
9 Natural Resources Act, an application for the renewal of a
10 license or a new license shall include the applicant's social
11 security number. Each agency shall require the licensee to
12 certify on the application form, under penalty of perjury, that
13 he or she is not more than 30 days delinquent in complying with
14 a child support order. Every application shall state that
15 failure to so certify shall result in disciplinary action, and
16 that making a false statement may subject the licensee to
17 contempt of court. The agency shall notify each applicant or
18 licensee who acknowledges a delinquency or who, contrary to his
19 or her certification, is found to be delinquent or who after
20 receiving notice, fails to comply with a subpoena or warrant
21 relating to a paternity or a child support proceeding, that the
22 agency intends to take disciplinary action. Accordingly, the
23 agency shall provide written notice of the facts or conduct
24 upon which the agency will rely to support its proposed action
25 and the applicant or licensee shall be given an opportunity for
26 a hearing in accordance with the provisions of the Act

1 concerning contested cases. Any delinquency in complying with a
2 child support order can be remedied by arranging for payment of
3 past due and current support. Any failure to comply with a
4 subpoena or warrant relating to a paternity or child support
5 proceeding can be remedied by complying with the subpoena or
6 warrant. Upon a final finding of delinquency or failure to
7 comply with a subpoena or warrant, the agency shall suspend,
8 revoke, or refuse to issue or renew the license. In cases in
9 which the Department of Healthcare and Family Services
10 (formerly Department of Public Aid) has previously determined
11 that an applicant or a licensee is more than 30 days delinquent
12 in the payment of child support and has subsequently certified
13 the delinquency to the licensing agency, and in cases in which
14 a court has previously determined that an applicant or licensee
15 has been in violation of the Non-Support Punishment Act for
16 more than 60 days, the licensing agency shall refuse to issue
17 or renew or shall revoke or suspend that person's license based
18 solely upon the certification of delinquency made by the
19 Department of Healthcare and Family Services (formerly
20 Department of Public Aid) or the certification of violation
21 made by the court. Further process, hearings, or
22 redetermination of the delinquency or violation by the
23 licensing agency shall not be required. The licensing agency
24 may issue or renew a license if the licensee has arranged for
25 payment of past and current child support obligations in a
26 manner satisfactory to the Department of Healthcare and Family

1 Services (formerly Department of Public Aid) or the court. The
2 licensing agency may impose conditions, restrictions, or
3 disciplinary action upon that license.

4 (d) Except as provided in subsection (c), no agency shall
5 revoke, suspend, annul, withdraw, amend materially, or refuse
6 to renew any valid license without first giving written notice
7 to the licensee of the facts or conduct upon which the agency
8 will rely to support its proposed action and an opportunity for
9 a hearing in accordance with the provisions of this Act
10 concerning contested cases. At the hearing, the licensee shall
11 have the right to show compliance with all lawful requirements
12 for the retention, continuation, or renewal of the license. If,
13 however, the agency finds that the public interest, safety, or
14 welfare imperatively requires emergency action, and if the
15 agency incorporates a finding to that effect in its order,
16 summary suspension of a license may be ordered pending
17 proceedings for revocation or other action. Those proceedings
18 shall be promptly instituted and determined.

19 (e) Any application for renewal of a license that contains
20 required and relevant information, data, material, or
21 circumstances that were not contained in an application for the
22 existing license shall be subject to the provisions of
23 subsection (a).

24 (Source: P.A. 94-40, eff. 1-1-06; revised 12-15-05.)

25 Section 15. The Freedom of Information Act is amended by

1 changing Sections 7 and 7.1 as follows:

2 (5 ILCS 140/7) (from Ch. 116, par. 207)

3 Sec. 7. Exemptions.

4 (1) The following shall be exempt from inspection and
5 copying:

6 (a) Information specifically prohibited from
7 disclosure by federal or State law or rules and regulations
8 adopted under federal or State law.

9 (b) Information that, if disclosed, would constitute a
10 clearly unwarranted invasion of personal privacy, unless
11 the disclosure is consented to in writing by the individual
12 subjects of the information. The disclosure of information
13 that bears on the public duties of public employees and
14 officials shall not be considered an invasion of personal
15 privacy. Information exempted under this subsection (b)
16 shall include but is not limited to:

17 (i) files and personal information maintained with
18 respect to clients, patients, residents, students or
19 other individuals receiving social, medical,
20 educational, vocational, financial, supervisory or
21 custodial care or services directly or indirectly from
22 federal agencies or public bodies;

23 (ii) personnel files and personal information
24 maintained with respect to employees, appointees or
25 elected officials of any public body or applicants for

1 those positions;

2 (iii) files and personal information maintained
3 with respect to any applicant, registrant or licensee
4 by any public body cooperating with or engaged in
5 professional or occupational registration, licensure
6 or discipline;

7 (iv) information required of any taxpayer in
8 connection with the assessment or collection of any tax
9 unless disclosure is otherwise required by State
10 statute;

11 (v) information revealing the identity of persons
12 who file complaints with or provide information to
13 administrative, investigative, law enforcement or
14 penal agencies; provided, however, that identification
15 of witnesses to traffic accidents, traffic accident
16 reports, and rescue reports may be provided by agencies
17 of local government, except in a case for which a
18 criminal investigation is ongoing, without
19 constituting a clearly unwarranted per se invasion of
20 personal privacy under this subsection; and

21 (vi) the names, addresses, or other personal
22 information of participants and registrants in park
23 district, forest preserve district, and conservation
24 district programs.

25 (c) Records compiled by any public body for
26 administrative enforcement proceedings and any law

1 enforcement or correctional agency for law enforcement
2 purposes or for internal matters of a public body, but only
3 to the extent that disclosure would:

4 (i) interfere with pending or actually and
5 reasonably contemplated law enforcement proceedings
6 conducted by any law enforcement or correctional
7 agency;

8 (ii) interfere with pending administrative
9 enforcement proceedings conducted by any public body;

10 (iii) deprive a person of a fair trial or an
11 impartial hearing;

12 (iv) unavoidably disclose the identity of a
13 confidential source or confidential information
14 furnished only by the confidential source;

15 (v) disclose unique or specialized investigative
16 techniques other than those generally used and known or
17 disclose internal documents of correctional agencies
18 related to detection, observation or investigation of
19 incidents of crime or misconduct;

20 (vi) constitute an invasion of personal privacy
21 under subsection (b) of this Section;

22 (vii) endanger the life or physical safety of law
23 enforcement personnel or any other person; or

24 (viii) obstruct an ongoing criminal investigation.

25 (d) Criminal history record information maintained by
26 State or local criminal justice agencies, except the

1 following which shall be open for public inspection and
2 copying:

3 (i) chronologically maintained arrest information,
4 such as traditional arrest logs or blotters;

5 (ii) the name of a person in the custody of a law
6 enforcement agency and the charges for which that
7 person is being held;

8 (iii) court records that are public;

9 (iv) records that are otherwise available under
10 State or local law; or

11 (v) records in which the requesting party is the
12 individual identified, except as provided under part
13 (vii) of paragraph (c) of subsection (1) of this
14 Section.

15 "Criminal history record information" means data
16 identifiable to an individual and consisting of
17 descriptions or notations of arrests, detentions,
18 indictments, informations, pre-trial proceedings, trials,
19 or other formal events in the criminal justice system or
20 descriptions or notations of criminal charges (including
21 criminal violations of local municipal ordinances) and the
22 nature of any disposition arising therefrom, including
23 sentencing, court or correctional supervision,
24 rehabilitation and release. The term does not apply to
25 statistical records and reports in which individuals are
26 not identified and from which their identities are not

1 ascertainable, or to information that is for criminal
2 investigative or intelligence purposes.

3 (e) Records that relate to or affect the security of
4 correctional institutions and detention facilities.

5 (f) Preliminary drafts, notes, recommendations,
6 memoranda and other records in which opinions are
7 expressed, or policies or actions are formulated, except
8 that a specific record or relevant portion of a record
9 shall not be exempt when the record is publicly cited and
10 identified by the head of the public body. The exemption
11 provided in this paragraph (f) extends to all those records
12 of officers and agencies of the General Assembly that
13 pertain to the preparation of legislative documents.

14 (g) Trade secrets and commercial or financial
15 information obtained from a person or business where the
16 trade secrets or information are proprietary, privileged
17 or confidential, or where disclosure of the trade secrets
18 or information may cause competitive harm, including:

19 (i) All information determined to be confidential
20 under Section 4002 of the Technology Advancement and
21 Development Act.

22 (ii) All trade secrets and commercial or financial
23 information obtained by a public body, including a
24 public pension fund, from a private equity fund or a
25 privately held company within the investment portfolio
26 of a private equity fund as a result of either

1 investing or evaluating a potential investment of
2 public funds in a private equity fund. The exemption
3 contained in this item does not apply to the aggregate
4 financial performance information of a private equity
5 fund, nor to the identity of the fund's managers or
6 general partners. The exemption contained in this item
7 does not apply to the identity of a privately held
8 company within the investment portfolio of a private
9 equity fund, unless the disclosure of the identity of a
10 privately held company may cause competitive harm.

11 Nothing contained in this paragraph (g) shall be construed
12 to prevent a person or business from consenting to disclosure.

13 (h) Proposals and bids for any contract, grant, or
14 agreement, including information which if it were
15 disclosed would frustrate procurement or give an advantage
16 to any person proposing to enter into a contractor
17 agreement with the body, until an award or final selection
18 is made. Information prepared by or for the body in
19 preparation of a bid solicitation shall be exempt until an
20 award or final selection is made.

21 (i) Valuable formulae, computer geographic systems,
22 designs, drawings and research data obtained or produced by
23 any public body when disclosure could reasonably be
24 expected to produce private gain or public loss. The
25 exemption for "computer geographic systems" provided in
26 this paragraph (i) does not extend to requests made by news

1 media as defined in Section 2 of this Act when the
2 requested information is not otherwise exempt and the only
3 purpose of the request is to access and disseminate
4 information regarding the health, safety, welfare, or
5 legal rights of the general public.

6 (j) Test questions, scoring keys and other examination
7 data used to administer an academic examination or
8 determined the qualifications of an applicant for a license
9 or employment.

10 (k) Architects' plans, engineers' technical
11 submissions, and other construction related technical
12 documents for projects not constructed or developed in
13 whole or in part with public funds and the same for
14 projects constructed or developed with public funds, but
15 only to the extent that disclosure would compromise
16 security, including but not limited to water treatment
17 facilities, airport facilities, sport stadiums, convention
18 centers, and all government owned, operated, or occupied
19 buildings.

20 (l) Library circulation and order records identifying
21 library users with specific materials.

22 (m) Minutes of meetings of public bodies closed to the
23 public as provided in the Open Meetings Act until the
24 public body makes the minutes available to the public under
25 Section 2.06 of the Open Meetings Act.

26 (n) Communications between a public body and an

1 attorney or auditor representing the public body that would
2 not be subject to discovery in litigation, and materials
3 prepared or compiled by or for a public body in
4 anticipation of a criminal, civil or administrative
5 proceeding upon the request of an attorney advising the
6 public body, and materials prepared or compiled with
7 respect to internal audits of public bodies.

8 (o) Information received by a primary or secondary
9 school, college or university under its procedures for the
10 evaluation of faculty members by their academic peers.

11 (p) Administrative or technical information associated
12 with automated data processing operations, including but
13 not limited to software, operating protocols, computer
14 program abstracts, file layouts, source listings, object
15 modules, load modules, user guides, documentation
16 pertaining to all logical and physical design of
17 computerized systems, employee manuals, and any other
18 information that, if disclosed, would jeopardize the
19 security of the system or its data or the security of
20 materials exempt under this Section.

21 (q) Documents or materials relating to collective
22 negotiating matters between public bodies and their
23 employees or representatives, except that any final
24 contract or agreement shall be subject to inspection and
25 copying.

26 (r) Drafts, notes, recommendations and memoranda

1 pertaining to the financing and marketing transactions of
2 the public body. The records of ownership, registration,
3 transfer, and exchange of municipal debt obligations, and
4 of persons to whom payment with respect to these
5 obligations is made.

6 (s) The records, documents and information relating to
7 real estate purchase negotiations until those negotiations
8 have been completed or otherwise terminated. With regard to
9 a parcel involved in a pending or actually and reasonably
10 contemplated eminent domain proceeding under the Eminent
11 Domain Act, records, documents and information relating to
12 that parcel shall be exempt except as may be allowed under
13 discovery rules adopted by the Illinois Supreme Court. The
14 records, documents and information relating to a real
15 estate sale shall be exempt until a sale is consummated.

16 (t) Any and all proprietary information and records
17 related to the operation of an intergovernmental risk
18 management association or self-insurance pool or jointly
19 self-administered health and accident cooperative or pool.

20 (u) Information concerning a university's adjudication
21 of student or employee grievance or disciplinary cases, to
22 the extent that disclosure would reveal the identity of the
23 student or employee and information concerning any public
24 body's adjudication of student or employee grievances or
25 disciplinary cases, except for the final outcome of the
26 cases.

1 (v) Course materials or research materials used by
2 faculty members.

3 (w) Information related solely to the internal
4 personnel rules and practices of a public body.

5 (x) Information contained in or related to
6 examination, operating, or condition reports prepared by,
7 on behalf of, or for the use of a public body responsible
8 for the regulation or supervision of financial
9 institutions or insurance companies, unless disclosure is
10 otherwise required by State law.

11 (y) Information the disclosure of which is restricted
12 under Section 5-108 of the Public Utilities Act.

13 (z) Manuals or instruction to staff that relate to
14 establishment or collection of liability for any State tax
15 or that relate to investigations by a public body to
16 determine violation of any criminal law.

17 (aa) Applications, related documents, and medical
18 records received by the Experimental Organ Transplantation
19 Procedures Board and any and all documents or other records
20 prepared by the Experimental Organ Transplantation
21 Procedures Board or its staff relating to applications it
22 has received.

23 (bb) Insurance or self insurance (including any
24 intergovernmental risk management association or self
25 insurance pool) claims, loss or risk management
26 information, records, data, advice or communications.

1 (cc) Information and records held by the Department of
2 Public Health and its authorized representatives relating
3 to known or suspected cases of sexually transmissible
4 disease or any information the disclosure of which is
5 restricted under the Illinois Sexually Transmissible
6 Disease Control Act.

7 (dd) Information the disclosure of which is exempted
8 under Section 30 of the Radon Industry Licensing Act.

9 (ee) Firm performance evaluations under Section 55 of
10 the Architectural, Engineering, and Land Surveying
11 Qualifications Based Selection Act.

12 (ff) Security portions of system safety program plans,
13 investigation reports, surveys, schedules, lists, data, or
14 information compiled, collected, or prepared by or for the
15 Regional Transportation Authority under Section 2.11 of
16 the Regional Transportation Authority Act or the St. Clair
17 County Transit District under the Bi-State Transit Safety
18 Act.

19 (gg) Information the disclosure of which is restricted
20 and exempted under Section 50 of the Illinois Prepaid
21 Tuition Act.

22 (hh) Information the disclosure of which is exempted
23 under the State Officials and Employees Ethics Act.

24 (ii) Beginning July 1, 1999, information that would
25 disclose or might lead to the disclosure of secret or
26 confidential information, codes, algorithms, programs, or

1 private keys intended to be used to create electronic or
2 digital signatures under the Electronic Commerce Security
3 Act.

4 (jj) Information contained in a local emergency energy
5 plan submitted to a municipality in accordance with a local
6 emergency energy plan ordinance that is adopted under
7 Section 11-21.5-5 of the Illinois Municipal Code.

8 (kk) Information and data concerning the distribution
9 of surcharge moneys collected and remitted by wireless
10 carriers under the Wireless Emergency Telephone Safety
11 Act.

12 (ll) Vulnerability assessments, security measures, and
13 response policies or plans that are designed to identify,
14 prevent, or respond to potential attacks upon a community's
15 population or systems, facilities, or installations, the
16 destruction or contamination of which would constitute a
17 clear and present danger to the health or safety of the
18 community, but only to the extent that disclosure could
19 reasonably be expected to jeopardize the effectiveness of
20 the measures or the safety of the personnel who implement
21 them or the public. Information exempt under this item may
22 include such things as details pertaining to the
23 mobilization or deployment of personnel or equipment, to
24 the operation of communication systems or protocols, or to
25 tactical operations.

26 (mm) Maps and other records regarding the location or

1 security of a utility's generation, transmission,
2 distribution, storage, gathering, treatment, or switching
3 facilities.

4 (nn) Law enforcement officer identification
5 information or driver identification information compiled
6 by a law enforcement agency or the Department of
7 Transportation under Section 11-212 of the Illinois
8 Vehicle Code.

9 (oo) Records and information provided to a residential
10 health care facility resident sexual assault and death
11 review team or the Executive Council under the Abuse
12 Prevention Review Team Act.

13 (pp) Information provided to the predatory lending
14 database created pursuant to Article 3 of the Residential
15 Real Property Disclosure Act, except to the extent
16 authorized under that Article.

17 (qq) Defense budgets and petitions for certification
18 of compensation and expenses for court appointed trial
19 counsel as provided under Sections 10 and 15 of the Capital
20 Crimes Litigation Act. This subsection (qq) shall apply
21 until the conclusion of the trial of the case, even if the
22 prosecution chooses not to pursue the death penalty prior
23 to trial or sentencing.

24 (2) This Section does not authorize withholding of
25 information or limit the availability of records to the public,
26 except as stated in this Section or otherwise provided in this

1 Act.

2 (Source: P.A. 93-43, eff. 7-1-03; 93-209, eff. 7-18-03; 93-237,
3 eff. 7-22-03; 93-325, eff. 7-23-03, 93-422, eff. 8-5-03;
4 93-577, eff. 8-21-03; 93-617, eff. 12-9-03; 94-280, eff.
5 1-1-06; 94-508, eff. 1-1-06; 94-664, eff. 1-1-06; 94-931, eff.
6 6-26-06; 94-953, eff. 6-27-06; 94-1055, eff. 1-1-07; revised
7 8-3-06.)

8 (5 ILCS 140/7.1) (from Ch. 116, par. 207.1)

9 Sec. 7.1. Nothing in this Act shall be construed to
10 prohibit publication and dissemination by the Department of
11 Healthcare and Family Services ~~Public Aid~~ or the Department of
12 Human Services of the names and addresses of entities which
13 have had receipt of benefits or payments under the Illinois
14 Public Aid Code suspended or terminated or future receipt
15 barred, pursuant to Section 11-26 of that Code.

16 (Source: P.A. 89-507, eff. 7-1-97; revised 12-15-05.)

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

19 (5 ILCS 160/7) (from Ch. 116, par. 43.10)

20 Sec. 7. Powers and duties of the Secretary.➔

21 (1) The Secretary, whenever it appears to him to be in the
22 public interest, may accept for deposit in the State Archives
23 the records of any agency or of the Legislative or Judicial

1 branches of the State government that are determined by him to
2 have sufficient historical or other value to warrant the
3 permanent preservation of such records by the State of
4 Illinois.

5 (2) The Secretary may accept for deposit in the State
6 Archives official papers, photographs, microfilm, electronic
7 and digital records, drawings, maps, writings, and records of
8 every description of counties, municipal corporations,
9 political subdivisions and courts of this State, and records of
10 the federal government pertaining to Illinois, when such
11 materials are deemed by the Secretary to have sufficient
12 historical or other value to warrant their continued
13 preservation by the State of Illinois.

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

19 (4) The Secretary shall be responsible for the custody,
20 use, servicing and withdrawal of records transferred for
21 deposit in the State Archives. The Secretary shall observe any
22 rights, limitations, or restrictions imposed by law relating to
23 the use of records, including the provisions of the Mental
24 Health and Developmental Disabilities Confidentiality Act
25 which limit access to certain records or which permit access to
26 certain records only after the removal of all personally

1 identifiable data. Access to restricted records shall be at the
2 direction of the depositing State agency or, in the case of
3 records deposited by the legislative or judicial branches of
4 State government at the direction of the branch which deposited
5 them, but no limitation on access to such records shall extend
6 more than 75 years after the creation of the records, except as
7 provided in the Mental Health and Developmental Disabilities
8 Confidentiality Act. The Secretary shall not impose
9 restrictions on the use of records that are defined by law as
10 public records or as records open to public inspection.†

11 (5) The Secretary shall make provision for the
12 preservation, arrangement, repair, and rehabilitation,
13 duplication and reproduction, description, and exhibition of
14 records deposited in the State Archives as may be needed or
15 appropriate.†

16 (6) The Secretary shall make or reproduce and furnish upon
17 demand authenticated or unauthenticated copies of any of the
18 documents, photographic material or other records deposited in
19 the State Archives, the public examination of which is not
20 prohibited by statutory limitations or restrictions or
21 protected by copyright. The Secretary shall charge a fee
22 therefor in accordance with the schedule of fees in Section 5.5
23 of the Secretary of State Act 10 of "An Act concerning fees and
24 salaries, and to classify the several counties of this state
25 with reference thereto," approved March 29, 1872, as amended,
26 except that there shall be no charge for making or

1 authentication of such copies or reproductions furnished to any
2 department or agency of the State for official use. When any
3 such copy or reproduction is authenticated by the Great Seal of
4 the State of Illinois and is certified by the Secretary, or in
5 his name by his authorized representative, such copy or
6 reproduction shall be admitted in evidence as if it were the
7 original.

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

13 (8) (Blank).

14 (9) The Secretary may cooperate with the Illinois State
15 Genealogical Society, or its successor organization, for the
16 mutual benefit of the Society and the Illinois State Archives,
17 with the State Archives furnishing necessary space for the
18 society to carry on its functions and keep its records, to
19 receive publications of the Illinois State Genealogical
20 Society, to use members of the Illinois State Genealogical
21 Society as volunteers in various archival projects and to store
22 the Illinois State Genealogical Society's film collections.

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

24 Section 25. The Intergovernmental Cooperation Act is
25 amended by changing Section 3 as follows:

1 (5 ILCS 220/3) (from Ch. 127, par. 743)

2 Sec. 3. Intergovernmental cooperation. Any power or
3 powers, privileges, functions, or authority exercised or which
4 may be exercised by a public agency of this State may be
5 exercised, combined, transferred, and enjoyed jointly with any
6 other public agency of this State and jointly with any public
7 agency of any other state or of the United States to the extent
8 that laws of such other state or of the United States do not
9 prohibit joint exercise or enjoyment and except where
10 specifically and expressly prohibited by law. This includes,
11 but is not limited to, (i) arrangements between the Illinois
12 Student Assistance Commission and agencies in other states
13 which issue professional licenses and (ii) agreements between
14 the Department of Healthcare and Family Services (formerly
15 Illinois Department of Public Aid) and public agencies for the
16 establishment and enforcement of child support orders and for
17 the exchange of information that may be necessary for the
18 enforcement of those child support orders.

19 (Source: P.A. 90-18, eff. 7-1-97; 91-298, eff. 7-29-99; revised
20 12-15-05.)

21 Section 30. The Illinois Public Labor Relations Act is
22 amended by changing Sections 3, 9, and 15 as follows:

23 (5 ILCS 315/3) (from Ch. 48, par. 1603)

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

3 (a) "Board" means the Illinois Labor Relations Board or,
4 with respect to a matter over which the jurisdiction of the
5 Board is assigned to the State Panel or the Local Panel under
6 Section 5, the panel having jurisdiction over the matter.

7 (b) "Collective bargaining" means bargaining over terms
8 and conditions of employment, including hours, wages, and other
9 conditions of employment, as detailed in Section 7 and which
10 are not excluded by Section 4.

11 (c) "Confidential employee" means an employee who, in the
12 regular course of his or her duties, assists and acts in a
13 confidential capacity to persons who formulate, determine, and
14 effectuate management policies with regard to labor relations
15 or who, in the regular course of his or her duties, has
16 authorized access to information relating to the effectuation
17 or review of the employer's collective bargaining policies.

18 (d) "Craft employees" means skilled journeymen, crafts
19 persons, and their apprentices and helpers.

20 (e) "Essential services employees" means those public
21 employees performing functions so essential that the
22 interruption or termination of the function will constitute a
23 clear and present danger to the health and safety of the
24 persons in the affected community.

25 (f) "Exclusive representative", except with respect to
26 non-State fire fighters and paramedics employed by fire

1 departments and fire protection districts, non-State peace
2 officers, and peace officers in the Department of State Police,
3 means the labor organization that has been (i) designated by
4 the Board as the representative of a majority of public
5 employees in an appropriate bargaining unit in accordance with
6 the procedures contained in this Act, (ii) historically
7 recognized by the State of Illinois or any political
8 subdivision of the State before July 1, 1984 (the effective
9 date of this Act) as the exclusive representative of the
10 employees in an appropriate bargaining unit, (iii) after July
11 1, 1984 (the effective date of this Act) recognized by an
12 employer upon evidence, acceptable to the Board, that the labor
13 organization has been designated as the exclusive
14 representative by a majority of the employees in an appropriate
15 bargaining unit; (iv) recognized as the exclusive
16 representative of personal care attendants or personal
17 assistants under Executive Order 2003-8 prior to the effective
18 date of this amendatory Act of the 93rd General Assembly, and
19 the organization shall be considered to be the exclusive
20 representative of the personal care attendants or personal
21 assistants as defined in this Section; or (v) recognized as the
22 exclusive representative of child and day care home providers,
23 including licensed and license exempt providers, pursuant to an
24 election held under Executive Order 2005-1 prior to the
25 effective date of this amendatory Act of the 94th General
26 Assembly, and the organization shall be considered to be the

1 exclusive representative of the child and day care home
2 providers as defined in this Section.

3 With respect to non-State fire fighters and paramedics
4 employed by fire departments and fire protection districts,
5 non-State peace officers, and peace officers in the Department
6 of State Police, "exclusive representative" means the labor
7 organization that has been (i) designated by the Board as the
8 representative of a majority of peace officers or fire fighters
9 in an appropriate bargaining unit in accordance with the
10 procedures contained in this Act, (ii) historically recognized
11 by the State of Illinois or any political subdivision of the
12 State before January 1, 1986 (the effective date of this
13 amendatory Act of 1985) as the exclusive representative by a
14 majority of the peace officers or fire fighters in an
15 appropriate bargaining unit, or (iii) after January 1, 1986
16 (the effective date of this amendatory Act of 1985) recognized
17 by an employer upon evidence, acceptable to the Board, that the
18 labor organization has been designated as the exclusive
19 representative by a majority of the peace officers or fire
20 fighters in an appropriate bargaining unit.

21 (g) "Fair share agreement" means an agreement between the
22 employer and an employee organization under which all or any of
23 the employees in a collective bargaining unit are required to
24 pay their proportionate share of the costs of the collective
25 bargaining process, contract administration, and pursuing
26 matters affecting wages, hours, and other conditions of

1 employment, but not to exceed the amount of dues uniformly
2 required of members. The amount certified by the exclusive
3 representative shall not include any fees for contributions
4 related to the election or support of any candidate for
5 political office. Nothing in this subsection (g) shall preclude
6 an employee from making voluntary political contributions in
7 conjunction with his or her fair share payment.

8 (g-1) "Fire fighter" means, for the purposes of this Act
9 only, any person who has been or is hereafter appointed to a
10 fire department or fire protection district or employed by a
11 state university and sworn or commissioned to perform fire
12 fighter duties or paramedic duties, except that the following
13 persons are not included: part-time fire fighters, auxiliary,
14 reserve or voluntary fire fighters, including paid on-call fire
15 fighters, clerks and dispatchers or other civilian employees of
16 a fire department or fire protection district who are not
17 routinely expected to perform fire fighter duties, or elected
18 officials.

19 (g-2) "General Assembly of the State of Illinois" means the
20 legislative branch of the government of the State of Illinois,
21 as provided for under Article IV of the Constitution of the
22 State of Illinois, and includes but is not limited to the House
23 of Representatives, the Senate, the Speaker of the House of
24 Representatives, the Minority Leader of the House of
25 Representatives, the President of the Senate, the Minority
26 Leader of the Senate, the Joint Committee on Legislative

1 Support Services and any legislative support services agency
2 listed in the Legislative Commission Reorganization Act of
3 1984.

4 (h) "Governing body" means, in the case of the State, the
5 State Panel of the Illinois Labor Relations Board, the Director
6 of the Department of Central Management Services, and the
7 Director of the Department of Labor; the county board in the
8 case of a county; the corporate authorities in the case of a
9 municipality; and the appropriate body authorized to provide
10 for expenditures of its funds in the case of any other unit of
11 government.

12 (i) "Labor organization" means any organization in which
13 public employees participate and that exists for the purpose,
14 in whole or in part, of dealing with a public employer
15 concerning wages, hours, and other terms and conditions of
16 employment, including the settlement of grievances.

17 (j) "Managerial employee" means an individual who is
18 engaged predominantly in executive and management functions
19 and is charged with the responsibility of directing the
20 effectuation of management policies and practices.

21 (k) "Peace officer" means, for the purposes of this Act
22 only, any persons who have been or are hereafter appointed to a
23 police force, department, or agency and sworn or commissioned
24 to perform police duties, except that the following persons are
25 not included: part-time police officers, special police
26 officers, auxiliary police as defined by Section 3.1-30-20 of

1 the Illinois Municipal Code, night watchmen, "merchant
2 police", court security officers as defined by Section 3-6012.1
3 of the Counties Code, temporary employees, traffic guards or
4 wardens, civilian parking meter and parking facilities
5 personnel or other individuals specially appointed to aid or
6 direct traffic at or near schools or public functions or to aid
7 in civil defense or disaster, parking enforcement employees who
8 are not commissioned as peace officers and who are not armed
9 and who are not routinely expected to effect arrests, parking
10 lot attendants, clerks and dispatchers or other civilian
11 employees of a police department who are not routinely expected
12 to effect arrests, or elected officials.

13 (l) "Person" includes one or more individuals, labor
14 organizations, public employees, associations, corporations,
15 legal representatives, trustees, trustees in bankruptcy,
16 receivers, or the State of Illinois or any political
17 subdivision of the State or governing body, but does not
18 include the General Assembly of the State of Illinois or any
19 individual employed by the General Assembly of the State of
20 Illinois.

21 (m) "Professional employee" means any employee engaged in
22 work predominantly intellectual and varied in character rather
23 than routine mental, manual, mechanical or physical work;
24 involving the consistent exercise of discretion and adjustment
25 in its performance; of such a character that the output
26 produced or the result accomplished cannot be standardized in

1 relation to a given period of time; and requiring advanced
2 knowledge in a field of science or learning customarily
3 acquired by a prolonged course of specialized intellectual
4 instruction and study in an institution of higher learning or a
5 hospital, as distinguished from a general academic education or
6 from apprenticeship or from training in the performance of
7 routine mental, manual, or physical processes; or any employee
8 who has completed the courses of specialized intellectual
9 instruction and study prescribed in this subsection (m) and is
10 performing related work under the supervision of a professional
11 person to qualify to become a professional employee as defined
12 in this subsection (m).

13 (n) "Public employee" or "employee", for the purposes of
14 this Act, means any individual employed by a public employer,
15 including (i) interns and residents at public hospitals, (ii)
16 as of the effective date of this amendatory Act of the 93rd
17 General Assembly, but not before, personal care attendants and
18 personal assistants working under the Home Services Program
19 under Section 3 of the Disabled Persons Rehabilitation Act,
20 subject to the limitations set forth in this Act and in the
21 Disabled Persons Rehabilitation Act, and (iii) as of the
22 effective date of this amendatory Act of the 94th General
23 Assembly, but not before, child and day care home providers
24 participating in the child care assistance program under
25 Section 9A-11 of the Illinois Public Aid Code, subject to the
26 limitations set forth in this Act and in Section 9A-11 of the

1 Illinois Public Aid Code, but excluding all of the following:
2 employees of the General Assembly of the State of Illinois;
3 elected officials; executive heads of a department; members of
4 boards or commissions; the Executive Inspectors General; any
5 special Executive Inspectors General; employees of each Office
6 of an Executive Inspector General; commissioners and employees
7 of the Executive Ethics Commission; the Auditor General's
8 Inspector General; employees of the Office of the Auditor
9 General's Inspector General; the Legislative Inspector
10 General; any special Legislative Inspectors General; employees
11 of the Office of the Legislative Inspector General;
12 commissioners and employees of the Legislative Ethics
13 Commission; employees of any agency, board or commission
14 created by this Act; employees appointed to State positions of
15 a temporary or emergency nature; all employees of school
16 districts and higher education institutions except
17 firefighters and peace officers employed by a state university;
18 managerial employees; short-term employees; confidential
19 employees; independent contractors; and supervisors except as
20 provided in this Act.

21 Personal care attendants and personal assistants shall not
22 be considered public employees for any purposes not
23 specifically provided for in the amendatory Act of the 93rd
24 General Assembly, including but not limited to, purposes of
25 vicarious liability in tort and purposes of statutory
26 retirement or health insurance benefits. Personal care

1 attendants and personal assistants shall not be covered by the
2 State Employees Group Insurance Act of 1971 (5 ILCS 375/).

3 Child and day care home providers shall not be considered
4 public employees for any purposes not specifically provided for
5 in this amendatory Act of the 94th General Assembly, including
6 but not limited to, purposes of vicarious liability in tort and
7 purposes of statutory retirement or health insurance benefits.
8 Child and day care home providers shall not be covered by the
9 State Employees Group Insurance Act of 1971.

10 Notwithstanding Section 9, subsection (c), or any other
11 provisions of this Act, all peace officers above the rank of
12 captain in municipalities with more than 1,000,000 inhabitants
13 shall be excluded from this Act.

14 (o) Except as otherwise in subsection (o-5), "public
15 employer" or "employer" means the State of Illinois; any
16 political subdivision of the State, unit of local government or
17 school district; authorities including departments, divisions,
18 bureaus, boards, commissions, or other agencies of the
19 foregoing entities; and any person acting within the scope of
20 his or her authority, express or implied, on behalf of those
21 entities in dealing with its employees. As of the effective
22 date of the amendatory Act of the 93rd General Assembly, but
23 not before, the State of Illinois shall be considered the
24 employer of the personal care attendants and personal
25 assistants working under the Home Services Program under
26 Section 3 of the Disabled Persons Rehabilitation Act, subject

1 to the limitations set forth in this Act and in the Disabled
2 Persons Rehabilitation Act. The State shall not be considered
3 to be the employer of personal care attendants and personal
4 assistants for any purposes not specifically provided for in
5 this amendatory Act of the 93rd General Assembly, including but
6 not limited to, purposes of vicarious liability in tort and
7 purposes of statutory retirement or health insurance benefits.
8 Personal care attendants and personal assistants shall not be
9 covered by the State Employees Group Insurance Act of 1971 (5
10 ILCS 375/). As of the effective date of this amendatory Act of
11 the 94th General Assembly but not before, the State of Illinois
12 shall be considered the employer of the day and child care home
13 providers participating in the child care assistance program
14 under Section 9A-11 of the Illinois Public Aid Code, subject to
15 the limitations set forth in this Act and in Section 9A-11 of
16 the Illinois Public Aid Code. The State shall not be considered
17 to be the employer of child and day care home providers for any
18 purposes not specifically provided for in this amendatory Act
19 of the 94th General Assembly, including but not limited to,
20 purposes of vicarious liability in tort and purposes of
21 statutory retirement or health insurance benefits. Child and
22 day care home providers shall not be covered by the State
23 Employees Group Insurance Act of 1971.

24 "Public employer" or "employer" as used in this Act,
25 however, does not mean and shall not include the General
26 Assembly of the State of Illinois, the Executive Ethics

1 Commission, the Offices of the Executive Inspectors General,
2 the Legislative Ethics Commission, the Office of the
3 Legislative Inspector General, the Office of the Auditor
4 General's Inspector General, and educational employers or
5 employers as defined in the Illinois Educational Labor
6 Relations Act, except with respect to a state university in its
7 employment of firefighters and peace officers. County boards
8 and county sheriffs shall be designated as joint or
9 co-employers of county peace officers appointed under the
10 authority of a county sheriff. Nothing in this subsection (o)
11 shall be construed to prevent the State Panel or the Local
12 Panel from determining that employers are joint or
13 co-employers.

14 (o-5) With respect to wages, fringe benefits, hours,
15 holidays, vacations, proficiency examinations, sick leave, and
16 other conditions of employment, the public employer of public
17 employees who are court reporters, as defined in the Court
18 Reporters Act, shall be determined as follows:

19 (1) For court reporters employed by the Cook County
20 Judicial Circuit, the chief judge of the Cook County
21 Circuit Court is the public employer and employer
22 representative.

23 (2) For court reporters employed by the 12th, 18th,
24 19th, and, on and after December 4, 2006, the 22nd judicial
25 circuits, a group consisting of the chief judges of those
26 circuits, acting jointly by majority vote, is the public

1 employer and employer representative.

2 (3) For court reporters employed by all other judicial
3 circuits, a group consisting of the chief judges of those
4 circuits, acting jointly by majority vote, is the public
5 employer and employer representative.

6 (p) "Security employee" means an employee who is
7 responsible for the supervision and control of inmates at
8 correctional facilities. The term also includes other
9 non-security employees in bargaining units having the majority
10 of employees being responsible for the supervision and control
11 of inmates at correctional facilities.

12 (q) "Short-term employee" means an employee who is employed
13 for less than 2 consecutive calendar quarters during a calendar
14 year and who does not have a reasonable assurance that he or
15 she will be rehired by the same employer for the same service
16 in a subsequent calendar year.

17 (r) "Supervisor" is an employee whose principal work is
18 substantially different from that of his or her subordinates
19 and who has authority, in the interest of the employer, to
20 hire, transfer, suspend, lay off, recall, promote, discharge,
21 direct, reward, or discipline employees, to adjust their
22 grievances, or to effectively recommend any of those actions,
23 if the exercise of that authority is not of a merely routine or
24 clerical nature, but requires the consistent use of independent
25 judgment. Except with respect to police employment, the term
26 "supervisor" includes only those individuals who devote a

1 preponderance of their employment time to exercising that
2 authority, State supervisors notwithstanding. In addition, in
3 determining supervisory status in police employment, rank
4 shall not be determinative. The Board shall consider, as
5 evidence of bargaining unit inclusion or exclusion, the common
6 law enforcement policies and relationships between police
7 officer ranks and certification under applicable civil service
8 law, ordinances, personnel codes, or Division 2.1 of Article 10
9 of the Illinois Municipal Code, but these factors shall not be
10 the sole or predominant factors considered by the Board in
11 determining police supervisory status.

12 Notwithstanding the provisions of the preceding paragraph,
13 in determining supervisory status in fire fighter employment,
14 no fire fighter shall be excluded as a supervisor who has
15 established representation rights under Section 9 of this Act.
16 Further, in new fire fighter units, employees shall consist of
17 fire fighters of the rank of company officer and below. If a
18 company officer otherwise qualifies as a supervisor under the
19 preceding paragraph, however, he or she shall not be included
20 in the fire fighter unit. If there is no rank between that of
21 chief and the highest company officer, the employer may
22 designate a position on each shift as a Shift Commander, and
23 the persons occupying those positions shall be supervisors. All
24 other ranks above that of company officer shall be supervisors.

25 (s) (1) "Unit" means a class of jobs or positions that are
26 held by employees whose collective interests may suitably

1 be represented by a labor organization for collective
2 bargaining. Except with respect to non-State fire fighters
3 and paramedics employed by fire departments and fire
4 protection districts, non-State peace officers, and peace
5 officers in the Department of State Police, a bargaining
6 unit determined by the Board shall not include both
7 employees and supervisors, or supervisors only, except as
8 provided in paragraph (2) of this subsection (s) and except
9 for bargaining units in existence on July 1, 1984 (the
10 effective date of this Act). With respect to non-State fire
11 fighters and paramedics employed by fire departments and
12 fire protection districts, non-State peace officers, and
13 peace officers in the Department of State Police, a
14 bargaining unit determined by the Board shall not include
15 both supervisors and nonsupervisors, or supervisors only,
16 except as provided in paragraph (2) of this subsection (s)
17 and except for bargaining units in existence on January 1,
18 1986 (the effective date of this amendatory Act of 1985). A
19 bargaining unit determined by the Board to contain peace
20 officers shall contain no employees other than peace
21 officers unless otherwise agreed to by the employer and the
22 labor organization or labor organizations involved.
23 Notwithstanding any other provision of this Act, a
24 bargaining unit, including a historical bargaining unit,
25 containing sworn peace officers of the Department of
26 Natural Resources (formerly designated the Department of

1 Conservation) shall contain no employees other than such
2 sworn peace officers upon the effective date of this
3 amendatory Act of 1990 or upon the expiration date of any
4 collective bargaining agreement in effect upon the
5 effective date of this amendatory Act of 1990 covering both
6 such sworn peace officers and other employees.

7 (2) Notwithstanding the exclusion of supervisors from
8 bargaining units as provided in paragraph (1) of this
9 subsection (s), a public employer may agree to permit its
10 supervisory employees to form bargaining units and may
11 bargain with those units. This Act shall apply if the
12 public employer chooses to bargain under this subsection.

13 (3) Public employees who are court reporters, as
14 defined in the Court Reporters Act, shall be divided into 3
15 units for collective bargaining purposes. One unit shall be
16 court reporters employed by the Cook County Judicial
17 Circuit; one unit shall be court reporters employed by the
18 12th, 18th, 19th, and, on and after December 4, 2006, the
19 22nd judicial circuits; and one unit shall be court
20 reporters employed by all other judicial circuits.

21 (Source: P.A. 93-204, eff. 7-16-03; 93-617, eff. 12-9-03;
22 94-98, eff. 7-1-05; 94-320, eff. 1-1-06; revised 8-19-05.)

23 (5 ILCS 315/9) (from Ch. 48, par. 1609)

24 Sec. 9. Elections; recognition.

25 (a) Whenever in accordance with such regulations as may be

1 prescribed by the Board a petition has been filed:

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

12 (2) by a public employer alleging that one or more
13 labor organizations have presented to it a claim that they
14 be recognized as the representative of a majority of the
15 public employees in an appropriate unit,

16 the Board shall investigate such petition, and if it has
17 reasonable cause to believe that a question of representation
18 exists, shall provide for an appropriate hearing upon due
19 notice. Such hearing shall be held at the offices of the Board
20 or such other location as the Board deems appropriate. If it
21 finds upon the record of the hearing that a question of
22 representation exists, it shall direct an election in
23 accordance with subsection (d) of this Section, which election
24 shall be held not later than 120 days after the date the
25 petition was filed regardless of whether that petition was
26 filed before or after the effective date of this amendatory Act

1 of 1987; provided, however, the Board may extend the time for
2 holding an election by an additional 60 days if, upon motion by
3 a person who has filed a petition under this Section or is the
4 subject of a petition filed under this Section and is a party
5 to such hearing, or upon the Board's own motion, the Board
6 finds that good cause has been shown for extending the election
7 date; provided further, that nothing in this Section shall
8 prohibit the Board, in its discretion, from extending the time
9 for holding an election for so long as may be necessary under
10 the circumstances, where the purpose for such extension is to
11 permit resolution by the Board of an unfair labor practice
12 charge filed by one of the parties to a representational
13 proceeding against the other based upon conduct which may
14 either affect the existence of a question concerning
15 representation or have a tendency to interfere with a fair and
16 free election, where the party filing the charge has not filed
17 a request to proceed with the election; and provided further
18 that prior to the expiration of the total time allotted for
19 holding an election, a person who has filed a petition under
20 this Section or is the subject of a petition filed under this
21 Section and is a party to such hearing or the Board, may move
22 for and obtain the entry of an order in the circuit court of
23 the county in which the majority of the public employees sought
24 to be represented by such person reside, such order extending
25 the date upon which the election shall be held. Such order
26 shall be issued by the circuit court only upon a judicial

1 finding that there has been a sufficient showing that there is
2 good cause to extend the election date beyond such period and
3 shall require the Board to hold the election as soon as is
4 feasible given the totality of the circumstances. Such 120 day
5 period may be extended one or more times by the agreement of
6 all parties to the hearing to a date certain without the
7 necessity of obtaining a court order. Nothing in this Section
8 prohibits the waiving of hearings by stipulation for the
9 purpose of a consent election in conformity with the rules and
10 regulations of the Board or an election in a unit agreed upon
11 by the parties. Other interested employee organizations may
12 intervene in the proceedings in the manner and within the time
13 period specified by rules and regulations of the Board.
14 Interested parties who are necessary to the proceedings may
15 also intervene in the proceedings in the manner and within the
16 time period specified by the rules and regulations of the
17 Board.

18 (a-5) The Board shall designate an exclusive
19 representative for purposes of collective bargaining when the
20 representative demonstrates a showing of majority interest by
21 employees in the unit. If the parties to a dispute are without
22 agreement on the means to ascertain the choice, if any, of
23 employee organization as their representative, the Board shall
24 ascertain the employees' choice of employee organization, on
25 the basis of dues deduction authorization and other evidence,
26 or, if necessary, by conducting an election. If either party

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

18 (b) The Board shall decide in each case, in order to assure
19 public employees the fullest freedom in exercising the rights
20 guaranteed by this Act, a unit appropriate for the purpose of
21 collective bargaining, based upon but not limited to such
22 factors as: historical pattern of recognition; community of
23 interest including employee skills and functions; degree of
24 functional integration; interchangeability and contact among
25 employees; fragmentation of employee groups; common
26 supervision, wages, hours and other working conditions of the

1 employees involved; and the desires of the employees. For
2 purposes of this subsection, fragmentation shall not be the
3 sole or predominant factor used by the Board in determining an
4 appropriate bargaining unit. Except with respect to non-State
5 fire fighters and paramedics employed by fire departments and
6 fire protection districts, non-State peace officers and peace
7 officers in the State Department of State Police, a single
8 bargaining unit determined by the Board may not include both
9 supervisors and nonsupervisors, except for bargaining units in
10 existence on the effective date of this Act. With respect to
11 non-State fire fighters and paramedics employed by fire
12 departments and fire protection districts, non-State peace
13 officers and peace officers in the State Department of State
14 Police, a single bargaining unit determined by the Board may
15 not include both supervisors and nonsupervisors, except for
16 bargaining units in existence on the effective date of this
17 amendatory Act of 1985.

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

24 Notwithstanding the above factors, where the majority of
25 public employees of a craft so decide, the Board shall
26 designate such craft as a unit appropriate for the purposes of

1 collective bargaining.

2 The Board shall not decide that any unit is appropriate if
3 such unit includes both professional and nonprofessional
4 employees, unless a majority of each group votes for inclusion
5 in such unit.

6 (c) Nothing in this Act shall interfere with or negate the
7 current representation rights or patterns and practices of
8 labor organizations which have historically represented public
9 employees for the purpose of collective bargaining, including
10 but not limited to the negotiations of wages, hours and working
11 conditions, discussions of employees' grievances, resolution
12 of jurisdictional disputes, or the establishment and
13 maintenance of prevailing wage rates, unless a majority of
14 employees so represented express a contrary desire pursuant to
15 the procedures set forth in this Act.

16 (d) In instances where the employer does not voluntarily
17 recognize a labor organization as the exclusive bargaining
18 representative for a unit of employees, the Board shall
19 determine the majority representative of the public employees
20 in an appropriate collective bargaining unit by conducting a
21 secret ballot election, except as otherwise provided in
22 subsection (a-5). Within 7 days after the Board issues its
23 bargaining unit determination and direction of election or the
24 execution of a stipulation for the purpose of a consent
25 election, the public employer shall submit to the labor
26 organization the complete names and addresses of those

1 employees who are determined by the Board to be eligible to
2 participate in the election. When the Board has determined that
3 a labor organization has been fairly and freely chosen by a
4 majority of employees in an appropriate unit, it shall certify
5 such organization as the exclusive representative. If the Board
6 determines that a majority of employees in an appropriate unit
7 has fairly and freely chosen not to be represented by a labor
8 organization, it shall so certify. The Board may also revoke
9 the certification of the public employee organizations as
10 exclusive bargaining representatives which have been found by a
11 secret ballot election to be no longer the majority
12 representative.

13 (e) The Board shall not conduct an election in any
14 bargaining unit or any subdivision thereof within which a valid
15 election has been held in the preceding 12-month period. The
16 Board shall determine who is eligible to vote in an election
17 and shall establish rules governing the conduct of the election
18 or conduct affecting the results of the election. The Board
19 shall include on a ballot in a representation election a choice
20 of "no representation". A labor organization currently
21 representing the bargaining unit of employees shall be placed
22 on the ballot in any representation election. In any election
23 where none of the choices on the ballot receives a majority, a
24 runoff election shall be conducted between the 2 choices
25 receiving the largest number of valid votes cast in the
26 election. A labor organization which receives a majority of the

1 votes cast in an election shall be certified by the Board as
2 exclusive representative of all public employees in the unit.

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

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

24 (h) No election shall be directed by the Board in any
25 bargaining unit where there is in force a valid collective
26 bargaining agreement. The Board, however, may process an

1 election petition filed between 90 and 60 days prior to the
2 expiration of the date of an agreement, and may further refine,
3 by rule or decision, the implementation of this provision.
4 Where more than 4 years have elapsed since the effective date
5 of the agreement, the agreement shall continue to bar an
6 election, except that the Board may process an election
7 petition filed between 90 and 60 days prior to the end of the
8 fifth year of such an agreement, and between 90 and 60 days
9 prior to the end of each successive year of such agreement.

10 (i) An order of the Board dismissing a representation
11 petition, determining and certifying that a labor organization
12 has been fairly and freely chosen by a majority of employees in
13 an appropriate bargaining unit, determining and certifying
14 that a labor organization has not been fairly and freely chosen
15 by a majority of employees in the bargaining unit or certifying
16 a labor organization as the exclusive representative of
17 employees in an appropriate bargaining unit because of a
18 determination by the Board that the labor organization is the
19 historical bargaining representative of employees in the
20 bargaining unit, is a final order. Any person aggrieved by any
21 such order issued on or after the effective date of this
22 amendatory Act of 1987 may apply for and obtain judicial review
23 in accordance with provisions of the Administrative Review Law,
24 as now or hereafter amended, except that such review shall be
25 afforded directly in the Appellate Court for the district in
26 which the aggrieved party resides or transacts business. Any

1 direct appeal to the Appellate Court shall be filed within 35
2 days from the date that a copy of the decision sought to be
3 reviewed was served upon the party affected by the decision.

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

6 (5 ILCS 315/15) (from Ch. 48, par. 1615)

7 Sec. 15. Act Takes Precedence.

8 (a) In case of any conflict between the provisions of this
9 Act and any other law (other than Section 5 of the State
10 Employees Group Insurance Act of 1971), executive order or
11 administrative regulation relating to wages, hours and
12 conditions of employment and employment relations, the
13 provisions of this Act or any collective bargaining agreement
14 negotiated thereunder shall prevail and control. Nothing in
15 this Act shall be construed to replace or diminish the rights
16 of employees established by Sections 28 and 28a of the
17 Metropolitan Transit Authority Act, Sections 2.15 through 2.19
18 of the Regional Transportation Authority Act. The provisions of
19 this Act are subject to Section 5 of the State Employees Group
20 Insurance Act of 1971. Nothing in this Act shall be construed
21 to replace the necessity of complaints against a sworn peace
22 officer, as defined in Section 2(a) of the Uniform Peace
23 Officer Disciplinary Act, from having a complaint supported by
24 a sworn affidavit.

25 (b) Except as provided in subsection (a) above, any

1 collective bargaining contract between a public employer and a
2 labor organization executed pursuant to this Act shall
3 supersede any contrary statutes, charters, ordinances, rules
4 or regulations relating to wages, hours and conditions of
5 employment and employment relations adopted by the public
6 employer or its agents. Any collective bargaining agreement
7 entered into prior to the effective date of this Act shall
8 remain in full force during its duration.

9 (c) It is the public policy of this State, pursuant to
10 paragraphs (h) and (i) of Section 6 of Article VII of the
11 Illinois Constitution, that the provisions of this Act are the
12 exclusive exercise by the State of powers and functions which
13 might otherwise be exercised by home rule units. Such powers
14 and functions may not be exercised concurrently, either
15 directly or indirectly, by any unit of local government,
16 including any home rule unit, except as otherwise authorized by
17 this Act.

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

20 Section 35. The Military Leave of Absence Act is amended by
21 changing Sections 1 and 1.1 as follows:

22 (5 ILCS 325/1) (from Ch. 129, par. 501)

23 Sec. 1. Leave of absence.

24 (a) Any full-time employee of the State of Illinois, a unit

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

7 (1) basic training;

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

10 (3) annual training.

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

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

21 (b) Any full-time employee of the State of Illinois, other
22 than an independent contractor, who is a member of the Illinois
23 National Guard or a reserve component of the United States
24 Armed Forces or the Illinois State Militia and who is mobilized
25 to active duty shall continue during the period of active duty
26 to receive his or her benefits and regular compensation as a

1 State employee, minus an amount equal to his or her military
2 active duty base pay. The Department of Central Management
3 Services and the State Comptroller shall coordinate in the
4 development of procedures for the implementation of this
5 Section.

6 (Source: P.A. 93-409, eff. 8-4-03; 93-537, eff. 1-1-04; revised
7 9-11-03.)

8 (5 ILCS 325/1.1)

9 Sec. 1.1. Home rule. A home rule unit may not regulate its
10 employees in a manner that is inconsistent with this Act. This
11 Section is a limitation under subsection (i) of Section 6~~7~~ of
12 Article VII of the Illinois Constitution on the concurrent
13 exercise by home rule units of powers and functions exercised
14 by the State.

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

16 Section 40. The State Employees Group Insurance Act of 1971
17 is amended by changing Sections 3, 8, and 10 as follows:

18 (5 ILCS 375/3) (from Ch. 127, par. 523)

19 Sec. 3. Definitions. Unless the context otherwise
20 requires, the following words and phrases as used in this Act
21 shall have the following meanings. The Department may define
22 these and other words and phrases separately for the purpose of
23 implementing specific programs providing benefits under this

1 Act.

2 (a) "Administrative service organization" means any
3 person, firm or corporation experienced in the handling of
4 claims which is fully qualified, financially sound and capable
5 of meeting the service requirements of a contract of
6 administration executed with the Department.

7 (b) "Annuitant" means (1) an employee who retires, or has
8 retired, on or after January 1, 1966 on an immediate annuity
9 under the provisions of Articles 2, 14 (including an employee
10 who has elected to receive an alternative retirement
11 cancellation payment under Section 14-108.5 of the Illinois
12 Pension Code in lieu of an annuity), 15 (including an employee
13 who has retired under the optional retirement program
14 established under Section 15-158.2), paragraphs (2), (3), or
15 (5) of Section 16-106, or Article 18 of the Illinois Pension
16 Code; (2) any person who was receiving group insurance coverage
17 under this Act as of March 31, 1978 by reason of his status as
18 an annuitant, even though the annuity in relation to which such
19 coverage was provided is a proportional annuity based on less
20 than the minimum period of service required for a retirement
21 annuity in the system involved; (3) any person not otherwise
22 covered by this Act who has retired as a participating member
23 under Article 2 of the Illinois Pension Code but is ineligible
24 for the retirement annuity under Section 2-119 of the Illinois
25 Pension Code; (4) the spouse of any person who is receiving a
26 retirement annuity under Article 18 of the Illinois Pension

1 Code and who is covered under a group health insurance program
2 sponsored by a governmental employer other than the State of
3 Illinois and who has irrevocably elected to waive his or her
4 coverage under this Act and to have his or her spouse
5 considered as the "annuitant" under this Act and not as a
6 "dependent"; or (5) an employee who retires, or has retired,
7 from a qualified position, as determined according to rules
8 promulgated by the Director, under a qualified local
9 government, a qualified rehabilitation facility, a qualified
10 domestic violence shelter or service, or a qualified child
11 advocacy center. (For definition of "retired employee", see (p)
12 post).

13 (b-5) "New SERS annuitant" means a person who, on or after
14 January 1, 1998, becomes an annuitant, as defined in subsection
15 (b), by virtue of beginning to receive a retirement annuity
16 under Article 14 of the Illinois Pension Code (including an
17 employee who has elected to receive an alternative retirement
18 cancellation payment under Section 14-108.5 of that Code in
19 lieu of an annuity), and is eligible to participate in the
20 basic program of group health benefits provided for annuitants
21 under this Act.

22 (b-6) "New SURS annuitant" means a person who (1) on or
23 after January 1, 1998, becomes an annuitant, as defined in
24 subsection (b), by virtue of beginning to receive a retirement
25 annuity under Article 15 of the Illinois Pension Code, (2) has
26 not made the election authorized under Section 15-135.1 of the

1 Illinois Pension Code, and (3) is eligible to participate in
2 the basic program of group health benefits provided for
3 annuitants under this Act.

4 (b-7) "New TRS State annuitant" means a person who, on or
5 after July 1, 1998, becomes an annuitant, as defined in
6 subsection (b), by virtue of beginning to receive a retirement
7 annuity under Article 16 of the Illinois Pension Code based on
8 service as a teacher as defined in paragraph (2), (3), or (5)
9 of Section 16-106 of that Code, and is eligible to participate
10 in the basic program of group health benefits provided for
11 annuitants under this Act.

12 (c) "Carrier" means (1) an insurance company, a corporation
13 organized under the Limited Health Service Organization Act or
14 the Voluntary Health Services Plan Act, a partnership, or other
15 nongovernmental organization, which is authorized to do group
16 life or group health insurance business in Illinois, or (2) the
17 State of Illinois as a self-insurer.

18 (d) "Compensation" means salary or wages payable on a
19 regular payroll by the State Treasurer on a warrant of the
20 State Comptroller out of any State, trust or federal fund, or
21 by the Governor of the State through a disbursing officer of
22 the State out of a trust or out of federal funds, or by any
23 Department out of State, trust, federal or other funds held by
24 the State Treasurer or the Department, to any person for
25 personal services currently performed, and ordinary or
26 accidental disability benefits under Articles 2, 14, 15

1 (including ordinary or accidental disability benefits under
2 the optional retirement program established under Section
3 15-158.2), paragraphs (2), (3), or (5) of Section 16-106, or
4 Article 18 of the Illinois Pension Code, for disability
5 incurred after January 1, 1966, or benefits payable under the
6 Workers' Compensation or Occupational Diseases Act or benefits
7 payable under a sick pay plan established in accordance with
8 Section 36 of the State Finance Act. "Compensation" also means
9 salary or wages paid to an employee of any qualified local
10 government, qualified rehabilitation facility, qualified
11 domestic violence shelter or service, or qualified child
12 advocacy center.

13 (e) "Commission" means the State Employees Group Insurance
14 Advisory Commission authorized by this Act. Commencing July 1,
15 1984, "Commission" as used in this Act means the Commission on
16 Government Forecasting and Accountability as established by
17 the Legislative Commission Reorganization Act of 1984.

18 (f) "Contributory", when referred to as contributory
19 coverage, shall mean optional coverages or benefits elected by
20 the member toward the cost of which such member makes
21 contribution, or which are funded in whole or in part through
22 the acceptance of a reduction in earnings or the foregoing of
23 an increase in earnings by an employee, as distinguished from
24 noncontributory coverage or benefits which are paid entirely by
25 the State of Illinois without reduction of the member's salary.

26 (g) "Department" means any department, institution, board,

1 commission, officer, court or any agency of the State
2 government receiving appropriations and having power to
3 certify payrolls to the Comptroller authorizing payments of
4 salary and wages against such appropriations as are made by the
5 General Assembly from any State fund, or against trust funds
6 held by the State Treasurer and includes boards of trustees of
7 the retirement systems created by Articles 2, 14, 15, 16 and 18
8 of the Illinois Pension Code. "Department" also includes the
9 Illinois Comprehensive Health Insurance Board, the Board of
10 Examiners established under the Illinois Public Accounting
11 Act, and the Illinois Finance Authority.

12 (h) "Dependent", when the term is used in the context of
13 the health and life plan, means a member's spouse and any
14 unmarried child (1) from birth to age 19 including an adopted
15 child, a child who lives with the member from the time of the
16 filing of a petition for adoption until entry of an order of
17 adoption, a stepchild or recognized child who lives with the
18 member in a parent-child relationship, or a child who lives
19 with the member if such member is a court appointed guardian of
20 the child, or (2) age 19 to 23 enrolled as a full-time student
21 in any accredited school, financially dependent upon the
22 member, and eligible to be claimed as a dependent for income
23 tax purposes, or (3) age 19 or over who is mentally or
24 physically handicapped. For the purposes of item (2), an
25 unmarried child age 19 to 23 who is a member of the United
26 States Armed Services, including the Illinois National Guard,

1 and is mobilized to active duty shall qualify as a dependent
2 beyond the age of 23 and until the age of 25 and while a
3 full-time student for the amount of time spent on active duty
4 between the ages of 19 and 23. The individual attempting to
5 qualify for this additional time must submit written
6 documentation of active duty service to the Director. The
7 changes made by this amendatory Act of the 94th General
8 Assembly apply only to individuals mobilized to active duty in
9 the United States Armed Services, including the Illinois
10 National Guard, on or after January 1, 2002. For the health
11 plan only, the term "dependent" also includes any person
12 enrolled prior to the effective date of this Section who is
13 dependent upon the member to the extent that the member may
14 claim such person as a dependent for income tax deduction
15 purposes; no other such person may be enrolled. For the health
16 plan only, the term "dependent" also includes any person who
17 has received after June 30, 2000 an organ transplant and who is
18 financially dependent upon the member and eligible to be
19 claimed as a dependent for income tax purposes.

20 (i) "Director" means the Director of the Illinois
21 Department of Central Management Services.

22 (j) "Eligibility period" means the period of time a member
23 has to elect enrollment in programs or to select benefits
24 without regard to age, sex or health.

25 (k) "Employee" means and includes each officer or employee
26 in the service of a department who (1) receives his

1 compensation for service rendered to the department on a
2 warrant issued pursuant to a payroll certified by a department
3 or on a warrant or check issued and drawn by a department upon
4 a trust, federal or other fund or on a warrant issued pursuant
5 to a payroll certified by an elected or duly appointed officer
6 of the State or who receives payment of the performance of
7 personal services on a warrant issued pursuant to a payroll
8 certified by a Department and drawn by the Comptroller upon the
9 State Treasurer against appropriations made by the General
10 Assembly from any fund or against trust funds held by the State
11 Treasurer, and (2) is employed full-time or part-time in a
12 position normally requiring actual performance of duty during
13 not less than 1/2 of a normal work period, as established by
14 the Director in cooperation with each department, except that
15 persons elected by popular vote will be considered employees
16 during the entire term for which they are elected regardless of
17 hours devoted to the service of the State, and (3) except that
18 "employee" does not include any person who is not eligible by
19 reason of such person's employment to participate in one of the
20 State retirement systems under Articles 2, 14, 15 (either the
21 regular Article 15 system or the optional retirement program
22 established under Section 15-158.2) or 18, or under paragraph
23 (2), (3), or (5) of Section 16-106, of the Illinois Pension
24 Code, but such term does include persons who are employed
25 during the 6 month qualifying period under Article 14 of the
26 Illinois Pension Code. Such term also includes any person who

1 (1) after January 1, 1966, is receiving ordinary or accidental
2 disability benefits under Articles 2, 14, 15 (including
3 ordinary or accidental disability benefits under the optional
4 retirement program established under Section 15-158.2),
5 paragraphs (2), (3), or (5) of Section 16-106, or Article 18 of
6 the Illinois Pension Code, for disability incurred after
7 January 1, 1966, (2) receives total permanent or total
8 temporary disability under the Workers' Compensation Act or
9 Occupational Disease Act as a result of injuries sustained or
10 illness contracted in the course of employment with the State
11 of Illinois, or (3) is not otherwise covered under this Act and
12 has retired as a participating member under Article 2 of the
13 Illinois Pension Code but is ineligible for the retirement
14 annuity under Section 2-119 of the Illinois Pension Code.
15 However, a person who satisfies the criteria of the foregoing
16 definition of "employee" except that such person is made
17 ineligible to participate in the State Universities Retirement
18 System by clause (4) of subsection (a) of Section 15-107 of the
19 Illinois Pension Code is also an "employee" for the purposes of
20 this Act. "Employee" also includes any person receiving or
21 eligible for benefits under a sick pay plan established in
22 accordance with Section 36 of the State Finance Act. "Employee"
23 also includes (i) each officer or employee in the service of a
24 qualified local government, including persons appointed as
25 trustees of sanitary districts regardless of hours devoted to
26 the service of the sanitary district, (ii) each employee in the

1 service of a qualified rehabilitation facility, (iii) each
2 full-time employee in the service of a qualified domestic
3 violence shelter or service, and (iv) each full-time employee
4 in the service of a qualified child advocacy center, as
5 determined according to rules promulgated by the Director.

6 (l) "Member" means an employee, annuitant, retired
7 employee or survivor.

8 (m) "Optional coverages or benefits" means those coverages
9 or benefits available to the member on his or her voluntary
10 election, and at his or her own expense.

11 (n) "Program" means the group life insurance, health
12 benefits and other employee benefits designed and contracted
13 for by the Director under this Act.

14 (o) "Health plan" means a health benefits program offered
15 by the State of Illinois for persons eligible for the plan.

16 (p) "Retired employee" means any person who would be an
17 annuitant as that term is defined herein but for the fact that
18 such person retired prior to January 1, 1966. Such term also
19 includes any person formerly employed by the University of
20 Illinois in the Cooperative Extension Service who would be an
21 annuitant but for the fact that such person was made ineligible
22 to participate in the State Universities Retirement System by
23 clause (4) of subsection (a) of Section 15-107 of the Illinois
24 Pension Code.

25 (q) "Survivor" means a person receiving an annuity as a
26 survivor of an employee or of an annuitant. "Survivor" also

1 includes: (1) the surviving dependent of a person who satisfies
2 the definition of "employee" except that such person is made
3 ineligible to participate in the State Universities Retirement
4 System by clause (4) of subsection (a) of Section 15-107 of the
5 Illinois Pension Code; (2) the surviving dependent of any
6 person formerly employed by the University of Illinois in the
7 Cooperative Extension Service who would be an annuitant except
8 for the fact that such person was made ineligible to
9 participate in the State Universities Retirement System by
10 clause (4) of subsection (a) of Section 15-107 of the Illinois
11 Pension Code; and (3) the surviving dependent of a person who
12 was an annuitant under this Act by virtue of receiving an
13 alternative retirement cancellation payment under Section
14 14-108.5 of the Illinois Pension Code.

15 (q-2) "SERS" means the State Employees' Retirement System
16 of Illinois, created under Article 14 of the Illinois Pension
17 Code.

18 (q-3) "SURS" means the State Universities Retirement
19 System, created under Article 15 of the Illinois Pension Code.

20 (q-4) "TRS" means the Teachers' Retirement System of the
21 State of Illinois, created under Article 16 of the Illinois
22 Pension Code.

23 (q-5) "New SERS survivor" means a survivor, as defined in
24 subsection (q), whose annuity is paid under Article 14 of the
25 Illinois Pension Code and is based on the death of (i) an
26 employee whose death occurs on or after January 1, 1998, or

1 (ii) a new SERS annuitant as defined in subsection (b-5). "New
2 SERS survivor" includes the surviving dependent of a person who
3 was an annuitant under this Act by virtue of receiving an
4 alternative retirement cancellation payment under Section
5 14-108.5 of the Illinois Pension Code.

6 (q-6) "New SURS survivor" means a survivor, as defined in
7 subsection (q), whose annuity is paid under Article 15 of the
8 Illinois Pension Code and is based on the death of (i) an
9 employee whose death occurs on or after January 1, 1998, or
10 (ii) a new SURS annuitant as defined in subsection (b-6).

11 (q-7) "New TRS State survivor" means a survivor, as defined
12 in subsection (q), whose annuity is paid under Article 16 of
13 the Illinois Pension Code and is based on the death of (i) an
14 employee who is a teacher as defined in paragraph (2), (3), or
15 (5) of Section 16-106 of that Code and whose death occurs on or
16 after July 1, 1998, or (ii) a new TRS State annuitant as
17 defined in subsection (b-7).

18 (r) "Medical services" means the services provided within
19 the scope of their licenses by practitioners in all categories
20 licensed under the Medical Practice Act of 1987.

21 (s) "Unit of local government" means any county,
22 municipality, township, school district (including a
23 combination of school districts under the Intergovernmental
24 Cooperation Act), special district or other unit, designated as
25 a unit of local government by law, which exercises limited
26 governmental powers or powers in respect to limited

1 governmental subjects, any not-for-profit association with a
2 membership that primarily includes townships and township
3 officials, that has duties that include provision of research
4 service, dissemination of information, and other acts for the
5 purpose of improving township government, and that is funded
6 wholly or partly in accordance with Section 85-15 of the
7 Township Code; any not-for-profit corporation or association,
8 with a membership consisting primarily of municipalities, that
9 operates its own utility system, and provides research,
10 training, dissemination of information, or other acts to
11 promote cooperation between and among municipalities that
12 provide utility services and for the advancement of the goals
13 and purposes of its membership; the Southern Illinois
14 Collegiate Common Market, which is a consortium of higher
15 education institutions in Southern Illinois; the Illinois
16 Association of Park Districts; and any hospital provider that
17 is owned by a county that has 100 or fewer hospital beds and
18 has not already joined the program. "Qualified local
19 government" means a unit of local government approved by the
20 Director and participating in a program created under
21 subsection (i) of Section 10 of this Act.

22 (t) "Qualified rehabilitation facility" means any
23 not-for-profit organization that is accredited by the
24 Commission on Accreditation of Rehabilitation Facilities or
25 certified by the Department of Human Services (as successor to
26 the Department of Mental Health and Developmental

1 Disabilities) to provide services to persons with disabilities
2 and which receives funds from the State of Illinois for
3 providing those services, approved by the Director and
4 participating in a program created under subsection (j) of
5 Section 10 of this Act.

6 (u) "Qualified domestic violence shelter or service" means
7 any Illinois domestic violence shelter or service and its
8 administrative offices funded by the Department of Human
9 Services (as successor to the Illinois Department of Public
10 Aid), approved by the Director and participating in a program
11 created under subsection (k) of Section 10.

12 (v) "TRS benefit recipient" means a person who:

13 (1) is not a "member" as defined in this Section; and

14 (2) is receiving a monthly benefit or retirement
15 annuity under Article 16 of the Illinois Pension Code; and

16 (3) either (i) has at least 8 years of creditable
17 service under Article 16 of the Illinois Pension Code, or
18 (ii) was enrolled in the health insurance program offered
19 under that Article on January 1, 1996, or (iii) is the
20 survivor of a benefit recipient who had at least 8 years of
21 creditable service under Article 16 of the Illinois Pension
22 Code or was enrolled in the health insurance program
23 offered under that Article on the effective date of this
24 amendatory Act of 1995, or (iv) is a recipient or survivor
25 of a recipient of a disability benefit under Article 16 of
26 the Illinois Pension Code.

1 (w) "TRS dependent beneficiary" means a person who:

2 (1) is not a "member" or "dependent" as defined in this
3 Section; and

4 (2) is a TRS benefit recipient's: (A) spouse, (B)
5 dependent parent who is receiving at least half of his or
6 her support from the TRS benefit recipient, or (C)
7 unmarried natural or adopted child who is (i) under age 19,
8 or (ii) enrolled as a full-time student in an accredited
9 school, financially dependent upon the TRS benefit
10 recipient, eligible to be claimed as a dependent for income
11 tax purposes, and either is under age 24 or was, on January
12 1, 1996, participating as a dependent beneficiary in the
13 health insurance program offered under Article 16 of the
14 Illinois Pension Code, or (iii) age 19 or over who is
15 mentally or physically handicapped.

16 (x) "Military leave with pay and benefits" refers to
17 individuals in basic training for reserves, special/advanced
18 training, annual training, emergency call up, or activation by
19 the President of the United States with approved pay and
20 benefits.

21 (y) "Military leave without pay and benefits" refers to
22 individuals who enlist for active duty in a regular component
23 of the U.S. Armed Forces or other duty not specified or
24 authorized under military leave with pay and benefits.

25 (z) "Community college benefit recipient" means a person
26 who:

1 (1) is not a "member" as defined in this Section; and

2 (2) is receiving a monthly survivor's annuity or
3 retirement annuity under Article 15 of the Illinois Pension
4 Code; and

5 (3) either (i) was a full-time employee of a community
6 college district or an association of community college
7 boards created under the Public Community College Act
8 (other than an employee whose last employer under Article
9 15 of the Illinois Pension Code was a community college
10 district subject to Article VII of the Public Community
11 College Act) and was eligible to participate in a group
12 health benefit plan as an employee during the time of
13 employment with a community college district (other than a
14 community college district subject to Article VII of the
15 Public Community College Act) or an association of
16 community college boards, or (ii) is the survivor of a
17 person described in item (i).

18 (aa) "Community college dependent beneficiary" means a
19 person who:

20 (1) is not a "member" or "dependent" as defined in this
21 Section; and

22 (2) is a community college benefit recipient's: (A)
23 spouse, (B) dependent parent who is receiving at least half
24 of his or her support from the community college benefit
25 recipient, or (C) unmarried natural or adopted child who is
26 (i) under age 19, or (ii) enrolled as a full-time student

1 in an accredited school, financially dependent upon the
2 community college benefit recipient, eligible to be
3 claimed as a dependent for income tax purposes and under
4 age 23, or (iii) age 19 or over and mentally or physically
5 handicapped.

6 (bb) "Qualified child advocacy center" means any Illinois
7 child advocacy center and its administrative offices funded by
8 the Department of Children and Family Services, as defined by
9 the Children's Advocacy Center Act (55 ILCS 80/), approved by
10 the Director and participating in a program created under
11 subsection (n) of Section 10.

12 (Source: P.A. 93-205, eff. 1-1-04; 93-839, eff. 7-30-04;
13 93-1067, eff. 1-15-05; 94-32, eff. 6-15-05; 94-82, eff. 1-1-06;
14 94-860, eff. 6-16-06; revised 8-3-06.)

15 (5 ILCS 375/8) (from Ch. 127, par. 528)

16 Sec. 8. Eligibility.

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

25 (1) Every member originally eligible to elect

1 dependent coverage, but not electing it during the original
2 eligibility period, may subsequently obtain dependent
3 coverage only in the event of a qualifying change in
4 status, special enrollment, special circumstance as
5 defined by the Director, or during the annual Benefit
6 Choice Period.

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

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

22 (b) New employees shall be immediately insured for the
23 basic group life insurance and covered by the program of health
24 benefits on the first day of active State service. Optional
25 life insurance coverage one to 4 times the basic amount, if
26 elected during the relevant eligibility period, will become

1 effective on the date of employment. Optional life insurance
2 coverage exceeding 4 times the basic amount and all life
3 insurance amounts applied for after the eligibility period will
4 be effective, subject to satisfactory evidence of insurability
5 when applicable, or other necessary qualifications, pursuant
6 to the requirements of the applicable benefit program, unless
7 there is a change in status that would confer new eligibility
8 for change of enrollment under rules established supplementing
9 this Act, in which event application must be made within the
10 new eligibility period.

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

19 Except as otherwise provided in this Act, where husband and
20 wife are both eligible members, each shall be enrolled as a
21 member and coverage on their eligible dependent children, if
22 any, may be under the enrollment and election of either.

23 Regardless of other provisions herein regarding late
24 enrollment or other qualifications, as appropriate, the
25 Director may periodically authorize open enrollment periods
26 for each of the benefit programs at which time each member may

1 elect enrollment or change of enrollment without regard to age,
2 sex, health, or other qualification under the conditions as may
3 be prescribed in rules and regulations supplementing this Act.
4 Special open enrollment periods may be declared by the Director
5 for certain members only when special circumstances occur that
6 affect only those members.

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

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

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

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

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

8 (d-5) Beginning July 1, 2005, the Director may establish a
9 program of financial incentives to encourage annuitants
10 receiving a retirement annuity from the State Employees
11 Retirement System, but who are not eligible for benefits under
12 the federal Medicare health insurance program (Title XVIII of
13 the Social Security Act, as added by Public Law 89-97) to elect
14 not to participate in the program of health benefits provided
15 under this Act. The election by an annuitant not to participate
16 under this program must be made in accordance with the
17 requirements set forth under subsection (d). The financial
18 incentives provided to these annuitants under the program may
19 not exceed \$150 per month for each annuitant electing not to
20 participate in the program of health benefits provided under
21 this Act.

22 (e) Notwithstanding any other provision of this Act or the
23 rules adopted under this Act, if a person participating in the
24 program of health benefits as the dependent spouse of an
25 eligible member becomes an annuitant, the person may elect, at
26 the time of becoming an annuitant or during any subsequent

1 annual benefit choice period, to continue participation as a
2 dependent rather than as an eligible member for as long as the
3 person continues to be an eligible dependent.

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

11 A person who elects to participate in the program of health
12 benefits as a dependent rather than as an eligible member shall
13 be furnished a written explanation of the consequences of
14 electing to participate as a dependent and the conditions and
15 procedures for re-enrolling as an eligible member. The
16 explanation shall also be included in the annual benefit choice
17 options booklet furnished to members.

18 (Source: P.A. 93-553, eff. 8-20-03; 94-95, eff. 7-1-05; 94-109,
19 eff. 7-1-05; revised 8-9-05.)

20 (5 ILCS 375/10) (from Ch. 127, par. 530)

21 Sec. 10. Payments by State; premiums.

22 (a) The State shall pay the cost of basic non-contributory
23 group life insurance and, subject to member paid contributions
24 set by the Department or required by this Section, the basic
25 program of group health benefits on each eligible member,

1 except a member, not otherwise covered by this Act, who has
2 retired as a participating member under Article 2 of the
3 Illinois Pension Code but is ineligible for the retirement
4 annuity under Section 2-119 of the Illinois Pension Code, and
5 part of each eligible member's and retired member's premiums
6 for health insurance coverage for enrolled dependents as
7 provided by Section 9. The State shall pay the cost of the
8 basic program of group health benefits only after benefits are
9 reduced by the amount of benefits covered by Medicare for all
10 members and dependents who are eligible for benefits under
11 Social Security or the Railroad Retirement system or who had
12 sufficient Medicare-covered government employment, except that
13 such reduction in benefits shall apply only to those members
14 and dependents who (1) first become eligible for such Medicare
15 coverage on or after July 1, 1992; or (2) are Medicare-eligible
16 members or dependents of a local government unit which began
17 participation in the program on or after July 1, 1992; or (3)
18 remain eligible for, but no longer receive Medicare coverage
19 which they had been receiving on or after July 1, 1992. The
20 Department may determine the aggregate level of the State's
21 contribution on the basis of actual cost of medical services
22 adjusted for age, sex or geographic or other demographic
23 characteristics which affect the costs of such programs.

24 The cost of participation in the basic program of group
25 health benefits for the dependent or survivor of a living or
26 deceased retired employee who was formerly employed by the

1 University of Illinois in the Cooperative Extension Service and
2 would be an annuitant but for the fact that he or she was made
3 ineligible to participate in the State Universities Retirement
4 System by clause (4) of subsection (a) of Section 15-107 of the
5 Illinois Pension Code shall not be greater than the cost of
6 participation that would otherwise apply to that dependent or
7 survivor if he or she were the dependent or survivor of an
8 annuitant under the State Universities Retirement System.

9 (a-1) Beginning January 1, 1998, for each person who
10 becomes a new SERS annuitant and participates in the basic
11 program of group health benefits, the State shall contribute
12 toward the cost of the annuitant's coverage under the basic
13 program of group health benefits an amount equal to 5% of that
14 cost for each full year of creditable service upon which the
15 annuitant's retirement annuity is based, up to a maximum of
16 100% for an annuitant with 20 or more years of creditable
17 service. The remainder of the cost of a new SERS annuitant's
18 coverage under the basic program of group health benefits shall
19 be the responsibility of the annuitant. In the case of a new
20 SERS annuitant who has elected to receive an alternative
21 retirement cancellation payment under Section 14-108.5 of the
22 Illinois Pension Code in lieu of an annuity, for the purposes
23 of this subsection the annuitant shall be deemed to be
24 receiving a retirement annuity based on the number of years of
25 creditable service that the annuitant had established at the
26 time of his or her termination of service under SERS.

1 (a-2) Beginning January 1, 1998, for each person who
2 becomes a new SERS survivor and participates in the basic
3 program of group health benefits, the State shall contribute
4 toward the cost of the survivor's coverage under the basic
5 program of group health benefits an amount equal to 5% of that
6 cost for each full year of the deceased employee's or deceased
7 annuitant's creditable service in the State Employees'
8 Retirement System of Illinois on the date of death, up to a
9 maximum of 100% for a survivor of an employee or annuitant with
10 20 or more years of creditable service. The remainder of the
11 cost of the new SERS survivor's coverage under the basic
12 program of group health benefits shall be the responsibility of
13 the survivor. In the case of a new SERS survivor who was the
14 dependent of an annuitant who elected to receive an alternative
15 retirement cancellation payment under Section 14-108.5 of the
16 Illinois Pension Code in lieu of an annuity, for the purposes
17 of this subsection the deceased annuitant's creditable service
18 shall be determined as of the date of termination of service
19 rather than the date of death.

20 (a-3) Beginning January 1, 1998, for each person who
21 becomes a new SURS annuitant and participates in the basic
22 program of group health benefits, the State shall contribute
23 toward the cost of the annuitant's coverage under the basic
24 program of group health benefits an amount equal to 5% of that
25 cost for each full year of creditable service upon which the
26 annuitant's retirement annuity is based, up to a maximum of

1 100% for an annuitant with 20 or more years of creditable
2 service. The remainder of the cost of a new SURS annuitant's
3 coverage under the basic program of group health benefits shall
4 be the responsibility of the annuitant.

5 (a-4) (Blank).

6 (a-5) Beginning January 1, 1998, for each person who
7 becomes a new SURS survivor and participates in the basic
8 program of group health benefits, the State shall contribute
9 toward the cost of the survivor's coverage under the basic
10 program of group health benefits an amount equal to 5% of that
11 cost for each full year of the deceased employee's or deceased
12 annuitant's creditable service in the State Universities
13 Retirement System on the date of death, up to a maximum of 100%
14 for a survivor of an employee or annuitant with 20 or more
15 years of creditable service. The remainder of the cost of the
16 new SURS survivor's coverage under the basic program of group
17 health benefits shall be the responsibility of the survivor.

18 (a-6) Beginning July 1, 1998, for each person who becomes a
19 new TRS State annuitant and participates in the basic program
20 of group health benefits, the State shall contribute toward the
21 cost of the annuitant's coverage under the basic program of
22 group health benefits an amount equal to 5% of that cost for
23 each full year of creditable service as a teacher as defined in
24 paragraph (2), (3), or (5) of Section 16-106 of the Illinois
25 Pension Code upon which the annuitant's retirement annuity is
26 based, up to a maximum of 100%; except that the State

1 contribution shall be 12.5% per year (rather than 5%) for each
2 full year of creditable service as a regional superintendent or
3 assistant regional superintendent of schools. The remainder of
4 the cost of a new TRS State annuitant's coverage under the
5 basic program of group health benefits shall be the
6 responsibility of the annuitant.

7 (a-7) Beginning July 1, 1998, for each person who becomes a
8 new TRS State survivor and participates in the basic program of
9 group health benefits, the State shall contribute toward the
10 cost of the survivor's coverage under the basic program of
11 group health benefits an amount equal to 5% of that cost for
12 each full year of the deceased employee's or deceased
13 annuitant's creditable service as a teacher as defined in
14 paragraph (2), (3), or (5) of Section 16-106 of the Illinois
15 Pension Code on the date of death, up to a maximum of 100%;
16 except that the State contribution shall be 12.5% per year
17 (rather than 5%) for each full year of the deceased employee's
18 or deceased annuitant's creditable service as a regional
19 superintendent or assistant regional superintendent of
20 schools. The remainder of the cost of the new TRS State
21 survivor's coverage under the basic program of group health
22 benefits shall be the responsibility of the survivor.

23 (a-8) A new SERS annuitant, new SERS survivor, new SURS
24 annuitant, new SURS survivor, new TRS State annuitant, or new
25 TRS State survivor may waive or terminate coverage in the
26 program of group health benefits. Any such annuitant or

1 survivor who has waived or terminated coverage may enroll or
2 re-enroll in the program of group health benefits only during
3 the annual benefit choice period, as determined by the
4 Director; except that in the event of termination of coverage
5 due to nonpayment of premiums, the annuitant or survivor may
6 not re-enroll in the program.

7 (a-9) No later than May 1 of each calendar year, the
8 Director of Central Management Services shall certify in
9 writing to the Executive Secretary of the State Employees'
10 Retirement System of Illinois the amounts of the Medicare
11 supplement health care premiums and the amounts of the health
12 care premiums for all other retirees who are not Medicare
13 eligible.

14 A separate calculation of the premiums based upon the
15 actual cost of each health care plan shall be so certified.

16 The Director of Central Management Services shall provide
17 to the Executive Secretary of the State Employees' Retirement
18 System of Illinois such information, statistics, and other data
19 as he or she may require to review the premium amounts
20 certified by the Director of Central Management Services.

21 (b) State employees who become eligible for this program on
22 or after January 1, 1980 in positions normally requiring actual
23 performance of duty not less than 1/2 of a normal work period
24 but not equal to that of a normal work period, shall be given
25 the option of participating in the available program. If the
26 employee elects coverage, the State shall contribute on behalf

1 of such employee to the cost of the employee's benefit and any
2 applicable dependent supplement, that sum which bears the same
3 percentage as that percentage of time the employee regularly
4 works when compared to normal work period.

5 (c) The basic non-contributory coverage from the basic
6 program of group health benefits shall be continued for each
7 employee not in pay status or on active service by reason of
8 (1) leave of absence due to illness or injury, (2) authorized
9 educational leave of absence or sabbatical leave, or (3)
10 military leave with pay and benefits. This coverage shall
11 continue until expiration of authorized leave and return to
12 active service, but not to exceed 24 months for leaves under
13 item (1) or (2). This 24-month limitation and the requirement
14 of returning to active service shall not apply to persons
15 receiving ordinary or accidental disability benefits or
16 retirement benefits through the appropriate State retirement
17 system or benefits under the Workers' Compensation or
18 Occupational Disease Act.

19 (d) The basic group life insurance coverage shall continue,
20 with full State contribution, where such person is (1) absent
21 from active service by reason of disability arising from any
22 cause other than self-inflicted, (2) on authorized educational
23 leave of absence or sabbatical leave, or (3) on military leave
24 with pay and benefits.

25 (e) Where the person is in non-pay status for a period in
26 excess of 30 days or on leave of absence, other than by reason

1 of disability, educational or sabbatical leave, or military
2 leave with pay and benefits, such person may continue coverage
3 only by making personal payment equal to the amount normally
4 contributed by the State on such person's behalf. Such payments
5 and coverage may be continued: (1) until such time as the
6 person returns to a status eligible for coverage at State
7 expense, but not to exceed 24 months, (2) until such person's
8 employment or annuitant status with the State is terminated, or
9 (3) for a maximum period of 4 years for members on military
10 leave with pay and benefits and military leave without pay and
11 benefits (exclusive of any additional service imposed pursuant
12 to law).

13 (f) The Department shall establish by rule the extent to
14 which other employee benefits will continue for persons in
15 non-pay status or who are not in active service.

16 (g) The State shall not pay the cost of the basic
17 non-contributory group life insurance, program of health
18 benefits and other employee benefits for members who are
19 survivors as defined by paragraphs (1) and (2) of subsection
20 (q) of Section 3 of this Act. The costs of benefits for these
21 survivors shall be paid by the survivors or by the University
22 of Illinois Cooperative Extension Service, or any combination
23 thereof. However, the State shall pay the amount of the
24 reduction in the cost of participation, if any, resulting from
25 the amendment to subsection (a) made by this amendatory Act of
26 the 91st General Assembly.

1 (h) Those persons occupying positions with any department
2 as a result of emergency appointments pursuant to Section 8b.8
3 of the Personnel Code who are not considered employees under
4 this Act shall be given the option of participating in the
5 programs of group life insurance, health benefits and other
6 employee benefits. Such persons electing coverage may
7 participate only by making payment equal to the amount normally
8 contributed by the State for similarly situated employees. Such
9 amounts shall be determined by the Director. Such payments and
10 coverage may be continued until such time as the person becomes
11 an employee pursuant to this Act or such person's appointment
12 is terminated.

13 (i) Any unit of local government within the State of
14 Illinois may apply to the Director to have its employees,
15 annuitants, and their dependents provided group health
16 coverage under this Act on a non-insured basis. To participate,
17 a unit of local government must agree to enroll all of its
18 employees, who may select coverage under either the State group
19 health benefits plan or a health maintenance organization that
20 has contracted with the State to be available as a health care
21 provider for employees as defined in this Act. A unit of local
22 government must remit the entire cost of providing coverage
23 under the State group health benefits plan or, for coverage
24 under a health maintenance organization, an amount determined
25 by the Director based on an analysis of the sex, age,
26 geographic location, or other relevant demographic variables

1 for its employees, except that the unit of local government
2 shall not be required to enroll those of its employees who are
3 covered spouses or dependents under this plan or another group
4 policy or plan providing health benefits as long as (1) an
5 appropriate official from the unit of local government attests
6 that each employee not enrolled is a covered spouse or
7 dependent under this plan or another group policy or plan, and
8 (2) at least 85% of the employees are enrolled and the unit of
9 local government remits the entire cost of providing coverage
10 to those employees, except that a participating school district
11 must have enrolled at least 85% of its full-time employees who
12 have not waived coverage under the district's group health plan
13 by participating in a component of the district's cafeteria
14 plan. A participating school district is not required to enroll
15 a full-time employee who has waived coverage under the
16 district's health plan, provided that an appropriate official
17 from the participating school district attests that the
18 full-time employee has waived coverage by participating in a
19 component of the district's cafeteria plan. For the purposes of
20 this subsection, "participating school district" includes a
21 unit of local government whose primary purpose is education as
22 defined by the Department's rules.

23 Employees of a participating unit of local government who
24 are not enrolled due to coverage under another group health
25 policy or plan may enroll in the event of a qualifying change
26 in status, special enrollment, special circumstance as defined

1 by the Director, or during the annual Benefit Choice Period. A
2 participating unit of local government may also elect to cover
3 its annuitants. Dependent coverage shall be offered on an
4 optional basis, with the costs paid by the unit of local
5 government, its employees, or some combination of the two as
6 determined by the unit of local government. The unit of local
7 government shall be responsible for timely collection and
8 transmission of dependent premiums.

9 The Director shall annually determine monthly rates of
10 payment, subject to the following constraints:

11 (1) In the first year of coverage, the rates shall be
12 equal to the amount normally charged to State employees for
13 elected optional coverages or for enrolled dependents
14 coverages or other contributory coverages, or contributed
15 by the State for basic insurance coverages on behalf of its
16 employees, adjusted for differences between State
17 employees and employees of the local government in age,
18 sex, geographic location or other relevant demographic
19 variables, plus an amount sufficient to pay for the
20 additional administrative costs of providing coverage to
21 employees of the unit of local government and their
22 dependents.

23 (2) In subsequent years, a further adjustment shall be
24 made to reflect the actual prior years' claims experience
25 of the employees of the unit of local government.

26 In the case of coverage of local government employees under

1 a health maintenance organization, the Director shall annually
2 determine for each participating unit of local government the
3 maximum monthly amount the unit may contribute toward that
4 coverage, based on an analysis of (i) the age, sex, geographic
5 location, and other relevant demographic variables of the
6 unit's employees and (ii) the cost to cover those employees
7 under the State group health benefits plan. The Director may
8 similarly determine the maximum monthly amount each unit of
9 local government may contribute toward coverage of its
10 employees' dependents under a health maintenance organization.

11 Monthly payments by the unit of local government or its
12 employees for group health benefits plan or health maintenance
13 organization coverage shall be deposited in the Local
14 Government Health Insurance Reserve Fund.

15 The Local Government Health Insurance Reserve Fund shall be
16 a continuing fund not subject to fiscal year limitations. All
17 revenues arising from the administration of the health benefits
18 program established under this Section shall be deposited into
19 the Local Government Health Insurance Reserve Fund. All
20 expenditures from this Fund shall be used for payments for
21 health care benefits for local government and rehabilitation
22 facility employees, annuitants, and dependents, and to
23 reimburse the Department or its administrative service
24 organization for all expenses incurred in the administration of
25 benefits. No other State funds may be used for these purposes.

26 A local government employer's participation or desire to

1 participate in a program created under this subsection shall
2 not limit that employer's duty to bargain with the
3 representative of any collective bargaining unit of its
4 employees.

5 (j) Any rehabilitation facility within the State of
6 Illinois may apply to the Director to have its employees,
7 annuitants, and their eligible dependents provided group
8 health coverage under this Act on a non-insured basis. To
9 participate, a rehabilitation facility must agree to enroll all
10 of its employees and remit the entire cost of providing such
11 coverage for its employees, except that the rehabilitation
12 facility shall not be required to enroll those of its employees
13 who are covered spouses or dependents under this plan or
14 another group policy or plan providing health benefits as long
15 as (1) an appropriate official from the rehabilitation facility
16 attests that each employee not enrolled is a covered spouse or
17 dependent under this plan or another group policy or plan, and
18 (2) at least 85% of the employees are enrolled and the
19 rehabilitation facility remits the entire cost of providing
20 coverage to those employees. Employees of a participating
21 rehabilitation facility who are not enrolled due to coverage
22 under another group health policy or plan may enroll in the
23 event of a qualifying change in status, special enrollment,
24 special circumstance as defined by the Director, or during the
25 annual Benefit Choice Period. A participating rehabilitation
26 facility may also elect to cover its annuitants. Dependent

1 coverage shall be offered on an optional basis, with the costs
2 paid by the rehabilitation facility, its employees, or some
3 combination of the 2 as determined by the rehabilitation
4 facility. The rehabilitation facility shall be responsible for
5 timely collection and transmission of dependent premiums.

6 The Director shall annually determine quarterly rates of
7 payment, subject to the following constraints:

8 (1) In the first year of coverage, the rates shall be
9 equal to the amount normally charged to State employees for
10 elected optional coverages or for enrolled dependents
11 coverages or other contributory coverages on behalf of its
12 employees, adjusted for differences between State
13 employees and employees of the rehabilitation facility in
14 age, sex, geographic location or other relevant
15 demographic variables, plus an amount sufficient to pay for
16 the additional administrative costs of providing coverage
17 to employees of the rehabilitation facility and their
18 dependents.

19 (2) In subsequent years, a further adjustment shall be
20 made to reflect the actual prior years' claims experience
21 of the employees of the rehabilitation facility.

22 Monthly payments by the rehabilitation facility or its
23 employees for group health benefits shall be deposited in the
24 Local Government Health Insurance Reserve Fund.

25 (k) Any domestic violence shelter or service within the
26 State of Illinois may apply to the Director to have its

1 employees, annuitants, and their dependents provided group
2 health coverage under this Act on a non-insured basis. To
3 participate, a domestic violence shelter or service must agree
4 to enroll all of its employees and pay the entire cost of
5 providing such coverage for its employees. A participating
6 domestic violence shelter may also elect to cover its
7 annuitants. Dependent coverage shall be offered on an optional
8 basis, with employees, or some combination of the 2 as
9 determined by the domestic violence shelter or service. The
10 domestic violence shelter or service shall be responsible for
11 timely collection and transmission of dependent premiums.

12 The Director shall annually determine rates of payment,
13 subject to the following constraints:

14 (1) In the first year of coverage, the rates shall be
15 equal to the amount normally charged to State employees for
16 elected optional coverages or for enrolled dependents
17 coverages or other contributory coverages on behalf of its
18 employees, adjusted for differences between State
19 employees and employees of the domestic violence shelter or
20 service in age, sex, geographic location or other relevant
21 demographic variables, plus an amount sufficient to pay for
22 the additional administrative costs of providing coverage
23 to employees of the domestic violence shelter or service
24 and their dependents.

25 (2) In subsequent years, a further adjustment shall be
26 made to reflect the actual prior years' claims experience

1 of the employees of the domestic violence shelter or
2 service.

3 Monthly payments by the domestic violence shelter or
4 service or its employees for group health insurance shall be
5 deposited in the Local Government Health Insurance Reserve
6 Fund.

7 (1) A public community college or entity organized pursuant
8 to the Public Community College Act may apply to the Director
9 initially to have only annuitants not covered prior to July 1,
10 1992 by the district's health plan provided health coverage
11 under this Act on a non-insured basis. The community college
12 must execute a 2-year contract to participate in the Local
13 Government Health Plan. Any annuitant may enroll in the event
14 of a qualifying change in status, special enrollment, special
15 circumstance as defined by the Director, or during the annual
16 Benefit Choice Period.

17 The Director shall annually determine monthly rates of
18 payment subject to the following constraints: for those
19 community colleges with annuitants only enrolled, first year
20 rates shall be equal to the average cost to cover claims for a
21 State member adjusted for demographics, Medicare
22 participation, and other factors; and in the second year, a
23 further adjustment of rates shall be made to reflect the actual
24 first year's claims experience of the covered annuitants.

25 (1-5) The provisions of subsection (1) become inoperative
26 on July 1, 1999.

1 (m) The Director shall adopt any rules deemed necessary for
2 implementation of this amendatory Act of 1989 (Public Act
3 86-978).

4 (n) Any child advocacy center within the State of Illinois
5 may apply to the Director to have its employees, annuitants,
6 and their dependants provided group health coverage under this
7 Act on a non-insured basis. To participate, a child advocacy
8 center must agree to enroll all of its employees and pay the
9 entire cost of providing coverage for its employees. A
10 participating child advocacy center may also elect to cover its
11 annuitants. Dependent coverage shall be offered on an optional
12 basis, with the costs paid by the child advocacy center, its
13 employees, or some combination of the 2 as determined by the
14 child advocacy center. The child advocacy center shall be
15 responsible for timely collection and transmission of
16 dependent premiums.

17 The Director shall annually determine rates of payment,
18 subject to the following constraints:

19 (1) In the first year of coverage, the rates shall be
20 equal to the amount normally charged to State employees for
21 elected optional coverages or for enrolled dependents
22 coverages or other contributory coverages on behalf of its
23 employees, adjusted for differences between State
24 employees and employees of the child advocacy center in
25 age, sex, geographic location, or other relevant
26 demographic variables, plus an amount sufficient to pay for

1 the additional administrative costs of providing coverage
2 to employees of the child advocacy center and their
3 dependents.

4 (2) In subsequent years, a further adjustment shall be
5 made to reflect the actual prior years' claims experience
6 of the employees of the child advocacy center.

7 Monthly payments by the child advocacy center or its
8 employees for group health insurance shall be deposited into
9 the Local Government Health Insurance Reserve Fund.

10 (Source: P.A. 93-839, eff. 7-30-04; 94-839, eff. 6-6-06;
11 94-860, eff. 6-16-06; revised 8-3-06.)

12 Section 45. The State Officials and Employees Ethics Act is
13 amended by changing Section 5-50 and by adding Section 99-10 as
14 follows:

15 (5 ILCS 430/5-50)

16 Sec. 5-50. Ex parte communications; special government
17 agents.

18 (a) This Section applies to ex parte communications made to
19 any agency listed in subsection (e).

20 (b) "Ex parte communication" means any written or oral
21 communication by any person that imparts or requests material
22 information or makes a material argument regarding potential
23 action concerning regulatory, quasi-adjudicatory, investment,
24 or licensing matters pending before or under consideration by

1 the agency. "Ex parte communication" does not include the
2 following: (i) statements by a person publicly made in a public
3 forum; (ii) statements regarding matters of procedure and
4 practice, such as format, the number of copies required, the
5 manner of filing, and the status of a matter; and (iii)
6 statements made by a State employee of the agency to the agency
7 head or other employees of that agency.

8 (b-5) An ex parte communication received by an agency,
9 agency head, or other agency employee from an interested party
10 or his or her official representative or attorney shall
11 promptly be memorialized and made a part of the record.

12 (c) An ex parte communication received by any agency,
13 agency head, or other agency employee, other than an ex parte
14 communication described in subsection (b-5), shall immediately
15 be reported to that agency's ethics officer by the recipient of
16 the communication and by any other employee of that agency who
17 responds to the communication. The ethics officer shall require
18 that the ex parte communication be promptly made a part of the
19 record. The ethics officer shall promptly file the ex parte
20 communication with the Executive Ethics Commission, including
21 all written communications, all written responses to the
22 communications, and a memorandum prepared by the ethics officer
23 stating the nature and substance of all oral communications,
24 the identity and job title of the person to whom each
25 communication was made, all responses made, the identity and
26 job title of the person making each response, the identity of

1 each person from whom the written or oral ex parte
2 communication was received, the individual or entity
3 represented by that person, any action the person requested or
4 recommended, and any other pertinent information. The
5 disclosure shall also contain the date of any ex parte
6 communication.

7 (d) "Interested party" means a person or entity whose
8 rights, privileges, or interests are the subject of or are
9 directly affected by a regulatory, quasi-adjudicatory,
10 investment, or licensing matter.

11 (e) This Section applies to the following agencies:

12 Executive Ethics Commission

13 Illinois Commerce Commission

14 Educational Labor Relations Board

15 State Board of Elections

16 Illinois Gaming Board

17 Health Facilities Planning Board

18 Illinois Workers' Compensation Commission

19 ~~Industrial Commission~~

20 Illinois Labor Relations Board

21 Illinois Liquor Control Commission

22 Pollution Control Board

23 Property Tax Appeal Board

24 Illinois Racing Board

25 Illinois Purchased Care Review Board

26 Department of State Police Merit Board

1 Motor Vehicle Review Board
2 Prisoner Review Board
3 Civil Service Commission
4 Personnel Review Board for the Treasurer
5 Merit Commission for the Secretary of State
6 Merit Commission for the Office of the Comptroller
7 Court of Claims
8 Board of Review of the Department of Employment Security
9 Department of Insurance
10 Department of Professional Regulation and licensing boards
11 under the Department
12 Department of Public Health and licensing boards under the
13 Department
14 Office of Banks and Real Estate and licensing boards under
15 the Office
16 State Employees Retirement System Board of Trustees
17 Judges Retirement System Board of Trustees
18 General Assembly Retirement System Board of Trustees
19 Illinois Board of Investment
20 State Universities Retirement System Board of Trustees
21 Teachers Retirement System Officers Board of Trustees
22 (f) Any person who fails to (i) report an ex parte
23 communication to an ethics officer, (ii) make information part
24 of the record, or (iii) make a filing with the Executive Ethics
25 Commission as required by this Section or as required by
26 Section 5-165 of the Illinois Administrative Procedure Act

1 violates this Act.

2 (Source: P.A. 93-617, eff. 12-9-03; revised 10-11-05.)

3 (5 ILCS 430/99-10) (was Sec. 995 of PA 93-617)

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

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

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

20 Section 50. The Fort Sheridan Retrocession Law of 1992 is
21 amended by changing Section 20-20 as follows:

22 (5 ILCS 541/20-20) (from Ch. 1, par. 7220)

23 Sec. 20-20. Exclusive jurisdiction. The exclusive

1 jurisdiction hereby retroceded and the concurrent jurisdiction
2 hereby ceded with the State of Illinois shall continue no
3 longer than the United States ~~State~~ of America owns the land
4 described in Section 20-5.

5 (Source: P.A. 87-866; revised 10-11-05.)

6 Section 55. The Savanna Army Depot Retrocession Law is
7 amended by changing Section 5 as follows:

8 (5 ILCS 571/5)

9 Sec. 5. Authorization to accept retrocession.

10 (a) Under the provisions of Section 2683 of Title 10 of the
11 United States Code, the State of Illinois authorizes acceptance
12 of retrocession by the United States of America of concurrent
13 legislative jurisdiction over lands consisting of the U.S. Army
14 Depot Activity Savanna Military Reservation, Jo Daviess County
15 and Carroll County, Illinois, being more particularly
16 described as follows:

17 Situate in the State of Illinois, Jo Daviess County and
18 Carroll County, in sections 1, 2, 3, 4, 5, 10, 11, and 12
19 of Township 25 north, Range 2 east and sections 18, 19, 20,
20 28, 29, 30, 31, 32, 33, and 34 of Township 26 north, Range
21 2 east and Sections 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15,
22 16, 21, 22, 23, 24, 25, 26, 27, 35, and 36 of Township 26
23 north, Range 1 east, and section 6 of Township 25 north,
24 Range 3 east, all of the Fourth Principal Meridian, and

1 more particularly described as follows.

2 Beginning at a concrete monument at the intersection of the
3 east bank of the Mississippi River and the north line of
4 section 5, Township 26 north, Range 1 east; thence with
5 said north line

6 Easterly 3,141 feet to a buggy axle at the northeast corner
7 of section 5; thence with the north line of section 4

8 Easterly 2,640 feet to a 2 inch shafting at the north
9 quarter corner of Section 4; thence

10 Easterly 1,002 feet to a monument on the westerly
11 right-of-way line of the Burlington Northern Santa Fe
12 Railroad; thence crossing section 4 with said right-of-way
13 line as it generally follows a southeasterly direction

14 Southeasterly 2,335 feet, more or less, to point on the
15 west line of Section 3, said point being located South
16 1,588 feet from the northwest corner of section 3; thence
17 crossing a portion of section 3

18 Southeasterly 2,845 feet, more or less, to a monument on
19 the boundary of the village of Blanding; thence with the
20 common boundary of the U.S. Army Depot Activity Savanna and
21 village of Blanding

22 South 43° 50' West 372 feet to a monument

23 South 46° 10' East 131 feet to a monument

24 North 60° 30' East 387 feet to a monument on said westerly
25 railroad right-of-way line; thence crossing section 3 with
26 said right-of-way line as it generally follows a

1 southeasterly direction

2 Southeasterly 2,430 feet, more or less to a point on the
3 north line of Section 10, said point being located West
4 1,332 feet from a monument at the northeast corner of
5 Section 10; thence crossing Section 10 and a portion of
6 Section 11

7 Southeasterly 5,010 feet, more or less, to a monument on
8 the north and south quarter line through Section 11, said
9 point being located North 3,102 feet from a stone on the
10 south line of Section 11; thence crossing Section 11

11 Southeasterly 3,000 feet, more or less, to a monument on
12 the east line of Section 11, said monument being located
13 North 2,277 feet from the southeast corner of said Section
14 11; thence crossing Section 12

15 Southeasterly 3,880 feet, more or less, to a point on the
16 north line of Section 13, said point being located East 393
17 feet from a stone at the north quarter corner of Section
18 13; thence crossing Section 13 and a portion of Section 18

19 Southeasterly 3,950 feet, more or less, to a monument on
20 the east and west quarter line in Section 18, Township 26
21 north, Range 2 east, said monument being located East 452
22 feet from a stone at the west quarter corner of Section 18;
23 thence crossing Section 18

24 Southeasterly 3,585 feet, more or less, to a monument on
25 the north line of Section 19, said monument being located
26 West 2 feet from the north quarter corner of Section 19;

1 thence crossing Section 19
2 Southeasterly 4,320 feet, more or less, to a monument on
3 the west line of Section 20; thence crossing Section 20
4 Southeasterly 2,787 feet, more or less, to a monument on
5 the north line of Section 29; thence crossing Sections 29
6 and 28
7 Southeasterly 7,180 feet, more or less, to a point on the
8 north line of Section 33, said point being located North
9 86° 45' East 731.3 feet from a stone at the northwest
10 corner of Section 33; thence crossing a portion of Section
11 33
12 Southeasterly 4,170 feet, more or less, to a point on the
13 east and west quarter line through said Section 33, said
14 point being located East 1,141 feet from the center of said
15 Section 33; thence crossing Sections 33 and 34
16 Southeasterly 4,740 feet, more or less, to a point on the
17 north line of Section 3, Township 25 north, Range 2 east;
18 thence crossing said right-of-way with said north line of
19 Section 3
20 Easterly 305 feet to a monument on the north quarter corner
21 of Section 3; thence continuing with said north line of
22 Section 3
23 Easterly 2,678 feet to the northwest corner of Section 2;
24 thence with the north line of Section 2
25 Easterly 2,181.5 feet to a monument on the westerly bank of
26 the Apple River; thence with said westerly bank

1 Southerly to a point 100 feet north of and parallel to the
2 east and west quarter line of Section 2; thence with a line
3 100 feet north of and parallel to the east and west quarter
4 line of Section 2

5 Easterly 80 feet, more or less, to a point on the
6 centerline of the Apple River, said point being the
7 northwest corner of U.S. Tract No. S-10; thence with the
8 north boundary of U.S. Tract No. S-10 (north line of the
9 access road to the U.S. Army Depot Activity Savanna)

10 Easterly 824.7 feet, more or less, to a point on the west
11 line of Section 1; thence crossing Section 1 with a line
12 100 feet north of and parallel to the east and west quarter
13 line of Section one

14 Easterly along a line comprising the northern boundaries of
15 U.S. Tract Nos. S-7, S-6, S-5, S-4, S-3, and S-2,
16 respectively, passing the east line of Section 1, to the
17 southwest right-of-way line Illinois Highway No. 84;
18 thence with said right-of-way line

19 Southeasterly 115 feet, more or less, to a point on the
20 extended east and west quarter line of Section 1, Township
21 25 north, Range 2 east; thence with said extended line

22 Westerly to the east quarter corner of Section 1, Township
23 25 north, Range 2 east; thence along the east and west
24 quarter line of said Section 1

25 Westerly to a point at the center of Section 1; thence
26 continuing along the said east and west quarter line

1 Westerly 1,942.1 feet (passing a point at 1925.4 feet on
2 the centerline of the old access road, hereafter referred
3 to as Point "A") to a point on the west right-of-way line
4 of the old access road to the U.S. Army Depot Activity
5 Savanna; thence with said west right-of-way
6 Southwesterly to a point 20 feet south of and parallel to
7 the east and west quarter line of Section 1, said point
8 also being the southeast corner of U.S. Tract No. S-9A;
9 thence along the south boundary of said U.S. Tract No. S-9A
10 Westerly to a point on the west line of Section 1, thence
11 along a line 20.0 south of and parallel to the east and
12 west quarter line of Section 2, Township 25 north, Range 2
13 east
14 Westerly 855 feet, more or less, to a point on the westerly
15 bank of the Apple River; thence along the westerly bank of
16 the Apple River
17 Southeasterly to the Mississippi River; thence along the
18 meanders of the Mississippi River
19 Northwesterly to the Southeast corner of a tract of land
20 transferred to Mississippi Lock and Dam No.12; thence with
21 the common boundary of Lock and Dam No.12 and said Army
22 Depot
23 North 73° 05' East 1,251.4 feet, more or less, to a point;
24 thence
25 North 61° 58' East 5,524.0 feet, to a point on the south
26 line of Section 4, Township 26 north, Range 1 east; thence

1 with said south line
2 North 88° 53' East 333.3 feet to the southwest corner of
3 Section 3; thence with the south line of Section 3
4 South 88° 40' East 780.6 feet; thence
5 North 28° 29' West 1,466.1 feet to a point on the north
6 line of the southwest quarter of the southwest quarter of
7 said Section 3; thence along said north line
8 North 88° 21' West 75.0 feet to the northwest corner of the
9 southwest quarter of the southwest quarter of said Section
10 3; thence
11 South 46° 48' West 839.1 feet
12 South 61° 58' West 5,541.0 feet
13 South 73° 05' West 1287.6 feet, more or less, to the
14 Mississippi River; thence with the meanders of the
15 Mississippi River
16 Northwesterly to the point of beginning, inclusive of Apple
17 River island in Section 10 and 11, sand bars in Sections 3,
18 4, and 5, all in Township 25 north, Range 2 east, Island
19 No. 9 in Section 31, Township 26 north, Range 2 east, and
20 in Section 25, Township 26 north, Range 1 east, Island No.
21 7 in Sections 25 and 26, Township 26 north, Range 1 east,
22 and Section 31, Township 26 North, Range 2 east, Island No.
23 4 in Section 22 and 27; Island No. 2 in Section 8, 9 and 16;
24 and Island No. 1, in Section 5; all in Township 26 north,
25 Range 1 east, excepting that portion of the railroad
26 right-of-way in Sections 2, 3, and 11, Township 25 north,

1 Range 2 east, and also the following, lying 15 feet on both
2 sides of the following described centerline:

3 Beginning at the aforesaid Point "A" said point being on
4 the centerline of a strip of land 30 feet in width, thence
5 with said centerline and an angle of $116^{\circ} 07'$ to the right
6 with said east and west quarter line of Section 1

7 Southwesterly 387.8 feet; thence with a deflection angle to
8 the right of 04°

9 Southwesterly 190 feet; thence with a deflection angle to
10 the right of 37°

11 Southwesterly 145 feet; thence with a deflection angle to
12 the right of $20^{\circ} 47'$

13 Westerly 371.6 feet, more or less, to a point on the east
14 line of Section 2, Township 25 north, Range 2 east, being
15 located South 591 feet from the west quarter corner of said
16 Section 2; thence with an angle to the left of $94^{\circ} 33'$ with
17 said west line of Section 2

18 Westerly 578.4 feet to a point on the centerline of a strip
19 of land 100 feet in width, lying 50 feet on both sides of
20 the following described centerline; thence with a
21 deflection angle to the right of $12^{\circ} 34'$

22 Westerly 499.3 feet to the east bank of the Apple River,
23 containing a total of 13,060.94 acres, more or less, for
24 all of the above described lands.

25 Further, the State of Illinois accepts retrocession of and
26 authorizes acceptance of retrocession of concurrent

1 legislative jurisdiction over all those lands owned by the
2 United States that may subsequently be identified by the
3 Department of the Army as part of the U.S. Army Depot Activity
4 Savanna Military Reservation, Jo Daviness ~~Davies~~ County and
5 Carroll County, Illinois, although not included within the
6 legal description contained in this subsection, to the extent
7 concurrent jurisdiction has not previously been retroceded to
8 the State of Illinois. Any additional land over which the State
9 accepts retrocession of concurrent jurisdiction shall be
10 identified in a notice filed by the Governor as provided in
11 subsection (d).

12 (b) Pursuant to concurrent legislative jurisdiction, both
13 State and federal laws are applicable. Since most major crimes
14 violate both federal and State laws, both may punish an
15 offender for an offense committed in the area. The State of
16 Illinois, subject to the exemption of the federal government,
17 has the right to tax. The regulatory powers of the State of
18 Illinois may be exercised in the area, but not in such a manner
19 as to interfere with federal functions. Persons residing on the
20 area under concurrent legislative jurisdiction are ensured
21 important rights and privileges of citizenship, such as the
22 right to vote and access to the Illinois courts.

23 (c) Subject to subsection (b), the State of Illinois
24 accepts cession of concurrent legislative jurisdiction from
25 the United States.

26 (d) The Governor of the State of Illinois is authorized to

1 accept the retrocession of concurrent legislative jurisdiction
2 over the subject lands by filing a notice of acceptance with
3 the Illinois Secretary of State.

4 (e) Upon transfer by deed of the subject lands, or any
5 portion thereof, by the United States of America, the
6 concurrent jurisdiction retained by the United States shall
7 expire as to the particular property transferred.

8 (Source: P.A. 92-150, eff. 7-24-01; revised 10-11-05.)

9 Section 60. The Election Code is amended by changing
10 Sections 1A-15, 1A-16, 1A-17, 1A-25, 4-6.2, 5-16.2, 6-50.2,
11 7-56, 22-1, 22-8, 22-9, 22-15, 22-17, 24A-2, and 24B-9.1 as
12 follows:

13 (10 ILCS 5/1A-15) (from Ch. 46, par. 1A-15)

14 Sec. 1A-15. On the request of the Department of Healthcare
15 and Family Services ~~Illinois Department of Public Aid~~, the
16 State Board of Elections shall provide the Department with
17 tapes, discs, other electronic data or compilations thereof
18 which only provide the name, address and, when available, the
19 Social Security number of registered voters for the purpose of
20 tracing absent parents and the collection of child support.
21 Such information shall be provided at reasonable cost, which
22 shall include the cost of duplication plus 15% for
23 administration. The confidentiality of all information
24 contained on such tapes, discs and other electronic data or

1 combination thereof shall be protected as provided in Section
2 11-9 of "The Illinois Public Aid Code".

3 (Source: P.A. 85-114; revised 12-15-05.)

4 (10 ILCS 5/1A-16)

5 Sec. 1A-16. Voter registration information; internet
6 posting; processing of voter registration forms; content of
7 such forms. Notwithstanding any law to the contrary, the
8 following provisions shall apply to voter registration under
9 this Code.

10 (a) Voter registration information; Internet posting of
11 voter registration form. Within 90 days after the effective
12 date of this amendatory Act of the 93rd General Assembly, the
13 State Board of Elections shall post on its World Wide Web site
14 the following information:

15 (1) A comprehensive list of the names, addresses, phone
16 numbers, and websites, if applicable, of all county clerks
17 and boards of election commissioners in Illinois.

18 (2) A schedule of upcoming elections and the deadline
19 for voter registration.

20 (3) A downloadable, printable voter registration form,
21 in at least English and in Spanish versions, that a person
22 may complete and mail or submit to the State Board of
23 Elections or the appropriate county clerk or board of
24 election commissioners.

25 Any forms described under paragraph (3) must state the

1 following:

2 If you do not have a driver's license or social
3 security number, and this form is submitted by mail, and
4 you have never registered to vote in the jurisdiction you
5 are now registering in, then you must send, with this
6 application, either (i) a copy of a current and valid photo
7 identification, or (ii) a copy of a current utility bill,
8 bank statement, government check, paycheck, or other
9 government document that shows the name and address of the
10 voter. If you do not provide the information required
11 above, then you will be required to provide election
12 officials with either (i) or (ii) described above the first
13 time you vote at a voting place or by absentee ballot.

14 (b) Acceptance of registration forms by the State Board of
15 Elections and county clerks and board of election
16 commissioners. The State Board of Elections, county clerks, and
17 board of election commissioners shall accept all completed
18 voter registration forms described in subsection (a) (3) of this
19 Section and ~~Sections~~ ~~Section~~ 1A-17 and ~~Section~~ 1A-30 that are:

20 (1) postmarked on or before the day that voter
21 registration is closed under the Election Code;

22 (2) not postmarked, but arrives no later than 5 days
23 after the close of registration;

24 (3) submitted in person by a person using the form on
25 or before the day that voter registration is closed under
26 the Election Code; or

1 (4) submitted in person by a person who submits one or
2 more forms on behalf of one or more persons who used the
3 form on or before the day that voter registration is closed
4 under the Election Code.

5 Upon the receipt of a registration form, the State Board of
6 Elections shall mark the date on which the form was received
7 and send the form via first class mail to the appropriate
8 county clerk or board of election commissioners, as the case
9 may be, within 2 business days based upon the home address of
10 the person submitting the registration form. The county clerk
11 and board of election commissioners shall accept and process
12 any form received from the State Board of Elections.

13 (c) Processing of registration forms by county clerks and
14 boards of election commissioners. The county clerk or board of
15 election commissioners shall promulgate procedures for
16 processing the voter registration form.

17 (d) Contents of the voter registration form. The State
18 Board shall create a voter registration form, which must
19 contain the following content:

20 (1) Instructions for completing the form.

21 (2) A summary of the qualifications to register to vote
22 in Illinois.

23 (3) Instructions for mailing in or submitting the form
24 in person.

25 (4) The phone number for the State Board of Elections
26 should a person submitting the form have questions.

1 (5) A box for the person to check that explains one of
2 3 reasons for submitting the form:

- 3 (a) new registration;
4 (b) change of address; or
5 (c) change of name.

6 (6) a box for the person to check yes or no that asks,
7 "Are you a citizen of the United States?", a box for the
8 person to check yes or no that asks, "Will you be 18 years
9 of age on or before election day?", and a statement of "If
10 you checked 'no' in response to either of these questions,
11 then do not complete this form."

12 (7) A space for the person to fill in his or her home
13 telephone number.

14 (8) Spaces for the person to fill in his or her first,
15 middle, and last names, street address (principal place of
16 residence), county, city, state, and zip code.

17 (9) Spaces for the person to fill in his or her mailing
18 address, city, state, and zip code if different from his or
19 her principal place of residence.

20 (10) A space for the person to fill in his or her
21 Illinois driver's license number if the person has a
22 driver's license.

23 (11) A space for a person without a driver's license to
24 fill in the last four digits of his or her social security
25 number if the person has a social security number.

26 (12) A space for a person without an Illinois driver's

1 license to fill in his or her identification number from
2 his or her State Identification card issued by the
3 Secretary of State.

4 (13) A space for the person to fill the name appearing
5 on his or her last voter registration, the street address
6 of his or her last registration, including the city,
7 county, state, and zip code.

8 (14) A space where the person swears or affirms the
9 following under penalty of perjury with his or her
10 signature:

11 (a) "I am a citizen of the United States.";

12 (b) "I will be at least 18 years old on or before
13 the next election.";

14 (c) "I will have lived in the State of Illinois and
15 in my election precinct at least 30 days as of the date
16 of the next election."; and

17 "The information I have provided is true to the
18 best of my knowledge under penalty of perjury. If I
19 have provided false information, then I may be fined,
20 imprisoned, or if I am not a U.S. citizen, deported
21 from or refused entry into the United States."

22 (d-5) ~~(d)~~ Compliance with federal law; rulemaking
23 authority. The voter registration form described in this
24 Section shall be consistent with the form prescribed by the
25 Federal Election Commission under the National Voter
26 Registration Act of 1993, P.L. 103-31, as amended from time to

1 time, and the Help America Vote Act of 2002, P.L. 107-252, in
2 all relevant respects. The State Board of Elections shall
3 periodically update the form based on changes to federal or
4 State law. The State Board of Elections shall promulgate any
5 rules necessary for the implementation of this Section;
6 provided that the rules comport with the letter and spirit of
7 the National Voter Registration Act of 1993 and Help America
8 Vote Act of 2002 and maximize the opportunity for a person to
9 register to vote.

10 (e) Forms available in paper form. The State Board of
11 Elections shall make the voter registration form available in
12 regular paper stock and form in sufficient quantities for the
13 general public. The State Board of Elections may provide the
14 voter registration form to the Secretary of State, county
15 clerks, boards of election commissioners, designated agencies
16 of the State of Illinois, and any other person or entity
17 designated to have these forms by the Election Code in regular
18 paper stock and form or some other format deemed suitable by
19 the Board. Each county clerk or board of election commissioners
20 has the authority to design and print its own voter
21 registration form so long as the form complies with the
22 requirements of this Section. The State Board of Elections,
23 county clerks, boards of election commissioners, or other
24 designated agencies of the State of Illinois required to have
25 these forms under the Election Code shall provide a member of
26 the public with any reasonable number of forms that he or she

1 may request. Nothing in this Section shall permit the State
2 Board of Elections, county clerk, board of election
3 commissioners, or other appropriate election official who may
4 accept a voter registration form to refuse to accept a voter
5 registration form because the form is printed on photocopier or
6 regular paper stock and form.

7 (f) Internet voter registration study. The State Board of
8 Elections shall investigate the feasibility of offering voter
9 registration on its website and consider voter registration
10 methods of other states in an effort to maximize the
11 opportunity for all Illinois citizens to register to vote. The
12 State Board of Elections shall assemble its findings in a
13 report and submit it to the General Assembly no later than
14 January 1, 2006. The report shall contain legislative
15 recommendations to the General Assembly on improving voter
16 registration in Illinois.

17 (Source: P.A. 93-574, eff. 8-21-03; 94-492, eff. 1-1-06;
18 94-645, eff. 8-22-05; revised 8-29-05.)

19 (10 ILCS 5/1A-17)

20 Sec. 1A-17. Voter registration outreach.

21 (a) The Secretary of State, the Department of Human
22 Services, the Department of Children and Family Services, the
23 Department of Public Aid, the Department of Employment
24 Security, and each public institution of higher learning in
25 Illinois must make available on its World Wide Web site a

1 downloadable, printable voter registration form that complies
2 with the requirements in subsection (d) of Section 1A-16 for
3 the State Board of Elections' voter registration form.

4 (b) Each public institution of higher learning in Illinois
5 must include voter registration information and a voter
6 registration form supplied by the State Board of Elections
7 under subsection (e) of Section 1A-16 in any mailing of student
8 registration materials to an address located in Illinois. Each
9 public institution of higher learning must provide voter
10 registration information and a voter registration form
11 supplied by the State Board of Elections under subsection (e)
12 of Section 1A-16 to each person with whom the institution
13 conducts in-person student registration.

14 (c) As used in this Section, a public institution of higher
15 learning means a public university, college, or community
16 college in Illinois.

17 (Source: P.A. 94-645, eff. 8-22-05; incorporates P.A. 94-492,
18 eff. 1-1-06.)

19 (10 ILCS 5/1A-25)

20 Sec. 1A-25. Centralized statewide voter registration list.
21 The centralized statewide voter registration list required by
22 Title III, Subtitle A, Section 303 of the Help America Vote Act
23 of 2002 shall be created and maintained by the State Board of
24 Elections as provided in this Section.

25 (1) The centralized statewide voter registration list

1 shall be compiled from the voter registration data bases of
2 each election authority in this State.

3 (2) All new voter registration forms and applications
4 to register to vote, including those reviewed by the
5 Secretary of State at a driver services facility, shall be
6 transmitted only to the appropriate election authority as
7 required by Articles 4, 5, and 6 of this Code and not to
8 the State Board of Elections. The election authority shall
9 process and verify each voter registration form and
10 electronically enter verified registrations on an
11 expedited basis onto the statewide voter registration
12 list. All original registration cards shall remain
13 permanently in the office of the election authority as
14 required by this Code.

15 (3) The centralized statewide voter registration list
16 shall:

17 (i) Be designed to allow election authorities to
18 utilize the registration data on the statewide voter
19 registration list pertinent to voters registered in
20 their election jurisdiction on locally maintained
21 software programs that are unique to each
22 jurisdiction.

23 (ii) Allow each election authority to perform
24 essential election management functions, including but
25 not limited to production of voter lists, processing of
26 absentee voters, production of individual, pre-printed

1 applications to vote, administration of election
2 judges, and polling place administration, but shall
3 not prevent any election authority from using
4 information from that election authority's own
5 systems.

6 (4) The registration information maintained by each
7 election authority shall be synchronized with that
8 authority's information on the statewide list at least once
9 every 24 hours.

10 To protect the privacy and confidentiality of voter
11 registration information, the disclosure of any portion of the
12 centralized statewide voter registration list to any person or
13 entity other than to a State or local political committee and
14 other than to a governmental entity for a governmental purpose
15 is specifically prohibited except as follows: subject to
16 security measures adopted by the State Board of Elections
17 which, at a minimum, shall include the keeping of a catalog or
18 database, available for public view, including the name,
19 address, and telephone number of the person viewing the list as
20 well as the time of that viewing, any person may view the list
21 on a computer screen at the Springfield office of the State
22 Board of Elections, during normal business hours other than
23 during the 27 days before an election, but the person viewing
24 the list under this exception may not print, duplicate,
25 transmit, or alter the list.

26 (Source: P.A. 93-1071, eff. 1-18-05; 94-136, eff. 7-7-05;

1 94-645, eff. 8-22-05; revised 8-29-05.)

2 (10 ILCS 5/4-6.2) (from Ch. 46, par. 4-6.2)

3 Sec. 4-6.2. (a) The county clerk shall appoint all
4 municipal and township or road district clerks or their duly
5 authorized deputies as deputy registrars who may accept the
6 registration of all qualified residents of the State.

7 The county clerk shall appoint all precinct
8 committeepersons in the county as deputy registrars who may
9 accept the registration of any qualified resident of the State,
10 except during the 27 days preceding an election.

11 The election authority shall appoint as deputy registrars a
12 reasonable number of employees of the Secretary of State
13 located at driver's license examination stations and
14 designated to the election authority by the Secretary of State
15 who may accept the registration of any qualified residents of
16 the State at any such driver's license examination stations.
17 The appointment of employees of the Secretary of State as
18 deputy registrars shall be made in the manner provided in
19 Section 2-105 of the Illinois Vehicle Code.

20 The county clerk shall appoint each of the following named
21 persons as deputy registrars upon the written request of such
22 persons:

23 1. The chief librarian, or a qualified person
24 designated by the chief librarian, of any public library
25 situated within the election jurisdiction, who may accept

1 the registrations of any qualified resident of the State,
2 at such library.

3 2. The principal, or a qualified person designated by
4 the principal, of any high school, elementary school, or
5 vocational school situated within the election
6 jurisdiction, who may accept the registrations of any
7 qualified resident of the State, at such school. The county
8 clerk shall notify every principal and vice-principal of
9 each high school, elementary school, and vocational school
10 situated within the election jurisdiction of their
11 eligibility to serve as deputy registrars and offer
12 training courses for service as deputy registrars at
13 conveniently located facilities at least 4 months prior to
14 every election.

15 3. The president, or a qualified person designated by
16 the president, of any university, college, community
17 college, academy or other institution of learning situated
18 within the election jurisdiction, who may accept the
19 registrations of any resident of the State, at such
20 university, college, community college, academy or
21 institution.

22 4. A duly elected or appointed official of a bona fide
23 labor organization, or a reasonable number of qualified
24 members designated by such official, who may accept the
25 registrations of any qualified resident of the State.

26 5. A duly elected or appointed official of a bonafide

1 State civic organization, as defined and determined by rule
2 of the State Board of Elections, or qualified members
3 designated by such official, who may accept the
4 registration of any qualified resident of the State. In
5 determining the number of deputy registrars that shall be
6 appointed, the county clerk shall consider the population
7 of the jurisdiction, the size of the organization, the
8 geographic size of the jurisdiction, convenience for the
9 public, the existing number of deputy registrars in the
10 jurisdiction and their location, the registration
11 activities of the organization and the need to appoint
12 deputy registrars to assist and facilitate the
13 registration of non-English speaking individuals. In no
14 event shall a county clerk fix an arbitrary number
15 applicable to every civic organization requesting
16 appointment of its members as deputy registrars. The State
17 Board of Elections shall by rule provide for certification
18 of bonafide State civic organizations. Such appointments
19 shall be made for a period not to exceed 2 years,
20 terminating on the first business day of the month
21 following the month of the general election, and shall be
22 valid for all periods of voter registration as provided by
23 this Code during the terms of such appointments.

24 6. The Director of Healthcare and Family Services ~~the~~
25 ~~Illinois Department of Public Aid~~, or a reasonable number
26 of employees designated by the Director and located at

1 public aid offices, who may accept the registration of any
2 qualified resident of the county at any such public aid
3 office.

4 7. The Director of the Illinois Department of
5 Employment Security, or a reasonable number of employees
6 designated by the Director and located at unemployment
7 offices, who may accept the registration of any qualified
8 resident of the county at any such unemployment office.

9 8. The president of any corporation as defined by the
10 Business Corporation Act of 1983, or a reasonable number of
11 employees designated by such president, who may accept the
12 registrations of any qualified resident of the State.

13 If the request to be appointed as deputy registrar is
14 denied, the county clerk shall, within 10 days after the date
15 the request is submitted, provide the affected individual or
16 organization with written notice setting forth the specific
17 reasons or criteria relied upon to deny the request to be
18 appointed as deputy registrar.

19 The county clerk may appoint as many additional deputy
20 registrars as he considers necessary. The county clerk shall
21 appoint such additional deputy registrars in such manner that
22 the convenience of the public is served, giving due
23 consideration to both population concentration and area. Some
24 of the additional deputy registrars shall be selected so that
25 there are an equal number from each of the 2 major political
26 parties in the election jurisdiction. The county clerk, in

1 appointing an additional deputy registrar, shall make the
 2 appointment from a list of applicants submitted by the Chairman
 3 of the County Central Committee of the applicant's political
 4 party. A Chairman of a County Central Committee shall submit a
 5 list of applicants to the county clerk by November 30 of each
 6 year. The county clerk may require a Chairman of a County
 7 Central Committee to furnish a supplemental list of applicants.

8 Deputy registrars may accept registrations at any time
 9 other than the 27 day period preceding an election. All persons
 10 appointed as deputy registrars shall be registered voters
 11 within the county and shall take and subscribe to the following
 12 oath or affirmation:

13 "I do solemnly swear (or affirm, as the case may be) that I
 14 will support the Constitution of the United States, and the
 15 Constitution of the State of Illinois, and that I will
 16 faithfully discharge the duties of the office of deputy
 17 registrar to the best of my ability and that I will register no
 18 person nor cause the registration of any person except upon his
 19 personal application before me.

20

21 (Signature Deputy Registrar)"

22 This oath shall be administered by the county clerk, or by
 23 one of his deputies, or by any person qualified to take
 24 acknowledgement of deeds and shall immediately thereafter be
 25 filed with the county clerk.

26 Appointments of deputy registrars under this Section,

1 except precinct committeemen, shall be for 2-year terms,
2 commencing on December 1 following the general election of each
3 even-numbered year; except that the terms of the initial
4 appointments shall be until December 1st following the next
5 general election. Appointments of precinct committeemen shall
6 be for 2-year terms commencing on the date of the county
7 convention following the general primary at which they were
8 elected. The county clerk shall issue a certificate of
9 appointment to each deputy registrar, and shall maintain in his
10 office for public inspection a list of the names of all
11 appointees.

12 (b) The county clerk shall be responsible for training all
13 deputy registrars appointed pursuant to subsection (a), at
14 times and locations reasonably convenient for both the county
15 clerk and such appointees. The county clerk shall be
16 responsible for certifying and supervising all deputy
17 registrars appointed pursuant to subsection (a). Deputy
18 registrars appointed under subsection (a) shall be subject to
19 removal for cause.

20 (c) Completed registration materials under the control of
21 deputy registrars, appointed pursuant to subsection (a), shall
22 be returned to the appointing election authority within 7 days,
23 except that completed registration materials received by the
24 deputy registrars during the period between the 35th and 28th
25 day preceding an election shall be returned by the deputy
26 registrars to the appointing election authority within 48 hours

1 after receipt thereof. The completed registration materials
2 received by the deputy registrars on the 28th day preceding an
3 election shall be returned by the deputy registrars within 24
4 hours after receipt thereof. Unused materials shall be returned
5 by deputy registrars appointed pursuant to paragraph 4 of
6 subsection (a), not later than the next working day following
7 the close of registration.

8 (d) The county clerk or board of election commissioners, as
9 the case may be, must provide any additional forms requested by
10 any deputy registrar regardless of the number of unaccounted
11 registration forms the deputy registrar may have in his or her
12 possession.

13 (e) No deputy registrar shall engage in any electioneering
14 or the promotion of any cause during the performance of his or
15 her duties.

16 (f) The county clerk shall not be criminally or civilly
17 liable for the acts or omissions of any deputy registrar. Such
18 deputy registrars shall not be deemed to be employees of the
19 county clerk.

20 (g) Completed registration materials returned by deputy
21 registrars for persons residing outside the county shall be
22 transmitted by the county clerk within 2 days after receipt to
23 the election authority of the person's election jurisdiction of
24 residence.

25 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05;
26 revised 12-15-05.)

1 (10 ILCS 5/5-16.2) (from Ch. 46, par. 5-16.2)

2 Sec. 5-16.2. (a) The county clerk shall appoint all
3 municipal and township clerks or their duly authorized deputies
4 as deputy registrars who may accept the registration of all
5 qualified residents of the State.

6 The county clerk shall appoint all precinct
7 committeepersons in the county as deputy registrars who may
8 accept the registration of any qualified resident of the State,
9 except during the 27 days preceding an election.

10 The election authority shall appoint as deputy registrars a
11 reasonable number of employees of the Secretary of State
12 located at driver's license examination stations and
13 designated to the election authority by the Secretary of State
14 who may accept the registration of any qualified residents of
15 the State at any such driver's license examination stations.
16 The appointment of employees of the Secretary of State as
17 deputy registrars shall be made in the manner provided in
18 Section 2-105 of the Illinois Vehicle Code.

19 The county clerk shall appoint each of the following named
20 persons as deputy registrars upon the written request of such
21 persons:

22 1. The chief librarian, or a qualified person
23 designated by the chief librarian, of any public library
24 situated within the election jurisdiction, who may accept
25 the registrations of any qualified resident of the State,

1 at such library.

2 2. The principal, or a qualified person designated by
3 the principal, of any high school, elementary school, or
4 vocational school situated within the election
5 jurisdiction, who may accept the registrations of any
6 resident of the State, at such school. The county clerk
7 shall notify every principal and vice-principal of each
8 high school, elementary school, and vocational school
9 situated within the election jurisdiction of their
10 eligibility to serve as deputy registrars and offer
11 training courses for service as deputy registrars at
12 conveniently located facilities at least 4 months prior to
13 every election.

14 3. The president, or a qualified person designated by
15 the president, of any university, college, community
16 college, academy or other institution of learning situated
17 within the election jurisdiction, who may accept the
18 registrations of any resident of the State, at such
19 university, college, community college, academy or
20 institution.

21 4. A duly elected or appointed official of a bona fide
22 labor organization, or a reasonable number of qualified
23 members designated by such official, who may accept the
24 registrations of any qualified resident of the State.

25 5. A duly elected or appointed official of a bona fide
26 State civic organization, as defined and determined by rule

1 of the State Board of Elections, or qualified members
2 designated by such official, who may accept the
3 registration of any qualified resident of the State. In
4 determining the number of deputy registrars that shall be
5 appointed, the county clerk shall consider the population
6 of the jurisdiction, the size of the organization, the
7 geographic size of the jurisdiction, convenience for the
8 public, the existing number of deputy registrars in the
9 jurisdiction and their location, the registration
10 activities of the organization and the need to appoint
11 deputy registrars to assist and facilitate the
12 registration of non-English speaking individuals. In no
13 event shall a county clerk fix an arbitrary number
14 applicable to every civic organization requesting
15 appointment of its members as deputy registrars. The State
16 Board of Elections shall by rule provide for certification
17 of bona fide State civic organizations. Such appointments
18 shall be made for a period not to exceed 2 years,
19 terminating on the first business day of the month
20 following the month of the general election, and shall be
21 valid for all periods of voter registration as provided by
22 this Code during the terms of such appointments.

23 6. The Director of Healthcare and Family Services ~~the~~
24 ~~Illinois Department of Public Aid~~, or a reasonable number
25 of employees designated by the Director and located at
26 public aid offices, who may accept the registration of any

1 qualified resident of the county at any such public aid
2 office.

3 7. The Director of the Illinois Department of
4 Employment Security, or a reasonable number of employees
5 designated by the Director and located at unemployment
6 offices, who may accept the registration of any qualified
7 resident of the county at any such unemployment office.

8 8. The president of any corporation as defined by the
9 Business Corporation Act of 1983, or a reasonable number of
10 employees designated by such president, who may accept the
11 registrations of any qualified resident of the State.

12 If the request to be appointed as deputy registrar is
13 denied, the county clerk shall, within 10 days after the date
14 the request is submitted, provide the affected individual or
15 organization with written notice setting forth the specific
16 reasons or criteria relied upon to deny the request to be
17 appointed as deputy registrar.

18 The county clerk may appoint as many additional deputy
19 registrars as he considers necessary. The county clerk shall
20 appoint such additional deputy registrars in such manner that
21 the convenience of the public is served, giving due
22 consideration to both population concentration and area. Some
23 of the additional deputy registrars shall be selected so that
24 there are an equal number from each of the 2 major political
25 parties in the election jurisdiction. The county clerk, in
26 appointing an additional deputy registrar, shall make the

1 appointment from a list of applicants submitted by the Chairman
 2 of the County Central Committee of the applicant's political
 3 party. A Chairman of a County Central Committee shall submit a
 4 list of applicants to the county clerk by November 30 of each
 5 year. The county clerk may require a Chairman of a County
 6 Central Committee to furnish a supplemental list of applicants.

7 Deputy registrars may accept registrations at any time
 8 other than the 27 day period preceding an election. All persons
 9 appointed as deputy registrars shall be registered voters
 10 within the county and shall take and subscribe to the following
 11 oath or affirmation:

12 "I do solemnly swear (or affirm, as the case may be) that I
 13 will support the Constitution of the United States, and the
 14 Constitution of the State of Illinois, and that I will
 15 faithfully discharge the duties of the office of deputy
 16 registrar to the best of my ability and that I will register no
 17 person nor cause the registration of any person except upon his
 18 personal application before me.

19
 20 (Signature of Deputy Registrar)"

21 This oath shall be administered by the county clerk, or by
 22 one of his deputies, or by any person qualified to take
 23 acknowledgement of deeds and shall immediately thereafter be
 24 filed with the county clerk.

25 Appointments of deputy registrars under this Section,
 26 except precinct committeemen, shall be for 2-year terms,

1 commencing on December 1 following the general election of each
2 even-numbered year, except that the terms of the initial
3 appointments shall be until December 1st following the next
4 general election. Appointments of precinct committeemen shall
5 be for 2-year terms commencing on the date of the county
6 convention following the general primary at which they were
7 elected. The county clerk shall issue a certificate of
8 appointment to each deputy registrar, and shall maintain in his
9 office for public inspection a list of the names of all
10 appointees.

11 (b) The county clerk shall be responsible for training all
12 deputy registrars appointed pursuant to subsection (a), at
13 times and locations reasonably convenient for both the county
14 clerk and such appointees. The county clerk shall be
15 responsible for certifying and supervising all deputy
16 registrars appointed pursuant to subsection (a). Deputy
17 registrars appointed under subsection (a) shall be subject to
18 removal for cause.

19 (c) Completed registration materials under the control of
20 deputy registrars, appointed pursuant to subsection (a), shall
21 be returned to the appointing election authority within 7 days,
22 except that completed registration materials received by the
23 deputy registrars during the period between the 35th and 28th
24 day preceding an election shall be returned by the deputy
25 registrars to the appointing election authority within 48 hours
26 after receipt thereof. The completed registration materials

1 received by the deputy registrars on the 28th day preceding an
2 election shall be returned by the deputy registrars within 24
3 hours after receipt thereof. Unused materials shall be returned
4 by deputy registrars appointed pursuant to paragraph 4 of
5 subsection (a), not later than the next working day following
6 the close of registration.

7 (d) The county clerk or board of election commissioners, as
8 the case may be, must provide any additional forms requested by
9 any deputy registrar regardless of the number of unaccounted
10 registration forms the deputy registrar may have in his or her
11 possession.

12 (e) No deputy registrar shall engage in any electioneering
13 or the promotion of any cause during the performance of his or
14 her duties.

15 (f) The county clerk shall not be criminally or civilly
16 liable for the acts or omissions of any deputy registrar. Such
17 deputy registers shall not be deemed to be employees of the
18 county clerk.

19 (g) Completed registration materials returned by deputy
20 registrars for persons residing outside the county shall be
21 transmitted by the county clerk within 2 days after receipt to
22 the election authority of the person's election jurisdiction of
23 residence.

24 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05;
25 revised 12-15-05.)

1 (10 ILCS 5/6-50.2) (from Ch. 46, par. 6-50.2)

2 Sec. 6-50.2. (a) The board of election commissioners shall
3 appoint all precinct committeepersons in the election
4 jurisdiction as deputy registrars who may accept the
5 registration of any qualified resident of the State, except
6 during the 27 days preceding an election.

7 The election authority shall appoint as deputy registrars a
8 reasonable number of employees of the Secretary of State
9 located at driver's license examination stations and
10 designated to the election authority by the Secretary of State
11 who may accept the registration of any qualified residents of
12 the State at any such driver's license examination stations.
13 The appointment of employees of the Secretary of State as
14 deputy registrars shall be made in the manner provided in
15 Section 2-105 of the Illinois Vehicle Code.

16 The board of election commissioners shall appoint each of
17 the following named persons as deputy registrars upon the
18 written request of such persons:

19 1. The chief librarian, or a qualified person
20 designated by the chief librarian, of any public library
21 situated within the election jurisdiction, who may accept
22 the registrations of any qualified resident of the State,
23 at such library.

24 2. The principal, or a qualified person designated by
25 the principal, of any high school, elementary school, or
26 vocational school situated within the election

1 jurisdiction, who may accept the registrations of any
2 resident of the State, at such school. The board of
3 election commissioners shall notify every principal and
4 vice-principal of each high school, elementary school, and
5 vocational school situated in the election jurisdiction of
6 their eligibility to serve as deputy registrars and offer
7 training courses for service as deputy registrars at
8 conveniently located facilities at least 4 months prior to
9 every election.

10 3. The president, or a qualified person designated by
11 the president, of any university, college, community
12 college, academy or other institution of learning situated
13 within the State, who may accept the registrations of any
14 resident of the election jurisdiction, at such university,
15 college, community college, academy or institution.

16 4. A duly elected or appointed official of a bona fide
17 labor organization, or a reasonable number of qualified
18 members designated by such official, who may accept the
19 registrations of any qualified resident of the State.

20 5. A duly elected or appointed official of a bona fide
21 State civic organization, as defined and determined by rule
22 of the State Board of Elections, or qualified members
23 designated by such official, who may accept the
24 registration of any qualified resident of the State. In
25 determining the number of deputy registrars that shall be
26 appointed, the board of election commissioners shall

1 consider the population of the jurisdiction, the size of
2 the organization, the geographic size of the jurisdiction,
3 convenience for the public, the existing number of deputy
4 registrars in the jurisdiction and their location, the
5 registration activities of the organization and the need to
6 appoint deputy registrars to assist and facilitate the
7 registration of non-English speaking individuals. In no
8 event shall a board of election commissioners fix an
9 arbitrary number applicable to every civic organization
10 requesting appointment of its members as deputy
11 registrars. The State Board of Elections shall by rule
12 provide for certification of bona fide State civic
13 organizations. Such appointments shall be made for a period
14 not to exceed 2 years, terminating on the first business
15 day of the month following the month of the general
16 election, and shall be valid for all periods of voter
17 registration as provided by this Code during the terms of
18 such appointments.

19 6. The Director of Healthcare and Family Services ~~the~~
20 ~~Illinois Department of Public Aid~~, or a reasonable number
21 of employees designated by the Director and located at
22 public aid offices, who may accept the registration of any
23 qualified resident of the election jurisdiction at any such
24 public aid office.

25 7. The Director of the Illinois Department of
26 Employment Security, or a reasonable number of employees

1 designated by the Director and located at unemployment
2 offices, who may accept the registration of any qualified
3 resident of the election jurisdiction at any such
4 unemployment office. If the request to be appointed as
5 deputy registrar is denied, the board of election
6 commissioners shall, within 10 days after the date the
7 request is submitted, provide the affected individual or
8 organization with written notice setting forth the
9 specific reasons or criteria relied upon to deny the
10 request to be appointed as deputy registrar.

11 8. The president of any corporation, as defined by the
12 Business Corporation Act of 1983, or a reasonable number of
13 employees designated by such president, who may accept the
14 registrations of any qualified resident of the State.

15 The board of election commissioners may appoint as many
16 additional deputy registrars as it considers necessary. The
17 board of election commissioners shall appoint such additional
18 deputy registrars in such manner that the convenience of the
19 public is served, giving due consideration to both population
20 concentration and area. Some of the additional deputy
21 registrars shall be selected so that there are an equal number
22 from each of the 2 major political parties in the election
23 jurisdiction. The board of election commissioners, in
24 appointing an additional deputy registrar, shall make the
25 appointment from a list of applicants submitted by the Chairman
26 of the County Central Committee of the applicant's political

1 party. A Chairman of a County Central Committee shall submit a
 2 list of applicants to the board by November 30 of each year.
 3 The board may require a Chairman of a County Central Committee
 4 to furnish a supplemental list of applicants.

5 Deputy registrars may accept registrations at any time
 6 other than the 27 day period preceding an election. All persons
 7 appointed as deputy registrars shall be registered voters
 8 within the election jurisdiction and shall take and subscribe
 9 to the following oath or affirmation:

10 "I do solemnly swear (or affirm, as the case may be) that I
 11 will support the Constitution of the United States, and the
 12 Constitution of the State of Illinois, and that I will
 13 faithfully discharge the duties of the office of registration
 14 officer to the best of my ability and that I will register no
 15 person nor cause the registration of any person except upon his
 16 personal application before me.

17

18 (Signature of Registration Officer)"

19 This oath shall be administered and certified to by one of
 20 the commissioners or by the executive director or by some
 21 person designated by the board of election commissioners, and
 22 shall immediately thereafter be filed with the board of
 23 election commissioners. The members of the board of election
 24 commissioners and all persons authorized by them under the
 25 provisions of this Article to take registrations, after
 26 themselves taking and subscribing to the above oath, are

1 authorized to take or administer such oaths and execute such
2 affidavits as are required by this Article.

3 Appointments of deputy registrars under this Section,
4 except precinct committeemen, shall be for 2-year terms,
5 commencing on December 1 following the general election of each
6 even-numbered year, except that the terms of the initial
7 appointments shall be until December 1st following the next
8 general election. Appointments of precinct committeemen shall
9 be for 2-year terms commencing on the date of the county
10 convention following the general primary at which they were
11 elected. The county clerk shall issue a certificate of
12 appointment to each deputy registrar, and shall maintain in his
13 office for public inspection a list of the names of all
14 appointees.

15 (b) The board of election commissioners shall be
16 responsible for training all deputy registrars appointed
17 pursuant to subsection (a), at times and locations reasonably
18 convenient for both the board of election commissioners and
19 such appointees. The board of election commissioners shall be
20 responsible for certifying and supervising all deputy
21 registrars appointed pursuant to subsection (a). Deputy
22 registrars appointed under subsection (a) shall be subject to
23 removal for cause.

24 (c) Completed registration materials under the control of
25 deputy registrars appointed pursuant to subsection (a) shall be
26 returned to the appointing election authority within 7 days,

1 except that completed registration materials received by the
2 deputy registrars during the period between the 35th and 28th
3 day preceding an election shall be returned by the deputy
4 registrars to the appointing election authority within 48 hours
5 after receipt thereof. The completed registration materials
6 received by the deputy registrars on the 28th day preceding an
7 election shall be returned by the deputy registrars within 24
8 hours after receipt thereof. Unused materials shall be returned
9 by deputy registrars appointed pursuant to paragraph 4 of
10 subsection (a), not later than the next working day following
11 the close of registration.

12 (d) The county clerk or board of election commissioners, as
13 the case may be, must provide any additional forms requested by
14 any deputy registrar regardless of the number of unaccounted
15 registration forms the deputy registrar may have in his or her
16 possession.

17 (e) No deputy registrar shall engage in any electioneering
18 or the promotion of any cause during the performance of his or
19 her duties.

20 (f) The board of election commissioners shall not be
21 criminally or civilly liable for the acts or omissions of any
22 deputy registrar. Such deputy registrars shall not be deemed to
23 be employees of the board of election commissioners.

24 (g) Completed registration materials returned by deputy
25 registrars for persons residing outside the election
26 jurisdiction shall be transmitted by the board of election

1 commissioners within 2 days after receipt to the election
2 authority of the person's election jurisdiction of residence.
3 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05;
4 revised 12-15-05.)

5 (10 ILCS 5/7-56) (from Ch. 46, par. 7-56)

6 Sec. 7-56. As soon as complete returns are delivered to the
7 proper election authority, the returns shall be canvassed for
8 all primary elections as follows. The election authority acting
9 as the canvassing board pursuant to Section 1-8 of this Code
10 shall also open and canvass the returns of a primary. Upon the
11 completion of the canvass of the returns by the election
12 authority, the election authority shall make a tabulated
13 statement of the returns for each political party separately,
14 stating in appropriate columns and under proper headings, the
15 total number of votes cast in said county for each candidate
16 for nomination or election by said party, including candidates
17 for President of the United States and for State central
18 committeemen, and for delegates and alternate delegates to
19 National nominating conventions, and for precinct
20 committeemen, township committeemen, and for ward
21 committeemen. Within 2 days after the completion of said
22 canvass by the election authority, the county clerk shall mail
23 to the State Board of Elections a certified copy of such
24 tabulated statement of returns. The election authority ~~said~~
25 ~~officers~~ shall also determine and set down as to each precinct

1 the number of ballots voted by the primary electors of each
2 party at the primary.

3 In the case of the nomination or election of candidates for
4 offices, including President of the United States and the State
5 central committeemen, and delegates and alternate delegates to
6 National nominating conventions, certified tabulated statement
7 of returns for which are filed with the State Board of
8 Elections, said returns shall be canvassed by the election
9 authority. And, provided, further, that within 5 days after
10 said returns shall be canvassed by the said Board, the Board
11 shall cause to be published in one daily newspaper of general
12 circulation at the seat of the State government in Springfield
13 a certified statement of the returns filed in its office,
14 showing the total vote cast in the State for each candidate of
15 each political party for President of the United States, and
16 showing the total vote for each candidate of each political
17 party for President of the United States, cast in each of the
18 several congressional districts in the State.

19 Within 48 hours of conducting a canvass, as required by
20 this Code, of the consolidated primary, the election authority
21 shall deliver an original certificate of results to each local
22 election official, with respect to whose political
23 subdivisions nominations were made at such primary, for each
24 precinct in his jurisdiction in which such nominations were on
25 the ballot. Such original certificate of results need not
26 include any offices or nominations for any other political

1 subdivisions. ~~21~~

2 (Source: P.A. 94-645, eff. 8-22-05; 94-647, eff. 1-1-06;
3 revised 8-29-05.)

4 (10 ILCS 5/22-1) (from Ch. 46, par. 22-1)

5 Sec. 22-1. Abstracts of votes. Within 21 days after the
6 close of the election at which candidates for offices
7 hereinafter named in this Section are voted upon, the election
8 authorities of the respective counties shall open the returns
9 and make abstracts of the votes on a separate sheet for each of
10 the following:

11 A. For Governor and Lieutenant Governor;

12 B. For State officers;

13 C. For presidential electors;

14 D. For United States Senators and Representatives to
15 Congress;

16 E. For judges of the Supreme Court;

17 F. For judges of the Appellate Court;

18 G. For judges of the circuit court;

19 H. For Senators and Representatives to the General
20 Assembly;

21 I. For State's Attorneys elected from 2 or more counties;

22 J. For amendments to the Constitution, and for other
23 propositions submitted to the electors of the entire State;

24 K. For county officers and for propositions submitted to
25 the electors of the county only;

- 1 L. For Regional Superintendent of Schools;
2 M. For trustees of Sanitary Districts; and
3 N. For Trustee of a Regional Board of School Trustees.

4 Each sheet shall report the returns by precinct or ward.

5 Multiple originals of each of the sheets shall be prepared
6 and one of each shall be turned over to the chairman of the
7 county central committee of each of the then existing
8 established political parties, as defined in Section 10-2, or
9 his duly authorized representative immediately after the
10 completion of the entries on the sheets and before the totals
11 have been compiled.

12 The foregoing abstracts shall be preserved by the election
13 authority in its office.

14 Whenever any county clerk is unable to canvass the vote,
15 the deputy county clerk or a designee of the county clerk shall
16 serve in his or her place.

17 The powers and duties of the election authority canvassing
18 the votes are limited to those specified in this Section.

19 No person who is shown by the election authority's
20 ~~canvassing board's~~ proclamation to have been elected at the
21 consolidated election or general election as a write-in
22 candidate shall take office unless that person has first filed
23 with the certifying office or board a statement of candidacy
24 pursuant to Section 7-10 or Section 10-5, a statement pursuant
25 to Section 7-10.1, and a receipt for filing a statement of
26 economic interests in relation to the unit of government to

1 which he or she has been elected. For officers elected at the
2 consolidated election, the certifying officer shall notify the
3 election authority of the receipt of those documents, and the
4 county clerk shall issue the certification of election under
5 the provisions of Section 22-18.

6 (Source: P.A. 93-847, eff. 7-30-04; 94-645, eff. 8-22-05;
7 94-647, eff. 1-1-06; revised 10-4-05.)

8 (10 ILCS 5/22-8) (from Ch. 46, par. 22-8)

9 Sec. 22-8. In municipalities operating under Article 6 of
10 this Act, within 21 days after the close of such election, the
11 board of election commissioners shall open all returns and
12 shall make abstracts or statements of the votes for all offices
13 and questions voted on at the election.

14 Each abstract or statement ~~sheet~~ shall report the returns
15 by precinct or ward.

16 Multiple originals of each of the abstracts or statements
17 shall be prepared and one of each shall be turned over to the
18 chairman of the county central committee of each of the then
19 existing established political parties, as defined in Section
20 10-2.

21 (Source: P.A. 93-847, eff. 7-30-04; 94-645, eff. 8-22-05;
22 94-647, eff. 1-1-06; revised 10-4-05.)

23 (10 ILCS 5/22-9) (from Ch. 46, par. 22-9)

24 Sec. 22-9. It shall be the duty of the election authority

1 to canvass and add up and declare the result of every election
2 hereafter held within the boundaries of such city, village or
3 incorporated town operating under Article 6 of this Act. The
4 election authority shall file ~~by precinct or ward~~ a certified
5 copy of the record with the County Clerk of the county; and
6 such abstracts or results shall be treated, by the County Clerk
7 in all respects, as if made by the election authority now
8 provided by the foregoing sections of this law, and he shall
9 transmit the same, by facsimile, e-mail, or other electronic
10 means, to the State Board of Elections, or other proper
11 officer, as required hereinabove. The county clerk or board of
12 election commissioners, as the case may be, shall also send the
13 abstract by precinct or ward and result in a sealed envelope
14 addressed to the State Board of Elections via overnight mail so
15 it arrives at the address the following calendar day. And such
16 abstracts or results so declared, and a certified copy thereof,
17 shall be treated everywhere within the state, and by all public
18 officers, with the same binding force and effect as the
19 abstract of votes now authorized by the foregoing provisions of
20 this Act.

21 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05;
22 94-647, eff. 1-1-06; revised 9-15-06.)

23 (10 ILCS 5/22-15) (from Ch. 46, par. 22-15)

24 Sec. 22-15. The election authority shall, upon request, and
25 by mail if so requested, furnish free of charge to any

1 candidate for any office, whose name appeared upon the ballot
2 within the jurisdiction of the election authority, a copy of
3 the abstract of votes by precinct or ward for all candidates
4 for the office for which such person was a candidate. Such
5 abstract shall be furnished no later than 2 days after the
6 receipt of the request or 8 days after the completing of the
7 canvass, whichever is later.

8 Within one calendar day following the canvass and
9 proclamation of each general primary election and general
10 election, each election authority shall transmit to the
11 principal office of the State Board of Elections copies of the
12 abstracts of votes by precinct or ward for the offices of ward,
13 township, and precinct committeeman via overnight mail so that
14 the abstract of votes arrives at the address the following
15 calendar day. Each election authority shall also transmit to
16 the principal office of the State Board of Elections copies of
17 current precinct poll lists.

18 (Source: P.A. 93-574, eff. 8-21-03; 94-645, eff. 8-22-05;
19 94-647, eff. 1-1-06; revised 8-29-05.)

20 (10 ILCS 5/22-17) (from Ch. 46, par. 22-17)

21 Sec. 22-17. (a) Except as provided in subsection (b), the
22 canvass of votes cast at the consolidated election shall be
23 conducted by the election authority within 21 days after the
24 close of such elections.

25 (b) The board of election commissioners as provided in

1 Section 22-8 shall canvass the votes cast at the consolidated
2 election for offices of any political subdivision entirely
3 within the jurisdiction of a municipal board of election
4 commissioners.

5 (c) The canvass of votes cast upon any public questions
6 submitted to the voters of any political subdivision, or any
7 precinct or combination of precincts within a political
8 subdivision, at any regular election or at any emergency
9 referendum election, including votes cast by voters outside of
10 the political subdivision where the question is for annexation
11 thereto, shall be canvassed by the same election authority as
12 for the canvass of votes of the officers of such political
13 subdivision. However, referenda conducted throughout a county
14 and referenda of sanitary districts whose officers are elected
15 at general elections shall be canvassed by the county clerk.
16 The votes cast on a public question for the formation of a
17 political subdivision shall be canvassed by the relevant
18 election authority and filed with the circuit court that
19 ordered the question submitted.

20 (c-5) No person who is shown by the election authority's
21 ~~canvassing board's~~ proclamation to have been elected at the
22 consolidated election or general election as a write-in
23 candidate shall take office unless that person has first filed
24 with the certifying office or board a statement of candidacy
25 pursuant to Section 7-10 or Section 10-5, a statement pursuant
26 to Section 7-10.1, and a receipt for filing a statement of

1 economic interests in relation to the unit of government to
2 which he or she has been elected. For officers elected at the
3 consolidated election, the certifying officer shall notify the
4 election authority of the receipt of those documents, and the
5 county clerk shall issue the certification of election under
6 the provisions of Section 22-18.

7 (d) The canvass of votes for offices of political
8 subdivisions cast at special elections to fill vacancies held
9 on the day of any regular election shall be conducted by the
10 election authority which is responsible for canvassing the
11 votes at the regularly scheduled election for such office.

12 (e) Abstracts of votes prepared pursuant to canvasses under
13 this Section shall report returns by precinct or ward.

14 (Source: P.A. 93-847, eff. 7-30-04; 94-645, eff. 8-22-05;
15 94-647, eff. 1-1-06; revised 10-4-05.)

16 (10 ILCS 5/24A-2) (from Ch. 46, par. 24A-2)

17 Sec. 24A-2. As used in this Article: "Computer", "Automatic
18 tabulating equipment" or "equipment" includes apparatus
19 necessary to automatically examine and count votes as
20 designated on ballots, and data processing machines which can
21 be used for counting ballots and tabulating results.

22 "Ballot card" means a ballot which is voted by the process
23 of punching.

24 "Ballot configuration" means the particular combination of
25 political subdivision ballots including, for each political

1 subdivision, the particular combination of offices, candidate
2 names and ballot position numbers for each candidate and
3 question as it appears for each group of voters who may cast
4 the same ballot.

5 "Ballot labels" means the cards, papers, booklet, pages or
6 other material containing the names of officers and candidates
7 and statements of measures to be voted on.

8 "Ballot sheet" means a paper ballot printed on one or both
9 sides which is (1) designed and prepared so that the voter may
10 indicate his or her votes in designated areas, which must be
11 enclosed areas clearly printed or otherwise delineated for such
12 purpose, and (2) capable of having votes marked in the
13 designated areas automatically examined, counted, and
14 tabulated by an electronic scanning process.

15 "Ballot" may include ballot cards, ballot labels and paper
16 ballots.

17 "Separate ballot", with respect to ballot sheets, means a
18 separate portion of the ballot sheet in which the color of the
19 ink used in printing that portion of the ballot sheet is
20 distinct from the color of the ink used in printing any other
21 portion of the ballot sheet.

22 "Column" in an electronic voting system which utilizes a
23 ballot card means a space on a ballot card for punching the
24 voter's vote arranged in a row running lengthwise on the ballot
25 card.

26 "Central Counting" means the counting of ballots in one or

1 more locations selected by the election authority for the
2 processing or counting, or both, of ballots. A location for
3 central counting shall be within the territorial jurisdiction
4 of such election authority unless there is no suitable
5 tabulating equipment available within his territorial
6 jurisdiction. However, in any event a counting location shall
7 be within this State.

8 "In-precinct counting" means the counting of ballots on
9 automatic tabulating equipment provided by the election
10 authority in the same precinct polling place in which those
11 ballots have been cast.

12 "Computer operator" means any person or persons designated
13 by the election authority to operate the automatic tabulating
14 equipment during any portion of the vote tallying process in an
15 election, but shall not include judges of election operating
16 vote tabulating equipment in the precinct.

17 "Computer program" or "program" means the set of operating
18 instructions for the automatic tabulating equipment by which it
19 examines, counts, tabulates, canvasses and prints votes
20 recorded by a voter on a ballot card or other medium.

21 "Edit listing" means a computer generated listing of the
22 names and ballot position numbers for each candidate and
23 proposition as they appear in the program for each precinct.

24 "Voting System" or "Electronic Voting System" means that
25 combination of equipment and programs used in the casting,
26 examination and tabulation of ballots and the cumulation and

1 reporting of results by electronic means.

2 "Header card" means a data processing card which is coded
3 to indicate to the computer the precinct identity of the ballot
4 cards that will follow immediately and may indicate to the
5 computer how such ballot cards are to be tabulated.

6 "Marking device" means either an apparatus in which ballots
7 or ballot cards are inserted and used in connection with a
8 punch apparatus for the piercing of ballots by the voter, or
9 any approved device for marking a paper ballot with ink or
10 other substance which will enable the ballot to be tabulated by
11 means of automatic tabulating equipment or by an electronic
12 scanning process.

13 "Redundant count" means a verification of the original
14 computer count by another count using compatible equipment or
15 by hand as part of a discovery recount.

16 "Security punch" means a punch placed on a ballot card to
17 identify to the computer program the offices and propositions
18 for which votes may be cast and to indicate the manner in which
19 votes cast should be tabulated while negating any inadmissible
20 ~~inadmissible~~ votes.

21 (Source: P.A. 86-867; revised 10-12-05.)

22 (10 ILCS 5/24B-9.1)

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

1 (a) Examination of Votes by Electronic Precinct Tabulation
2 Optical Scan Technology Scanning Process. Whenever a Precinct
3 Tabulation Optical Scan Technology process is used to
4 automatically examine and count the votes on ballot sheets, the
5 provisions of this Section shall apply. A voter shall cast a
6 proper vote on a ballot sheet by making a mark, or causing a
7 mark to be made, in the designated area for the casting of a
8 vote for any party or candidate or for or against any
9 proposition. For this purpose, a mark is an intentional
10 darkening of the designated area on the ballot, and not an
11 identifying mark.

12 (b) For any ballot sheet that does not register a vote for
13 one or more ballot positions on the ballot sheet on a
14 Electronic Precinct Tabulation Optical Scan Technology
15 Scanning Process, the following shall constitute a vote on the
16 ballot sheet:

17 (1) the designated area for casting a vote for a
18 particular ballot position on the ballot sheet is fully
19 darkened or shaded in;

20 (2) the designated area for casting a vote for a
21 particular ballot position on the ballot sheet is partially
22 darkened or shaded in;

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

26 (4) the designated area for casting a vote for a

1 particular ballot position on the ballot sheet contains
2 some other type of mark that indicates the clearly
3 ascertainable intent of the voter to vote based on the
4 totality of the circumstances, including but not limited to
5 any pattern or frequency of marks on other ballot positions
6 from the same ballot sheet; or-

7 (5) the designated area for casting a vote for a
8 particular ballot position on the ballot sheet is not
9 marked, but the ballot sheet contains other markings
10 associated with a particular ballot position, such as
11 circling a candidate's name, that indicates the clearly
12 ascertainable intent of the voter to vote, based on the
13 totality of the circumstances, including but not limited
14 to, any pattern or frequency of markings on other ballot
15 positions from the same ballot sheet.

16 (c) For other electronic voting systems that use a computer
17 as the marking device to mark a ballot sheet, the bar code
18 found on the ballot sheet shall constitute the votes found on
19 the ballot. If, however, the county clerk or board of election
20 commissioners determines that the votes represented by the
21 tally on the bar code for one or more ballot positions is
22 inconsistent with the votes represented by numerical ballot
23 positions identified on the ballot sheet produced using a
24 computer as the marking device, then the numerical ballot
25 positions identified on the ballot sheet shall constitute the
26 votes for purposes of any official canvass or recount

1 proceeding. An electronic voting system that uses a computer as
2 the marking device to mark a ballot sheet shall be capable of
3 producing a ballot sheet that contains all numerical ballot
4 positions selected by the voter, and provides a place for the
5 voter to cast a write-in vote for a candidate for a particular
6 numerical ballot position.

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

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

13 (10 ILCS 5/1A-30 rep.)

14 Section 62. The Election Code is amended by repealing
15 Section 1A-30.

16 Section 65. The Attorney General Act is amended by changing
17 Section 4a as follows:

18 (15 ILCS 205/4a) (from Ch. 14, par. 4a)

19 Sec. 4a. Attorneys and investigators appointed by the
20 attorney general, and on his payroll, when authorized by the
21 attorney general or his designee, may expend such sums as the
22 attorney general or his designee deems necessary for the
23 purchase of items for evidence, the advancement of fees in

1 cases before United States ~~State~~ courts or other State courts,
2 and in the payment of witness or subpoena fees.

3 Funds for making expenditures authorized in this Section
4 shall be advanced from funds appropriated or made available by
5 law for the support or use of the office of attorney general or
6 vouchers therefor signed by the attorney general or his
7 designee. Sums so advanced may be paid to the attorney or
8 investigator authorized to receive the advancement, or may be
9 made payable to the ultimate recipient. Any expenditures under
10 this Section shall be audited by the auditor general as part of
11 any mandated audit conducted in compliance with Section 3-2 of
12 the Illinois State Auditing Act.

13 (Source: P.A. 84-438; revised 10-11-05.)

14 Section 70. The Secretary of State Act is amended by
15 changing Section 10 as follows:

16 (15 ILCS 305/10) (from Ch. 124, par. 10)

17 Sec. 10. Whenever any bill which has passed both houses of
18 the General Assembly, and is not approved, or vetoed and
19 returned by the Governor, or filed with his objection in the
20 office of the Secretary of State, as required by Section 9, of
21 Article IV, of the Constitution, it shall be the duty of the
22 Secretary of State to authenticate the same by a certificate
23 thereon, to the following effect, as the case may be:

24 "This bill having remained with the Governor 60

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

7 Dated 19

8 Signature, Secretary of State".

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

10 Section 75. The Secretary of State Merit Employment Code is
11 amended by changing Section 10b.1 as follows:

12 (15 ILCS 310/10b.1) (from Ch. 124, par. 110b.1)

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

14 (a) For open competitive examinations to test the relative
15 fitness of applicants for the respective positions. Tests shall
16 be designed to eliminate those who are not qualified for
17 entrance into the Office of the Secretary of State and to
18 discover the relative fitness of those who are qualified. The
19 Director may use any one of or any combination of the following
20 examination methods which in his judgment best serves this end:
21 investigation of education and experience; test of cultural
22 knowledge; test of capacity; test of knowledge; test of manual
23 skill; test of linguistic ability; test of character; test of
24 physical skill; test of psychological fitness. No person with a

1 record of misdemeanor convictions except those under Sections
2 11-6, 11-7, 11-9, 11-14, 11-15, 11-17, 11-18, 11-19, 12-2,
3 12-6, 12-15, 14-4, 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3,
4 31-1, 31-4, 31-6, 31-7, 32-1, 32-2, 32-3, 32-4, 32-8 and
5 sub-sections 1, 6 and 8 of Section 24-1 of the Criminal Code of
6 1961, or arrested for any cause but not convicted thereon shall
7 be disqualified from taking such examinations or subsequent
8 appointment unless the person is attempting to qualify for a
9 position which would give him the powers of a peace officer, in
10 which case the person's conviction or arrest record may be
11 considered as a factor in determining the person's fitness for
12 the position. All examinations shall be announced publicly at
13 least 2 weeks in advance of the date of examinations and may be
14 advertised through the press, radio or other media.

15 The Director may, at his discretion, accept the results of
16 competitive examinations conducted by any merit system
17 established by Federal law or by the law of any State, and may
18 compile eligible lists therefrom or may add the names of
19 successful candidates in examinations conducted by those merit
20 systems to existing eligible lists in accordance with their
21 respective ratings. No person who is a non-resident of the
22 State of Illinois may be appointed from those eligible lists,
23 however, unless the requirement that applicants be residents of
24 the State of Illinois is waived by the Director of Personnel
25 and unless there are less than 3 Illinois residents available
26 for appointment from the appropriate eligible list. The results

1 of the examinations conducted by other merit systems may not be
2 used unless they are comparable in difficulty and
3 comprehensiveness to examinations conducted by the Department
4 of Personnel for similar positions. Special linguistic options
5 may also be established where deemed appropriate.

6 (b) The Director of Personnel may require that each person
7 seeking employment with the Secretary of State, as part of the
8 application process, authorize an investigation to determine
9 if the applicant has ever been convicted of a crime and if so,
10 the disposition of those convictions; this authorization shall
11 indicate the scope of the inquiry and the agencies which may be
12 contacted. Upon this authorization, the Director of Personnel
13 may request and receive information and assistance from any
14 federal, state or local governmental agency as part of the
15 authorized investigation. The investigation shall be
16 undertaken after the fingerprinting of an applicant in the form
17 and manner prescribed by the Department of State Police. The
18 investigation shall consist of a criminal history records check
19 performed by the Department of State Police and the Federal
20 Bureau of Investigation, or some other entity that has the
21 ability to check the applicant's fingerprints against the
22 fingerprint records now and hereafter filed in the Department
23 of State Police and Federal Bureau of Investigation criminal
24 history records databases. If the Department of State Police
25 and the Federal Bureau of Investigation conduct an
26 investigation directly for the Secretary of State's Office,

1 then the Department of State Police shall charge a fee for
2 conducting the criminal history records check, which shall be
3 deposited in the State Police Services Fund and shall not
4 exceed the actual cost of the records check. The Department of
5 State Police shall provide information concerning any criminal
6 convictions, and their disposition, brought against the
7 applicant or prospective employee of the Secretary of State
8 upon request of the Department of Personnel when the request is
9 made in the form and manner required by the Department of State
10 Police. The information derived from this investigation,
11 including the source of this information, and any conclusions
12 or recommendations derived from this information by the
13 Director of Personnel shall be provided to the applicant or
14 prospective employee, or his designee, upon request to the
15 Director of Personnel prior to any final action by the Director
16 of Personnel on the application. No information obtained from
17 such investigation may be placed in any automated information
18 system. Any criminal convictions and their disposition
19 information obtained by the Director of Personnel shall be
20 confidential and may not be transmitted outside the Office of
21 the Secretary of State, except as required herein, and may not
22 be transmitted to anyone within the Office of the Secretary of
23 State except as needed for the purpose of evaluating the
24 application. The only physical identity materials which the
25 applicant or prospective employee can be required to provide
26 the Director of Personnel are photographs or fingerprints;

1 these shall be returned to the applicant or prospective
2 employee upon request to the Director of Personnel, after the
3 investigation has been completed and no copy of these materials
4 may be kept by the Director of Personnel or any agency to which
5 such identity materials were transmitted. Only information and
6 standards which bear a reasonable and rational relation to the
7 performance of an employee shall be used by the Director of
8 Personnel. The Secretary of State shall adopt rules and
9 regulations for the administration of this Section. Any
10 employee of the Secretary of State who gives or causes to be
11 given away any confidential information concerning any
12 criminal convictions and their disposition of an applicant or
13 prospective employee shall be guilty of a Class A misdemeanor
14 unless release of such information is authorized by this
15 Section.

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

17 Section 80. The State Comptroller Act is amended by
18 changing Section 10.05a as follows:

19 (15 ILCS 405/10.05a) (from Ch. 15, par. 210.05a)

20 Sec. 10.05a. Deductions from Warrants and Payments for
21 Satisfaction of Past Due Child Support. At the direction of the
22 Department of Healthcare and Family Services ~~Public Aid~~, the
23 Comptroller shall deduct from a warrant or other payment
24 described in Section 10.05 of this Act, in accordance with the

1 procedures provided therein, and pay over to the Department or
2 the State Disbursement Unit established under Section 10-26 of
3 the Illinois Public Aid Code, at the direction of the
4 Department, that amount certified as necessary to satisfy, in
5 whole or in part, past due support owed by a person on account
6 of support action being taken by the Department under Article X
7 of the Illinois Public Aid Code, whether or not such support is
8 owed to the State. Such deduction shall have priority over any
9 garnishment except that for payment of state or federal taxes.
10 In the case of joint payees, the Comptroller shall deduct and
11 pay over to the Department or the State Disbursement Unit, as
12 directed by the Department, the entire amount certified. The
13 Comptroller shall provide the Department with the address to
14 which the warrant or other payment was to be mailed and the
15 social security number of each person from whom a deduction is
16 made pursuant to this Section.

17 (Source: P.A. 91-212, eff. 7-20-99; 91-712, eff. 7-1-00;
18 revised 12-15-05.)

19 Section 85. The Deposit of State Moneys Act is amended by
20 changing Section 11 as follows:

21 (15 ILCS 520/11) (from Ch. 130, par. 30)

22 Sec. 11. Protection of public deposits; eligible
23 collateral.

24 (a) For deposits not insured by an agency of the federal

1 government, the State Treasurer, in his or her discretion, may
2 accept as collateral any of the following classes of
3 securities, provided there has been no default in the payment
4 of principal or interest thereon:

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

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

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

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

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

24 (6) Obligations issued, assumed, or guaranteed by the
25 International Finance Corporation, the principal of which
26 is not amortized during the life of the obligation, but no

1 such obligation shall be accepted at more than 90% of its
2 market value.

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

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

18 (b) The State Treasurer may establish a system to aggregate
19 permissible securities received as collateral from financial
20 institutions in a collateral pool to secure State deposits of
21 the institutions that have pledged securities to the pool.

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

25 (d) Notwithstanding any other provision of this Section, as
26 security the State Treasurer may, in his discretion, accept a

1 bond, executed by a company authorized to transact the kinds of
2 business described in clause (g) of Section 4 of the Illinois
3 Insurance Code, in an amount not less than the amount of the
4 deposits required by this Section to be secured, payable to the
5 State Treasurer for the benefit of the People of the State of
6 Illinois, in a form that is acceptable to the State Treasurer.

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

8 Section 90. The Civil Administrative Code of Illinois is
9 amended by changing Sections 1-5, 5-15, 5-20, 5-165, 5-230, and
10 5-395 as follows:

11 (20 ILCS 5/1-5)

12 Sec. 1-5. Articles. The Civil Administrative Code of
13 Illinois consists of the following Articles:

14 Article 1. General Provisions (20 ILCS 5/1-1 and
15 following).

16 Article 5. Departments of State Government Law (20 ILCS
17 5/5-1 and following).

18 Article 50. State Budget Law (15 ILCS 20/).

19 Article 110. Department on Aging Law (20 ILCS 110/).

20 Article 205. Department of Agriculture Law (20 ILCS 205/).

21 Article 250. State Fair Grounds Title Law (5 ILCS 620/).

22 Article 310. Department of Human Services (Alcoholism and
23 Substance Abuse) Law (20 ILCS 310/).

24 Article 405. Department of Central Management Services Law

1 (20 ILCS 405/).

2 Article 510. Department of Children and Family Services
3 Powers Law (20 ILCS 510/).

4 Article 605. Department of Commerce and Economic
5 Opportunity Law (20 ILCS 605/).

6 Article 805. Department of Natural Resources
7 (Conservation) Law (20 ILCS 805/).

8 Article 1005. Department of Employment Security Law (20
9 ILCS 1005/).

10 Article 1405. Department of Insurance Law (20 ILCS 1405/).

11 Article 1505. Department of Labor Law (20 ILCS 1505/).

12 Article 1710. Department of Human Services (Mental Health
13 and Developmental Disabilities) Law (20 ILCS 1710/).

14 Article 1905. Department of Natural Resources (Mines and
15 Minerals) Law (20 ILCS 1905/).

16 Article 2005. Department of Nuclear Safety Law (20 ILCS
17 2005/).

18 Article 2105. Department of Professional Regulation Law
19 (20 ILCS 2105/).

20 Article 2205. Department of Healthcare and Family Services
21 ~~Public Aid~~ Law (20 ILCS 2205/).

22 Article 2310. Department of Public Health Powers and Duties
23 Law (20 ILCS 2310/).

24 Article 2505. Department of Revenue Law (20 ILCS 2505/).

25 Article 2510. Certified Audit Program Law (20 ILCS 2510/).

26 Article 2605. Department of State Police Law (20 ILCS

1 2605/).

2 Article 2705. Department of Transportation Law (20 ILCS
3 2705/).

4 Article 3000. University of Illinois Exercise of Functions
5 and Duties Law (110 ILCS 355/).

6 (Source: P.A. 92-16, eff. 6-28-01; 92-651, eff. 7-11-02; 93-25,
7 eff. 6-20-03; revised 12-15-05.)

8 (20 ILCS 5/5-15) (was 20 ILCS 5/3)

9 Sec. 5-15. Departments of State government. The
10 Departments of State government are created as follows:

11 The Department on Aging.

12 The Department of Agriculture.

13 The Department of Central Management Services.

14 The Department of Children and Family Services.

15 The Department of Commerce and Economic Opportunity.

16 The Department of Corrections.

17 The Department of Employment Security.

18 The Emergency Management Agency.

19 The Department of Financial Institutions.

20 The Department of Healthcare and Family Services.

21 The Department of Human Rights.

22 The Department of Human Services.

23 The Department of Insurance.

24 The Department of Juvenile Justice.

25 The Department of Labor.

1 The Department of the Lottery.
2 The Department of Natural Resources.
3 The Department of Professional Regulation.
4 ~~The Department of Public Aid.~~
5 The Department of Public Health.
6 The Department of Revenue.
7 The Department of State Police.
8 The Department of Transportation.
9 The Department of Veterans' Affairs.

10 (Source: P.A. 93-25, eff. 6-20-03; 93-1029, eff. 8-25-04;
11 94-696, eff. 6-1-06; revised 9-14-06.)

12 (20 ILCS 5/5-20) (was 20 ILCS 5/4)

13 Sec. 5-20. Heads of departments. Each department shall have
14 an officer as its head who shall be known as director or
15 secretary and who shall, subject to the provisions of the Civil
16 Administrative Code of Illinois, execute the powers and
17 discharge the duties vested by law in his or her respective
18 department.

19 The following officers are hereby created:

20 Director of Aging, for the Department on Aging.

21 Director of Agriculture, for the Department of
22 Agriculture.

23 Director of Central Management Services, for the
24 Department of Central Management Services.

25 Director of Children and Family Services, for the

1 Department of Children and Family Services.

2 Director of Commerce and Economic Opportunity, for the
3 Department of Commerce and Economic Opportunity.

4 Director of Corrections, for the Department of
5 Corrections.

6 Director of Emergency Management Agency, for the Emergency
7 Management Agency.

8 Director of Employment Security, for the Department of
9 Employment Security.

10 Director of Financial Institutions, for the Department of
11 Financial Institutions.

12 Director of Healthcare and Family Services, for the
13 Department of Healthcare and Family Services.

14 Director of Human Rights, for the Department of Human
15 Rights.

16 Secretary of Human Services, for the Department of Human
17 Services.

18 Director of Insurance, for the Department of Insurance.

19 Director of Juvenile Justice, for the Department of
20 Juvenile Justice.

21 Director of Labor, for the Department of Labor.

22 Director of the Lottery, for the Department of the Lottery.

23 Director of Natural Resources, for the Department of
24 Natural Resources.

25 Director of Professional Regulation, for the Department of
26 Professional Regulation.

1 ~~Director of Public Aid, for the Department of Public Aid.~~

2 Director of Public Health, for the Department of Public
3 Health.

4 Director of Revenue, for the Department of Revenue.

5 Director of State Police, for the Department of State
6 Police.

7 Secretary of Transportation, for the Department of
8 Transportation.

9 Director of Veterans' Affairs, for the Department of
10 Veterans' Affairs.

11 (Source: P.A. 93-25, eff. 6-20-03; 93-1029, eff. 8-25-04;
12 94-696, eff. 6-1-06; revised 9-14-06.)

13 (20 ILCS 5/5-165) (was 20 ILCS 5/5.13c)

14 Sec. 5-165. In the Department of Healthcare and Family
15 Services ~~Public Aid~~. Assistant Director of Healthcare and
16 Family Services ~~Public Aid~~.

17 (Source: P.A. 91-239, eff. 1-1-00; revised 12-15-05.)

18 (20 ILCS 5/5-230) (was 20 ILCS 5/7.09)

19 Sec. 5-230. Director and Assistant Director of Healthcare
20 and Family Services ~~Public Aid~~. The Director of Healthcare and
21 Family Services ~~Public Aid~~ shall (1) have substantial
22 experience in responsible positions requiring skill in
23 administration and fiscal management and (2) be actively
24 interested in the development of effective programs for the

1 alleviation of poverty and the reduction of dependency and
2 social maladjustment.

3 The Assistant Director of Healthcare and Family Services
4 ~~Public Aid~~ shall have the same general qualifications as those
5 set forth for the Director of Healthcare and Family Services
6 ~~Public Aid~~ in clauses (1) and (2) of the preceding paragraph.

7 (Source: P.A. 91-239, eff. 1-1-00; revised 12-15-05.)

8 (20 ILCS 5/5-395) (was 20 ILCS 5/9.17)

9 Sec. 5-395. In the Department of Healthcare and Family
10 Services ~~Public Aid~~. The Director of Healthcare and Family
11 Services ~~Public Aid~~ shall receive an annual salary as set by
12 the Governor from time to time or as set by the Compensation
13 Review Board, whichever is greater.

14 The Assistant Director of Healthcare and Family Services
15 ~~Public Aid~~ shall receive an annual salary as set by the
16 Governor from time to time or as set by the Compensation Review
17 Board, whichever is greater.

18 (Source: P.A. 91-25, eff. 6-9-99; 91-239, eff. 1-1-00; 92-16,
19 eff. 6-28-01; revised 12-15-05.)

20 Section 95. The Illinois Welfare and Rehabilitation
21 Services Planning Act is amended by changing Section 4 as
22 follows:

23 (20 ILCS 10/4) (from Ch. 127, par. 954)

1 Sec. 4. (a) Plans required by Section 3 shall be prepared
2 by and submitted on behalf of the following State agencies, and
3 may be prepared and submitted by another State Agency
4 designated by the Governor:

5 (1) the Department of Children and Family Services;

6 (2) the Department of Healthcare and Family Services ~~Public~~
7 ~~Aid~~;

8 (3) the Department of Corrections;

9 (4) the Department of Human Services;

10 (5) (blank);

11 (6) the Department on ~~of~~ Aging;

12 (7) the Department of Public Health;

13 (8) the Department of Employment Security.

14 (b) The plans required by Section 3 of this Act shall be
15 co-ordinated with the plan adopted by the Department of Human
16 Services under Sections 48 through 52 of the Mental Health and
17 Developmental Disabilities Administrative Act and any plan
18 adopted, re-adopted or amended by the Department of Human
19 Services under those Sections shall be coordinated with plans
20 required under Section 3 of this Act.

21 (Source: P.A. 89-507, eff. 7-1-97; revised 12-15-05.)

22 Section 100. The Illinois Act on the Aging is amended by
23 changing Sections 4.04a and 4.06 and by setting forth and
24 renumbering multiple versions of Section 4.12 as follows:

1 (20 ILCS 105/4.04a)

2 Sec. 4.04a. Illinois Long-Term Care Council.

3 (a) Purpose. The purpose of this Section is to ensure that
4 consumers over the age of 60 residing in facilities licensed or
5 regulated under the Nursing Home Care Act, Skilled Nursing and
6 Intermediate Care Facilities Code, Sheltered Care Facilities
7 Code, and the Illinois Veterans' Homes Code receive high
8 quality long-term care through an effective Illinois Long-Term
9 Care Council.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

21 (f) Member requirements. All members shall be individuals
22 who have demonstrated concern about the quality of life in
23 long-term care facilities. A minimum of 3 members must be
24 current or former residents of long-term care facilities or the
25 family member of a current or former resident of a long-term
26 care facility. A minimum of 2 members shall represent current

1 or former long-term care facility resident councils or family
2 councils. A minimum of 4 members shall be selected from
3 recommendations by organizations whose members consist of
4 long-term care facilities. A representative of long-term care
5 facility employees must also be included as a member. A minimum
6 of 2 members shall be selected from recommendations of
7 membership-based senior advocacy groups or consumer
8 organizations that engage solely in legal representation on
9 behalf of residents and immediate families. There shall be
10 non-voting State agency members on the Long-Term Care Council
11 from the following agencies: (i) the Department of Veterans'
12 Affairs; (ii) the Department of Human Services; (iii) the
13 Department of Public Health; (iv) the Department on Aging; (v)
14 the Department of Healthcare and Family Services ~~Public Aid~~;
15 (vi) the Illinois State Police Medicaid Fraud Control Unit; and
16 (vii) others as appropriate.
17 (Source: P.A. 93-498, eff. 8-11-03; revised 12-15-05.)

18 (20 ILCS 105/4.06)

19 Sec. 4.06. Minority Senior Citizen Program. The Department
20 shall develop a program to identify the special needs and
21 problems of minority senior citizens and evaluate the adequacy
22 and accessibility of existing programs and information for
23 minority senior citizens. The Department shall coordinate
24 services for minority senior citizens through the Department of
25 Public Health, the Department of Healthcare and Family Services

1 ~~Public Aid~~, and the Department of Human Services.

2 The Department shall develop procedures to enhance and
3 identify availability of services and shall promulgate
4 administrative rules to establish the responsibilities of the
5 Department.

6 The Department on Aging, the Department of Public Health,
7 the Department of Healthcare and Family Services ~~Public Aid~~,
8 and the Department of Human Services shall cooperate in the
9 development and submission of an annual report on programs and
10 services provided under this Section. The joint report shall be
11 filed with the Governor and the General Assembly on or before
12 September 30 of each year.

13 (Source: P.A. 88-254; 89-507, eff. 7-1-97; revised 12-15-05.)

14 (20 ILCS 105/4.12)

15 Sec. 4.12. Assistance to nursing home residents.

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

21 (b) To provide assistance, the Department shall develop a
22 program of transition services with follow-up in selected areas
23 of the State, to be expanded statewide as funding becomes
24 available. The program shall be developed in consultation with
25 nursing homes, case managers, Area Agencies on Aging, and

1 others interested in the well-being of frail elderly Illinois
2 residents. The Department shall establish administrative rules
3 pursuant to the Illinois Administrative Procedure Act with
4 respect to resident eligibility, assessment of the resident's
5 health, cognitive, social, and financial needs, development of
6 comprehensive service transition plans, and the level of
7 services that must be available prior to transition of a
8 resident into the community.

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

10 (20 ILCS 105/4.13)

11 Sec. 4.13 ~~4.12~~. Older Adult Services Act. The Department
12 shall implement the Older Adult Services Act.

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

14 Section 105. The State Fair Act is amended by changing
15 Section 7 as follows:

16 (20 ILCS 210/7) (from Ch. 127, par. 1707)

17 Sec. 7. During the period when each State Fairgrounds is
18 not used for the annual State Fair, the Department shall make
19 all efforts to promote its use by the public for purposes that
20 the facilities can accommodate. The Department may charge and
21 collect for the use of each State Fairgrounds and its
22 facilities. The Department may negotiate and enter into
23 contracts for activities and use of facilities. The criteria

1 for such contracts shall be established by rule.

2 The Department also shall have the authority to arrange,
3 organize, and hold events on each State Fairgrounds and in any
4 facilities on each State Fairgrounds for any purpose that the
5 facilities and State Fairgrounds can accommodate ~~accomodate~~.
6 The Department may charge and collect fees associated with the
7 events.

8 (Source: P.A. 93-267, eff. 7-22-03; revised 10-11-05.)

9 Section 110. The Rural Rehabilitation Corporation Act is
10 amended by changing Section 1 as follows:

11 (20 ILCS 220/1) (from Ch. 127, par. 42a3)

12 Sec. 1. The Director of Agriculture of the State of
13 Illinois is hereby designated as the state official of Illinois
14 to make application to and receive from the Secretary of
15 Agriculture of the United States ~~Sates~~ or any other proper
16 federal official, pursuant and subject to the provisions of
17 Public Law 499, 81st Congress, approved May 3, 1950, the trust
18 assets, either funds or property, held by the United States as
19 trustee in behalf of the Illinois Rural Rehabilitation
20 Corporation.

21 (Source: Laws 1951, p. 25; revised 9-15-06.)

22 Section 115. The Alcoholism and Other Drug Abuse and
23 Dependency Act is amended by changing Sections 5-10 and 10-45

1 as follows:

2 (20 ILCS 301/5-10)

3 Sec. 5-10. Functions of the Department.

4 (a) In addition to the powers, duties and functions vested
5 in the Department by this Act, or by other laws of this State,
6 the Department shall carry out the following activities:

7 (1) Design, coordinate and fund a comprehensive and
8 coordinated community-based and culturally and
9 gender-appropriate array of services throughout the State
10 for the prevention, intervention, treatment and
11 rehabilitation of alcohol and other drug abuse and
12 dependency that is accessible and addresses the needs of
13 at-risk or addicted individuals and their families.

14 (2) Act as the exclusive State agency to accept,
15 receive and expend, pursuant to appropriation, any public
16 or private monies, grants or services, including those
17 received from the federal government or from other State
18 agencies, for the purpose of providing an array of services
19 for the prevention, intervention, treatment and
20 rehabilitation of alcoholism or other drug abuse or
21 dependency. Monies received by the Department shall be
22 deposited into appropriate funds as may be created by State
23 law or administrative action.

24 (3) Coordinate a statewide strategy among State
25 agencies for the prevention, intervention, treatment and

1 rehabilitation of alcohol and other drug abuse and
2 dependency. This strategy shall include the development of
3 an annual comprehensive State plan for the provision of an
4 array of services for education, prevention, intervention,
5 treatment, relapse prevention and other services and
6 activities to alleviate alcoholism and other drug abuse and
7 dependency. The plan shall be based on local
8 community-based needs and upon data including, but not
9 limited to, that which defines the prevalence of and costs
10 associated with the abuse of and dependency upon alcohol
11 and other drugs. This comprehensive State plan shall
12 include identification of problems, needs, priorities,
13 services and other pertinent information, including the
14 needs of minorities and other specific populations in the
15 State, and shall describe how the identified problems and
16 needs will be addressed. For purposes of this paragraph,
17 the term "minorities and other specific populations" may
18 include, but shall not be limited to, groups such as women,
19 children, intravenous drug users, persons with AIDS or who
20 are HIV infected, African-Americans, Puerto Ricans,
21 Hispanics, Asian Americans, the elderly, persons in the
22 criminal justice system, persons who are clients of
23 services provided by other State agencies, persons with
24 disabilities and such other specific populations as the
25 Department may from time to time identify. In developing
26 the plan, the Department shall seek input from providers,

1 parent groups, associations and interested citizens.

2 Beginning with State fiscal year 1996, the annual
3 comprehensive State plan developed under this Section
4 shall include an explanation of the rationale to be used in
5 ensuring that funding shall be based upon local community
6 needs, including, but not limited to, the incidence and
7 prevalence of, and costs associated with, the abuse of and
8 dependency upon alcohol and other drugs, as well as upon
9 demonstrated program performance.

10 The annual comprehensive State plan developed under
11 this Section shall contain a report detailing the
12 activities of and progress made by the programs for the
13 care and treatment of addicted pregnant women, addicted
14 mothers and their children established under subsection
15 (j) of Section 35-5 of this Act.

16 Each State agency which provides or funds alcohol or
17 drug prevention, intervention and treatment services shall
18 annually prepare an agency plan for providing such
19 services, and these shall be used by the Department in
20 preparing the annual comprehensive statewide plan. Each
21 agency's annual plan for alcohol and drug abuse services
22 shall contain a report on the activities and progress of
23 such services in the prior year. The Department may provide
24 technical assistance to other State agencies, as required,
25 in the development of their agency plans.

26 (4) Lead, foster and develop cooperation, coordination

1 and agreements among federal and State governmental
2 agencies and local providers that provide assistance,
3 services, funding or other functions, peripheral or
4 direct, in the prevention, intervention, treatment or
5 rehabilitation of alcoholism and other drug abuse and
6 dependency. This shall include, but shall not be limited
7 to, the following:

8 (A) Cooperate with and assist the Department of
9 Corrections and the Department on Aging in
10 establishing and conducting programs relating to
11 alcoholism and other drug abuse and dependency among
12 those populations which they respectively serve.

13 (B) Cooperate with and assist the Illinois
14 Department of Public Health in the establishment,
15 funding and support of programs and services for the
16 promotion of maternal and child health and the
17 prevention and treatment of infectious diseases,
18 including but not limited to HIV infection, especially
19 with respect to those persons who may abuse drugs by
20 intravenous injection, or may have been sexual
21 partners of drug abusers, or may have abused substances
22 so that their immune systems are impaired, causing them
23 to be at high risk.

24 (C) Supply to the Department of Public Health and
25 prenatal care providers a list of all alcohol and other
26 drug abuse service providers for addicted pregnant

1 women in this State.

2 (D) Assist in the placement of child abuse or
3 neglect perpetrators (identified by the Illinois
4 Department of Children and Family Services) who have
5 been determined to be in need of alcohol or other drug
6 abuse services pursuant to Section 8.2 of the Abused
7 and Neglected Child Reporting Act.

8 (E) Cooperate with and assist the Illinois
9 Department of Children and Family Services in carrying
10 out its mandates to:

11 (i) identify alcohol and other drug abuse
12 issues among its clients and their families; and

13 (ii) develop programs and services to deal
14 with such problems.

15 These programs and services may include, but shall not
16 be limited to, programs to prevent the abuse of alcohol
17 or other drugs by DCFS clients and their families,
18 rehabilitation services, identifying child care needs
19 within the array of alcohol and other drug abuse
20 services, and assistance with other issues as
21 required.

22 (F) Cooperate with and assist the Illinois
23 Criminal Justice Information Authority with respect to
24 statistical and other information concerning drug
25 abuse incidence and prevalence.

26 (G) Cooperate with and assist the State

1 Superintendent of Education, boards of education,
2 schools, police departments, the Illinois Department
3 of State Police, courts and other public and private
4 agencies and individuals in establishing prevention
5 programs statewide and preparing curriculum materials
6 for use at all levels of education. An agreement shall
7 be entered into with the State Superintendent of
8 Education to assist in the establishment of such
9 programs.

10 (H) Cooperate with and assist the Illinois
11 Department of Healthcare and Family Services ~~Public~~
12 ~~Aid~~ in the development and provision of services
13 offered to recipients of public assistance for the
14 treatment and prevention of alcoholism and other drug
15 abuse and dependency.

16 (I) Provide training recommendations to other
17 State agencies funding alcohol or other drug abuse
18 prevention, intervention, treatment or rehabilitation
19 services.

20 (5) From monies appropriated to the Department from the
21 Drunk and Drugged Driving Prevention Fund, make grants to
22 reimburse DUI evaluation and remedial education programs
23 licensed by the Department for the costs of providing
24 indigent persons with free or reduced-cost services
25 relating to a charge of driving under the influence of
26 alcohol or other drugs.

1 (6) Promulgate regulations to provide appropriate
2 standards for publicly and privately funded programs as
3 well as for levels of payment to government funded programs
4 which provide an array of services for prevention,
5 intervention, treatment and rehabilitation for alcoholism
6 and other drug abuse or dependency.

7 (7) In consultation with local service providers,
8 specify a uniform statistical methodology for use by
9 agencies, organizations, individuals and the Department
10 for collection and dissemination of statistical
11 information regarding services related to alcoholism and
12 other drug use and abuse. This shall include prevention
13 services delivered, the number of persons treated,
14 frequency of admission and readmission, and duration of
15 treatment.

16 (8) Receive data and assistance from federal, State and
17 local governmental agencies, and obtain copies of
18 identification and arrest data from all federal, State and
19 local law enforcement agencies for use in carrying out the
20 purposes and functions of the Department.

21 (9) Designate and license providers to conduct
22 screening, assessment, referral and tracking of clients
23 identified by the criminal justice system as having
24 indications of alcoholism or other drug abuse or dependency
25 and being eligible to make an election for treatment under
26 Section 40-5 of this Act, and assist in the placement of

1 individuals who are under court order to participate in
2 treatment.

3 (10) Designate medical examination and other programs
4 for determining alcoholism and other drug abuse and
5 dependency.

6 (11) Encourage service providers who receive financial
7 assistance in any form from the State to assess and collect
8 fees for services rendered.

9 (12) Make grants with funds appropriated from the Drug
10 Treatment Fund in accordance with Section 7 of the
11 Controlled Substance and Cannabis Nuisance Act, or in
12 accordance with Section 80 of the Methamphetamine Control
13 and Community Protection Act, or in accordance with
14 subsections (h) and (i) of Section 411.2 of the Illinois
15 Controlled Substances Act.

16 (13) Encourage all health and disability insurance
17 programs to include alcoholism and other drug abuse and
18 dependency as a covered illness.

19 (14) Make such agreements, grants-in-aid and
20 purchase-care arrangements with any other department,
21 authority or commission of this State, or any other state
22 or the federal government or with any public or private
23 agency, including the disbursement of funds and furnishing
24 of staff, to effectuate the purposes of this Act.

25 (15) Conduct a public information campaign to inform
26 the State's Hispanic residents regarding the prevention

1 and treatment of alcoholism.

2 (b) In addition to the powers, duties and functions vested
3 in it by this Act, or by other laws of this State, the
4 Department may undertake, but shall not be limited to, the
5 following activities:

6 (1) Require all programs funded by the Department to
7 include an education component to inform participants
8 regarding the causes and means of transmission and methods
9 of reducing the risk of acquiring or transmitting HIV
10 infection, and to include funding for such education
11 component in its support of the program.

12 (2) Review all State agency applications for federal
13 funds which include provisions relating to the prevention,
14 early intervention and treatment of alcoholism and other
15 drug abuse and dependency in order to ensure consistency
16 with the comprehensive statewide plan developed pursuant
17 to this Act.

18 (3) Prepare, publish, evaluate, disseminate and serve
19 as a central repository for educational materials dealing
20 with the nature and effects of alcoholism and other drug
21 abuse and dependency. Such materials may deal with the
22 educational needs of the citizens of Illinois, and may
23 include at least pamphlets which describe the causes and
24 effects of fetal alcohol syndrome, which the Department may
25 distribute free of charge to each county clerk in
26 sufficient quantities that the county clerk may provide a

1 pamphlet to the recipients of all marriage licenses issued
2 in the county.

3 (4) Develop and coordinate, with regional and local
4 agencies, education and training programs for persons
5 engaged in providing the array of services for persons
6 having alcoholism or other drug abuse and dependency
7 problems, which programs may include specific HIV
8 education and training for program personnel.

9 (5) Cooperate with and assist in the development of
10 education, prevention and treatment programs for employees
11 of State and local governments and businesses in the State.

12 (6) Utilize the support and assistance of interested
13 persons in the community, including recovering addicts and
14 alcoholics, to assist individuals and communities in
15 understanding the dynamics of addiction, and to encourage
16 individuals with alcohol or other drug abuse or dependency
17 problems to voluntarily undergo treatment.

18 (7) Promote, conduct, assist or sponsor basic
19 clinical, epidemiological and statistical research into
20 alcoholism and other drug abuse and dependency, and
21 research into the prevention of those problems either
22 solely or in conjunction with any public or private agency.

23 (8) Cooperate with public and private agencies,
24 organizations and individuals in the development of
25 programs, and to provide technical assistance and
26 consultation services for this purpose.

1 (9) Publish or provide for the publishing of a manual
2 to assist medical and social service providers in
3 identifying alcoholism and other drug abuse and dependency
4 and coordinating the multidisciplinary delivery of
5 services to addicted pregnant women, addicted mothers and
6 their children. The manual may be used only to provide
7 information and may not be used by the Department to
8 establish practice standards. The Department may not
9 require recipients to use specific providers nor may they
10 require providers to refer recipients to specific
11 providers. The manual may include, but need not be limited
12 to, the following:

13 (A) Information concerning risk assessments of
14 women seeking prenatal, natal, and postnatal medical
15 care.

16 (B) Information concerning risk assessments of
17 infants who may be substance-affected.

18 (C) Protocols that have been adopted by the
19 Illinois Department of Children and Family Services
20 for the reporting and investigation of allegations of
21 child abuse or neglect under the Abused and Neglected
22 Child Reporting Act.

23 (D) Summary of procedures utilized in juvenile
24 court in cases of children alleged or found to be
25 abused or neglected as a result of being born to
26 addicted women.

1 (E) Information concerning referral of addicted
2 pregnant women, addicted mothers and their children by
3 medical, social service, and substance abuse treatment
4 providers, by the Departments of Children and Family
5 Services, Public Aid, Public Health, and Human
6 Services.

7 (F) Effects of substance abuse on infants and
8 guidelines on the symptoms, care, and comfort of
9 drug-withdrawing infants.

10 (G) Responsibilities of the Illinois Department of
11 Public Health to maintain statistics on the number of
12 children in Illinois addicted at birth.

13 (10) To the extent permitted by federal law or
14 regulation, establish and maintain a clearinghouse and
15 central repository for the development and maintenance of a
16 centralized data collection and dissemination system and a
17 management information system for all alcoholism and other
18 drug abuse prevention, early intervention and treatment
19 services.

20 (11) Fund, promote or assist programs, services,
21 demonstrations or research dealing with addictive or
22 habituating behaviors detrimental to the health of
23 Illinois citizens.

24 (12) With monies appropriated from the Group Home Loan
25 Revolving Fund, make loans, directly or through
26 subcontract, to assist in underwriting the costs of housing

1 in which individuals recovering from alcohol or other drug
2 abuse or dependency may reside in groups of not less than 6
3 persons, pursuant to Section 50-40 of this Act.

4 (13) Promulgate such regulations as may be necessary
5 for the administration of grants or to otherwise carry out
6 the purposes and enforce the provisions of this Act.

7 (14) Fund programs to help parents be effective in
8 preventing substance abuse by building an awareness of
9 drugs and alcohol and the family's role in preventing abuse
10 through adjusting expectations, developing new skills, and
11 setting positive family goals. The programs shall include,
12 but not be limited to, the following subjects: healthy
13 family communication; establishing rules and limits; how
14 to reduce family conflict; how to build self-esteem,
15 competency, and responsibility in children; how to improve
16 motivation and achievement; effective discipline; problem
17 solving techniques; and how to talk about drugs and
18 alcohol. The programs shall be open to all parents.

19 (Source: P.A. 94-556, eff. 9-11-05; revised 12-15-05.)

20 (20 ILCS 301/10-45)

21 (Section scheduled to be repealed on July 1, 2007)

22 Sec. 10-45. Membership. The Board shall consist of 15 ~~16~~
23 members:

24 (a) The Director of Aging.

25 (b) The State Superintendent of Education.

- 1 (c) The Director of Corrections.
- 2 (d) The Director of State Police.
- 3 (e) The Secretary of Financial and Professional
4 Regulation ~~Director of Professional Regulation~~.
- 5 (f) (Blank).
- 6 (g) The Director of Children and Family Services.
- 7 (h) (Blank).
- 8 (i) The Director of Healthcare and Family Services
9 ~~Public Aid~~.
- 10 (j) The Director of Public Health.
- 11 (k) The Secretary of State.
- 12 (l) The Secretary of Transportation.
- 13 (m) (Blank). ~~The Director of Insurance~~.
- 14 (n) The Director of the Administrative Office of the
15 Illinois Courts.
- 16 (o) The Chairman of the Board of Higher Education.
- 17 (p) The Director of Revenue.
- 18 (q) The Executive Director of the Criminal Justice
19 Information Authority.
- 20 (r) A chairman who shall be appointed by the Governor
21 for a term of 3 years.

22 Each member may designate a representative to serve in his or
23 her place by written notice to the Department.

24 (Source: P.A. 92-16, eff. 6-28-01. Repealed by P.A. 94-1033,
25 eff. 7-1-07; revised 8-21-06.)

1 Section 120. The Department of Central Management Services
2 Law of the Civil Administrative Code of Illinois is amended by
3 changing Section 405-270 as follows:

4 (20 ILCS 405/405-270) (was 20 ILCS 405/67.18)

5 Sec. 405-270. Communications services. To provide for and
6 co-ordinate communications services for State agencies and,
7 when requested and when in the best interests of the State, for
8 units of federal or local governments and public and
9 not-for-profit institutions of primary, secondary, and higher
10 education. The Department may make use of its satellite uplink
11 available to interested parties not associated with State
12 government provided that State government usage shall have
13 first priority. For this purpose the Department shall have the
14 power and duty to do all of the following:

15 (1) Provide for and control the procurement,
16 retention, installation, and maintenance of communications
17 equipment or services used by State agencies in the
18 interest of efficiency and economy.

19 (2) Establish standards by January 1, 1989 for
20 communications services for State agencies which shall
21 include a minimum of one telecommunication device for the
22 deaf installed and operational within each State agency, to
23 provide public access to agency information for those
24 persons who are hearing or speech impaired. The Department
25 shall consult the Department of Human Services to develop

1 standards and implementation for this equipment.

2 (3) Establish charges (i) for communication services
3 for State agencies and, when requested, for units of
4 federal or local government and public and not-for-profit
5 institutions of primary, secondary, or higher education
6 and (ii) for use of the Department's satellite uplink by
7 parties not associated with State government. Entities
8 charged for these services shall reimburse the Department.

9 (4) Instruct all State agencies to report their usage
10 of communication services regularly to the Department in
11 the manner the Director may prescribe.

12 (5) Analyze the present and future aims and needs of
13 all State agencies in the area of communications services
14 and plan to serve those aims and needs in the most
15 effective and efficient manner.

16 (6) Provide services, including, but not limited to,
17 telecommunications, video recording, satellite uplink,
18 public information, and other communications services.

19 (7) Establish the administrative organization within
20 the Department that is required to accomplish the purpose
21 of this Section.

22 The Department is authorized to conduct a study for the
23 purpose of determining technical, engineering, and management
24 specifications for the networking, compatible connection, or
25 shared use of existing and future public and private owned
26 television broadcast and reception facilities, including but

1 not limited to terrestrial microwave, fiber optic, and
2 satellite, for broadcast and reception of educational,
3 governmental, and business programs, and to implement those
4 specifications.

5 However, the Department may not control or interfere with
6 the input of content into the telecommunications systems by the
7 several State agencies or units of federal or local government,
8 or public or not-for-profit institutions of primary,
9 secondary, and higher education, or users of the Department's
10 satellite uplink.

11 As used in this Section, the term "State agencies" means
12 all departments, officers, commissions, boards, institutions,
13 and bodies politic and corporate of the State except (i) the
14 judicial branch, including, without limitation, the several
15 courts of the State, the offices of the clerk of the supreme
16 court and the clerks of the appellate court, and the
17 Administrative Office of the Illinois Courts and (ii) the
18 General Assembly, legislative service agencies, and all
19 officers of the General Assembly.

20 (Source: P.A. 94-91, eff. 7-1-05; 94-295, eff. 7-21-05; revised
21 8-19-05.)

22 Section 125. The Personnel Code is amended by changing
23 Sections 8a, 8b.1, and 10 as follows:

24 (20 ILCS 415/8a) (from Ch. 127, par. 63b108a)

1 Sec. 8a. Jurisdiction A - Classification and pay. For
2 positions in the State service subject to the jurisdiction of
3 the Department of Central Management Services with respect to
4 the classification and pay:

5 (1) For the preparation, maintenance, and revision by
6 the Director, subject to approval by the Commission, of a
7 position classification plan for all positions subject to
8 this Act, based upon similarity of duties performed,
9 responsibilities assigned, and conditions of employment so
10 that the same schedule of pay may be equitably applied to
11 all positions in the same class. However, the pay of an
12 employee whose position is reduced in rank or grade by
13 reallocation because of a loss of duties or
14 responsibilities after his appointment to such position
15 shall not be required to be lowered for a period of one
16 year after the reallocation of his position. Conditions of
17 employment shall not be used as a factor in the
18 classification of any position heretofore paid under the
19 provisions of Section 1.22 of "An Act to standardize
20 position titles and salary rates", approved June 30, 1943,
21 as amended. Unless the Commission disapproves such
22 classification plan within 60 days, or any revision thereof
23 within 30 days, the Director shall allocate every such
24 position to one of the classes in the plan. Any employee
25 affected by the allocation of a position to a class shall,
26 after filing with the Director of Central Management

1 Services a written request for reconsideration thereof in
2 such manner and form as the Director may prescribe, be
3 given a reasonable opportunity to be heard by the Director.
4 If the employee does not accept the allocation of the
5 position, he shall then have the right of appeal to the
6 Civil Service Commission.

7 (2) For a pay plan to be prepared by the Director for
8 all employees subject to this Act after consultation with
9 operating agency heads and the Director of the Governor's
10 Office of Management and Budget. Such pay plan may include
11 provisions for uniformity of starting pay, an increment
12 plan, area differentials, a delay not to exceed one year
13 prior to the reduction of the pay of employees whose
14 positions are reduced in rank or grade by reallocation
15 because of a loss of duties or responsibilities after their
16 appointments to such positions, prevailing rates of wages
17 in those classifications in which employers are now paying
18 or may hereafter pay such rates of wage and other
19 provisions. Such pay plan shall become effective only after
20 it has been approved by the Governor. Amendments to the pay
21 plan shall be made in the same manner. Such pay plan shall
22 provide that each employee shall be paid at one of the
23 rates set forth in the pay plan for the class of position
24 in which he is employed, subject to delay in the reduction
25 of pay of employees whose positions are reduced in rank or
26 grade by allocation as above set forth in this Section.

1 Such pay plan shall provide for a fair and reasonable
2 compensation for services rendered.

3 This Section is inapplicable to the position of Assistant
4 Director of Healthcare and Family Services ~~Public Aid~~ in the
5 Department of Healthcare and Family Services ~~Public Aid~~. The
6 salary for this position shall be as established in "The Civil
7 Administrative Code of Illinois", approved March 7, 1917, as
8 amended.

9 (Source: P.A. 94-793, eff. 5-19-06; revised 8-21-06.)

10 (20 ILCS 415/8b.1) (from Ch. 127, par. 63b108b.1)

11 Sec. 8b.1. For open competitive examinations to test the
12 relative fitness of applicants for the respective positions.

13 Tests shall be designed to eliminate those who are not
14 qualified for entrance into or promotion within the service,
15 and to discover the relative fitness of those who are
16 qualified. The Director may use any one of or any combination
17 of the following examination methods which in his judgment best
18 serves this end: investigation of education; investigation of
19 experience; test of cultural knowledge; test of capacity; test
20 of knowledge; test of manual skill; test of linguistic ability;
21 test of character; test of physical fitness; test of
22 psychological fitness. No person with a record of misdemeanor
23 convictions except those under Sections 11-6, 11-7, 11-9,
24 11-14, 11-15, 11-17, 11-18, 11-19, 12-2, 12-6, 12-15, 14-4,
25 16-1, 21.1-3, 24-3.1, 24-5, 25-1, 28-3, 31-1, 31-4, 31-6, 31-7,

1 32-1, 32-2, 32-3, 32-4, 32-8 and sub-sections 1, 6 and 8 of
2 Section 24-1 of the Criminal Code of 1961 or arrested for any
3 cause but not convicted thereon shall be disqualified from
4 taking such examinations or subsequent appointment, unless the
5 person is attempting to qualify for a position which would give
6 him the powers of a peace officer, in which case the person's
7 conviction or arrest record may be considered as a factor in
8 determining the person's fitness for the position. The
9 eligibility conditions specified for the position of Assistant
10 Director of Healthcare and Family Services ~~Public Aid~~ in the
11 Department of Healthcare and Family Services ~~Public Aid~~ in
12 Section 5-230 of the Departments of State Government Law (20
13 ILCS 5/5-230) shall be applied to that position in addition to
14 other standards, tests or criteria established by the Director.
15 All examinations shall be announced publicly at least 2 weeks
16 in advance of the date of the examinations and may be
17 advertised through the press, radio and other media. The
18 Director may, however, in his discretion, continue to receive
19 applications and examine candidates long enough to assure a
20 sufficient number of eligibles to meet the needs of the service
21 and may add the names of successful candidates to existing
22 eligible lists in accordance with their respective ratings.

23 The Director may, in his discretion, accept the results of
24 competitive examinations conducted by any merit system
25 established by federal law or by the law of any State, and may
26 compile eligible lists therefrom or may add the names of

1 successful candidates in examinations conducted by those merit
2 systems to existing eligible lists in accordance with their
3 respective ratings. No person who is a non-resident of the
4 State of Illinois may be appointed from those eligible lists,
5 however, unless the requirement that applicants be residents of
6 the State of Illinois is waived by the Director of Central
7 Management Services and unless there are less than 3 Illinois
8 residents available for appointment from the appropriate
9 eligible list. The results of the examinations conducted by
10 other merit systems may not be used unless they are comparable
11 in difficulty and comprehensiveness to examinations conducted
12 by the Department of Central Management Services for similar
13 positions. Special linguistic options may also be established
14 where deemed appropriate.

15 (Source: P.A. 91-239, eff. 1-1-00; revised 12-15-05.)

16 (20 ILCS 415/10) (from Ch. 127, par. 63b110)

17 Sec. 10. Duties and powers of the Commission. The Civil
18 Service Commission shall have duties and powers as follows:

19 (1) Upon written recommendations by the Director of the
20 Department of Central Management Services to exempt from
21 jurisdiction B of this Act positions which, in the judgment of
22 the Commission, involve either principal administrative
23 responsibility for the determination of policy or principal
24 administrative responsibility for the way in which policies are
25 carried out. This authority may not be exercised, however, with

1 respect to the position of Assistant Director of Healthcare and
2 Family Services ~~Public Aid~~ in the Department of Healthcare and
3 Family Services ~~Public Aid~~.

4 (2) To require such special reports from the Director as it
5 may consider desirable.

6 (3) To disapprove original rules or any part thereof within
7 90 days and any amendment thereof within 30 days after the
8 submission of such rules to the Civil Service Commission by the
9 Director, and to disapprove any amendments thereto in the same
10 manner.

11 (4) To approve or disapprove within 60 days from date of
12 submission the position classification P.A. submitted by the
13 Director as provided in the rules, and any revisions thereof
14 within 30 days from the date of submission.

15 (5) To hear appeals of employees who do not accept the
16 allocation of their positions under the position
17 classification plan.

18 (6) To hear and determine written charges filed seeking the
19 discharge, demotion of employees and suspension totaling more
20 than thirty days in any 12-month period, as provided in Section
21 11 hereof, and appeals from transfers from one geographical
22 area in the State to another, and in connection therewith to
23 administer oaths, subpoena witnesses, and compel the
24 production of books and papers.

25 (7) The fees of subpoenaed witnesses under this Act for
26 attendance and travel shall be the same as fees of witnesses

1 before the circuit courts of the State, such fees to be paid
2 when the witness is excused from further attendance. Whenever a
3 subpoena is issued the Commission may require that the cost of
4 service and the fee of the witness shall be borne by the party
5 at whose insistence the witness is summoned. The Commission has
6 the power, at its discretion, to require a deposit from such
7 party to cover the cost of service and witness fees and the
8 payment of the legal witness fee and mileage to the witness
9 served with the subpoena. A subpoena issued under this Act
10 shall be served in the same manner as a subpoena issued out of
11 a court.

12 Upon the failure or refusal to obey a subpoena, a petition
13 shall be prepared by the party serving the subpoena for
14 enforcement in the circuit court of the county in which the
15 person to whom the subpoena was directed either resides or has
16 his or her principal place of business.

17 Not less than five days before the petition is filed in the
18 appropriate court, it shall be served on the person along with
19 a notice of the time and place the petition is to be presented.

20 Following a hearing on the petition, the circuit court
21 shall have jurisdiction to enforce subpoenas issued pursuant to
22 this Section.

23 On motion and for good cause shown the Commission may quash
24 or modify any subpoena.

25 (8) To make an annual report regarding the work of the
26 Commission to the Governor, such report to be a public report.

1 (9) If any violation of this Act is found, the Commission
2 shall direct compliance in writing.

3 (10) To appoint a full-time executive secretary and such
4 other employees, experts, and special assistants as may be
5 necessary to carry out the powers and duties of the Commission
6 under this Act and employees, experts, and special assistants
7 so appointed by the Commission shall be subject to the
8 provisions of jurisdictions A, B and C of this Act. These
9 powers and duties supersede any contrary provisions herein
10 contained.

11 (11) To make rules to carry out and implement their powers
12 and duties under this Act, with authority to amend such rules
13 from time to time.

14 (12) To hear or conduct investigations as it deems
15 necessary of appeals of layoff filed by employees appointed
16 under Jurisdiction B after examination provided that such
17 appeals are filed within 15 calendar days following the
18 effective date of such layoff and are made on the basis that
19 the provisions of the Personnel Code or of the Rules of the
20 Department of Central Management Services relating to layoff
21 have been violated or have not been complied with.

22 All hearings shall be public. A decision shall be rendered
23 within 60 days after receipt of the transcript of the
24 proceedings. The Commission shall order the reinstatement of
25 the employee if it is proven that the provisions of the
26 Personnel Code or of the Rules of the Department of Central

1 Management Services relating to layoff have been violated or
2 have not been complied with. In connection therewith the
3 Commission may administer oaths, subpoena witnesses, and
4 compel the production of books and papers.

5 (13) Whenever the Civil Service Commission is authorized or
6 required by law to consider some aspect of criminal history
7 record information for the purpose of carrying out its
8 statutory powers and responsibilities, then, upon request and
9 payment of fees in conformance with the requirements of Section
10 2605-400 of the Department of State Police Law (20 ILCS
11 2605/2605-400), the Department of State Police is authorized to
12 furnish, pursuant to positive identification, such information
13 contained in State files as is necessary to fulfill the
14 request.

15 (Source: P.A. 91-239, eff. 1-1-00; revised 12-15-05.)

16 Section 130. The Children and Family Services Act is
17 amended by changing Sections 9.1, 23, and 35.3 as follows:

18 (20 ILCS 505/9.1) (from Ch. 23, par. 5009.1)

19 Sec. 9.1. The parents or guardians of the estates of
20 children accepted for care and training under the Juvenile
21 Court Act or the Juvenile Court Act of 1987, or through a
22 voluntary placement agreement with the parents or guardians
23 shall be liable for the payment to the Department, or to a
24 licensed or approved child care facility designated by the

1 Department of sums representing charges for the care and
2 training of those children at a rate to be determined by the
3 Department. The Department shall establish a standard by which
4 shall be measured the ability of parents or guardians to pay
5 for the care and training of their children, and shall
6 implement the standard by rules governing its application. The
7 standard and the rules shall take into account ability to pay
8 as measured by annual income and family size. Medical or other
9 treatment provided on behalf of the family may also be taken
10 into account in determining ability to pay if the Department
11 concludes that such treatment is appropriate.

12 In addition, the Department may provide by rule for
13 referral of Title IV-E foster care maintenance cases to the
14 Department of Healthcare and Family Services ~~Public Aid~~ for
15 child support enforcement services under Title IV-D of the
16 Social Security Act. The Department shall consider "good cause"
17 as defined in regulations promulgated under Title IV-A of the
18 Social Security Act, among other criteria, when determining
19 whether to refer a case and, upon referral, the parent or
20 guardian of the estate of a child who is receiving Title IV-E
21 foster care maintenance payments shall be deemed to have made
22 an assignment to the Department of any and all rights, title
23 and interest in any support obligation on behalf of a child.
24 The rights to support assigned to the Department shall
25 constitute an obligation owed the State by the person who is
26 responsible for providing the support, and shall be collectible

1 under all applicable processes.

2 The acceptance of children for services or care shall not
3 be limited or conditioned in any manner on the financial status
4 or ability of parents or guardians to make such payments.

5 (Source: P.A. 92-590, eff. 7-1-02; revised 12-15-05.)

6 (20 ILCS 505/23) (from Ch. 23, par. 5023)

7 Sec. 23. To make agreements with any other department,
8 authority or commission of this State, any State university or
9 public or private agency, to make and receive payment for
10 services provided to or by such bodies, and with written
11 approval by the Governor to make agreements with other states.

12 The Department may enter into agreements with any public or
13 private agency determined appropriate and qualified by the
14 Department that will participate in the cost and operation of
15 programs, in at least 4 different communities, that provide a
16 comprehensive array of child and family services, including but
17 not limited to prenatal care to pregnant women, parenting
18 education, and early childhood education services, nutrition
19 services, and basic health services to children of preschool
20 age and their parents who reside in service areas of the State
21 identified by the Illinois Department of Public Health as
22 having the highest rates of infant mortality under the Infant
23 Mortality Reduction Act (now repealed). The Department may
24 assume primary or full financial and administrative
25 responsibility for any such program that has demonstrated

1 effectiveness.

2 (Source: P.A. 85-502; revised 11-21-05.)

3 (20 ILCS 505/35.3)

4 Sec. 35.3. Confidentiality of foster parent identifying
5 information.

6 (a) Because foster parents accept placements into their
7 residences, it is the policy of the State of Illinois to
8 protect foster parents' addresses and telephone numbers from
9 disclosure. The Department shall adopt rules to effectuate this
10 policy and provide sufficient prior notice of any authorized
11 disclosure for foster parents to seek an order of protection
12 under Section 2-25 of the Juvenile Court Act of 1987.

13 (b) A person to whom disclosure of a foster parent's name,
14 address, or telephone number is made under this Section shall
15 not redisclose that information except as provided in this Act
16 or the Juvenile Court Act of 1987. Any person who knowingly and
17 willfully rediscloses a foster parent's name, address, or
18 telephone number in violation of this Section is guilty of a
19 Class A misdemeanor.

20 (c) The Department shall provide written notice of the
21 provisions of subsection (b), including the penalty for a Class
22 A misdemeanor, to anyone to whom the Department discloses a
23 foster parent's name, address, or telephone number.

24 (Source: P.A. 90-15, eff. 6-13-97; 90-629, eff. 7-24-98;
25 revised 9-25-06.)

1 Section 135. The Department of Commerce and Economic
2 Opportunity Law of the Civil Administrative Code of Illinois is
3 amended by setting forth and renumbering multiple versions of
4 Section 605-430 as follows:

5 (20 ILCS 605/605-430)

6 Sec. 605-430. Funding; study. To ensure the availability of
7 a quality health care workforce to meet present and future
8 health care needs within the State, the Department of Commerce
9 and Economic Opportunity may, subject to appropriation,
10 conduct a study of the current and projected academic training
11 capacity in the State of Illinois specific to the nursing
12 profession. The study shall address the current supply and
13 demand for masters-prepared nurses as nursing school faculty
14 and set specific goals for recruiting and training new nursing
15 faculty throughout the region. The study shall also determine
16 the feasibility of the State engaging in the following
17 activities: (i) the establishment of scholarship funds and
18 work-study programs to help recruit potential new nursing
19 school faculty, (ii) the creation of a system to regularly
20 review and increase nurse faculty salary and benefits to make
21 academic practice competitive with clinical practice, and
22 (iii) the development of career track programs for academia
23 that offer advancement and rewards for nursing school faculty
24 comparable to those in clinical management. The study shall

1 include the collaborative input of hospital and other health
2 care provider associations and public and private educational
3 institutions from throughout the State.

4 Subject to the availability of State funds, the Department
5 of Commerce and Economic Opportunity shall complete the study
6 by July 1, 2007 and shall present its findings to the General
7 Assembly for consideration.

8 (Source: P.A. 94-970, eff. 6-30-06.)

9 (20 ILCS 605/605-435)

10 Sec. 605-435 ~~605-430~~. Lifelong learning accounts; pilot
11 program.

12 (a) The Department may establish and maintain a pilot
13 program to provide for and test the use of lifelong learning
14 accounts for workers in the State's healthcare sector. For the
15 purposes of this Section, "lifelong learning account" means an
16 individual asset account held by a trustee, custodian, or
17 fiduciary approved by the Department on behalf of a healthcare
18 employee, the moneys in which may be used only to pay education
19 expenses incurred by or on behalf of the account owner.

20 (b) The Department, if administering a program under this
21 Section:

22 (1) may serve up to 500 healthcare workers;

23 (2) must encourage the participation, in the program,
24 of lower-income and lower-skilled healthcare workers;

25 (3) must implement the program in diverse geographic

1 and economic areas and include healthcare workers in urban,
2 suburban, and rural areas of the State;

3 (4) must include, in the program, healthcare employers
4 of different sizes that choose to participate in the
5 program;

6 (5) must provide matching grants in an amount, not to
7 exceed \$500 annually for each grant, equal to 50% of the
8 annual aggregate contribution made by an employer and
9 employee to the employee's lifelong learning account;

10 (6) must make technical assistance available to
11 companies and educational and career advising available to
12 individual participants.

13 (c) The establishment of program under this Section is
14 discretionary on the part of the Department and is subject to
15 appropriation.

16 (d) The Department may adopt any rules necessary to
17 administer the provisions of this Section.

18 (Source: P.A. 94-1006, eff. 7-3-06; revised 8-29-06.)

19 Section 140. The Illinois Renewable Fuels Development
20 Program Act is amended by renumbering Section 905 as follows:

21 (20 ILCS 689/95) (was 20 ILCS 689/905)

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

23 (Source: P.A. 93-15, eff. 6-11-03; text omitted; revised
24 8-1-03.)

1 Section 145. The Rural Diversification Act is amended by
2 changing Section 2 as follows:

3 (20 ILCS 690/2) (from Ch. 5, par. 2252)

4 Sec. 2. Findings and declaration of policy. The General
5 Assembly hereby finds, determines and declares:

6 (a) That Illinois is a state of diversified economic
7 strength and that an important economic strength in Illinois is
8 derived from rural business production and the agribusiness
9 industry;

10 (b) That the Illinois rural economy is in a state of
11 transition, which presents a unique opportunity for the State
12 to act on its growth and development;

13 (c) That full and continued growth and development of
14 Illinois' rural economy, especially in the small towns and farm
15 communities, is vital for Illinois;

16 (d) That by encouraging the development of diversified
17 rural business and agricultural production, nonproduction and
18 processing activities in Illinois, the State creates a
19 beneficial climate for new and improved job opportunities for
20 its citizens and expands jobs and job training opportunities;

21 (e) That in order to cultivate strong rural economic growth
22 and development in Illinois, it is necessary to proceed with a
23 plan which encourages Illinois rural businesses and
24 agribusinesses to expand business employment opportunities

1 through diversification of business and industries, offers
2 managerial, technical and financial assistance to or on behalf
3 of rural businesses and agribusiness, and works in a
4 cooperative venture and spirit with Illinois' business, labor,
5 local government, educational and scientific communities;

6 (f) That dedication of State resources over a multi-year
7 period targeted to promoting the growth and development of one
8 or more classes of diversified rural products, particularly new
9 agricultural products, is an effective use of State funds;

10 (g) That the United States Congress, having identified
11 similar needs and purposes has enacted legislation creating the
12 United States Department of Agriculture/Farmers Home
13 Administration Non-profit National Finance Corporations Loan
14 and Grant Program and made funding available to the states
15 consistent with the purposes of this Act.

16 (h) That the Illinois General Assembly has enacted "Rural
17 Revival" and a series of "Harvest the Heartland" initiatives
18 which create within the Illinois Finance Authority a "Seed
19 Capital Fund" to provide venture capital for emerging new
20 agribusinesses, and to help coordinate cooperative research
21 and development on new agriculture technologies in conjunction
22 with the Agricultural Research and Development Consortium in
23 Peoria, the United States ~~State~~ Department of Agriculture
24 Northern Regional Research Laboratory in Peoria, the
25 institutions of higher learning in Illinois, and the
26 agribusiness community of this State, identify the need for

1 enhanced efforts by the State to promote the use of fuels
2 utilizing ethanol made from Illinois grain, and promote
3 forestry development in this State; and

4 (i) That there is a need to coordinate the many programs
5 offered by the State of Illinois Departments of Agriculture,
6 Commerce and Economic Opportunity ~~Community Affairs~~, and
7 Natural Resources, and the Illinois Finance Authority that are
8 targeted to agriculture and the rural community with those
9 offered by the federal government. Therefore it is desirable
10 that the fullest measure of coordination and integration of the
11 programs offered by the various state agencies and the federal
12 government be achieved.

13 (Source: P.A. 93-205, eff. 1-1-04; revised 10-11-05.)

14 Section 150. The Department of Natural Resources Act is
15 amended by setting forth and renumbering multiple versions of
16 Section 1-30 as follows:

17 (20 ILCS 801/1-30)

18 Sec. 1-30. Badges. The Director must authorize to each
19 Conservation Police Officer and to any other employee of the
20 Department exercising the powers of a peace officer a distinct
21 badge that, on its face, (i) clearly states that the badge is
22 authorized by the Department and (ii) contains a unique
23 identifying number. No other badge shall be authorized by the
24 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 155. The Department of Natural Resources
21 (Conservation) Law of the Civil Administrative Code of Illinois
22 is amended by changing Section 805-265 as follows:

23 (20 ILCS 805/805-265) (was 20 ILCS 805/63a39)

1 Sec. 805-265. Public utility easement on Tunnel Hill
2 Bicycle Trail. The Department has the power to grant a public
3 utility easement in the Saline Valley Conservancy ~~Conservance~~
4 District on the Tunnel Hill Bicycle Trail for construction and
5 maintenance of a waterline, subject to terms and conditions
6 determined by the Department.

7 (Source: P.A. 91-239, eff. 1-1-00; revised 10-11-05.)

8 Section 160. The Department of Employment Security Law of
9 the Civil Administrative Code of Illinois is amended by
10 changing Section 1005-130 as follows:

11 (20 ILCS 1005/1005-130) (was 20 ILCS 1005/43a.14)

12 Sec. 1005-130. Exchange of information for child support
13 enforcement.

14 (a) The Department has the power to exchange with the
15 ~~Illinois~~ Department of Healthcare and Family Services ~~Public~~
16 ~~Aid~~ information that may be necessary for the enforcement of
17 child support orders entered pursuant to the Illinois Public
18 Aid Code, the Illinois Marriage and Dissolution of Marriage
19 Act, the Non-Support of Spouse and Children Act, the
20 Non-Support Punishment Act, the Revised Uniform Reciprocal
21 Enforcement of Support Act, the Uniform Interstate Family
22 Support Act, or the Illinois Parentage Act of 1984.

23 (b) Notwithstanding any provisions in the Civil
24 Administrative Code of Illinois to the contrary, the Department

1 of Employment Security shall not be liable to any person for
2 any disclosure of information to the Department of Healthcare
3 and Family Services (formerly Illinois Department of Public
4 Aid) under subsection (a) or for any other action taken in good
5 faith to comply with the requirements of subsection (a).

6 (Source: P.A. 91-239, eff. 1-1-00; 91-613, eff. 10-1-99; 92-16,
7 eff. 6-28-01; revised 12-15-05.)

8 Section 165. The New Hire Reporting Act is amended by
9 changing Section 35 as follows:

10 (20 ILCS 1020/35)

11 Sec. 35. Department of Healthcare and Family Services
12 ~~Public Aid~~ duties. The Department of Healthcare and Family
13 Services ~~Public Aid~~ shall establish a community advisory
14 committee for oversight of the implementation process,
15 toll-free telephone lines for employers with child support
16 questions, an expedited hearing process for non-custodial
17 parents who contest an employer's execution of an order for
18 withholding and brochures and public service announcements
19 that inform the general public about the New Hire Directory and
20 how to utilize it, within the federal and State confidentiality
21 laws, in pursuit of child support.

22 (Source: P.A. 90-425, eff. 8-15-97; revised 12-15-05.)

23 Section 170. The Energy Conservation and Coal Development

1 Act is amended by changing Section 15 as follows:

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

3 Sec. 15. (a) The Department, in cooperation with the
4 Illinois Finance Authority, shall establish a program to assist
5 units of local government, as defined in the Illinois Finance
6 Authority Act, to identify and arrange financing for energy
7 conservation projects for buildings and facilities owned or
8 leased by those units of local government.

9 (b) The Department, in cooperation with the Illinois
10 Finance Authority, shall establish a program to assist health
11 facilities to identify and arrange financing for energy
12 conservation projects for buildings and facilities owned or
13 leased by those health facilities.

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

16 Section 175. The Department of Human Services Act is
17 amended by setting forth and renumbering multiple versions of
18 Sections 10-8 and 10-35 as follows:

19 (20 ILCS 1305/10-8)

20 Sec. 10-8. The Autism Research Fund; grants; scientific
21 review committee. The Autism Research Fund is created as a
22 special fund in the State treasury. From appropriations to the
23 Department from the Fund, the Department must make grants to

1 public or private entities in Illinois for the purpose of
2 funding research concerning the disorder of autism. For
3 purposes of this Section, the term "research" includes, without
4 limitation, expenditures to develop and advance the
5 understanding, techniques, and modalities effective in the
6 detection, prevention, screening, and treatment of autism and
7 may include clinical trials. No more than 20% of the grant
8 funds may be used for institutional overhead costs, indirect
9 costs, other organizational levies, or costs of
10 community-based support services.

11 Moneys received for the purposes of this Section,
12 including, without limitation, income tax checkoff receipts
13 and gifts, grants, and awards from any public or private
14 entity, must be deposited into the Fund. Any interest earned on
15 moneys in the Fund must be deposited into the Fund.

16 Each year, grantees of the grants provided under this
17 Section must submit a written report to the Department that
18 sets forth the types of research that is conducted with the
19 grant moneys and the status of that research.

20 The Department shall promulgate rules for the creation of a
21 scientific review committee to review and assess applications
22 for the grants authorized under this Section. The Committee
23 shall serve without compensation.

24 (Source: P.A. 94-442, eff. 8-4-05.)

1 Sec. 10-9 ~~10-8~~. The Diabetes Research Checkoff Fund;
2 grants. The Diabetes Research Checkoff Fund is created as a
3 special fund in the State treasury. From appropriations to the
4 Department from the Fund, the Department must make grants to
5 public or private entities in Illinois for the purpose of
6 funding research concerning the disease of diabetes. At least
7 50% of the grants made from the Fund by the Department must be
8 made to entities that conduct research for juvenile diabetes.
9 For purposes of this Section, the term "research" includes,
10 without limitation, expenditures to develop and advance the
11 understanding, techniques, and modalities effective in the
12 detection, prevention, screening, and treatment of diabetes
13 and may include clinical trials.

14 Moneys received for the purposes of this Section,
15 including, without limitation, income tax checkoff receipts
16 and gifts, grants, and awards from any public or private
17 entity, must be deposited into the Fund. Any interest earned on
18 moneys in the Fund must be deposited into the Fund.

19 (Source: P.A. 94-107, eff. 7-1-05; revised 9-27-05.)

20 (20 ILCS 1305/10-35)

21 Sec. 10-35. Folic acid; public information campaign. The
22 Department, in consultation with the Department of Public
23 Health, shall conduct a public information campaign to (i)
24 educate women about the benefits of consuming folic acid before
25 and during pregnancy to improve their chances of having a

1 healthy baby and (ii) increase the consumption of folic acid by
2 women of child-bearing age. The campaign must include
3 information about the sources of folic acid.

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

5 (20 ILCS 1305/10-40)

6 Sec. 10-40 ~~10-35~~. Recreational programs; handicapped;
7 grants. The Department of Human Services, subject to
8 appropriation, may make grants to special recreation
9 associations for the operation of recreational programs for the
10 handicapped, including both physically and mentally
11 handicapped, and transportation to and from those programs. The
12 grants should target unserved or underserved populations, such
13 as persons with brain injuries, persons who are medically
14 fragile, and adults who have acquired disabling conditions. The
15 Department must adopt rules to implement the grant program.

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

17 (20 ILCS 1305/10-45)

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

20 (a) The Department is authorized to establish a
21 Hispanic/Latino Teen Pregnancy Prevention and Intervention
22 Initiative program.

23 (b) As a part of the program established under subsection
24 (a), the Department is authorized to award a grant to a

1 qualified entity for the purpose of conducting research,
2 education, and prevention activities to reduce pregnancy among
3 Hispanic teenagers.

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

5 Section 180. The Illinois Lottery Law is amended by
6 changing Sections 2, 13, 20, and 21.6 as follows:

7 (20 ILCS 1605/2) (from Ch. 120, par. 1152)

8 Sec. 2. This Act is enacted to implement and establish
9 within the State a lottery to be operated by the State, the
10 entire net proceeds of which are to be used for the support of
11 the State's Common School Fund, except as provided in Sections
12 21.2, ~~and~~ 21.5, and 21.6.

13 (Source: P.A. 94-120, eff. 7-6-05; 94-585, eff. 8-15-05;
14 revised 8-23-05.)

15 (20 ILCS 1605/13) (from Ch. 120, par. 1163)

16 Sec. 13. Except as otherwise provided in Section 13.1, no
17 prize, nor any portion of a prize, nor any right of any person
18 to a prize awarded shall be assignable. Any prize, or portion
19 thereof remaining unpaid at the death of a prize winner, may be
20 paid to the estate of such deceased prize winner, or to the
21 trustee under a revocable living trust established by the
22 deceased prize winner as settlor, provided that a copy of such
23 a trust has been filed with the Department along with a

1 notarized letter of direction from the settlor and no written
2 notice of revocation has been received by the Division prior to
3 the settlor's death. Following such a settlor's death and prior
4 to any payment to such a successor trustee, the Superintendent
5 shall obtain from the trustee a written agreement to indemnify
6 and hold the Department and the Division harmless with respect
7 to any claims that may be asserted against the Department or
8 the Division arising from payment to or through the trust.
9 Notwithstanding any other provision of this Section, any person
10 pursuant to an appropriate judicial order may be paid the prize
11 to which a winner is entitled, and all or part of any prize
12 otherwise payable by State warrant under this Section shall be
13 withheld upon certification to the State Comptroller from the
14 ~~Illinois~~ Department of Healthcare and Family Services ~~Public~~
15 ~~Aid~~ as provided in Section 10-17.5 of The Illinois Public Aid
16 Code. The Director and the Superintendent shall be discharged
17 of all further liability upon payment of a prize pursuant to
18 this Section.

19 (Source: P.A. 93-465, eff. 1-1-04; 94-776, eff. 5-19-06;
20 revised 8-21-06.)

21 (20 ILCS 1605/20) (from Ch. 120, par. 1170)

22 Sec. 20. State Lottery Fund.

23 (a) There is created in the State Treasury a special fund
24 to be known as the "State Lottery Fund". Such fund shall
25 consist of all revenues received from (1) the sale of lottery

1 tickets or shares, (net of commissions, fees representing those
2 expenses that are directly proportionate to the sale of tickets
3 or shares at the agent location, and prizes of less than \$600
4 which have been validly paid at the agent level), (2)
5 application fees, and (3) all other sources including moneys
6 credited or transferred thereto from any other fund or source
7 pursuant to law. Interest earnings of the State Lottery Fund
8 shall be credited to the Common School Fund.

9 (b) The receipt and distribution of moneys under Section
10 21.5 of this Act shall be in accordance with Section 21.5.

11 (c) ~~(b)~~ The receipt and distribution of moneys under
12 Section 21.6 of this Act shall be in accordance with Section
13 21.6.

14 (Source: P.A. 94-120, eff. 7-6-05; 94-585, eff. 8-15-05;
15 revised 8-19-05.)

16 (20 ILCS 1605/21.6)

17 Sec. 21.6. Scratch-off for Illinois veterans.

18 (a) The Department shall offer a special instant
19 scratch-off game for the benefit of Illinois veterans. The game
20 shall commence on January 1, 2006 or as soon thereafter, at the
21 discretion of the Director, as is reasonably practical. The
22 operation of the game shall be governed by this Act and any
23 rules adopted by the Department. If any provision of this
24 Section is inconsistent with any other provision of this Act,
25 then this Section governs.

1 (b) The Illinois Veterans Assistance Fund is created as a
2 special fund in the State treasury. The net revenue from the
3 Illinois veterans scratch-off game shall be deposited into the
4 Fund for appropriation by the General Assembly solely to the
5 Department of Veterans Affairs for making grants, funding
6 additional services, or conducting additional research
7 projects relating to:

8 (i) veterans' post traumatic stress disorder;

9 (ii) veterans' homelessness;

10 (iii) the health insurance costs of veterans;

11 (iv) veterans' disability benefits, including but not
12 limited to, disability benefits provided by veterans
13 service organizations and veterans assistance commissions
14 or centers; and

15 (v) the long-term care of veterans.

16 Moneys collected from the special instant scratch-off game
17 shall be used only as a supplemental financial resource and
18 shall not supplant existing moneys that the Department of
19 Veterans Affairs may currently expend for the purposes set
20 forth in items (i) through (v) ~~(i-v)~~.

21 Moneys received for the purposes of this Section,
22 including, without limitation, net revenue from the special
23 instant scratch-off game and from gifts, grants, and awards
24 from any public or private entity, must be deposited into the
25 Fund. Any interest earned on moneys in the Fund must be
26 deposited into the Fund.

1 For purposes of this subsection, "net revenue" means the
2 total amount for which tickets have been sold less the sum of
3 the amount paid out in the prizes and the actual administrative
4 expenses of the Department solely related to the scratch-off
5 game under this Section.

6 (c) During the time that tickets are sold for the Illinois
7 veterans scratch-off game, the Department shall not
8 unreasonably diminish the efforts devoted to marketing any
9 other instant scratch-off lottery game.

10 (d) The Department may adopt any rules necessary to
11 implement and administer the provisions of this Section.

12 (Source: P.A. 94-585, eff. 8-15-05; revised 9-6-05.)

13 Section 185. The Mental Health and Developmental
14 Disabilities Administrative Act is amended by changing
15 Sections 15.2, 15.3, 18, 33.3, and 57 as follows:

16 (20 ILCS 1705/15.2) (from Ch. 91 1/2, par. 100-15.2)

17 Sec. 15.2. Quality Assurance for Adult Developmental
18 Training Services. Whenever the Department of Healthcare and
19 Family Services ~~Public Aid~~ or the Department of Human Services
20 pays the cost, directly or indirectly, in whole or part, for
21 adult developmental training day services for persons with
22 developmental disabilities, the provider of such services
23 shall meet minimum standards established by the Department.
24 Such minimum standards shall become effective July 1, 1986.

1 Interim program guidelines, established by the Department,
2 shall be utilized for programs operational prior to July 1,
3 1985.

4 The Department shall annually certify that adult
5 developmental training day services providers meet minimum
6 standards. The Department may determine that providers
7 accredited under nationally recognized accreditation programs
8 are deemed to have met the standards established by the
9 Department under this Section. The Department shall, at least
10 quarterly, review the services being provided to assure
11 compliance with the standards. The Department may suspend,
12 refuse to renew or deny certification to any provider who fails
13 to meet any or all such standards, as provided by rule.

14 For purposes of this Section, "adult developmental
15 training day service" means services designed to help persons
16 with developmental disabilities to develop functional skills
17 for living in such areas as motoric development, dressing and
18 grooming, toileting, eating, language, reading and writing,
19 quantitative skills development, independent living and
20 reduction of maladaptive behavior. Such programs may include
21 services designed to improve an individual's ability to engage
22 in productive work as defined for work activity centers in the
23 federal Fair Labor Standards Act, as amended.

24 For purposes of this Section, "providers of adult
25 developmental training day services" means any person, agency
26 or organization that provides such services for persons with

1 developmental disabilities as defined by the Mental Health and
2 Developmental Disabilities Code.

3 (Source: P.A. 89-507, eff. 7-1-97; revised 12-15-05.)

4 (20 ILCS 1705/15.3) (from Ch. 91 1/2, par. 100-15.3)

5 Sec. 15.3. Quality assurance for community mental health
6 services. Whenever the Department of Healthcare and Family
7 Services ~~Public Aid~~ or the Department of Human Services pays
8 the cost, directly or indirectly, in whole or part, for
9 community mental health services and programs provided under
10 the Medicaid Clinic Option authorized by Title XIX of the
11 Social Security Act, the provider of such services shall meet
12 minimum standards established by the Department.

13 The Department shall annually certify that providers of
14 community mental health services under the Medicaid Clinic
15 Option meet minimum standards. The Department may suspend,
16 refuse to renew or deny certification to any provider who fails
17 to meet any or all such standards, as provided by rule.

18 For purposes of this Section, "community mental health
19 services and programs" means services designed to help persons
20 with mental illness develop skills for living, including but
21 not limited to the following:

- 22 (1) Mental health assessment;
- 23 (2) Psychological evaluation;
- 24 (3) Interdisciplinary treatment planning;
- 25 (4) Medication monitoring and training;

- 1 (5) Individual therapy;
2 (6) Group therapy;
3 (7) Family therapy;
4 (8) Crisis intervention;
5 (9) Case management;
6 (10) Intensive stabilization; and
7 (11) Extended treatment and rehabilitation.

8 (Source: P.A. 89-507, eff. 7-1-97; revised 12-15-05.)

9 (20 ILCS 1705/18) (from Ch. 91 1/2, par. 100-18)

10 Sec. 18. To receive, hold, distribute and use for indicated
11 purposes and the benefit of recipients, monies and materials
12 made available by the federal government or other agency. The
13 Department specifically may claim federal reimbursement
14 through the ~~Illinois~~ Department of Healthcare and Family
15 Services ~~Public Aid~~ under the "Medicaid Waiver" provisions of
16 Section 1915(c) of the Social Security Act, as amended, for
17 providing community services to recipients of medical
18 assistance under Article V of the Illinois Public Aid Code. The
19 Department shall maintain a separate line item in its budget,
20 entitled "Developmental Disability Community Initiative", to
21 account for the expenditure of such monies.

22 (Source: P.A. 85-1209; revised 12-5-05.)

23 (20 ILCS 1705/33.3) (from Ch. 91 1/2, par. 100-33.3)

24 Sec. 33.3. (a) The Department may develop an annual plan

1 for staff training. The plan shall establish minimum training
2 objectives and time frames and shall be based on the assessment
3 of needs of direct treatment staff. The plan shall be developed
4 using comments from employee representative organizations and
5 State and national professional and advocacy groups. The
6 training plan shall be available for public review and comment.

7 (b) A centralized pre-service training curriculum shall be
8 developed for classifications of employees of State-operated
9 facilities who have responsibility for direct patient care and
10 whose professional training and experience does not
11 substantially include the minimum training required under this
12 Section, as determined by the Department. The plan shall
13 address, at a minimum, the following areas:

14 (1) Crisis intervention;

15 (2) Communication (interpersonal theory, active
16 listening and observing);

17 (3) Group process and group dynamics;

18 (4) Diagnosis, management, treatment and discharge
19 planning;

20 (5) Psychotherapeutic and psychopharmacological
21 psychosocial approaches;

22 (6) Community resources;

23 (7) Specialized skills for: long-term treatment,
24 teaching activities of daily living skills (e.g.,
25 grooming), psychosocial rehabilitation, and schizophrenia
26 and the aged, dual-diagnosed, young, and chronic;

1 (8) The Mental Health and Developmental Disabilities
2 Code;

3 (9) The Mental Health and Developmental Disabilities
4 Confidentiality Act;

5 (10) Physical intervention techniques;

6 (11) Aggression management;

7 (12) Cardiopulmonary resuscitation;

8 (13) Social assessment training;

9 (14) Suicide prevention and intervention;

10 (15) Tardive dyskinesia ~~dyskensia~~;

11 (16) Fire safety;

12 (17) Acquired immunodeficiency syndrome (AIDS);

13 (18) Toxic substances;

14 (19) The detection and reporting of suspected
15 recipient abuse and neglect; and

16 (20) Methods of avoiding or reducing injuries in
17 connection with delivery of services.

18 (c) Each program shall establish a unit-specific
19 orientation which details the types of patients served, rules,
20 treatment strategies, response to medical emergencies,
21 policies and procedures, seclusion, restraint for special need
22 recipients, and community resources.

23 (d) The plan shall provide for in-service and any other
24 necessary training for direct service staff and shall include a
25 system for verification of completion. Pre-service training
26 shall be completed within 6 months after beginning employment,

1 as a condition of continued employment and as a prerequisite to
2 contact with recipients of services, except in the course of
3 supervised on-the-job training that may be a component of the
4 training plan. The plan may also require additional training in
5 relation to changes in employee work assignments and job
6 classifications of professional and direct service staff.

7 Direct care staff shall be trained in methods of
8 communicating with recipients who are not verbal, including
9 discerning signs of discomfort or medical problems experienced
10 by a recipient. Facility administrators also shall receive such
11 training, to ensure that facility operations are adapted to the
12 needs of mentally disabled recipients.

13 (e) To facilitate training, the Department may develop at
14 least 2 training offices, one serving State-operated
15 facilities located in the Chicago metropolitan area and the
16 second serving other facilities operated by the Department.
17 These offices shall develop and conduct the pre-service and
18 in-service training programs required by this Section and
19 coordinate other training required by the Department.

20 (Source: P.A. 86-1013; revised 10-11-05.)

21 (20 ILCS 1705/57) (from Ch. 91 1/2, par. 100-57)

22 Sec. 57. The Department of Human Services shall
23 periodically convene a special task force of representatives of
24 the various State agencies with related programs and services
25 together with other interested parties and stakeholders to

1 study and assess service needs of persons with autism. The
2 Secretary of Human Services shall submit a report of the task
3 force's findings and recommendations and the Secretary's
4 priorities to the Governor and the General Assembly by
5 September 1, 2005. The Secretary shall provide annual progress
6 reports to the Governor and the General Assembly by January 1
7 of each year, beginning on January 1, 2006. The reports shall
8 include an analysis of progress made in the following areas:

9 a. Early intervention services for children with autism and
10 their parents;

11 b. Enhancement of family support mechanisms to enable
12 persons with autism to remain in a home-based or community
13 environment in the least-restrictive setting possible,
14 including progress on the implementation of plans to provide
15 assistance to individuals and families; the plan shall include,
16 but not be limited to, (i) identification of the services
17 required, (ii) the availability of services, especially those
18 within the home community of the person with autism, (iii) the
19 number of persons requiring the services, (iv) the cost of the
20 services, (v) the capacity of the person with autism and his or
21 her family to independently provide the services and the extent
22 to which the State may support the individual and family
23 effort, (vi) the extent of existing and planned State support,
24 (vii) the availability and utilization of federal financial
25 participation in the cost of services, and (viii) the outcomes
26 and impact of services being provided;

1 c. Services for adequate transition for people with autism
2 from public school programs to adult work and day programs; and

3 d. Plans, programs, and services under the Disabilities
4 Services Act of 2003.

5 The Department of Human Services and the Department of
6 Healthcare and Family Services ~~Public Aid~~ shall determine the
7 availability of federal financial participation in the cost of
8 developing a family support program, which would include
9 medical assistance coverage for children diagnosed with autism
10 who would otherwise qualify for medical assistance under the
11 Illinois Public Aid Code except for family income. The program
12 would include services to support persons with autism in their
13 homes and communities that are not provided through local
14 school systems, early intervention programs, or the medical
15 assistance program under the Illinois Public Aid Code. The
16 departments shall determine the feasibility of obtaining
17 federal financial participation and may apply for any
18 applicable waiver under Section 1915(c) of the federal Social
19 Security Act.

20 For the purpose of this service needs review, autism means
21 a severely incapacitating life-long developmental disability
22 which:

23 a. may be manifested before a person is 30 months of age,

24 b. may be caused by physical disorders of the brain, and

25 c. is characterized by uneven intellectual development and
26 a combination of disturbances in the rates and sequences of

1 cognitive, affective, psychomotor, language and speech
2 development. This syndrome is further evidenced by abnormal
3 responses to sensory stimuli, problems in developing social
4 relationships, and ritualistic and compulsive behavior.
5 (Source: P.A. 93-773, eff. 7-21-04; revised 12-15-05.)

6 Section 190. The Military Code of Illinois is amended by
7 changing Section 28.6 as follows:

8 (20 ILCS 1805/28.6)

9 Sec. 28.6. Policy.

10 (a) A member of the Army National Guard or the Air National
11 Guard may be ordered to funeral honors duty in accordance with
12 this Article. That member shall receive an allowance of \$100
13 for any day on which a minimum of 2 hours of funeral honors
14 duty is performed. Members of the Illinois National Guard
15 ordered to funeral honors duty in accordance with this Article
16 are considered to be in the active service of the State for all
17 purposes except for pay, and the provisions of Sections 52, 53,
18 54, 55, and 56 of the Military Code of Illinois apply if a
19 member of the Illinois National Guard is injured or disabled in
20 the course of those duties.

21 (b) The Adjutant General may provide support for other
22 authorized providers who volunteer to participate in a funeral
23 honors detail conducted on behalf of the Governor. This support
24 is limited to transportation, reimbursement for

1 transportation, expenses, materials, and training.

2 (c) On or after July 1, 2006, if the Adjutant General
3 determines that Illinois National Guard personnel are not
4 available to perform military funeral honors in accordance with
5 this Article, the Adjutant General may authorize another
6 appropriate organization to provide one or more of its members
7 to perform those honors and, subject to appropriations for that
8 purpose, shall authorize the payment of a \$100 stipend to the
9 organization.

10 (Source: P.A. 94-251, eff. 1-1-06; 94-359, eff. 7-1-06; revised
11 9-14-06.)

12 Section 195. The Department of Professional Regulation Law
13 of the Civil Administrative Code of Illinois is amended by
14 changing Sections 2105-15 and 2105-155 as follows:

15 (20 ILCS 2105/2105-15) (was 20 ILCS 2105/60)

16 Sec. 2105-15. General powers and duties.

17 (a) The Department has, subject to the provisions of the
18 Civil Administrative Code of Illinois, the following powers and
19 duties:

20 (1) To authorize examinations in English to ascertain
21 the qualifications and fitness of applicants to exercise
22 the profession, trade, or occupation for which the
23 examination is held.

24 (2) To prescribe rules and regulations for a fair and

1 wholly impartial method of examination of candidates to
2 exercise the respective professions, trades, or
3 occupations.

4 (3) To pass upon the qualifications of applicants for
5 licenses, certificates, and authorities, whether by
6 examination, by reciprocity, or by endorsement.

7 (4) To prescribe rules and regulations defining, for
8 the respective professions, trades, and occupations, what
9 shall constitute a school, college, or university, or
10 department of a university, or other institution,
11 reputable and in good standing, and to determine the
12 reputability and good standing of a school, college, or
13 university, or department of a university, or other
14 institution, reputable and in good standing, by reference
15 to a compliance with those rules and regulations; provided,
16 that no school, college, or university, or department of a
17 university, or other institution that refuses admittance
18 to applicants solely on account of race, color, creed, sex,
19 or national origin shall be considered reputable and in
20 good standing.

21 (5) To conduct hearings on proceedings to revoke,
22 suspend, refuse to renew, place on probationary status, or
23 take other disciplinary action as authorized in any
24 licensing Act administered by the Department with regard to
25 licenses, certificates, or authorities of persons
26 exercising the respective professions, trades, or

1 occupations and to revoke, suspend, refuse to renew, place
2 on probationary status, or take other disciplinary action
3 as authorized in any licensing Act administered by the
4 Department with regard to those licenses, certificates, or
5 authorities. The Department shall issue a monthly
6 disciplinary report. The Department shall deny any license
7 or renewal authorized by the Civil Administrative Code of
8 Illinois to any person who has defaulted on an educational
9 loan or scholarship provided by or guaranteed by the
10 Illinois Student Assistance Commission or any governmental
11 agency of this State; however, the Department may issue a
12 license or renewal if the aforementioned persons have
13 established a satisfactory repayment record as determined
14 by the Illinois Student Assistance Commission or other
15 appropriate governmental agency of this State.
16 Additionally, beginning June 1, 1996, any license issued by
17 the Department may be suspended or revoked if the
18 Department, after the opportunity for a hearing under the
19 appropriate licensing Act, finds that the licensee has
20 failed to make satisfactory repayment to the Illinois
21 Student Assistance Commission for a delinquent or
22 defaulted loan. For the purposes of this Section,
23 "satisfactory repayment record" shall be defined by rule.
24 The Department shall refuse to issue or renew a license to,
25 or shall suspend or revoke a license of, any person who,
26 after receiving notice, fails to comply with a subpoena or

1 warrant relating to a paternity or child support
2 proceeding. However, the Department may issue a license or
3 renewal upon compliance with the subpoena or warrant.

4 The Department, without further process or hearings,
5 shall revoke, suspend, or deny any license or renewal
6 authorized by the Civil Administrative Code of Illinois to
7 a person who is certified by the Department of Healthcare
8 and Family Services (formerly Illinois Department of
9 Public Aid) as being more than 30 days delinquent in
10 complying with a child support order or who is certified by
11 a court as being in violation of the Non-Support Punishment
12 Act for more than 60 days. The Department may, however,
13 issue a license or renewal if the person has established a
14 satisfactory repayment record as determined by the
15 Department of Healthcare and Family Services (formerly
16 Illinois Department of Public Aid) or if the person is
17 determined by the court to be in compliance with the
18 Non-Support Punishment Act. The Department may implement
19 this paragraph as added by Public Act 89-6 through the use
20 of emergency rules in accordance with Section 5-45 of the
21 Illinois Administrative Procedure Act. For purposes of the
22 Illinois Administrative Procedure Act, the adoption of
23 rules to implement this paragraph shall be considered an
24 emergency and necessary for the public interest, safety,
25 and welfare.

26 (6) To transfer jurisdiction of any realty under the

1 control of the Department to any other department of the
2 State Government or to acquire or accept federal lands when
3 the transfer, acquisition, or acceptance is advantageous
4 to the State and is approved in writing by the Governor.

5 (7) To formulate rules and regulations necessary for
6 the enforcement of any Act administered by the Department.

7 (8) To exchange with the ~~Illinois~~ Department of
8 Healthcare and Family Services ~~Public Aid~~ information that
9 may be necessary for the enforcement of child support
10 orders entered pursuant to the Illinois Public Aid Code,
11 the Illinois Marriage and Dissolution of Marriage Act, the
12 Non-Support of Spouse and Children Act, the Non-Support
13 Punishment Act, the Revised Uniform Reciprocal Enforcement
14 of Support Act, the Uniform Interstate Family Support Act,
15 or the Illinois Parentage Act of 1984. Notwithstanding any
16 provisions in this Code to the contrary, the Department of
17 Professional Regulation shall not be liable under any
18 federal or State law to any person for any disclosure of
19 information to the Department of Healthcare and Family
20 Services (formerly Illinois Department of Public Aid)
21 under this paragraph (8) or for any other action taken in
22 good faith to comply with the requirements of this
23 paragraph (8).

24 (9) To perform other duties prescribed by law.

25 (b) The Department may, when a fee is payable to the
26 Department for a wall certificate of registration provided by

1 the Department of Central Management Services, require that
2 portion of the payment for printing and distribution costs be
3 made directly or through the Department to the Department of
4 Central Management Services for deposit into the Paper and
5 Printing Revolving Fund. The remainder shall be deposited into
6 the General Revenue Fund.

7 (c) For the purpose of securing and preparing evidence, and
8 for the purchase of controlled substances, professional
9 services, and equipment necessary for enforcement activities,
10 recoupment of investigative costs, and other activities
11 directed at suppressing the misuse and abuse of controlled
12 substances, including those activities set forth in Sections
13 504 and 508 of the Illinois Controlled Substances Act, the
14 Director and agents appointed and authorized by the Director
15 may expend sums from the Professional Regulation Evidence Fund
16 that the Director deems necessary from the amounts appropriated
17 for that purpose. Those sums may be advanced to the agent when
18 the Director deems that procedure to be in the public interest.
19 Sums for the purchase of controlled substances, professional
20 services, and equipment necessary for enforcement activities
21 and other activities as set forth in this Section shall be
22 advanced to the agent who is to make the purchase from the
23 Professional Regulation Evidence Fund on vouchers signed by the
24 Director. The Director and those agents are authorized to
25 maintain one or more commercial checking accounts with any
26 State banking corporation or corporations organized under or

1 subject to the Illinois Banking Act for the deposit and
2 withdrawal of moneys to be used for the purposes set forth in
3 this Section; provided, that no check may be written nor any
4 withdrawal made from any such account except upon the written
5 signatures of 2 persons designated by the Director to write
6 those checks and make those withdrawals. Vouchers for those
7 expenditures must be signed by the Director. All such
8 expenditures shall be audited by the Director, and the audit
9 shall be submitted to the Department of Central Management
10 Services for approval.

11 (d) Whenever the Department is authorized or required by
12 law to consider some aspect of criminal history record
13 information for the purpose of carrying out its statutory
14 powers and responsibilities, then, upon request and payment of
15 fees in conformance with the requirements of Section 2605-400
16 of the Department of State Police Law (20 ILCS 2605/2605-400),
17 the Department of State Police is authorized to furnish,
18 pursuant to positive identification, the information contained
19 in State files that is necessary to fulfill the request.

20 (e) The provisions of this Section do not apply to private
21 business and vocational schools as defined by Section 1 of the
22 Private Business and Vocational Schools Act.

23 (f) Beginning July 1, 1995, this Section does not apply to
24 those professions, trades, and occupations licensed under the
25 Real Estate License Act of 2000, nor does it apply to any
26 permits, certificates, or other authorizations to do business

1 provided for in the Land Sales Registration Act of 1989 or the
2 Illinois Real Estate Time-Share Act.

3 (g) Notwithstanding anything that may appear in any
4 individual licensing statute or administrative rule, the
5 Department shall deny any license application or renewal
6 authorized under any licensing Act administered by the
7 Department to any person who has failed to file a return, or to
8 pay the tax, penalty, or interest shown in a filed return, or
9 to pay any final assessment of tax, penalty, or interest, as
10 required by any tax Act administered by the Illinois Department
11 of Revenue, until such time as the requirement of any such tax
12 Act are satisfied; however, the Department may issue a license
13 or renewal if the person has established a satisfactory
14 repayment record as determined by the Illinois Department of
15 Revenue. For the purpose of this Section, "satisfactory
16 repayment record" shall be defined by rule.

17 In addition, a complaint filed with the Department by the
18 Illinois Department of Revenue that includes a certification,
19 signed by its Director or designee, attesting to the amount of
20 the unpaid tax liability or the years for which a return was
21 not filed, or both, is prima facia evidence of the licensee's
22 failure to comply with the tax laws administered by the
23 Illinois Department of Revenue. Upon receipt of that
24 certification, the Department shall, without a hearing,
25 immediately suspend all licenses held by the licensee.
26 Enforcement of the Department's order shall be stayed for 60

1 days. The Department shall provide notice of the suspension to
2 the licensee by mailing a copy of the Department's order by
3 certified and regular mail to the licensee's last known address
4 as registered with the Department. The notice shall advise the
5 licensee that the suspension shall be effective 60 days after
6 the issuance of the Department's order unless the Department
7 receives, from the licensee, a request for a hearing before the
8 Department to dispute the matters contained in the order.

9 Any suspension imposed under this subsection (g) shall be
10 terminated by the Department upon notification from the
11 Illinois Department of Revenue that the licensee is in
12 compliance with all tax laws administered by the Illinois
13 Department of Revenue.

14 The Department shall promulgate rules for the
15 administration of this subsection (g).

16 (h) ~~(g)~~ The Department may grant the title "Retired", to be
17 used immediately adjacent to the title of a profession
18 regulated by the Department, to eligible retirees. The use of
19 the title "Retired" shall not constitute representation of
20 current licensure, registration, or certification. Any person
21 without an active license, registration, or certificate in a
22 profession that requires licensure, registration, or
23 certification shall not be permitted to practice that
24 profession.

25 (Source: P.A. 94-452, eff. 1-1-06; 94-462, eff. 8-4-05; revised
26 12-15-05.)

1 (20 ILCS 2105/2105-155) (was 20 ILCS 2105/60n)

2 Sec. 2105-155. Suspension or termination of medical
3 services provider under the Public Aid Code. When the
4 Department receives notice from the Department of Healthcare
5 and Family Services ~~Public Aid~~, as required by Section 2205-10
6 of the Department of Healthcare and Family Services ~~Public Aid~~
7 Law (20 ILCS 2205/2205-10), that the authorization to provide
8 medical services under Article V of the Illinois Public Aid
9 Code has been suspended or terminated with respect to any
10 person, firm, corporation, association, agency, institution,
11 or other legal entity licensed under any Act administered by
12 the Department of Professional Regulation, the Department of
13 Professional Regulation shall determine whether there are
14 reasonable grounds to investigate the circumstances that
15 resulted in the suspension or termination. If reasonable
16 grounds are found, the Department of Professional Regulation
17 shall conduct an investigation and take the disciplinary action
18 against the licensee that the Department determines to be
19 required under the appropriate licensing Act.

20 (Source: P.A. 91-239, eff. 1-1-00; revised 12-15-05.)

21 Section 200. The Department of Public Aid Law of the Civil
22 Administrative Code of Illinois is amended by changing the
23 heading of Article 2205 and Sections 2205-1, 2205-5, and
24 2205-10 as follows:

1 (20 ILCS 2205/Art. 2205 heading)

2 ARTICLE 2205. DEPARTMENT OF HEALTHCARE AND FAMILY SERVICES

3 ~~PUBLIC AID~~

4 (20 ILCS 2205/2205-1)

5 Sec. 2205-1. Article short title. This Article 2205 of the
6 Civil Administrative Code of Illinois may be cited as the
7 Department of Healthcare and Family Services ~~Public Aid~~ Law.

8 (Source: P.A. 91-239, eff. 1-1-00; revised 12-15-05.)

9 (20 ILCS 2205/2205-5) (was 20 ILCS 2205/48a)

10 Sec. 2205-5. Public Aid Code. The Department of Healthcare
11 and Family Services ~~Public Aid~~ shall administer the Illinois
12 Public Aid Code as provided in that Code.

13 (Source: P.A. 91-239, eff. 1-1-00; revised 12-15-05.)

14 (20 ILCS 2205/2205-10) (was 20 ILCS 2205/48b)

15 Sec. 2205-10. Suspension or termination of authorization
16 to provide medical services. Whenever the Department of
17 Healthcare and Family Services (formerly Department of Public
18 Aid) suspends or terminates the authorization of any person,
19 firm, corporation, association, agency, institution, or other
20 legal entity to provide medical services under Article V of the
21 Illinois Public Aid Code and the practice of providing those
22 services or the maintenance of facilities for those services is

1 licensed under a licensing Act administered by the Department
2 of Public Health or the Department of Professional Regulation,
3 the Department of Healthcare and Family Services ~~Public Aid~~
4 shall, within 30 days of the suspension or termination, give
5 written notice of the suspension or termination and transmit a
6 record of the evidence and specify the grounds on which the
7 suspension or termination is based to the Department that
8 administers the licensing Act under which that person, firm,
9 corporation, association, agency, institution, or other legal
10 entity is licensed, subject to any confidentiality
11 requirements imposed by applicable federal or State law. The
12 cost of any such record shall be borne by the Department to
13 which it is transmitted.

14 (Source: P.A. 91-239, eff. 1-1-00; revised 12-15-05.)

15 Section 205. The Illinois Health Finance Reform Act is
16 amended by changing Section 5-1 as follows:

17 (20 ILCS 2215/5-1) (from Ch. 111 1/2, par. 6505-1)

18 Sec. 5-1. Mandatory Utilization Review.

19 (a) Except as prohibited by Federal law or regulations, any
20 third party payor shall have the option to require utilization
21 review for hospital admissions and continued hospital stays,
22 except for the ~~Illinois~~ Department of Healthcare and Family
23 Services ~~Public Aid~~ for payment of hospital services for
24 recipients of assistance under Articles V, VI, and VII of the

1 Illinois Public Aid Code. The payor shall have the option to
2 contract with a medical peer review organization, provided that
3 the organization is at minimum, composed of 10% of area
4 physicians, or the hospital to perform utilization review or to
5 conduct its own utilization review. A medical peer review
6 organization, as defined, may also contract with hospitals to
7 perform reviews on a delegated basis. The utilization review
8 process shall provide for the timely notification of patients
9 by the third party payor or review organization that further
10 services are deemed inappropriate or medically unnecessary.
11 Such notification shall inform the patient that his third party
12 payor will cease coverage after a stated period from the date
13 of the notification. No third party payor shall be liable for
14 charges for health care services rendered by a hospital
15 subsequent to the end of the notification period.

16 Nothing in this Section shall be construed as authorizing
17 any person or third party payor, other than through the use of
18 physicians licensed to practice medicine in all of its branches
19 or other licensed health care professionals under the
20 supervision of said physicians, to conduct utilization review.

21 (b) All costs associated with utilization review under this
22 section shall be billed to and paid by the third party payor
23 ordering the review.

24 (c) Any third party payor for hospital services may
25 contract with a hospital for a program of utilization review
26 different than that required by this subsection, which contract

1 may provide for the withholding and denial of payment for
2 hospital services to a beneficiary, when such treatment is
3 found in the course of utilization review to have been
4 inappropriate and unwarranted in the case of that beneficiary.

5 (d) All records and reports arising as a result of this
6 subsection shall be strictly privileged and confidential, as
7 provided under Part 21 of Article VIII of the Code of Civil
8 Procedure.

9 (Source: P.A. 91-357, eff. 7-29-99; revised 12-15-05.)

10 Section 210. The Department of Public Health Powers and
11 Duties Law of the Civil Administrative Code of Illinois is
12 amended by changing Sections 2310-135, 2310-215, 2310-330,
13 2310-338, 2310-345, 2310-353, 2310-395, and 2310-445, by
14 renumbering Section 371, and by setting forth and renumbering
15 multiple versions of Section 2310-610 as follows:

16 (20 ILCS 2310/2310-135) (was 20 ILCS 2310/55.37)

17 Sec. 2310-135. Notice of suspension or termination of
18 medical services provider under Public Aid Code. When the
19 Department receives notice from the Department of Healthcare
20 and Family Services (formerly Department of Public Aid), as
21 required by Section 2205-10 of the Department of Healthcare and
22 Family Services ~~Public Aid~~ Law (20 ILCS 2205/2205-10), that the
23 authorization to provide medical services under Article V of
24 the Illinois Public Aid Code has been suspended or terminated

1 with respect to any person, firm, corporation, association,
2 agency, institution, or other legal entity licensed under any
3 Act administered by the Department of Public Health, the
4 Department of Public Health shall determine whether there are
5 reasonable grounds to investigate the circumstances that
6 resulted in the suspension or termination. If such reasonable
7 grounds are found, the Department of Public Health shall
8 conduct an investigation and take disciplinary action against
9 the licensee that the Department determines to be required
10 under the appropriate licensing Act.

11 (Source: P.A. 91-239, eff. 1-1-00; revised 12-15-05.)

12 (20 ILCS 2310/2310-215) (was 20 ILCS 2310/55.62)

13 Sec. 2310-215. Center for Minority Health Services.

14 (a) The Department shall establish a Center for Minority
15 Health Services to advise the Department on matters pertaining
16 to the health needs of minority populations within the State.

17 (b) The Center shall have the following duties:

18 (1) To assist in the assessment of the health needs of
19 minority populations in the State.

20 (2) To recommend treatment methods and programs that
21 are sensitive and relevant to the unique linguistic,
22 cultural, and ethnic characteristics of minority
23 populations.

24 (3) To provide consultation, technical assistance,
25 training programs, and reference materials to service

1 providers, organizations, and other agencies.

2 (4) To promote awareness of minority health concerns,
3 and encourage, promote, and aid in the establishment of
4 minority services.

5 (5) To disseminate information on available minority
6 services.

7 (6) To provide adequate and effective opportunities
8 for minority populations to express their views on
9 Departmental policy development and program
10 implementation.

11 (7) To coordinate with the Department on Aging and the
12 Department of Healthcare and Family Services ~~Public Aid~~ to
13 coordinate services designed to meet the needs of minority
14 senior citizens.

15 (8) To promote awareness of the incidence of
16 Alzheimer's disease and related dementias among minority
17 populations and to encourage, promote, and aid in the
18 establishment of prevention and treatment programs and
19 services relating to this health problem.

20 (c) For the purpose of this Section, "minority" shall mean
21 and include any person or group of persons who are:

22 (1) African-American (a person having origins in any of
23 the black racial groups in Africa);

24 (2) Hispanic (a person of Spanish or Portuguese culture
25 with origins in Mexico, South or Central America, or the
26 Caribbean Islands, regardless of race);

1 (3) Asian American (a person having origins in any of
2 the original peoples of the Far East, Southeast Asia, the
3 Indian Subcontinent or the Pacific Islands); or

4 (4) American Indian or Alaskan Native (a person having
5 origins in any of the original peoples of North America).

6 (Source: P.A. 93-929, eff. 8-12-04; revised 12-15-05.)

7 (20 ILCS 2310/2310-330) (was 20 ILCS 2310/55.46)

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

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

18 (b) All donors of semen for purposes of artificial
19 insemination, or donors of corneas, bones, organs, or other
20 human tissue for the purpose of injecting, transfusing, or
21 transplanting any of them in the human body, shall be tested
22 for evidence of exposure to human immunodeficiency virus (HIV)
23 and any other identified causative agent of acquired
24 immunodeficiency syndrome (AIDS) at the time of or after the
25 donation but prior to the semen, corneas, bones, organs, or

1 other human tissue being made available for that use. However,
2 when in the opinion of the attending physician the life of a
3 recipient of a bone, organ, or other human tissue donation
4 would be jeopardized by delays caused by testing for evidence
5 of exposure to HIV and any other causative agent of AIDS,
6 testing shall not be required.

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

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

26 (d) For the purposes of this Section:

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

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

5 "Solid organ transplant" means the surgical
6 transplantation of internal organs including, but not limited
7 to, the liver, kidney, pancreas, lungs, or heart. "Solid organ
8 transplant" does not mean a bone marrow based transplant or a
9 blood transfusion.

10 "HIV infected donor" means a deceased donor who was
11 infected with HIV or a living donor known to be infected with
12 HIV and who is willing to donate a part or all of one or more of
13 his or her organs. A determination of the donor's HIV infection
14 is made by the donor's medical history or by specific tests
15 that document HIV infection, such as HIV RNA or DNA, or by
16 antibodies to HIV.

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

19 (20 ILCS 2310/2310-338)

20 Sec. 2310-338. Asthma prevention and control program.

21 (a) Subject to appropriations for this purpose, the
22 Department shall establish an asthma prevention and control
23 program to provide leadership in Illinois for and coordination
24 of asthma prevention and intervention activities. The program
25 may include, but need not be limited to, the following

1 features:

2 (1) Monitoring of asthma prevalence in the State.

3 (2) Education and training of health care
4 professionals concerning the current methods of diagnosing
5 and treating asthma.

6 (3) Patient and family education concerning the
7 management of asthma.

8 (4) Dissemination of information on programs shown to
9 reduce hospitalization, emergency room visits, and
10 absenteeism due to asthma.

11 (5) Consultation with and support of community-based
12 asthma prevention and control programs.

13 (6) Monitoring of environmental hazards or exposures,
14 or both, that may increase the incidence of asthma.

15 (b) In implementing the program established under
16 subsection (a), the Department shall consult with the
17 Department of Healthcare and Family Services ~~Public Aid~~ and the
18 State Board of Education. In addition, the Department shall
19 seek advice from other organizations and public and private
20 entities concerned about the prevention and treatment of
21 asthma.

22 (c) The Department may accept federal funding and grants,
23 and may contract for work with outside vendors or individuals,
24 for the purpose of implementing the program established under
25 subsection (a).

26 (Source: P.A. 93-1015, eff. 8-24-0; revised 12-15-05.)

1 (20 ILCS 2310/2310-345) (was 20 ILCS 2310/55.49)

2 Sec. 2310-345. Breast cancer; written summary regarding
3 early detection and treatment.

4 (a) From funds made available for this purpose, the
5 Department shall publish, in layman's language, a standardized
6 written summary outlining methods for the early detection and
7 diagnosis of breast cancer. The summary shall include
8 recommended guidelines for screening and detection of breast
9 cancer through the use of techniques that shall include but not
10 be limited to self-examination and diagnostic radiology.

11 (b) The summary shall also suggest that women seek
12 mammography services from facilities that are certified to
13 perform mammography as required by the federal Mammography
14 Quality Standards Act of 1992.

15 (c) The summary shall also include the medically viable
16 alternative methods for the treatment of breast cancer,
17 including, but not limited to, hormonal, radiological,
18 chemotherapeutic, or surgical treatments or combinations
19 thereof. The summary shall contain information on breast
20 reconstructive surgery, including, but not limited to, the use
21 of breast implants and their side effects. The summary shall
22 inform the patient of the advantages, disadvantages, risks, and
23 dangers of the various procedures. The summary shall include
24 (i) a statement that mammography is the most accurate method
25 for making an early detection of breast cancer, however, no

1 diagnostic tool is 100% effective and (ii) instructions for
2 ~~instructions for~~ performing breast self-examination and a
3 statement that it is important to perform a breast
4 self-examination monthly.

5 (d) In developing the summary, the Department shall consult
6 with the Advisory Board of Cancer Control, the Illinois State
7 Medical Society and consumer groups. The summary shall be
8 updated by the Department every 2 years.

9 (e) The summaries shall additionally be translated into
10 Spanish, and the Department shall conduct a public information
11 campaign to distribute the summaries to the Hispanic women of
12 this State in order to inform them of the importance of early
13 detection and mammograms.

14 (f) The Department shall distribute the summary to
15 hospitals, public health centers, and physicians who are likely
16 to perform or order diagnostic tests for breast disease or
17 treat breast cancer by surgical or other medical methods. Those
18 hospitals, public health centers, and physicians shall make the
19 summaries available to the public. The Department shall also
20 distribute the summaries to any person, organization, or other
21 interested parties upon request. The summaries may be
22 duplicated by any person, provided the copies are identical to
23 the current summary prepared by the Department.

24 (g) The summary shall display, on the inside of its cover,
25 printed in capital letters, in bold face type, the following
26 paragraph:

1 "The information contained in this brochure regarding
2 recommendations for early detection and diagnosis of breast
3 disease and alternative breast disease treatments is only for
4 the purpose of assisting you, the patient, in understanding the
5 medical information and advice offered by your physician. This
6 brochure cannot serve as a substitute for the sound
7 professional advice of your physician. The availability of this
8 brochure or the information contained within is not intended to
9 alter, in any way, the existing physician-patient
10 relationship, nor the existing professional obligations of
11 your physician in the delivery of medical services to you, the
12 patient."

13 (h) The summary shall be updated when necessary.

14 (Source: P.A. 91-239, eff. 1-1-00; revised 10-19-05.)

15 (20 ILCS 2310/2310-353)

16 Sec. 2310-353. Cervical Cancer Elimination Task Force.

17 (a) A standing Task Force on Cervical Cancer Elimination
18 ("Task Force") is established within the Illinois Department of
19 Public Health.

20 (b) The Task Force shall have 12 members appointed by the
21 Director of Public Health as follows:

22 (1) A representative of an organization relating to
23 women and cancer.

24 (2) A representative of an organization providing
25 health care to women.

1 (3) A health educator.

2 (4) A representative of a national organization
3 relating to cancer treatment who is an oncologist.

4 (5) A representative of the health insurance industry.

5 (6) A representative of a national organization of
6 obstetricians and gynecologists.

7 (7) A representative of a national organization of
8 family physicians.

9 (8) The State Epidemiologist.

10 (9) A member at-large with an interest in women's
11 health.

12 (10) A social marketing expert on health issues.

13 (11) A licensed registered nurse.

14 (12) A member of the Illinois Breast and Cervical
15 Cancer Medical Advisory Committee.

16 The directors of Public Health and Healthcare and Family
17 Services ~~Public Aid~~, and the Secretary of Human Services, or
18 their designees, and the Chair and Vice-Chair of the Conference
19 of Women Legislators in Illinois, or their designees, shall be
20 ex officio members of the Task Force. The Director of Public
21 Health shall also consult with the Speaker of the House of
22 Representatives, the Minority Leader of the House of
23 Representatives, the President of the Senate, and the Minority
24 Leader of the Senate in the designation of members of the
25 Illinois General Assembly as ex-officio members.

26 Appointments to the Task Force should reflect the

1 composition of the Illinois population with regard to ethnic,
2 racial, age, and religious composition.

3 (c) The Director of Public Health shall appoint a Chair
4 from among the members of the Task Force. The Task Force shall
5 elect a Vice-Chair from its members. Initial appointments to
6 the Task Force shall be made not later than 30 days after the
7 effective date of this amendatory Act of the 93rd General
8 Assembly. A majority of the Task Force shall constitute a
9 quorum for the transaction of its business. The Task Force
10 shall meet at least quarterly. The Task Force Chair may
11 establish sub-committees for the purpose of making special
12 studies; such sub-committees may include non-Task-Force
13 members as resource persons.

14 (d) Members of the Task Force shall be reimbursed for their
15 necessary expenses incurred in performing their duties. The
16 Department of Public Health shall provide staff and technical
17 assistance to the Task Force to the extent possible within
18 annual appropriations for its ordinary and contingent
19 expenses.

20 (e) The Task Force shall have the following duties:

21 (1) To obtain from the Department of Public Health, if
22 available, data and analyses regarding the prevalence and
23 burden of cervical cancer. The Task Force may conduct or
24 arrange for independent studies and analyses.

25 (2) To coordinate the efforts of the Task Force with
26 existing State committees and programs providing cervical

1 cancer screening, education, and case management.

2 (3) To raise public awareness on the causes and nature
3 of cervical cancer, personal risk factors, the value of
4 prevention, early detection, options for testing,
5 treatment costs, new technology, medical care
6 reimbursement, and physician education.

7 (4) To identify priority strategies, new technologies,
8 and newly introduced vaccines that are effective in
9 preventing and controlling the risk of cervical cancer.

10 (5) To identify and examine the limitations of existing
11 laws, regulations, programs, and services with regard to
12 coverage and awareness issues for cervical cancer,
13 including requiring insurance or other coverage for PAP
14 smears and mammograms in accordance with the most recently
15 published American Cancer Society guidelines.

16 (6) To develop a statewide comprehensive Cervical
17 Cancer Prevention Plan and strategies for implementing the
18 Plan and for promoting the Plan to the general public,
19 State and local elected officials, and various public and
20 private organizations, associations, businesses,
21 industries, and agencies.

22 (7) To receive and to consider reports and testimony
23 from individuals, local health departments,
24 community-based organizations, voluntary health
25 organizations, and other public and private organizations
26 statewide to learn more about their contributions to

1 cervical cancer diagnosis, prevention, and treatment and
2 more about their ideas for improving cervical cancer
3 prevention, diagnosis, and treatment in Illinois.

4 (f) The Task Force shall submit a report to the Governor
5 and the General Assembly by April 1, 2005 and by April 1 of
6 each year thereafter. The report shall include (i) information
7 regarding the progress being made in fulfilling the duties of
8 the Task Force and in developing the Cervical Cancer Prevention
9 Plan and (ii) recommended strategies or actions to reduce the
10 occurrence of cervical cancer and the burdens from cervical
11 cancer suffered by citizens of this State.

12 (g) The Task Force shall expire on April 1, 2009, or upon
13 submission of the Task Force's final report to the Governor and
14 the General Assembly, whichever occurs earlier.

15 (Source: P.A. 93-956, eff. 8-19-04; revised 12-15-05.)

16 (20 ILCS 2310/2310-371.5) (was 20 ILCS 2310/371)

17 Sec. 2310-371.5 ~~371~~. Heartsaver AED Fund; grants. Subject
18 to appropriation, the Department of Public Health has the power
19 to make matching grants from the Heartsaver AED Fund, a special
20 fund created in the State treasury, to any public school,
21 public park district, public college, or public university
22 required to have an Automated External Defibrillator pursuant
23 to the Physical Fitness Facility Medical Emergency
24 Preparedness Act (Colleen O'Sullivan Law). Applicants for AED
25 grants must demonstrate that they have funds to pay 50% of the

1 cost of the AED's for which matching grant moneys are sought.
2 Matching grants authorized under this Section shall be limited
3 to one AED per eligible physical fitness facility. The State
4 Treasurer shall accept and deposit into the Fund all gifts,
5 grants, transfers, appropriations, and other amounts from any
6 legal source, public or private, that are designated for
7 deposit into the Fund.

8 (Source: P.A. 93-1085, eff. 2-14-05; revised 4-9-05.)

9 (20 ILCS 2310/2310-395) (was 20 ILCS 2310/55.72)

10 Sec. 2310-395. Task Force on Organ Transplantation.

11 (a) There is established within the Department a Task Force
12 on Organ Transplantation ("the Task Force"). The Task Force
13 shall have the following 21 members:

14 (1) The Director, ex officio, or his or her designee.

15 (2) The Secretary of State, ex officio, or his or her
16 designee.

17 (3) Four members, appointed one each by the President
18 of the Senate, the Minority Leader of the Senate, the
19 Speaker of the House of Representatives, and the Minority
20 Leader of the House of Representatives.

21 (4) Fifteen members appointed by the Director as
22 follows: 2 physicians (at least one of whom shall have
23 experience in organ transplantation); one representative
24 of medical schools; one representative of hospitals; one
25 representative of insurers or self-insurers; one

1 representative of an organization devoted to organ
2 donation or the coordination of organ donations; one
3 representative of an organization that deals with tissue
4 donation or the coordination of tissue donations; one
5 representative from the ~~Illinois~~ Department of Healthcare
6 and Family Services ~~Public Aid~~; one representative from the
7 Illinois Eye Bank Community; one representative from the
8 Illinois Hospital and Health Systems Association; one
9 representative from the Illinois State Coroners
10 Association; one representative from the Illinois State
11 Medical Society; one representative from Mid-America
12 Transplantation Services; and 2 members of the general
13 public who are knowledgeable in areas of the Task Force's
14 work.

15 (b) The Task Force shall conduct a comprehensive
16 examination of the medical, legal, ethical, economic, and
17 social issues presented by human organ procurement and
18 transplantation.

19 (c) The Task Force shall report its findings and
20 recommendations to the Governor and the General Assembly on or
21 before January 1, of each year, and the Task Force's final
22 report shall be filed on or before January 1, 1999. The report
23 shall include, but need not be limited to, the following:

24 (1) An assessment of public and private efforts to
25 procure human organs for transplantation and an
26 identification of factors that diminish the number of

1 organs available for transplantation.

2 (2) An assessment of problems in coordinating the
3 procurement of viable human organs and tissue including
4 skin and bones.

5 (3) Recommendations for the education and training of
6 health professionals, including physicians, nurses, and
7 hospital and emergency care personnel, with respect to
8 organ procurement.

9 (4) Recommendations for the education of the general
10 public, the clergy, law enforcement officers, members of
11 local fire departments, and other agencies and individuals
12 that may be instrumental in affecting organ procurement.

13 (5) Recommendations for ensuring equitable access by
14 patients to organ transplantation and for ensuring the
15 equitable allocation of donated organs among transplant
16 centers and among patients medically qualified for an organ
17 transplant.

18 (6) An identification of barriers to the donation of
19 organs to patients (with special emphasis on pediatric
20 patients), including an assessment of each of the
21 following:

22 (A) Barriers to the improved identification of
23 organ donors and their families and organ recipients.

24 (B) The number of potential organ donors and their
25 geographical distribution.

26 (C) Current health care services provided for

1 patients who need organ transplantation and organ
2 procurement procedures, systems, and programs that
3 affect those patients.

4 (D) Cultural factors affecting the facility with
5 respect to the donation of the organs.

6 (E) Ethical and economic issues relating to organ
7 transplantation needed by chronically ill patients.

8 (7) An analysis of the factors involved in insurance
9 reimbursement for transplant procedures by private
10 insurers and the public sector.

11 (8) An analysis of the manner in which organ
12 transplantation technology is diffused among and adopted
13 by qualified medical centers, including a specification of
14 the number and geographical distribution of qualified
15 medical centers using that technology and an assessment of
16 whether the number of centers using that technology is
17 sufficient or excessive and whether the public has
18 sufficient access to medical procedures using that
19 technology.

20 (9) Recommendations for legislative changes necessary
21 to make organ transplants more readily available to
22 Illinois citizens.

23 (d) The Director of Public Health shall review the progress
24 of the Task Force to determine the need for its continuance,
25 and the Director shall report this determination to the
26 Governor and the General Assembly on or before January 1, 1999.

1 (Source: P.A. 91-239, eff. 1-1-00; revised 12-15-05.)

2 (20 ILCS 2310/2310-445) (was 20 ILCS 2310/55.71)

3 Sec. 2310-445. Interagency council on health care for
4 pregnant women and infants.

5 (a) On or before January 1, 1994, the Director, in
6 cooperation with the Director of Public Aid (now Director of
7 Healthcare and Family Services), the Director of Children and
8 Family Services, the Director of Alcoholism and Substance
9 Abuse, and the Director of Insurance, shall develop and submit
10 to the Governor a proposal for consolidating all existing
11 health programs required by law for pregnant women and infants
12 into one comprehensive plan to be implemented by one or several
13 agencies. The proposal shall:

14 (1) include a time schedule for implementing the plan;

15 (2) provide a cost estimate of the plan;

16 (3) identify federal waivers necessary to implement
17 the plan;

18 (4) examine innovative programs; and

19 (5) identify sources of funding for the plan.

20 (b) The plan developed under subsection (a) shall provide
21 the following services statewide:

22 (1) Comprehensive prenatal services for all pregnant
23 women who qualify for existing programs through the
24 Department of Public Aid (now Department of Healthcare and
25 Family Services) or the Department of Public Health or any

1 other government-funded programs.

2 (2) Comprehensive medical care for all infants under 1
3 year of age.

4 (3) A case management system under which each family
5 with a child under the plan is assigned a case manager and
6 under which every reasonable effort is made to assure
7 continuity of case management and access to other
8 appropriate social services.

9 (4) Services regardless of and fees for services based
10 on clients' ability to pay.

11 (Source: P.A. 91-239, eff. 1-1-00; revised 12-15-05.)

12 (20 ILCS 2310/2310-610)

13 Sec. 2310-610. Rules; public health preparedness. The
14 Department shall adopt and implement rules, contact lists, and
15 response plans governing public health preparedness and
16 response.

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

18 (20 ILCS 2310/2310-630)

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

20 (a) As used in this Section, "eligible individual" means a
21 resident of Illinois who: (1) is not entitled to receive an
22 influenza vaccination at no cost as a benefit under a plan of
23 health insurance, a managed care plan, or a plan provided by a
24 health maintenance organization, a health services plan

1 corporation, or a similar entity; and (2) meets the
2 requirements established by the Department of Public Health by
3 rule.

4 (b) Subject to appropriation, the Department of Public
5 Health shall establish and administer a program under which any
6 eligible individual shall, upon the eligible individual's
7 request, receive an influenza vaccination once each year at no
8 cost to the eligible individual.

9 (c) The Department of Public Health shall adopt rules for
10 the administration and operation of the program, including but
11 not limited to: determination of the influenza vaccine
12 formulation to be administered and the method of
13 administration; eligibility requirements and eligibility
14 determinations; and standards and criteria for acquisition and
15 distribution of influenza vaccine and related supplies. The
16 Department may enter into contracts or agreements with public
17 or private entities for the performance of such duties under
18 the program as the Department may deem appropriate to carry out
19 this Section and its rules adopted under this Section.

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

21 Section 215. The Disabled Persons Rehabilitation Act is
22 amended by changing Section 3 as follows:

23 (20 ILCS 2405/3) (from Ch. 23, par. 3434)

24 Sec. 3. Powers and duties. The Department shall have the

1 powers and duties enumerated herein:

2 (a) To co-operate with the federal government in the
3 administration of the provisions of the federal Rehabilitation
4 Act of 1973, as amended, of the Workforce Investment Act of
5 1998, and of the federal Social Security Act to the extent and
6 in the manner provided in these Acts.

7 (b) To prescribe and supervise such courses of vocational
8 training and provide such other services as may be necessary
9 for the habilitation and rehabilitation of persons with one or
10 more disabilities, including the administrative activities
11 under subsection (e) of this Section, and to co-operate with
12 State and local school authorities and other recognized
13 agencies engaged in habilitation, rehabilitation and
14 comprehensive rehabilitation services; and to cooperate with
15 the Department of Children and Family Services regarding the
16 care and education of children with one or more disabilities.

17 (c) (Blank).

18 (d) To report in writing, to the Governor, annually on or
19 before the first day of December, and at such other times and
20 in such manner and upon such subjects as the Governor may
21 require. The annual report shall contain (1) a statement of the
22 existing condition of comprehensive rehabilitation services,
23 habilitation and rehabilitation in the State; (2) a statement
24 of suggestions and recommendations with reference to the
25 development of comprehensive rehabilitation services,
26 habilitation and rehabilitation in the State; and (3) an

1 itemized statement of the amounts of money received from
2 federal, State and other sources, and of the objects and
3 purposes to which the respective items of these several amounts
4 have been devoted.

5 (e) (Blank).

6 (f) To establish a program of services to prevent
7 unnecessary institutionalization of persons with Alzheimer's
8 disease and related disorders or persons in need of long term
9 care who are established as blind or disabled as defined by the
10 Social Security Act, thereby enabling them to remain in their
11 own homes or other living arrangements. Such preventive
12 services may include, but are not limited to, any or all of the
13 following:

- 14 (1) home health services;
- 15 (2) home nursing services;
- 16 (3) homemaker services;
- 17 (4) chore and housekeeping services;
- 18 (5) day care services;
- 19 (6) home-delivered meals;
- 20 (7) education in self-care;
- 21 (8) personal care services;
- 22 (9) adult day health services;
- 23 (10) habilitation services;
- 24 (11) respite care; or
- 25 (12) other nonmedical social services that may enable
26 the person to become self-supporting.

1 The Department shall establish eligibility standards for
2 such services taking into consideration the unique economic and
3 social needs of the population for whom they are to be
4 provided. Such eligibility standards may be based on the
5 recipient's ability to pay for services; provided, however,
6 that any portion of a person's income that is equal to or less
7 than the "protected income" level shall not be considered by
8 the Department in determining eligibility. The "protected
9 income" level shall be determined by the Department, shall
10 never be less than the federal poverty standard, and shall be
11 adjusted each year to reflect changes in the Consumer Price
12 Index For All Urban Consumers as determined by the United
13 States Department of Labor. The standards must provide that a
14 person may have not more than \$10,000 in assets to be eligible
15 for the services, and the Department may increase the asset
16 limitation by rule. Additionally, in determining the amount and
17 nature of services for which a person may qualify,
18 consideration shall not be given to the value of cash, property
19 or other assets held in the name of the person's spouse
20 pursuant to a written agreement dividing marital property into
21 equal but separate shares or pursuant to a transfer of the
22 person's interest in a home to his spouse, provided that the
23 spouse's share of the marital property is not made available to
24 the person seeking such services.

25 The services shall be provided to eligible persons to
26 prevent unnecessary or premature institutionalization, to the

1 extent that the cost of the services, together with the other
2 personal maintenance expenses of the persons, are reasonably
3 related to the standards established for care in a group
4 facility appropriate to their condition. These
5 non-institutional services, pilot projects or experimental
6 facilities may be provided as part of or in addition to those
7 authorized by federal law or those funded and administered by
8 the Illinois Department on Aging.

9 Personal care attendants shall be paid:

10 (i) A \$5 per hour minimum rate beginning July 1, 1995.

11 (ii) A \$5.30 per hour minimum rate beginning July 1,
12 1997.

13 (iii) A \$5.40 per hour minimum rate beginning July 1,
14 1998.

15 Solely for the purposes of coverage under the Illinois
16 Public Labor Relations Act (5 ILCS 315/), personal care
17 attendants and personal assistants providing services under
18 the Department's Home Services Program shall be considered to
19 be public employees and the State of Illinois shall be
20 considered to be their employer as of the effective date of
21 this amendatory Act of the 93rd General Assembly, but not
22 before. The State shall engage in collective bargaining with an
23 exclusive representative of personal care attendants and
24 personal assistants working under the Home Services Program
25 concerning their terms and conditions of employment that are
26 within the State's control. Nothing in this paragraph shall be

1 understood to limit the right of the persons receiving services
2 defined in this Section to hire and fire personal care
3 attendants and personal assistants or supervise them within the
4 limitations set by the Home Services Program. The State shall
5 not be considered to be the employer of personal care
6 attendants and personal assistants for any purposes not
7 specifically provided in this amendatory Act of the 93rd
8 General Assembly, including but not limited to, purposes of
9 vicarious liability in tort and purposes of statutory
10 retirement or health insurance benefits. Personal care
11 attendants and personal assistants shall not be covered by the
12 State Employees Group Insurance Act of 1971 (5 ILCS 375/).

13 The Department shall execute, relative to the nursing home
14 prescreening project, as authorized by Section 4.03 of the
15 Illinois Act on the Aging, written inter-agency agreements with
16 the Department on Aging and the Department of Public Aid (now
17 Department of Healthcare and Family Services), to effect the
18 following: (i) intake procedures and common eligibility
19 criteria for those persons who are receiving non-institutional
20 services; and (ii) the establishment and development of
21 non-institutional services in areas of the State where they are
22 not currently available or are undeveloped. On and after July
23 1, 1996, all nursing home prescreenings for individuals 18
24 through 59 years of age shall be conducted by the Department.

25 The Department is authorized to establish a system of
26 recipient cost-sharing for services provided under this

1 Section. The cost-sharing shall be based upon the recipient's
2 ability to pay for services, but in no case shall the
3 recipient's share exceed the actual cost of the services
4 provided. Protected income shall not be considered by the
5 Department in its determination of the recipient's ability to
6 pay a share of the cost of services. The level of cost-sharing
7 shall be adjusted each year to reflect changes in the
8 "protected income" level. The Department shall deduct from the
9 recipient's share of the cost of services any money expended by
10 the recipient for disability-related expenses.

11 The Department, or the Department's authorized
12 representative, shall recover the amount of moneys expended for
13 services provided to or in behalf of a person under this
14 Section by a claim against the person's estate or against the
15 estate of the person's surviving spouse, but no recovery may be
16 had until after the death of the surviving spouse, if any, and
17 then only at such time when there is no surviving child who is
18 under age 21, blind, or permanently and totally disabled. This
19 paragraph, however, shall not bar recovery, at the death of the
20 person, of moneys for services provided to the person or in
21 behalf of the person under this Section to which the person was
22 not entitled; provided that such recovery shall not be enforced
23 against any real estate while it is occupied as a homestead by
24 the surviving spouse or other dependent, if no claims by other
25 creditors have been filed against the estate, or, if such
26 claims have been filed, they remain dormant for failure of

1 prosecution or failure of the claimant to compel administration
2 of the estate for the purpose of payment. This paragraph shall
3 not bar recovery from the estate of a spouse, under Sections
4 1915 and 1924 of the Social Security Act and Section 5-4 of the
5 Illinois Public Aid Code, who precedes a person receiving
6 services under this Section in death. All moneys for services
7 paid to or in behalf of the person under this Section shall be
8 claimed for recovery from the deceased spouse's estate.
9 "Homestead", as used in this paragraph, means the dwelling
10 house and contiguous real estate occupied by a surviving spouse
11 or relative, as defined by the rules and regulations of the
12 ~~Illinois~~ Department of Healthcare and Family Services ~~Public~~
13 ~~Aid~~, regardless of the value of the property.

14 The Department and the Department on Aging shall cooperate
15 in the development and submission of an annual report on
16 programs and services provided under this Section. Such joint
17 report shall be filed with the Governor and the General
18 Assembly on or before March 30 each year.

19 The requirement for reporting to the General Assembly shall
20 be satisfied by filing copies of the report with the Speaker,
21 the Minority Leader and the Clerk of the House of
22 Representatives and the President, the Minority Leader and the
23 Secretary of the Senate and the Legislative Research Unit, as
24 required by Section 3.1 of the General Assembly Organization
25 Act, and filing additional copies with the State Government
26 Report Distribution Center for the General Assembly as required

1 under paragraph (t) of Section 7 of the State Library Act.

2 (g) To establish such subdivisions of the Department as
3 shall be desirable and assign to the various subdivisions the
4 responsibilities and duties placed upon the Department by law.

5 (h) To cooperate and enter into any necessary agreements
6 with the Department of Employment Security for the provision of
7 job placement and job referral services to clients of the
8 Department, including job service registration of such clients
9 with Illinois Employment Security offices and making job
10 listings maintained by the Department of Employment Security
11 available to such clients.

12 (i) To possess all powers reasonable and necessary for the
13 exercise and administration of the powers, duties and
14 responsibilities of the Department which are provided for by
15 law.

16 (j) To establish a procedure whereby new providers of
17 personal care attendant services shall submit vouchers to the
18 State for payment two times during their first month of
19 employment and one time per month thereafter. In no case shall
20 the Department pay personal care attendants an hourly wage that
21 is less than the federal minimum wage.

22 (k) To provide adequate notice to providers of chore and
23 housekeeping services informing them that they are entitled to
24 an interest payment on bills which are not promptly paid
25 pursuant to Section 3 of the State Prompt Payment Act.

26 (l) To establish, operate and maintain a Statewide Housing

1 Clearinghouse of information on available, government
2 subsidized housing accessible to disabled persons and
3 available privately owned housing accessible to disabled
4 persons. The information shall include but not be limited to
5 the location, rental requirements, access features and
6 proximity to public transportation of available housing. The
7 Clearinghouse shall consist of at least a computerized database
8 for the storage and retrieval of information and a separate or
9 shared toll free telephone number for use by those seeking
10 information from the Clearinghouse. Department offices and
11 personnel throughout the State shall also assist in the
12 operation of the Statewide Housing Clearinghouse. Cooperation
13 with local, State and federal housing managers shall be sought
14 and extended in order to frequently and promptly update the
15 Clearinghouse's information.

16 (m) To assure that the names and case records of persons
17 who received or are receiving services from the Department,
18 including persons receiving vocational rehabilitation, home
19 services, or other services, and those attending one of the
20 Department's schools or other supervised facility shall be
21 confidential and not be open to the general public. Those case
22 records and reports or the information contained in those
23 records and reports shall be disclosed by the Director only to
24 proper law enforcement officials, individuals authorized by a
25 court, the General Assembly or any committee or commission of
26 the General Assembly, and other persons and for reasons as the

1 Director designates by rule. Disclosure by the Director may be
2 only in accordance with other applicable law.

3 (Source: P.A. 93-204, eff. 7-16-03; 94-252, eff. 1-1-06;
4 revised 12-15-05.)

5 Section 220. The Disabilities Services Act of 2003 is
6 amended by changing Sections 10 and 20 as follows:

7 (20 ILCS 2407/10)

8 Sec. 10. Application of Act; definitions.

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

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

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

19 (1) It must be attributable to cerebral palsy,
20 epilepsy, or any other condition (other than mental
21 illness) found to be closely related to mental retardation
22 because that condition results in impairment of general
23 intellectual functioning or adaptive behavior similar to
24 that of individuals with mental retardation, and requires

1 treatment or services similar to those required for those
2 individuals. For purposes of this Section, autism is
3 considered a related condition.

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

6 (3) It must be likely to continue indefinitely.

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

11 "Mental Illness" means a mental or emotional disorder
12 verified by a diagnosis contained in the Diagnostic and
13 Statistical Manual of Mental Disorders-Fourth Edition,
14 published by the American Psychiatric Association (DSM-IV), or
15 its successor, or International Classification of Diseases,
16 9th Revision, Clinical Modification (ICD-9-CM), or its
17 successor, that substantially impairs a person's cognitive,
18 emotional, or behavioral functioning, or any combination of
19 those, excluding (i) conditions that may be the focus of
20 clinical attention but are not of sufficient duration or
21 severity to be categorized as a mental illness, such as
22 parent-child relational problems, partner-relational problems,
23 sexual abuse of a child, bereavement, academic problems,
24 phase-of-life problems, and occupational problems
25 (collectively, "V codes"), (ii) organic disorders such as
26 substance intoxication dementia, substance withdrawal

1 dementia, Alzheimer's disease, vascular dementia, dementia due
2 to HIV infection, and dementia due to Creutzfeld-Jakob disease
3 and disorders associated with known or unknown physical
4 conditions such as hallucinosis ~~hallucinosis~~, amnestic
5 disorders and delirium, and psychoactive substance-induced
6 organic disorders, and (iii) mental retardation or
7 psychoactive substance use disorders.

8 "Mental retardation" means significantly sub-average
9 general intellectual functioning existing concurrently with
10 deficits in adaptive behavior and manifested before the age of
11 22 years.

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

15 (1) It is attributable to a physical impairment.

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

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

26 (b) In this Act:

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

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

9 "Department" means the Department on Aging, the Department
10 of Human Services, the Department of Public Health, the
11 Department of Public Aid (now Department Healthcare and Family
12 Services), the University of Illinois Division of Specialized
13 Care for Children, the Department of Children and Family
14 Services, and the Illinois State Board of Education, where
15 appropriate, as designated in the implementation plan
16 developed under Section 20.

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

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

25 "Independent service coordination" means a social service
26 that enables persons with developmental disabilities and their

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

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

25 "Least restrictive environment" means an environment that
26 represents the least departure from the normal patterns of

1 living and that effectively meets the needs of the person
2 receiving the service.

3 (Source: P.A. 93-638, eff. 12-31-03; revised 12-15-05.)

4 (20 ILCS 2407/20)

5 Sec. 20. Implementation.

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

23 In addition, the following State officials shall serve on
24 the committee as ex-officio non-voting members: the Secretary
25 of Human Services or his or her designee; the State

1 Superintendent of Education or his or her designee; the
2 Director of Aging or his or her designee; the Executive
3 Director of the Illinois Housing Development Authority or his
4 or her designee; the Director of Public Aid (now Director of
5 Healthcare and Family Services) or his or her designee; and the
6 Director of Employment Security or his or her designee.

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

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

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

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

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

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

1 (4) Establishing minimum standards for individualized
2 services.

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

5 (6) Establishing minimum standards for vocational
6 services.

7 (7) Establishing due process hearing procedures.

8 (8) Establishing minimum standards for family support
9 services.

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

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

20 (1) The implementation plan.

21 (2) A description of current and planned programs and
22 services necessary to meet the requirements of the
23 individual service or treatment plans required by this Act,
24 together with the actions to be taken by the State of
25 Illinois to ensure that those plans will be implemented.
26 This description shall include a report of related program

1 and service improvements or expansions implemented by the
2 Department since the effective date of this Act.

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

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

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

12 (d) The Governor, with the assistance of the Secretary of
13 Human Services, shall annually update the implementation plan
14 and report changes to the General Assembly by July 1 of each
15 year. Initial implementation of the plan is required by July 1,
16 2005. The requirement of annual updates and reports expires in
17 2008, unless otherwise extended by the General Assembly.

18 (Source: P.A. 93-638, eff. 12-31-03; revised 12-15-05.)

19 Section 225. The Department of Revenue Law of the Civil
20 Administrative Code of Illinois is amended by changing Sections
21 2505-65 and 2505-650 as follows:

22 (20 ILCS 2505/2505-65) (was 20 ILCS 2505/39b12)

23 Sec. 2505-65. Exchange of information.

24 (a) The Department has the power to exchange with any

1 state, with any local subdivisions of any state, or with the
2 federal government, except when specifically prohibited by
3 law, any information that may be necessary to efficient tax
4 administration and that may be acquired as a result of the
5 administration of the laws set forth in the Sections following
6 Section 95-10 and preceding Section 2505-60.

7 (b) The Department has the power to exchange with the
8 ~~Illinois~~ Department of Healthcare and Family Services ~~Public~~
9 ~~Aid~~ information that may be necessary for the enforcement of
10 child support orders entered pursuant to the Illinois Public
11 Aid Code, the Illinois Marriage and Dissolution of Marriage
12 Act, the Non-Support of Spouse and Children Act, the
13 Non-Support Punishment Act, the Revised Uniform Reciprocal
14 Enforcement of Support Act, the Uniform Interstate Family
15 Support Act, or the Illinois Parentage Act of 1984.
16 Notwithstanding any provisions in this Code to the contrary,
17 the Department of Revenue shall not be liable to any person for
18 any disclosure of information to the Department of Healthcare
19 and Family Services (formerly Illinois Department of Public
20 Aid) under this subsection (b) or for any other action taken in
21 good faith to comply with the requirements of this subsection
22 (b).

23 (Source: P.A. 91-239, eff. 1-1-00; 91-613, eff. 10-1-99; 92-16,
24 eff. 6-28-01; revised 12-15-05.)

25 (20 ILCS 2505/2505-650) (was 20 ILCS 2505/39b52)

1 Sec. 2505-650. Collection of past due support. Upon
2 certification of past due child support amounts from the
3 Department of Healthcare and Family Services (formerly
4 Department of Public Aid), the Department of Revenue may
5 collect the delinquency in any manner authorized for the
6 collection of any tax administered by the Department of
7 Revenue. The Department of Revenue shall notify the Department
8 of Healthcare and Family Services ~~Public Aid~~ when the
9 delinquency or any portion of the delinquency has been
10 collected under this Section. Any child support delinquency
11 collected by the Department of Revenue, including those amounts
12 that result in overpayment of a child support delinquency,
13 shall be deposited into the Child Support Enforcement Trust
14 Fund or paid to the State Disbursement Unit established under
15 Section 10-26 of the Illinois Public Aid Code, at the direction
16 of the Department of Healthcare and Family Services ~~Public Aid~~.
17 The Department of Revenue may implement this Section through
18 the use of emergency rules in accordance with Section 5-45 of
19 the Illinois Administrative Procedure Act. For purposes of the
20 Illinois Administrative Procedure Act, the adoption of rules to
21 implement this Section shall be considered an emergency and
22 necessary for the public interest, safety, and welfare.

23 (Source: P.A. 90-491, eff. 1-1-98; 91-212, eff. 7-20-99;
24 91-239, eff. 1-1-00; 91-712, eff. 7-1-00; revised 12-15-05.)

25 Section 230. The Department of State Police Law of the

1 Civil Administrative Code of Illinois is amended by changing
2 Section 2605-377 as follows:

3 (20 ILCS 2605/2605-377) (was 20 ILCS 2605/55a in part)

4 Sec. 2605-377. Department of Healthcare and Family
5 Services ~~Public Aid~~; LEADS access.

6 (a) The ~~Illinois~~ Department of Healthcare and Family
7 Services ~~Public Aid~~ is an authorized entity under this Law for
8 the purpose of exchanging information, in the form and manner
9 required by the Department of State Police, to facilitate the
10 location of individuals for establishing paternity, and
11 establishing, modifying, and enforcing child support
12 obligations, pursuant to the Illinois Public Aid Code and Title
13 IV, Part D of the Social Security Act.

14 (b) The ~~Illinois~~ Department of Healthcare and Family
15 Services ~~Public Aid~~ is an authorized entity under this Section
16 for the purpose of obtaining access to various data
17 repositories available through LEADS, to facilitate the
18 location of individuals for establishing paternity, and
19 establishing, modifying, and enforcing child support
20 obligations, pursuant to the Illinois Public Aid Code and Title
21 IV, Part D of the Social Security Act. The Department shall
22 enter into an agreement with the ~~Illinois~~ Department of
23 Healthcare and Family Services ~~Public Aid~~ consistent with these
24 purposes.

25 (Source: P.A. 90-18, eff. 7-1-97; 90-130, eff. 1-1-98; 90-372,

1 eff. 7-1-98; 90-590, eff. 1-1-00; 90-655, eff. 7-30-98; 90-793,
2 eff. 8-14-98; 91-239, eff. 1-1-00; 91-760, eff. 1-1-01; revised
3 12-15-05.)

4 Section 235. 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

1 procedures as shall be appropriate in the exercise of the
2 powers conferred upon them, which training and course of study
3 shall be determined and provided by the Department of State
4 Police. Prior to the appointment of any auxiliary State
5 policeman his fingerprints shall be taken and no person shall
6 be appointed as such auxiliary State policeman if he has been
7 convicted of a felony or other crime involving moral turpitude.

8 All auxiliary State policemen shall be between the age of
9 21 and 60 years, and shall serve without compensation.

10 The Line of Duty Compensation Act ~~"Law Enforcement~~
11 ~~Officers, Civil Defense Workers, Civil Air Patrol Members,~~
12 ~~Paramedics and Firemen Compensation Act"~~, approved September
13 ~~30, 1969, as now or hereafter amended,~~ shall be applicable to
14 auxiliary State policemen upon their death in the line of duty
15 described herein.

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

17 Section 240. The Department of Veterans Affairs Act is
18 amended by setting forth and renumbering multiple versions of
19 Section 2e and by changing Section 2.07 as follows:

20 (20 ILCS 2805/2e)

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

1 Illinois Veterans Memorial in Springfield, Illinois.

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

3 (20 ILCS 2805/2f)

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

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

9 (b) Subject to appropriation, the Department shall
10 increase by at least 80 beds the capacity of the Illinois
11 Veterans Home at LaSalle and shall request and expend federal
12 grants for this Veterans Home addition.

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

14 (20 ILCS 2805/2.07) (from Ch. 126 1/2, par. 67.07)

15 Sec. 2.07. The Department shall employ and maintain
16 sufficient and qualified staff at the veterans' homes to
17 fulfill the requirements of this Act. The Department shall
18 report to the General Assembly, by January 1 and July 1 of each
19 year, the number of staff employed in providing direct patient
20 care at their veterans' homes, the compliance or noncompliance
21 with staffing standards established by the United States
22 Department of Veterans Affairs for such care, and in the event
23 of noncompliance with such standards, the number of staff
24 required for compliance. For purposes of this Section, a nurse

1 who has a license application pending with the State shall not
2 be deemed unqualified by the Department if the nurse is in
3 compliance with 225 ILCS 65/5-15(g) or 225 ILCS 65/5-15(i)
4 ~~5-15(i)~~ of the Nursing and Advanced Practice Nursing Act.

5 All contracts between the State and outside contractors to
6 provide workers to staff and service the Anna Veterans Home
7 shall be canceled in accordance with the terms of those
8 contracts. Upon cancellation, each worker or staff member shall
9 be offered certified employment status under the Illinois
10 Personnel Code with the State of Illinois. To the extent it is
11 reasonably practicable, the position offered to each person
12 shall be at the same facility and shall consist of the same
13 duties and hours as previously existed under the canceled
14 contract or contracts.

15 (Source: P.A. 93-597, eff. 8-26-03; 94-703, eff. 6-1-06;
16 revised 9-15-06.)

17 Section 245. The Nuclear Safety Law of 2004 is amended by
18 changing Section 5 as follows:

19 (20 ILCS 3310/5)

20 Sec. 5. Cross references. The Illinois Emergency
21 Management Agency shall exercise, administer, and enforce all
22 rights, powers, and duties vested in Department of Nuclear
23 Safety by the following named Acts or Sections of those Acts:

24 (1) The Radiation Protection Act of 1990.

- 1 (2) The Radioactive Waste Storage Act.
- 2 (3) (Blank) ~~The Personnel Radiation Monitoring Act.~~
- 3 (4) The Laser System Act of 1997.
- 4 (5) The Illinois Nuclear Safety Preparedness Act.
- 5 (6) The Radioactive Waste Compact Enforcement Act.
- 6 (7) Illinois Low-Level Radioactive Waste Management
- 7 Act.
- 8 (8) Illinois Nuclear Facility Safety Act.
- 9 (9) Radioactive Waste Tracking and Permitting Act.
- 10 (10) Radon Industry Licensing Act.
- 11 (11) Uranium and Thorium Mill Tailings Control Act.
- 12 (Source: P.A. 93-1029, eff. 8-25-04; revised 11-21-05.)

13 Section 250. The Human Skeletal Remains Protection Act is
14 amended by changing Section 2 as follows:

15 (20 ILCS 3440/2) (from Ch. 127, par. 2662)

16 Sec. 2. Legislative finding and intentions. The General
17 Assembly finds that existing laws do not provide equal or
18 adequate protection for all human graves. There is a real and
19 growing threat to the safety and sanctity of unregistered and
20 unmarked graves. Numerous incidents in Illinois have resulted
21 in the desecration of human remains and vandalism to grave
22 markers. Similar incidents have occurred in neighboring states
23 and as a result those states have increased their criminal
24 penalties for such conduct. There is a strong likelihood that

1 persons engaged for personal or financial gain in the mining of
2 prehistoric and historic Indian, pioneer, and Civil War
3 veteran's graves will move their operations to Illinois to
4 avoid the increased penalties being imposed in neighboring
5 states. There is an immediate need for legislation to protect
6 the graves of these earlier Illinoisans ~~Illinoians~~ from such
7 desecration. The General Assembly intends to assure with this
8 Act that all human burials be accorded equal treatment and
9 respect for human dignity without reference to ethnic origins,
10 cultural backgrounds or religious affiliations.

11 The General Assembly also finds that those persons engaged
12 in the scientific study or collecting of artifacts which have
13 not been acquired in violation of law are engaged in legitimate
14 and worthy scientific, educational and recreational
15 activities. This Act is not intended to interfere with the
16 continued legitimate collecting activities or studies of such
17 persons; nor is it intended to interfere with the normal
18 enjoyment of private property owners, farmers, or those engaged
19 in the development, mining or improvement of real property.

20 (Source: P.A. 86-151; revised 10-12-05.)

21 Section 255. The Illinois Finance Authority Act is amended
22 by changing Sections 801-1 and 815-10 as follows:

23 (20 ILCS 3501/801-1)

24 Sec. 801-1. Short Title. Articles 801 ~~80~~ through 845 of

1 this Act may be cited as the Illinois Finance Authority Act.
2 References to "this Act" in Articles 801 through 845 are
3 references to the Illinois Finance Authority Act.
4 (Source: P.A. 93-205, eff. 1-1-04; revised 9-16-03.)

5 (20 ILCS 3501/815-10)

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

10 (a) "Property" means land, parcels or combination of
11 parcels, structures, and all improvements, easements and
12 franchises.~~†~~

13 (b) "Redevelopment area" means any property which is a
14 contiguous area of at least 2 acres but less than 160 acres in
15 the aggregate located within one and one-half miles of the
16 corporate limits of a municipality and not included within any
17 municipality, where, (1) if improved, a substantial proportion
18 of the industrial, commercial and residential buildings or
19 improvements are detrimental to the public safety, health,
20 morals or welfare because of a combination of any of the
21 following factors: age; physical configuration; dilapidation;
22 structural or economic obsolescence; deterioration; illegal
23 use of individual structures; presence of structures below
24 minimum code standards; excessive and sustained vacancies;
25 overcrowding of structures and community facilities;

1 inadequate ventilation, light, sewer, water, transportation
2 and other infrastructure facilities; inadequate utilities;
3 excessive land coverage; deleterious land use or layout;
4 depreciation or lack of physical maintenance; and lack of
5 community planning; or (2) if vacant, the sound utilization of
6 land for industrial projects is impaired by a combination of 2
7 or more of the following factors: obsolete platting of the
8 vacant land; diversity of ownership of such land; tax and
9 special assessment delinquencies on such land; and
10 deterioration of structures or site improvements in
11 neighboring areas to the vacant land, or the area immediately
12 prior to becoming vacant qualified as a redevelopment improved
13 area; or (3) if an improved area within the boundaries of a
14 development project is located within the corporate limits of
15 the municipality in which 50% or more of the structures in the
16 area have an age of 35 years or more, such area does not
17 qualify under clause (1) but is detrimental to the public
18 safety, health, morals or welfare and such area may become a
19 redevelopment area pursuant to clause (1) because of a
20 combination of 3 or more of the factors specified in clause
21 (1).

22 (c) "Enterprise" means an individual, corporation,
23 partnership, joint venture, trust, estate, or unincorporated
24 association. ~~†~~

25 (d) "Development plan" means the comprehensive program of
26 the Authority and the participating entity to reduce or

1 eliminate those conditions the existence of which qualified the
2 project area as a redevelopment area. Each development plan
3 shall set forth in writing the program to be undertaken to
4 accomplish such objectives and shall include, without
5 limitation, estimated development project costs, the sources
6 of funds to pay costs, the nature and term of any obligations
7 to be issued, the most recent equalized assessed valuation of
8 the project area, an estimate as to the equalized assessed
9 valuation after development and the general land uses to apply
10 in the project area.

11 (e) "Development project" means any project in furtherance
12 of the objectives of a development plan, including any building
13 or buildings or building addition or other structures to be
14 newly constructed, renovated or improved and suitable for use
15 by an enterprise as an industrial project, and includes the
16 sites and other rights in the property on which such buildings
17 or structures are located.

18 (f) "Participating entity" means a municipality, a local
19 industrial development agency or an enterprise or any
20 combination thereof.

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

22 Section 260. The Illinois African-American Family
23 Commission Act is amended by changing Sections 15, 20, and 25
24 as follows:

1 (20 ILCS 3903/15)

2 Sec. 15. Purpose and objectives.

3 (a) The purpose of the Illinois African-American Family
4 Commission is to guide the efforts of and collaborate with the
5 Department on Aging, the Department of Children and Family
6 Services, the Department of Commerce and Economic Opportunity,
7 the Department of Corrections, the Department of Human
8 Services, the Department of Healthcare and Family Services
9 ~~Public Aid~~, the Department of Public Health, the Department of
10 Transportation, and others to improve and expand existing human
11 services and educational and community development programs
12 for African-Americans. This will be achieved by:

13 (1) Monitoring existing legislation and programs
14 designed to address the needs of African-Americans in
15 Illinois;

16 (2) Assisting State agencies in developing programs,
17 services, public policies, and research strategies that
18 will expand and enhance the social and economic well-being
19 of African-American children and families; and

20 (3) Facilitating the participation of
21 African-Americans in the development, implementation, and
22 planning of community-based services.

23 The work of the Illinois African-American Family
24 Commission shall include the use of existing reports, research
25 and planning efforts, procedures, and programs.

26 (Source: P.A. 93-867, eff. 8-5-04; revised 12-15-05.)

1 (20 ILCS 3903/20)

2 Sec. 20. Appointment; terms. The Illinois African-American
3 Family Commission shall be comprised of 15 members who shall be
4 appointed by the Governor. Each member shall have a working
5 knowledge of human services, community development, and
6 economic public policies in Illinois. The Governor shall
7 appoint the chairperson or chairpersons.

8 The members shall reflect regional representation to
9 ensure that the needs of African-American families and children
10 throughout the State of Illinois are met. The members shall be
11 selected from a variety of disciplines. They shall be
12 representative of a partnership and collaborative effort
13 between public and private agencies, the business sector, and
14 community-based human services organizations.

15 Members shall serve 3-year terms, except in the case of
16 initial appointments. One-third of initially appointed
17 members, as determined by lot, shall be appointed to 1-year
18 terms; 1/3 shall be appointed to 2-year terms; and 1/3 shall be
19 appointed to 3-year terms, so that the terms are staggered.
20 Members will serve without compensation, but shall be
21 reimbursed for Commission-related expenses.

22 The Department on Aging, the Department of Children and
23 Family Services, the Department of Commerce and Economic
24 Opportunity, the Department of Corrections, the Department of
25 Human Services, the Department of Healthcare and Family

1 Services ~~Public Aid~~, the Department of Public Health, and the
2 Department of Transportation shall each appoint a liaison to
3 serve ex-officio on the Commission.

4 (Source: P.A. 93-867, eff. 8-5-04; revised 12-15-05.)

5 (20 ILCS 3903/25)

6 Sec. 25. Funding. The African-American Family Commission
7 shall receive funding through appropriations available for its
8 purposes made to the Department on Aging, the Department of
9 Children and Family Services, the Department of Commerce and
10 Economic Opportunity, the Department of Corrections, the
11 Department of Human Services, the Department of Healthcare and
12 Family Services (formerly Department of Public Aid), the
13 Department of Public Health, and the Department of
14 Transportation.

15 (Source: P.A. 93-867, eff. 8-5-04; revised 12-15-05.)

16 Section 265. The Illinois Early Learning Council Act is
17 amended by changing Section 10 as follows:

18 (20 ILCS 3933/10)

19 Sec. 10. Membership. The Illinois Early Learning Council
20 shall include representation from both public and private
21 organizations, and its membership shall reflect regional,
22 racial, and cultural diversity to ensure representation of the
23 needs of all Illinois children. One member shall be appointed

1 by the President of the Senate, one member appointed by the
2 Minority Leader of the Senate, one member appointed by the
3 Speaker of the House of Representatives, one member appointed
4 by the Minority Leader of the House of Representatives, and
5 other members appointed by the Governor. The Governor's
6 appointments shall include without limitation the following:

7 (1) A leader of stature from the Governor's office, to
8 serve as co-chairperson of the Council.

9 (2) The chief administrators of the following State
10 agencies: State Board of Education; Department of Human
11 Services; Department of Children and Family Services;
12 Department of Public Health; Department of Healthcare and
13 Family Services ~~Public Aid~~; Board of Higher Education; and
14 Illinois Community College Board.

15 (3) Local government stakeholders and nongovernment
16 stakeholders with an interest in early childhood care and
17 education, including representation from the following
18 private-sector fields and constituencies: early childhood
19 education and development; child care; child advocacy;
20 parenting support; local community collaborations among
21 early care and education programs and services; maternal
22 and child health; children with special needs; business;
23 labor; and law enforcement. The Governor shall designate
24 one of the members who is a nongovernment stakeholder to
25 serve as co-chairperson.

26 In addition, the Governor shall request that the Region V

1 office of the U.S. Department of Health and Human Services'
2 Administration for Children and Families appoint a member to
3 the Council to represent federal children's programs and
4 services.

5 Members appointed by General Assembly members and members
6 appointed by the Governor who are local government or
7 nongovernment stakeholders shall serve 3-year terms, except
8 that of the initial appointments, half of these members, as
9 determined by lot, shall be appointed to 2-year terms so that
10 terms are staggered. Members shall serve on a voluntary, unpaid
11 basis.

12 (Source: P.A. 93-380, eff. 7-24-03; revised 12-15-05.)

13 Section 270. The Human Services 211 Collaboration Board Act
14 is amended by changing Section 10 as follows:

15 (20 ILCS 3956/10)

16 Sec. 10. Human Services 211 Collaboration Board.

17 (a) The Human Services 211 Collaboration Board is
18 established to implement a non-emergency telephone number that
19 will provide human services information concerning the
20 availability of governmental and non-profit services and
21 provide referrals to human services agencies, which may include
22 referral to an appropriate web site. The Board shall consist of
23 9 members appointed by the Governor. The Governor shall appoint
24 one representative of each of the following Offices and

1 Departments as a member of the Board: the Office of the
2 Governor, the Department of Human Services, the Department of
3 Healthcare and Family Services ~~Public Aid~~, the Department of
4 Public Health, the Department of Children and Family Services,
5 the Department on Aging, the Department of Employment Security,
6 the Department of Human Rights, and the Illinois Commerce
7 Commission. The Governor shall designate one of the members as
8 Chairperson. Members of the Board shall serve 3-year terms and
9 may be reappointed to serve additional terms.

10 (b) The Board shall establish standards consistent with the
11 standards established by the National 211 Collaborative and the
12 Alliance of Information and Referral Systems for providing
13 information about and referrals to human services agencies to
14 211 callers. The standards shall prescribe the technology or
15 manner of delivering 211 calls and shall not exceed any
16 requirements for 211 systems set by the Federal Communications
17 Commission. The standards shall be consistent with the
18 Americans with Disabilities Act, ensuring accessibility for
19 users of Teletypewriters for the Deaf (TTY).

20 (Source: P.A. 93-613, eff. 11-18-03; 94-427, eff. 1-1-06;
21 revised 12-15-05.)

22 Section 275. The Illinois Health Facilities Planning Act is
23 amended by changing Sections 3, 4, and 4.1 as follows:

24 (20 ILCS 3960/3) (from Ch. 111 1/2, par. 1153)

1 (Section scheduled to be repealed on April 1, 2007)

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

3 "Health care facilities" means and includes the following
4 facilities and organizations:

5 1. An ambulatory surgical treatment center required to
6 be licensed pursuant to the Ambulatory Surgical Treatment
7 Center Act;

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

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

12 ~~3. Skilled and intermediate long term care facilities~~
13 ~~licensed under the Nursing Home Care Act;~~

14 4. Hospitals, nursing homes, ambulatory surgical
15 treatment centers, or kidney disease treatment centers
16 maintained by the State or any department or agency
17 thereof;

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

21 6. An institution, place, building, or room used for
22 the performance of outpatient surgical procedures that is
23 leased, owned, or operated by or on behalf of an
24 out-of-state facility.

25 No federally owned facility shall be subject to the
26 provisions of this Act, nor facilities used solely for healing

1 by prayer or spiritual means.

2 No facility licensed under the Supportive Residences
3 Licensing Act or the Assisted Living and Shared Housing Act
4 shall be subject to the provisions of this Act.

5 A facility designated as a supportive living facility that
6 is in good standing with the program established under Section
7 5-5.01a of the Illinois Public Aid Code shall not be subject to
8 the provisions of this Act.

9 This Act does not apply to facilities granted waivers under
10 Section 3-102.2 of the Nursing Home Care Act. However, if a
11 demonstration project under that Act applies for a certificate
12 of need to convert to a nursing facility, it shall meet the
13 licensure and certificate of need requirements in effect as of
14 the date of application.

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

1 This Act shall not apply to the closure of an entity or a
2 portion of an entity licensed under the Nursing Home Care Act
3 that elects to convert, in whole or in part, to an assisted
4 living or shared housing establishment licensed under the
5 Assisted Living and Shared Housing Act.

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

26 "Person" means any one or more natural persons, legal

1 entities, governmental bodies other than federal, or any
2 combination thereof.

3 "Consumer" means any person other than a person (a) whose
4 major occupation currently involves or whose official capacity
5 within the last 12 months has involved the providing,
6 administering or financing of any type of health care facility,
7 (b) who is engaged in health research or the teaching of
8 health, (c) who has a material financial interest in any
9 activity which involves the providing, administering or
10 financing of any type of health care facility, or (d) who is or
11 ever has been a member of the immediate family of the person
12 defined by (a), (b), or (c).

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

14 "Construction or modification" means the establishment,
15 erection, building, alteration, reconstruction, modernization,
16 improvement, extension, discontinuation, change of ownership,
17 of or by a health care facility, or the purchase or acquisition
18 by or through a health care facility of equipment or service
19 for diagnostic or therapeutic purposes or for facility
20 administration or operation, or any capital expenditure made by
21 or on behalf of a health care facility which exceeds the
22 capital expenditure minimum; however, any capital expenditure
23 made by or on behalf of a health care facility for (i) the
24 construction or modification of a facility licensed under the
25 Assisted Living and Shared Housing Act or (ii) a conversion
26 project undertaken in accordance with Section 30 of the Older

1 Adult Services Act shall be excluded from any obligations under
2 this Act.

3 "Establish" means the construction of a health care
4 facility or the replacement of an existing facility on another
5 site.

6 "Major medical equipment" means medical equipment which is
7 used for the provision of medical and other health services and
8 which costs in excess of the capital expenditure minimum,
9 except that such term does not include medical equipment
10 acquired by or on behalf of a clinical laboratory to provide
11 clinical laboratory services if the clinical laboratory is
12 independent of a physician's office and a hospital and it has
13 been determined under Title XVIII of the Social Security Act to
14 meet the requirements of paragraphs (10) and (11) of Section
15 1861(s) of such Act. In determining whether medical equipment
16 has a value in excess of the capital expenditure minimum, the
17 value of studies, surveys, designs, plans, working drawings,
18 specifications, and other activities essential to the
19 acquisition of such equipment shall be included.

20 "Capital Expenditure" means an expenditure: (A) made by or
21 on behalf of a health care facility (as such a facility is
22 defined in this Act); and (B) which under generally accepted
23 accounting principles is not properly chargeable as an expense
24 of operation and maintenance, or is made to obtain by lease or
25 comparable arrangement any facility or part thereof or any
26 equipment for a facility or part; and which exceeds the capital

1 expenditure minimum.

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

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

26 "Non-clinical service area" means an area (i) for the

1 benefit of the patients, visitors, staff, or employees of a
2 health care facility and (ii) not directly related to the
3 diagnosis, treatment, or rehabilitation of persons receiving
4 services from the health care facility. "Non-clinical service
5 areas" include, but are not limited to, chapels; gift shops;
6 news stands; computer systems; tunnels, walkways, and
7 elevators; telephone systems; projects to comply with life
8 safety codes; educational facilities; student housing;
9 patient, employee, staff, and visitor dining areas;
10 administration and volunteer offices; modernization of
11 structural components (such as roof replacement and masonry
12 work); boiler repair or replacement; vehicle maintenance and
13 storage facilities; parking facilities; mechanical systems for
14 heating, ventilation, and air conditioning; loading docks; and
15 repair or replacement of carpeting, tile, wall coverings,
16 window coverings or treatments, or furniture. Solely for the
17 purpose of this definition, "non-clinical service area" does
18 not include health and fitness centers.

19 "Areawide" means a major area of the State delineated on a
20 geographic, demographic, and functional basis for health
21 planning and for health service and having within it one or
22 more local areas for health planning and health service. The
23 term "region", as contrasted with the term "subregion", and the
24 word "area" may be used synonymously with the term "areawide".

25 "Local" means a subarea of a delineated major area that on
26 a geographic, demographic, and functional basis may be

1 considered to be part of such major area. The term "subregion"
2 may be used synonymously with the term "local".

3 "Areawide health planning organization" or "Comprehensive
4 health planning organization" means the health systems agency
5 designated by the Secretary, Department of Health and Human
6 Services or any successor agency.

7 "Local health planning organization" means those local
8 health planning organizations that are designated as such by
9 the areawide health planning organization of the appropriate
10 area.

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

13 "Licensed health care professional" means a person
14 licensed to practice a health profession under pertinent
15 licensing statutes of the State of Illinois.

16 "Director" means the Director of the Illinois Department of
17 Public Health.

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

19 "Comprehensive health planning" means health planning
20 concerned with the total population and all health and
21 associated problems that affect the well-being of people and
22 that encompasses health services, health manpower, and health
23 facilities; and the coordination among these and with those
24 social, economic, and environmental factors that affect
25 health.

26 "Alternative health care model" means a facility or program

1 authorized under the Alternative Health Care Delivery Act.

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

19 "Change of ownership of a health care facility" means a
20 change in the person who has ownership or control of a health
21 care facility's physical plant and capital assets. A change in
22 ownership is indicated by the following transactions: sale,
23 transfer, acquisition, lease, change of sponsorship, or other
24 means of transferring control.

25 "Related person" means any person that: (i) is at least 50%
26 owned, directly or indirectly, by either the health care

1 facility or a person owning, directly or indirectly, at least
2 50% of the health care facility; or (ii) owns, directly or
3 indirectly, at least 50% of the health care facility.

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

7 (Source: P.A. 93-41, eff. 6-27-03; 93-766, eff. 7-20-04;
8 93-935, eff. 1-1-05; 93-1031, eff. 8-27-04; 94-342, eff.
9 7-26-05; revised 8-21-06.)

10 (20 ILCS 3960/4) (from Ch. 111 1/2, par. 1154)

11 (Section scheduled to be repealed on April 1, 2007)

12 Sec. 4. Health Facilities Planning Board; membership;
13 appointment; term; compensation; quorum. There is created the
14 Health Facilities Planning Board, which shall perform the
15 functions described in this Act.

16 The State Board shall consist of 5 voting members. Each
17 member shall have a reasonable knowledge of health planning,
18 health finance, or health care at the time of his or her
19 appointment. No person shall be appointed or continue to serve
20 as a member of the State Board who is, or whose spouse, parent,
21 or child is, a member of the Board of Directors of, has a
22 financial interest in, or has a business relationship with a
23 health care facility.

24 Notwithstanding any provision of this Section to the
25 contrary, the term of office of each member of the State Board

1 is abolished on the effective date of this amendatory Act of
2 the 93rd General Assembly and those members no longer hold
3 office.

4 The State Board shall be appointed by the Governor, with
5 the advice and consent of the Senate. Not more than 3 of the
6 appointments shall be of the same political party at the time
7 of the appointment. No person shall be appointed as a State
8 Board member if that person has served, after the effective
9 date of Public Act 93-41, 2 3-year terms as a State Board
10 member, except for ex officio non-voting members.

11 The Secretary of Human Services, the Director of Healthcare
12 and Family Services ~~Public Aid~~, and the Director of Public
13 Health, or their designated representatives, shall serve as
14 ex-officio, non-voting members of the State Board.

15 Of those members initially appointed by the Governor under
16 this amendatory Act of the 93rd General Assembly, 2 shall serve
17 for terms expiring July 1, 2005, 2 shall serve for terms
18 expiring July 1, 2006, and 1 shall serve for a term expiring
19 July 1, 2007. Thereafter, each appointed member shall hold
20 office for a term of 3 years, provided that any member
21 appointed to fill a vacancy occurring prior to the expiration
22 of the term for which his or her predecessor was appointed
23 shall be appointed for the remainder of such term and the term
24 of office of each successor shall commence on July 1 of the
25 year in which his predecessor's term expires. Each member
26 appointed after the effective date of this amendatory Act of

1 the 93rd General Assembly shall hold office until his or her
2 successor is appointed and qualified.

3 State Board members, while serving on business of the State
4 Board, shall receive actual and necessary travel and
5 subsistence expenses while so serving away from their places of
6 residence. A member of the State Board who experiences a
7 significant financial hardship due to the loss of income on
8 days of attendance at meetings or while otherwise engaged in
9 the business of the State Board may be paid a hardship
10 allowance, as determined by and subject to the approval of the
11 Governor's Travel Control Board.

12 The Governor shall designate one of the members to serve as
13 Chairman and shall name as full-time Executive Secretary of the
14 State Board, a person qualified in health care facility
15 planning and in administration. The Agency shall provide
16 administrative and staff support for the State Board. The State
17 Board shall advise the Director of its budgetary and staff
18 needs and consult with the Director on annual budget
19 preparation.

20 The State Board shall meet at least once each quarter, or
21 as often as the Chairman of the State Board deems necessary, or
22 upon the request of a majority of the members.

23 Three members of the State Board shall constitute a
24 quorum. The affirmative vote of 3 of the members of the State
25 Board shall be necessary for any action requiring a vote to be
26 taken by the State Board. A vacancy in the membership of the

1 State Board shall not impair the right of a quorum to exercise
2 all the rights and perform all the duties of the State Board as
3 provided by this Act.

4 A State Board member shall disqualify himself or herself
5 from the consideration of any application for a permit or
6 exemption in which the State Board member or the State Board
7 member's spouse, parent, or child: (i) has an economic interest
8 in the matter; or (ii) is employed by, serves as a consultant
9 for, or is a member of the governing board of the applicant or
10 a party opposing the application.

11 (Source: P.A. 93-41, eff. 6-27-03; 93-889, eff. 8-9-04; revised
12 8-21-06.)

13 (20 ILCS 3960/4.1)

14 (Section scheduled to be repealed on April 1, 2007)

15 Sec. 4.1. Ethics laws.

16 (a) All State Board meetings are subject to the Open
17 Meetings Act.

18 (b) The State Board is subject to the State Officials and
19 Employees Ethics Act ~~State Gift Ban Act~~.

20 (Source: P.A. 91-782, eff. 6-9-00; revised 8-21-06.)

21 Section 280. The Illinois Economic Development Board Act is
22 amended by changing Section 3 as follows:

23 (20 ILCS 3965/3) (from Ch. 127, par. 3953)

1 Sec. 3. The board shall be composed of citizens from both
2 the private and public sectors who are actively engaged in
3 organizations and businesses that support economic expansion,
4 industry enhancement and job creation. The board shall be
5 composed of the following persons:

6 (a) the Governor or his or her designee;

7 (b) four members of the General Assembly, one each
8 appointed by the President of the Senate, the Speaker of
9 the House of Representatives, and the minority leaders of
10 the Senate and House of Representatives;

11 (c) 20 members appointed by the Governor including
12 representatives of small business, minority owned
13 companies, women owned companies, manufacturing, economic
14 development professionals, and citizens at large.

15 (d) (blank);

16 (e) (blank);

17 (f) (blank);

18 (g) (blank);

19 (h) (blank);

20 (i) (blank);

21 (j) (blank);

22 (k) (blank);

23 (l) (blank);

24 (m) (blank).

25 The Director of Commerce and Economic Opportunity shall
26 serve as an ex officio member of the board.

1 The Governor shall appoint the members of the board
2 specified in subsection ~~subsections~~ (c) ~~through (m)~~ of this
3 Section, subject to the advice and consent of the Senate,
4 within 30 days after the effective date of this Act. The first
5 meeting of the board shall occur within 60 days after the
6 effective date of this Act.

7 The Governor shall appoint a chairperson and a vice
8 chairperson of the board. Members shall serve 2-year terms. The
9 position of a legislative member shall become vacant if the
10 member ceases to be a member of the General Assembly. A vacancy
11 in a board position shall be filled by the original appointing
12 authority.

13 The board shall include representation from each of the
14 State's geographic areas.

15 The board shall meet quarterly or at the call of the chair
16 and shall create subcommittees as needed to deal with specific
17 issues and concerns. Members shall serve without compensation
18 but may be reimbursed for expenses.

19 (Source: P.A. 94-793, eff. 5-19-06; revised 8-3-06.)

20 Section 285. The Interagency Coordinating Committee on
21 Transportation Act is amended by changing Section 15 as
22 follows:

23 (20 ILCS 3968/15)

24 Sec. 15. Committee. The Illinois Coordinating Committee on

1 Transportation is created and shall consist of the following
2 members:

3 (1) The Governor or his or her designee.

4 (2) The Secretary of Transportation or his or her
5 designee.

6 (3) The Secretary of Human Services or his or her
7 designee.

8 (4) The Director of Aging or his or her designee.

9 (5) The Director of Healthcare and Family Services
10 ~~Public Aid~~ or his or her designee.

11 (6) The Director of Commerce and Economic Opportunity
12 or his or her designee.

13 (7) A representative of the Illinois Rural Transit
14 Assistance Center.

15 (8) A person who is a member of a recognized statewide
16 organization representing older residents of Illinois.

17 (9) A representative of centers for independent
18 living.

19 (10) A representative of the Illinois Public
20 Transportation Association.

21 (11) A representative of an existing transportation
22 system that coordinates and provides transit services in a
23 multi-county area for the Department of Transportation,
24 Department of Human Services, Department of Commerce and
25 Economic Opportunity, or Department on Aging.

26 (12) A representative of a statewide organization of

1 rehabilitation facilities or other providers of services
2 for persons with one or more disabilities.

3 (13) A representative of a community-based
4 organization.

5 (14) A representative of the Department of Public
6 Health.

7 (15) A representative of the Rural Partners.

8 (16) The Director of Employment Security or his or her
9 designee.

10 (17) A representative of a statewide business
11 association.

12 (18) A representative of the Illinois Council on
13 Developmental Disabilities.

14 The Governor shall appoint the members of the Committee
15 other than those named in paragraphs (1) through (6) and
16 paragraph (16) of this Section. The Governor or his or her
17 designee shall serve as chairperson of the Committee and shall
18 convene the meetings of the Committee. The Secretary of
19 Transportation and a representative of a community-based
20 organization involved in transportation or their designees,
21 shall serve as co-vice-chairpersons and shall be responsible
22 for staff support for the committee.

23 (Source: P.A. 93-185, eff. 7-11-03; 94-793, eff. 5-19-06;
24 revised 8-21-06.)

25 Section 290. The Interagency Coordinating Council Act is

1 amended by changing Section 2 as follows:

2 (20 ILCS 3970/2) (from Ch. 127, par. 3832)

3 Sec. 2. Interagency Coordinating Council. There is hereby
4 created an Interagency Coordinating Council which shall be
5 composed of the Directors, or their designees, of the Illinois
6 Department of Children and Family Services, Illinois
7 Department of Commerce and Economic Opportunity, Illinois
8 Department of Corrections, Illinois Department of Employment
9 Security, and Illinois Department of Healthcare and Family
10 Services ~~Public Aid~~; the Secretary of Human Services or his or
11 her designee; the Executive Director, or a designee, of the
12 Illinois Community College Board, the Board of Higher
13 Education, and the Illinois Planning Council on Developmental
14 Disabilities; the State Superintendent of Education, or a
15 designee; and a designee representing the University of
16 Illinois - Division of Specialized Care for Children. The
17 Secretary of Human Services (or the member who is the designee
18 for the Secretary of Human Services) and the State
19 Superintendent of Education (or the member who is the designee
20 for the State Superintendent of Education) shall be co-chairs
21 of the Council. The co-chairs shall be responsible for ensuring
22 that the functions described in Section 3 of this Act are
23 carried out.

24 (Source: P.A. 94-793, eff. 5-19-06; revised 8-21-06.)

1 Section 295. The Illinois Council on Developmental
2 Disabilities Law is amended by changing Section 2004.5 as
3 follows:

4 (20 ILCS 4010/2004.5)

5 Sec. 2004.5. Council membership. The General Assembly
6 intends that the reduction in the membership of the Council
7 shall occur through attrition between the effective date of
8 this amendatory Act of the 91st General Assembly and January 1,
9 2001. In the event that the terms of 10 voting members have not
10 expired by January 1, 2001, members of the Council serving on
11 that date shall continue to serve until their terms expire.

12 (a) The membership of the Council must reasonably represent
13 the diversity of this State. Not less than 60% of the Council's
14 membership must be individuals with developmental
15 disabilities, parents or guardians of children with
16 developmental disabilities, or immediate relatives or
17 guardians of adults with developmental disabilities who cannot
18 advocate for themselves.

19 The Council must also include representatives of State
20 agencies that administer moneys under federal laws that relate
21 to individuals with developmental disabilities; the State
22 University Center for Excellence in Developmental Disabilities
23 Education, Research, and Service; the State protection and
24 advocacy system; and representatives of local and
25 non-governmental agencies and private non-profit groups

1 concerned with services for individuals with developmental
2 disabilities. The members described in this paragraph must have
3 sufficient authority to engage in policy-making, planning, and
4 implementation on behalf of the department, agency, or program
5 that they represent. Those members may not take part in any
6 discussion of grants or contracts for which their departments,
7 agencies, or programs are grantees, contractors, or applicants
8 and must comply with any other relevant conflict of interest
9 provisions in the Council's policies or bylaws.

10 (b) Seventeen voting members, appointed by the Governor,
11 must be persons with developmental disabilities, parents or
12 guardians of persons with developmental disabilities, or
13 immediate relatives or guardians of persons with
14 mentally-impairing developmental disabilities. None of these
15 members may be employees of a State agency that receives funds
16 or provides services under the federal Developmental
17 Disabilities Assistance and Bill of Rights Act of 1996 (42
18 U.S.C. 6000 et seq.), as now or hereafter amended, managing
19 employees of any other entity that receives moneys or provides
20 services under the federal Developmental Disabilities
21 Assistance and Bill of Rights Act of 1996 (42 U.S.C. 6000 et
22 seq.), as now or hereafter amended, or persons with an
23 ownership interest in or a controlling interest in such an
24 entity. Of the members appointed under this subsection (b):

25 (1) at least 6 must be persons with developmental
26 disabilities;

1 (2) at least 6 must be parents, immediate relatives, or
2 guardians of children and adults with developmental
3 disabilities, including individuals with
4 mentally-impairing developmental disabilities who cannot
5 advocate for themselves; and

6 (3) 5 members must be a combination of persons
7 described in paragraphs (1) and (2); at least one of whom
8 must be (i) an immediate relative or guardian of an
9 individual with a developmental disability who resides or
10 who previously resided in an institution or (ii) an
11 individual with a developmental disability who resides or
12 who previously resided in an institution.

13 (c) Two voting members, appointed by the Governor, must be
14 representatives of local and non-governmental agencies and
15 private non-profit groups concerned with services for
16 individuals with developmental disabilities.

17 (d) Nine voting members shall be the Director of Healthcare
18 and Family Services ~~Public Aid~~, or his or her designee; the
19 Director of Aging, or his or her designee; the Director of
20 Children and Family Services, or his or her designee; a
21 representative of the State Board of Education; a
22 representative of the State protection and advocacy system; a
23 representative of the State University Center for Excellence in
24 Developmental Disabilities Education, Research, and Service;
25 representatives of the Office of Developmental Disabilities
26 and the Office of Community Health and Prevention of the

1 Department of Human Services (as the State's lead agency for
2 Title V of the Social Security Act, 42 U.S.C. 701 et seq.)
3 designated by the Secretary of Human Services; and a
4 representative of the State entity that administers federal
5 moneys under the federal Rehabilitation Act.

6 (e) The Director of the Governor's Office of Management and
7 Budget, or his or her designee, shall be a non-voting member of
8 the Council.

9 (f) The Governor must provide for the timely rotation of
10 members.

11 Appointments to the Council shall be for terms of 3 years.
12 Appointments to fill vacancies occurring before the expiration
13 of a term shall be for the remainder of the term. Members shall
14 serve until their successors are appointed.

15 The Council, at the discretion of the Governor, may
16 coordinate and provide recommendations for new members to the
17 Governor based upon their review of the Council's composition
18 and on input received from other organizations and individuals
19 representing persons with developmental disabilities,
20 including the non-State agency members of the Council. The
21 Council must, at least once each year, advise the Governor on
22 the Council's membership requirements and vacancies, including
23 rotation requirements.

24 No member may serve for more than 2 successive terms.

25 (g) Members may not receive compensation for their
26 services, but shall be reimbursed for their reasonable expenses

1 plus up to \$50 per day for any loss of wages incurred in the
2 performance of their duties.

3 (h) The total membership of the Council consists of the
4 number of voting members, as defined in this Section, excluding
5 any vacant positions. A quorum is a simple majority of the
6 total membership and is sufficient to constitute the
7 transaction of the business of the Council unless otherwise
8 stipulated in the bylaws of the Council.

9 (i) The Council must meet at least quarterly.

10 (Source: P.A. 94-793, eff. 5-19-06; revised 8-21-06.)

11 Section 300. The Social Security Number Protection Task
12 Force Act is amended by changing Section 10 as follows:

13 (20 ILCS 4040/10)

14 Sec. 10. Social Security Number Protection Task Force.

15 (a) The Social Security Number Protection Task Force is
16 created. The Task Force shall consist of the following members:

17 (1) One member representing the House of
18 Representatives, appointed by the Speaker of the House of
19 Representatives;

20 (2) One member representing the House of
21 Representatives, appointed by the Minority Leader of the
22 House of Representatives;

23 (3) One member representing the Senate, appointed by
24 the President of the Senate;

1 (4) One member representing the Senate, appointed by
2 the Minority Leader of the Senate;

3 (5) One member representing the Office of the Attorney
4 General, appointed by the Attorney General;

5 (6) One member representing the Office of the Secretary
6 of State, appointed by the Secretary of State;

7 (7) One member representing the Office of the Governor,
8 appointed by the Governor;

9 (8) One member representing the Department of Natural
10 Resources, appointed by the Director of Natural Resources;

11 (9) One member representing the Department of
12 Healthcare and Family Services ~~Public Aid~~, appointed by the
13 Director of Healthcare and Family Services ~~Public Aid~~;

14 (10) One member representing the Department of
15 Revenue, appointed by the Director of Revenue;

16 (11) One member representing the Department of State
17 Police, appointed by the Director of State Police;

18 (12) One member representing the Department of
19 Employment Security, appointed by the Director of
20 Employment Security;

21 (13) One member representing the Illinois Courts,
22 appointed by the Director of the Administrative Office of
23 Illinois Courts; and

24 (14) One member representing the Department on Aging,
25 appointed by the Director of the Department on Aging.

26 (b) The Task Force shall examine the procedures used by the

1 State to protect an individual against the unauthorized
2 disclosure of his or her social security number when the State
3 requires the individual to provide his or her social security
4 number to an officer or agency of the State.

5 (c) The Task Force shall report its findings and
6 recommendations to the Governor, the Attorney General, the
7 Secretary of State, and the General Assembly no later than
8 March 1, 2006.

9 (Source: P.A. 93-813, eff. 7-27-04; 94-611, eff. 8-18-05;
10 revised 12-15-05.)

11 Section 305. The Health Care Justice Act is amended by
12 changing Section 20 as follows:

13 (20 ILCS 4045/20)

14 Sec. 20. Adequate Health Care Task Force. There is created
15 an Adequate Health Care Task Force. The Task Force shall
16 consist of 29 voting members appointed as follows: 5 shall be
17 appointed by the Governor; 6 shall be appointed by the
18 President of the Senate, 6 shall be appointed by the Minority
19 Leader of the Senate, 6 shall be appointed by the Speaker of
20 the House of Representatives, and 6 shall be appointed by the
21 Minority Leader of the House of Representatives. The Task Force
22 shall have a chairman and a vice-chairman who shall be elected
23 by the voting members at the first meeting of the Task Force.
24 The Director of Public Health or his or her designee, the

1 Director of Aging or his or her designee, the Director of
2 Healthcare and Family Services ~~Public Aid~~ or his or her
3 designee, the Director of Insurance or his or her designee, and
4 the Secretary of Human Services or his or her designee shall
5 represent their respective departments and shall be invited to
6 attend Task Force meetings, but shall not be members of the
7 Task Force. The members of the Task Force shall be appointed
8 within 30 days after the effective date of this Act. The
9 departments of State government represented on the Task Force
10 shall work cooperatively to provide administrative support for
11 the Task Force; the Department of Public Health shall be the
12 primary agency in providing that administrative support.

13 (Source: P.A. 93-973, eff. 8-20-04; revised 12-15-05.)

14 Section 310. The Illinois State Auditing Act is amended by
15 changing Section 3-1 as follows:

16 (30 ILCS 5/3-1) (from Ch. 15, par. 303-1)

17 Sec. 3-1. Jurisdiction of Auditor General. The Auditor
18 General has jurisdiction over all State agencies to make post
19 audits and investigations authorized by or under this Act or
20 the Constitution.

21 The Auditor General has jurisdiction over local government
22 agencies and private agencies only:

23 (a) to make such post audits authorized by or under
24 this Act as are necessary and incidental to a post audit of

1 a State agency or of a program administered by a State
2 agency involving public funds of the State, but this
3 jurisdiction does not include any authority to review local
4 governmental agencies in the obligation, receipt,
5 expenditure or use of public funds of the State that are
6 granted without limitation or condition imposed by law,
7 other than the general limitation that such funds be used
8 for public purposes;

9 (b) to make investigations authorized by or under this
10 Act or the Constitution; and

11 (c) to make audits of the records of local government
12 agencies to verify actual costs of state-mandated programs
13 when directed to do so by the Legislative Audit Commission
14 at the request of the State Board of Appeals under the
15 State Mandates Act.

16 In addition to the foregoing, the Auditor General may
17 conduct an audit of the Metropolitan Pier and Exposition
18 Authority, the Regional Transportation Authority, the Suburban
19 Bus Division, the Commuter Rail Division and the Chicago
20 Transit Authority and any other subsidized carrier when
21 authorized by the Legislative Audit Commission. Such audit may
22 be a financial, management or program audit, or any combination
23 thereof.

24 The audit shall determine whether they are operating in
25 accordance with all applicable laws and regulations. Subject to
26 the limitations of this Act, the Legislative Audit Commission

1 may by resolution specify additional determinations to be
2 included in the scope of the audit.

3 In addition to the foregoing, the Auditor General must also
4 conduct a financial audit of the Illinois Sports Facilities
5 Authority's expenditures of public funds in connection with the
6 reconstruction, renovation, remodeling, extension, or
7 improvement of all or substantially all of any existing
8 "facility", as that term is defined in the Illinois Sports
9 Facilities Authority Act.

10 The Auditor General may also conduct an audit, when
11 authorized by the Legislative Audit Commission, of any hospital
12 which receives 10% or more of its gross revenues from payments
13 from the State of Illinois, Department of Healthcare and Family
14 Services (formerly Department of Public Aid), Medical
15 Assistance Program.

16 The Auditor General is authorized to conduct financial and
17 compliance audits of the Illinois Distance Learning Foundation
18 and the Illinois Conservation Foundation.

19 As soon as practical after the effective date of this
20 amendatory Act of 1995, the Auditor General shall conduct a
21 compliance and management audit of the City of Chicago and any
22 other entity with regard to the operation of Chicago O'Hare
23 International Airport, Chicago Midway Airport and Merrill C.
24 Meigs Field. The audit shall include, but not be limited to, an
25 examination of revenues, expenses, and transfers of funds;
26 purchasing and contracting policies and practices; staffing

1 levels; and hiring practices and procedures. When completed,
2 the audit required by this paragraph shall be distributed in
3 accordance with Section 3-14.

4 The Auditor General shall conduct a financial and
5 compliance and program audit of distributions from the
6 Municipal Economic Development Fund during the immediately
7 preceding calendar year pursuant to Section 8-403.1 of the
8 Public Utilities Act at no cost to the city, village, or
9 incorporated town that received the distributions.

10 The Auditor General must conduct an audit of the Health
11 Facilities Planning Board pursuant to Section 19.5 of the
12 Illinois Health Facilities Planning Act.

13 The Auditor General of the State of Illinois shall annually
14 conduct or cause to be conducted a financial and compliance
15 audit of the books and records of any county water commission
16 organized pursuant to the Water Commission Act of 1985 and
17 shall file a copy of the report of that audit with the Governor
18 and the Legislative Audit Commission. The filed audit shall be
19 open to the public for inspection. The cost of the audit shall
20 be charged to the county water commission in accordance with
21 Section 6z-27 of the State Finance Act. The county water
22 commission shall make available to the Auditor General its
23 books and records and any other documentation, whether in the
24 possession of its trustees or other parties, necessary to
25 conduct the audit required. These audit requirements apply only
26 through July 1, 2007.

1 The Auditor General must conduct audits of the Rend Lake
2 Conservancy District as provided in Section 25.5 of the River
3 Conservancy Districts Act.

4 The Auditor General must conduct financial audits of the
5 Southeastern Illinois Economic Development Authority as
6 provided in Section 70 of the Southeastern Illinois Economic
7 Development Authority Act.

8 (Source: P.A. 93-226, eff. 7-22-03; 93-259, eff. 7-22-03;
9 93-275, eff. 7-22-03; 93-968, eff. 8-20-04; revised 12-15-05.)

10 Section 315. The State Finance Act is amended by setting
11 forth, renumbering, and changing multiple versions of Sections
12 5.545, 5.552, 5.567, 5.570, 5.571, 5.595, 5.596, 5.620, 5.625,
13 5.640, 5.663, and 8h and by changing Sections 6b, 6z-24, 6z-30,
14 6z-43, 6z-52, 6z-53, 6z-56, 6z-58, 8.42, 8.44, 8g, and 25 as
15 follows:

16 (30 ILCS 105/5.545)

17 Sec. 5.545. The Digital Divide Elimination Fund.

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

19 (30 ILCS 105/5.552)

20 Sec. 5.552. The ICCB Adult Education Fund.

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

22 (30 ILCS 105/5.567)

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

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

3 (30 ILCS 105/5.570)

4 Sec. 5.570. The Illinois Student Assistance Commission
5 Contracts and Grants Fund.

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

7 (30 ILCS 105/5.571)

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

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

10 (30 ILCS 105/5.572)

11 Sec. 5.572 ~~5.570~~. The Presidential Library and Museum
12 Operating Fund.

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

14 (30 ILCS 105/5.573)

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

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

17 (30 ILCS 105/5.574)

18 Sec. 5.574 ~~5.570~~. The Transportation Safety Highway
19 Hire-back Fund.

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

1 (30 ILCS 105/5.575)

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

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

4 (30 ILCS 105/5.576)

5 Sec. 5.576 ~~5.570~~. (Repealed).

6 (Source: P.A. 92-691, eff. 7-18-02. Repealed by P.A. 94-91,
7 eff. 7-1-05; revised 8-15-05.)

8 (30 ILCS 105/5.577)

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

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

11 (30 ILCS 105/5.578)

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

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

14 (30 ILCS 105/5.579)

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

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

17 (30 ILCS 105/5.580)

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

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

20 (30 ILCS 105/5.581)

1 Sec. 5.581 ~~5.570~~. The Professional Sports Teams Education
2 Fund.

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

4 (30 ILCS 105/5.582)

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

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

7 (30 ILCS 105/5.583)

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

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

10 (30 ILCS 105/5.584)

11 Sec. 5.584 ~~5.570~~. The Illinois Route 66 Heritage Project
12 Fund.

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

14 (30 ILCS 105/5.585)

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

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

17 (30 ILCS 105/5.586)

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

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

20 (30 ILCS 105/5.587)

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

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

3 (30 ILCS 105/5.588)

4 Sec. 5.588 ~~5.570~~. The Multiple Sclerosis Assistance Fund.

5 (Source: P.A. 92-772, eff. 8-6-02; revised 8-27-02.)

6 (30 ILCS 105/5.589)

7 Sec. 5.589 ~~5.570~~. The Innovations in Long-term Care Quality
8 Demonstration Grants Fund.

9 (Source: P.A. 92-784, eff. 8-6-02; revised 8-27-02.)

10 (30 ILCS 105/5.590)

11 Sec. 5.590 ~~5.570~~. The End Stage Renal Disease Facility
12 Licensing Fund.

13 (Source: P.A. 92-794, eff. 7-1-03; revised 9-27-03.)

14 (30 ILCS 105/5.591)

15 Sec. 5.591 ~~5.570~~. The Restricted Call Registry Fund.

16 (Source: P.A. 92-795, eff. 8-9-02; revised 8-27-02.)

17 (30 ILCS 105/5.592)

18 Sec. 5.592 ~~5.570~~. The Illinois Military Family Relief Fund.

19 (Source: P.A. 92-886, eff. 2-7-03; revised 2-17-03.)

20 (30 ILCS 105/5.593)

1 Sec. 5.593 ~~5.595~~. The Illinois Medical District at
2 Springfield Income Fund.

3 (Source: P.A. 92-870, eff. 1-3-03; revised 4-14-03.)

4 (30 ILCS 105/5.594)

5 Sec. 5.594 ~~5.595~~. The Pension Contribution Fund.

6 (Source: P.A. 93-2, eff. 4-7-03; revised 4-14-03.)

7 (30 ILCS 105/5.595)

8 Sec. 5.595. The Illinois Prescription Drug Discount
9 Program Fund.

10 (Source: P.A. 93-18, eff. 7-1-03; 94-86, eff. 1-1-06; 94-91,
11 eff. 7-1-05.)

12 (30 ILCS 105/5.596)

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

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

15 (30 ILCS 105/5.597)

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

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

18 (30 ILCS 105/5.598)

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

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

1 (30 ILCS 105/5.599)

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

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

5 (30 ILCS 105/5.600)

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

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

8 (30 ILCS 105/5.601)

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

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

11 (30 ILCS 105/5.602)

12 Sec. 5.602 ~~5.595~~. The World War II Illinois Veterans
13 Memorial Fund.

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

15 (30 ILCS 105/5.603)

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

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

18 (30 ILCS 105/5.604)

19 Sec. 5.604 ~~5.595~~. The Community Senior Services and
20 Resources Fund.

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

1 (30 ILCS 105/5.605)

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

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

4 (30 ILCS 105/5.606)

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

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

8 (30 ILCS 105/5.607)

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

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

11 (30 ILCS 105/5.608)

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

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

14 (30 ILCS 105/5.609)

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

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

17 (30 ILCS 105/5.610)

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

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

1 (30 ILCS 105/5.611)

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

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

4 (30 ILCS 105/5.612)

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

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

7 (30 ILCS 105/5.613)

8 Sec. 5.613 ~~5.595~~. The Secretary of State Police DUI Fund.

9 (Source: P.A. 93-584, eff. 8-22-03; revised 10-9-03.)

10 (30 ILCS 105/5.614)

11 Sec. 5.614 ~~5.595~~. The I-FLY Fund.

12 (Source: P.A. 93-585, eff. 8-22-03; revised 10-9-03.)

13 (30 ILCS 105/5.615)

14 Sec. 5.615 ~~5.596~~. The Efficiency Initiatives Revolving
15 Fund.

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

17 (30 ILCS 105/5.616)

18 Sec. 5.616 ~~5.596~~. ICCB Federal Trust Fund.

19 (Source: P.A. 93-153, eff. 7-10-03; revised 10-9-03.)

20 (30 ILCS 105/5.617)

1 Sec. 5.617. ~~5.595.~~ The Illinois Law Enforcement Training
2 Standards Board Costs and Attorney Fees Fund.

3 (Source: P.A. 93-605, eff. 11-19-03; revised 1-10-04.)

4 (30 ILCS 105/5.618)

5 Sec. 5.618 ~~5.595.~~ The Tax Recovery Fund.

6 (Source: P.A. 93-658, eff. 1-22-04; revised 1-22-04.)

7 (30 ILCS 105/5.619)

8 Sec. 5.619 ~~5.620.~~ The Capitol Restoration Trust Fund.

9 (Source: P.A. 93-632, eff. 2-1-04; revised 2-3-04.)

10 (30 ILCS 105/5.620)

11 Sec. 5.620. The Health Care Services Trust Fund.

12 (Source: P.A. 93-659, eff. 2-3-04.)

13 (30 ILCS 105/5.622)

14 Sec. 5.622 ~~5.625.~~ The Medicaid Provider Relief Fund.

15 (Source: P.A. 93-674, eff. 6-10-04; revised 11-8-04.)

16 (30 ILCS 105/5.623)

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

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

19 (30 ILCS 105/5.624)

20 Sec. 5.624 ~~5.625.~~ The Illinois Laboratory Advisory

1 Committee Act Fund.

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

3 (30 ILCS 105/5.625)

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

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

6 (30 ILCS 105/5.628)

7 Sec. 5.628 ~~5.625~~. The Downtown Development and Improvement
8 Fund.

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

10 (30 ILCS 105/5.629)

11 Sec. 5.629 ~~5.625~~. The Accessible Electronic Information
12 Service Fund.

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

14 (30 ILCS 105/5.630)

15 Sec. 5.630 ~~5.625~~. The Reviewing Court Alternative Dispute
16 Resolution Fund.

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

18 (30 ILCS 105/5.631)

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

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

1 (30 ILCS 105/5.632)

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

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

4 (30 ILCS 105/5.633)

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

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

7 (30 ILCS 105/5.634)

8 Sec. 5.634 ~~5.625~~. The Fire Sprinkler Dormitory Revolving
9 Loan Fund.

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

11 (30 ILCS 105/5.635)

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

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

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

17 (30 ILCS 105/5.636)

18 Sec. 5.636 ~~5.625~~. The Physical Fitness Facility Medical
19 Emergency Preparedness Fund.

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

21 (30 ILCS 105/5.637)

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

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

3 (30 ILCS 105/5.638)

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

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

6 (30 ILCS 105/5.639)

7 Sec. 5.639 ~~5.625~~. The Vince Demuzio Memorial Colon Cancer
8 Fund.

9 (Source: P.A. 94-142, eff. 1-1-06; revised 8-22-05.)

10 (30 ILCS 105/5.640)

11 Sec. 5.640. The Heartsaver AED Fund.

12 (Source: P.A. 93-1085, eff. 2-14-05.)

13 (30 ILCS 105/5.641)

14 Sec. 5.641 ~~5.640~~. The Fund for Child Care for Deployed
15 Military Personnel.

16 (Source: P.A. 94-35, eff. 6-15-05; revised 9-26-05.)

17 (30 ILCS 105/5.642)

18 Sec. 5.642 ~~5.640~~. The State Board of Education Special
19 Purpose Trust Fund.

20 (Source: P.A. 94-69, eff. 7-1-05; revised 9-26-05.)

1 (30 ILCS 105/5.643)

2 Sec. 5.643 ~~5.640~~. The Epilepsy Treatment and Education
3 Grants-in-Aid Fund.

4 (Source: P.A. 94-73, eff. 6-23-05; revised 9-26-05.)

5 (30 ILCS 105/5.644)

6 Sec. 5.644 ~~5.640~~. The Diabetes Research Checkoff Fund.

7 (Source: P.A. 94-107, eff. 7-1-05; revised 9-26-05.)

8 (30 ILCS 105/5.645)

9 Sec. 5.645 ~~5.640~~. The Rental Housing Support Program Fund.

10 (Source: P.A. 94-118, eff. 7-5-05; revised 9-26-05.)

11 (30 ILCS 105/5.646)

12 Sec. 5.646 ~~5.640~~. The Ticket For The Cure Fund.

13 (Source: P.A. 94-120, eff. 7-6-05; revised 9-26-05.)

14 (30 ILCS 105/5.647)

15 Sec. 5.647 ~~5.640~~. The Sarcoidosis Research Fund.

16 (Source: P.A. 94-141, eff. 1-1-06; revised 9-26-05.)

17 (30 ILCS 105/5.648)

18 Sec. 5.648 ~~5.640~~. The Illinois AgrAbility Fund.

19 (Source: P.A. 94-216, eff. 7-14-05; revised 9-26-05.)

20 (30 ILCS 105/5.649)

1 Sec. 5.649 ~~5.640~~. The Computer Investment Program Fund.

2 (Source: P.A. 94-262, eff. 1-1-06; revised 9-26-05.)

3 (30 ILCS 105/5.651)

4 Sec. 5.651 ~~5.640~~. The Traffic Control Signal Preemption
5 Devices for Ambulances Fund.

6 (Source: P.A. 94-373, eff. 1-1-06; revised 9-26-05.)

7 (30 ILCS 105/5.652)

8 Sec. 5.652 ~~5.640~~. The ICCB Instructional Development and
9 Enhancement Applications Revolving Fund.

10 (Source: P.A. 94-436, eff. 8-2-05; revised 9-26-05.)

11 (30 ILCS 105/5.653)

12 Sec. 5.653 ~~5.640~~. The Autism Research Checkoff Fund.

13 (Source: P.A. 94-442, eff. 8-4-05; revised 9-26-05.)

14 (30 ILCS 105/5.654)

15 (Section scheduled to be repealed on December 31, 2010)

16 Sec. 5.654 ~~5.640~~. The Parental Participation Pilot Project
17 Fund. This Section is repealed on December 31, 2010.

18 (Source: P.A. 94-507, eff. 8-8-05; revised 9-26-05.)

19 (30 ILCS 105/5.655)

20 Sec. 5.655 ~~5.640~~. The Intercity Passenger Rail Fund.

21 (Source: P.A. 94-535, eff. 8-10-05; revised 9-26-05.)

1 (30 ILCS 105/5.656)

2 Sec. 5.656 ~~5.640~~. The Methamphetamine Law Enforcement
3 Fund.

4 (Source: P.A. 94-550, eff. 1-1-06; revised 9-26-05.)

5 (30 ILCS 105/5.657)

6 Sec. 5.657 ~~5.640~~. The Illinois Veterans Assistance Fund.

7 (Source: P.A. 94-585, eff. 8-15-05; revised 9-26-05.)

8 (30 ILCS 105/5.658)

9 Sec. 5.658 ~~5.640~~. The Blindness Prevention Fund.

10 (Source: P.A. 94-602, eff. 8-16-05; revised 9-26-05.)

11 (30 ILCS 105/5.659)

12 Sec. 5.659 ~~5.640~~. The Hospital Basic Services Preservation
13 Fund.

14 (Source: P.A. 94-648, eff. 1-1-06; revised 9-26-05.)

15 (30 ILCS 105/5.660)

16 Sec. 5.660 ~~5.640~~. The Illinois Brain Tumor Research Fund.

17 (Source: P.A. 94-649, eff. 8-22-05; revised 9-26-05.)

18 (30 ILCS 105/5.661)

19 Sec. 5.661 ~~5.640~~. The Sorry Works! Fund.

20 (Source: P.A. 94-677, eff. 8-25-05; revised 9-26-05.)

1 (30 ILCS 105/5.662)

2 Sec. 5.662 ~~5.640~~. The Demutualization Trust Fund.

3 (Source: P.A. 94-686, eff. 11-2-05; revised 11-15-05.)

4 (30 ILCS 105/5.663)

5 Sec. 5.663. The Pension Stabilization Fund.

6 (Source: P.A. 94-839, eff. 6-6-06.)

7 (30 ILCS 105/5.665)

8 (This Section may contain text from a Public Act with a
9 delayed effective date)

10 Sec. 5.665 ~~5.663~~. The Cigarette Fire Safety Standard Act
11 Fund.

12 (Source: P.A. 94-775, eff. 1-1-08; revised 8-29-06.)

13 (30 ILCS 105/5.666)

14 (Section scheduled to be repealed on July 1, 2016)

15 Sec. 5.666 ~~5.663~~. The African-American HIV/AIDS Response
16 Fund. This Section is repealed on July 1, 2016.

17 (Source: P.A. 94-797, eff. 1-1-07; revised 8-29-06.)

18 (30 ILCS 105/5.667)

19 Sec. 5.667 ~~5.663~~. The Ambulance Revolving Loan Fund.

20 (Source: P.A. 94-829, eff. 6-5-06; revised 8-29-06.)

1 (30 ILCS 105/5.668)

2 Sec. 5.668 ~~5.663~~. The Financial Literacy Fund.

3 (Source: P.A. 94-929, eff. 6-26-06; revised 8-29-06.)

4 (30 ILCS 105/5.669)

5 Sec. 5.669 ~~5.663~~. The Child Murderer and Violent Offender
6 Against Youth Registration Fund.

7 (Source: P.A. 94-945, eff. 6-27-06; revised 8-29-06.)

8 (30 ILCS 105/5.670)

9 Sec. 5.670 ~~5.663~~. Law Enforcement Camera Grant Fund.

10 (Source: P.A. 94-987, eff. 6-30-06; revised 8-29-06.)

11 (30 ILCS 105/5.671)

12 Sec. 5.671 ~~5.663~~. The Prisoner Review Board Vehicle and
13 Equipment Fund.

14 (Source: P.A. 94-1009, eff. 1-1-07; revised 8-29-06.)

15 (30 ILCS 105/5.672)

16 Sec. 5.672 ~~5.663~~. The Mid-America Medical District Income
17 Fund.

18 (Source: P.A. 94-1036, eff. 1-1-07; revised 8-29-06.)

19 (30 ILCS 105/5.673)

20 (This Section may contain text from a Public Act with a
21 delayed effective date)

1 Sec. 5.673 ~~5.663~~. The Tattoo and Body Piercing
2 Establishment Registration Fund.

3 (Source: P.A. 94-1040, eff. 7-1-07; revised 8-29-06.)

4 (30 ILCS 105/5.674)

5 Sec. 5.674 ~~5.663~~. The Gaining Early Awareness and Readiness
6 for Undergraduate Programs Fund.

7 (Source: P.A. 94-1043, eff. 7-24-06; revised 8-29-06.)

8 (30 ILCS 105/6b) (from Ch. 127, par. 142b)

9 Sec. 6b. The gross or total proceeds, receipts and income
10 of all the several State institutions, clinics, rehabilitation
11 centers and services, except the Illinois Veterans Home at
12 Quincy, derived from the Veterans' Administration for the care
13 and treatment of veterans of World War I or World War II or
14 those who served during the national emergency between June 25,
15 1950 and January 31, 1955, who are patients or residents in the
16 State institutions, clinics, rehabilitation centers and
17 services, shall be covered into the State treasury into the
18 Mental Health Fund. Of the money in the United States Veterans'
19 Bureau Fund on the effective date of this amendatory Act of
20 1977, \$199,800 shall be transferred to the Quincy Veterans'
21 Home Fund and the balance shall be transferred to the Mental
22 Health Fund.

23 The gross receipts of the Department of Human Services
24 relating to mental health and developmental disabilities that

1 are obtained for services, commodities, equipment and
2 personnel provided to other agencies and branches of State
3 government, to units of local government, to the government of
4 other states or to the federal government shall be deposited
5 with the State Treasurer for deposit into the Mental Health
6 Fund.

7 The gross receipts of the Department of Human Services
8 relating to mental health and developmental disabilities that
9 are obtained in connection with the retention, receipt,
10 assignment, license, sale or transfer of interests in, rights
11 to, or income from discoveries, inventions, patents, or
12 copyrightable works to governmental, public or private
13 agencies or persons including units, branches, or agencies of
14 local, State, federal and foreign governments shall be
15 deposited with the State Treasurer for deposit into the Mental
16 Health Fund.

17 Remittances from or on behalf of licensed long-term care
18 facilities through Department of Healthcare and Family
19 Services (formerly Department of Public Aid) reimbursement and
20 monies from other funds for Day Training Programs for clients
21 with a developmental disability shall be deposited with the
22 State Treasurer and placed in the Mental Health Fund.

23 (Source: P.A. 88-380; 89-507, eff. 7-1-97; revised 12-15-05.)

24 (30 ILCS 105/6z-24) (from Ch. 127, par. 142z-24)

25 Sec. 6z-24. There is created in the State Treasury the

1 Special Education Medicaid Matching Fund. All monies received
2 from the federal government due to expenditures by local
3 education agencies for services authorized under Section 1903
4 of the Social Security Act, as amended, and for the
5 administrative costs related thereto shall be deposited in the
6 Special Education Medicaid Matching Fund. All monies received
7 from the federal government due to expenditures by local
8 education agencies for services authorized under Section 2105
9 of the Social Security Act, as amended, shall be deposited in
10 the Special Education Medicaid Matching Fund.

11 The monies in the Special Education Medicaid Matching Fund
12 shall be held subject to appropriation by the General Assembly
13 to the State Board of Education or the ~~Illinois~~ Department of
14 Healthcare and Family Services ~~Public Aid~~ for distribution to
15 school districts, pursuant to an interagency agreement between
16 the Department of Healthcare and Family Services (formerly
17 Illinois Department of Public Aid) and the State Board of
18 Education or intergovernmental agreements between the
19 Department of Healthcare and Family Services (formerly
20 Illinois Department of Public Aid) and individual local
21 education agencies for eligible claims under Titles XIX and XXI
22 of the Social Security Act.

23 (Source: P.A. 91-24, eff. 7-1-99; 91-266, eff. 7-23-99; 92-10,
24 eff. 6-11-01; revised 12-15-05.)

1 Sec. 6z-30. University of Illinois Hospital Services Fund.

2 (a) The University of Illinois Hospital Services Fund is
3 created as a special fund in the State Treasury. The following
4 moneys shall be deposited into the Fund:

5 (1) As soon as possible after the beginning of each
6 fiscal year (starting in fiscal year 1995), and in no event
7 later than July 30, the State Comptroller and the State
8 Treasurer shall automatically transfer \$44,700,000 from
9 the General Revenue Fund to the University of Illinois
10 Hospital Services Fund.

11 (2) All intergovernmental transfer payments to the
12 Department of Healthcare and Family Services (formerly
13 Illinois Department of Public Aid) by the University of
14 Illinois made pursuant to an intergovernmental agreement
15 under subsection (b) or (c) of Section 5A-3 of the Illinois
16 Public Aid Code.

17 (3) All federal matching funds received by the
18 Department of Healthcare and Family Services (formerly
19 Illinois Department of Public Aid) as a result of
20 expenditures made by the ~~Illinois~~ Department that are
21 attributable to moneys that were deposited in the Fund.

22 (b) Moneys in the fund may be used by the Department of
23 Healthcare and Family Services (formerly Illinois Department
24 of Public Aid), subject to appropriation, to reimburse the
25 University of Illinois Hospital for hospital and pharmacy
26 services. The fund may also be used to make monthly transfers

1 to the General Revenue Fund as provided in subsection (c).

2 (c) The State Comptroller and State Treasurer shall
3 automatically transfer on the last day of each month except
4 June, beginning August 31, 1994, from the University of
5 Illinois Hospital Services Fund to the General Revenue Fund, an
6 amount determined and certified to the State Comptroller by the
7 Director of Healthcare and Family Services (formerly Director
8 of Public Aid), equal to the amount by which the balance in the
9 Fund exceeds the amount necessary to ensure timely payments to
10 the University of Illinois Hospital.

11 On June 30, 1995 and each June 30 thereafter, the State
12 Comptroller and State Treasurer shall automatically transfer
13 the entire balance in the University of Illinois Hospital
14 Services Fund to the General Revenue Fund.

15 (Source: P.A. 93-20, eff. 6-20-03; revised 12-15-05.)

16 (30 ILCS 105/6z-43)

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

18 (a) There is created in the State Treasury a special fund
19 to be known as the Tobacco Settlement Recovery Fund, into which
20 shall be deposited all monies paid to the State pursuant to (1)
21 the Master Settlement Agreement entered in the case of People
22 of the State of Illinois v. Philip Morris, et al. (Circuit
23 Court of Cook County, No. 96-L13146) and (2) any settlement
24 with or judgment against any tobacco product manufacturer other
25 than one participating in the Master Settlement Agreement in

1 satisfaction of any released claim as defined in the Master
2 Settlement Agreement, as well as any other monies as provided
3 by law. All earnings on Fund investments shall be deposited
4 into the Fund. Upon the creation of the Fund, the State
5 Comptroller shall order the State Treasurer to transfer into
6 the Fund any monies paid to the State as described in item (1)
7 or (2) of this Section before the creation of the Fund plus any
8 interest earned on the investment of those monies. The
9 Treasurer may invest the moneys in the Fund in the same manner,
10 in the same types of investments, and subject to the same
11 limitations provided in the Illinois Pension Code for the
12 investment of pension funds other than those established under
13 Article 3 or 4 of the Code.

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

25 (c) In addition to any other deposits authorized by law,
26 after any delivery of any bonds as authorized by Section 7.5 of

1 the General Obligation Bond Act for deposits to the General
2 Revenue Fund and the Budget Stabilization Fund (referred to as
3 "tobacco securitization general obligation bonds"), the
4 Governor shall certify, on or before June 30, 2003 and June 30
5 of each year thereafter, to the State Comptroller and State
6 Treasurer the total amount of principal of, interest on, and
7 premium, if any, due on those bonds in the next fiscal year
8 beginning with amounts due in fiscal year 2004. As soon as
9 practical after the annual payment of tobacco settlement moneys
10 to the Tobacco Settlement Recovery Fund as described in item
11 (1) of subsection (a), the State Treasurer and State
12 Comptroller shall transfer from the Tobacco Settlement
13 Recovery Fund to the General Obligation Bond Retirement and
14 Interest Fund the amount certified by the Governor, plus any
15 cumulative deficiency in those transfers for prior years.

16 (d) ~~(e)~~ All federal financial participation moneys
17 received pursuant to expenditures from the Fund shall be
18 deposited into the Fund.

19 (Source: P.A. 91-646, eff. 11-19-99; 91-704, eff. 7-1-00;
20 91-797, eff. 6-9-00; 92-11, eff. 6-11-01; 92-16, eff. 6-28-01;
21 92-596, eff. 6-28-02; 92-597, eff. 6-28-02; revised 9-3-02.)

22 (30 ILCS 105/6z-52)

23 Sec. 6z-52. Drug Rebate Fund.

24 (a) There is created in the State Treasury a special fund
25 to be known as the Drug Rebate Fund.

1 (b) The Fund is created for the purpose of receiving and
2 disbursing moneys in accordance with this Section.
3 Disbursements from the Fund shall be made, subject to
4 appropriation, only as follows:

5 (1) For payments to pharmacies for reimbursement for
6 prescription drugs provided to a recipient of aid under
7 Article V of the Illinois Public Aid Code or the Children's
8 Health Insurance Program Act.

9 (2) For reimbursement of moneys collected by the
10 Department of Healthcare and Family Services (formerly
11 Illinois Department of Public Aid) through error or
12 mistake.

13 (3) For payments of any amounts that are reimbursable
14 to the federal government resulting from a payment into
15 this Fund.

16 (c) The Fund shall consist of the following:

17 (1) Upon notification from the Director of Healthcare
18 and Family Services ~~Public Aid~~, the Comptroller shall
19 direct and the Treasurer shall transfer the net State share
20 of all moneys received by the Department of Healthcare and
21 Family Services (formerly Illinois Department of Public
22 Aid) from drug rebate agreements with pharmaceutical
23 manufacturers pursuant to Title XIX of the federal Social
24 Security Act, including any portion of the balance in the
25 Public Aid Recoveries Trust Fund on July 1, 2001 that is
26 attributable to such receipts.

1 (2) All federal matching funds received by the Illinois
2 Department as a result of expenditures made by the
3 Department that are attributable to moneys deposited in the
4 Fund.

5 (3) Any premium collected by the Illinois Department
6 from participants under a waiver approved by the federal
7 government relating to provision of pharmaceutical
8 services.

9 (4) All other moneys received for the Fund from any
10 other source, including interest earned thereon.

11 (Source: P.A. 92-10, eff. 6-11-01; revised 12-15-05.)

12 (30 ILCS 105/6z-53)

13 Sec. 6z-53. Downstate Emergency Response Fund.

14 (a) In this Section:

15 "Downstate county" means any county with a population of
16 less than 250,000 with a level I trauma center.

17 "Trauma center" has the same meaning as in the Emergency
18 Medical Services (EMS) Systems Act.

19 (b) The Downstate Emergency Response Fund is created as a
20 special fund in the State Treasury.

21 (c) The following moneys shall be deposited into the Fund:

22 (1) Moneys appropriated by the General Assembly.

23 (2) Fees or other amounts paid to the Department of
24 Transportation for the use of an emergency helicopter for
25 the transportation of an individual to a trauma center

1 located in a downstate county or for any other medical
2 emergency response. The Department may adopt rules
3 establishing reasonable fees and other amounts to be paid
4 for the use of such helicopters and may collect those fees
5 and other amounts.

6 (3) Gifts, grants, other appropriations, or any other
7 moneys designated for deposit into the Fund.

8 (d) Subject to appropriation, moneys in the Fund shall be
9 used for the following purposes:

10 (1) By the Department of Transportation to purchase,
11 lease, maintain, and operate helicopters, including
12 payment of any costs associated with personnel or other
13 expenses necessary for the maintenance or operation of such
14 helicopters, (A) for emergency response transportation of
15 individuals to trauma centers located in downstate
16 counties and (B) to support law enforcement, disaster
17 response, and other medical emergency response. Moneys
18 appropriated from the Fund for these purposes shall be in
19 addition to any other moneys used for these purposes.

20 (2) By the Department of Healthcare and Family Services
21 ~~Public Aid~~ for medical assistance under Article V of the
22 Illinois Public Aid Code.

23 (Source: P.A. 92-10, eff. 6-11-01; revised 12-15-05.)

24 (30 ILCS 105/6z-56)

25 Sec. 6z-56. The Health Care Services Trust Fund. The Health

1 Care Services Trust Fund is hereby created as a special fund in
2 the State treasury.

3 The Fund shall consist of moneys deposited, transferred, or
4 appropriated into the Fund from units of local government other
5 than a county with a population greater than 3,000,000, from
6 the State, from federal matching funds, or from any other legal
7 source.

8 Subject to appropriation, the moneys in the Fund shall be
9 used by the Department of Healthcare and Family Services ~~Public~~
10 ~~Aid~~ to make payments to providers of services covered under the
11 Medicaid or State Children's Health Insurance programs.
12 Payments may be made out of the Fund only to providers located
13 within the geographic jurisdiction of units of local government
14 that make deposits, transfers, or appropriations into the Fund.

15 The Department of Healthcare and Family Services ~~Public Aid~~
16 shall adopt rules concerning application for and disbursement
17 of the moneys in the Fund.

18 (Source: P.A. 93-659, eff. 2-3-04; revised 12-15-05.)

19 (30 ILCS 105/6z-58)

20 Sec. 6z-58. The Family Care Fund.

21 (a) There is created in the State treasury the Family Care
22 Fund. Interest earned by the Fund shall be credited to the
23 Fund.

24 (b) The Fund is created for the purposes of receiving,
25 investing, and distributing moneys in accordance with (i) an

1 approved waiver under the Social Security Act resulting from
2 the Family Care waiver request submitted by the Illinois
3 Department of Public Aid on February 15, 2002 and (ii) an
4 interagency agreement between the Department of Healthcare and
5 Family Services (formerly Department of Public Aid) and another
6 agency of State government. The Fund shall consist of:

7 (1) All federal financial participation moneys
8 received pursuant to the approved waiver, except for moneys
9 received pursuant to expenditures for medical services by
10 the Department of Healthcare and Family Services (formerly
11 Department of Public Aid) from any other fund; and

12 (2) All other moneys received by the Fund from any
13 source, including interest thereon.

14 (c) Subject to appropriation, the moneys in the Fund shall
15 be disbursed for reimbursement of medical services and other
16 costs associated with persons receiving such services:

17 (1) under programs administered by the Department of
18 Healthcare and Family Services (formerly Department of
19 Public Aid); and

20 (2) pursuant to an interagency agreement, under
21 programs administered by another agency of State
22 government.

23 (Source: P.A. 92-600, eff. 6-28-02; 93-20, eff. 6-20-03;
24 93-841, eff. 7-30-04; revised 12-15-05.)

1 Sec. 8.42. Interfund transfers. In order to address the
 2 fiscal emergency resulting from shortfalls in revenue, the
 3 following transfers are authorized from the designated funds
 4 into the General Revenue Fund:

| | | |
|----|---|--------------|
| 5 | ROAD FUND | \$50,000,000 |
| 6 | MOTOR FUEL TAX FUND | \$1,535,000 |
| 7 | GRADE CROSSING PROTECTION FUND | \$6,500,000 |
| 8 | ILLINOIS <u>AGRICULTURAL</u> AGRICULTURAL LOAN GUARANTEE | |
| 9 | FUND | \$2,500,000 |
| 10 | ILLINOIS FARMER AND AGRIBUSINESS | |
| 11 | LOAN GUARANTEE FUND | \$1,500,000 |
| 12 | TRANSPORTATION REGULATORY FUND | \$2,000,000 |
| 13 | PARK AND CONSERVATION FUND | \$1,000,000 |
| 14 | DCFS CHILDREN'S SERVICES FUND | \$1,000,000 |
| 15 | TOBACCO SETTLEMENT RECOVERY FUND | \$50,000 |
| 16 | AGGREGATE OPERATIONS REGULATORY FUND | \$10,000 |
| 17 | APPRAISAL ADMINISTRATION FUND | \$10,000 |
| 18 | AUCTION REGULATION ADMINISTRATION FUND | \$50,000 |
| 19 | BANK AND TRUST COMPANY FUND | \$640,000 |
| 20 | CHILD LABOR AND DAY AND TEMPORARY | |
| 21 | LABOR ENFORCEMENT FUND | \$15,000 |
| 22 | CHILD SUPPORT ADMINISTRATIVE FUND | \$170,000 |
| 23 | COAL MINING REGULATORY FUND | \$80,000 |
| 24 | COMMUNITY WATER SUPPLY LABORATORY FUND | \$500,000 |
| 25 | COMPTROLLER'S ADMINISTRATIVE FUND | \$50,000 |
| 26 | CREDIT UNION FUND | \$500,000 |

| | | |
|----|---|-------------|
| 1 | CRIMINAL JUSTICE INFORMATION | |
| 2 | SYSTEMS TRUST FUND | \$300,000 |
| 3 | DESIGN PROFESSIONALS ADMINISTRATION | |
| 4 | AND INVESTIGATION FUND | \$1,000,000 |
| 5 | DIGITAL DIVIDE ELIMINATION | |
| 6 | INFRASTRUCTURE FUND | \$4,000,000 |
| 7 | DRAM SHOP FUND | \$560,000 |
| 8 | DRIVERS EDUCATION FUND | \$2,500,000 |
| 9 | EMERGENCY PLANNING AND TRAINING FUND | \$50,000 |
| 10 | ENERGY EFFICIENCY TRUST FUND | \$1,000,000 |
| 11 | EXPLOSIVES REGULATORY FUND | \$4,000 |
| 12 | FINANCIAL INSTITUTION FUND | \$300,000 |
| 13 | FIREARM OWNER'S NOTIFICATION FUND | \$110,000 |
| 14 | FOOD AND DRUG SAFETY FUND | \$500,000 |
| 15 | GENERAL PROFESSIONS DEDICATED FUND | \$1,000,000 |
| 16 | HAZARDOUS WASTE FUND | \$500,000 |
| 17 | HORSE RACING FUND | \$630,000 |
| 18 | ILLINOIS GAMING LAW ENFORCEMENT FUND | \$200,000 |
| 19 | ILLINOIS HISTORIC SITES FUND | \$15,000 |
| 20 | ILLINOIS SCHOOL ASBESTOS ABATEMENT FUND | \$400,000 |
| 21 | ILLINOIS STANDARD BRED BREEDERS FUND | \$35,000 |
| 22 | ILLINOIS STATE MEDICAL DISCIPLINARY FUND | \$1,500,000 |
| 23 | ILLINOIS STATE PHARMACY DISCIPLINARY FUND | \$1,500,000 |
| 24 | ILLINOIS TAX INCREMENT FUND | \$20,000 |
| 25 | INSURANCE FINANCIAL REGULATION FUND | \$920,000 |
| 26 | LANDFILL CLOSURE AND POST-CLOSURE FUND | \$250,000 |

| | | |
|----|--|-------------|
| 1 | MANDATORY ARBITRATION FUND | \$2,000,000 |
| 2 | MEDICAID FRAUD AND ABUSE PREVENTION FUND | \$80,000 |
| 3 | MENTAL HEALTH FUND | \$1,000,000 |
| 4 | NEW TECHNOLOGY RECOVERY FUND | \$1,000,000 |
| 5 | NUCLEAR SAFETY EMERGENCY PREPAREDNESS FUND | \$460,000 |
| 6 | OPEN SPACE LANDS ACQUISITION | |
| 7 | AND DEVELOPMENT FUND | \$1,510,000 |
| 8 | PLUGGING AND RESTORATION FUND | \$120,000 |
| 9 | PLUMBING LICENSURE AND PROGRAM FUND | \$400,000 |
| 10 | PUBLIC HEALTH WATER PERMIT FUND | \$90,000 |
| 11 | PUBLIC UTILITY FUND | \$2,000,000 |
| 12 | RADIATION PROTECTION FUND | \$240,000 |
| 13 | LOW-LEVEL RADIOACTIVE WASTE FACILITY | |
| 14 | DEVELOPMENT AND OPERATION FUND | \$1,000,000 |
| 15 | REAL ESTATE AUDIT FUND | \$50,000 |
| 16 | REAL ESTATE LICENSE ADMINISTRATION FUND | \$750,000 |
| 17 | REAL ESTATE RESEARCH AND EDUCATION FUND | \$30,000 |
| 18 | REGISTERED CERTIFIED PUBLIC ACCOUNTANTS' | |
| 19 | ADMINISTRATION AND DISCIPLINARY FUND | \$1,000,000 |
| 20 | RENEWABLE ENERGY RESOURCES TRUST FUND | \$3,000,000 |
| 21 | SAVINGS AND RESIDENTIAL FINANCE | |
| 22 | REGULATORY FUND | \$850,000 |
| 23 | SECURITIES AUDIT AND ENFORCEMENT FUND | \$2,000,000 |
| 24 | STATE PARKS FUND | \$593,000 |
| 25 | STATE POLICE VEHICLE FUND | \$15,000 |
| 26 | TAX COMPLIANCE AND ADMINISTRATION FUND | \$150,000 |

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|----|--|--------------|
| 1 | TOURISM PROMOTION FUND | \$5,000,000 |
| 2 | TRAFFIC AND CRIMINAL CONVICTION | |
| 3 | SURCHARGE FUND | \$250,000 |
| 4 | UNDERGROUND RESOURCES CONSERVATION | |
| 5 | ENFORCEMENT FUND | \$100,000 |
| 6 | UNDERGROUND STORAGE TANK FUND | \$12,100,000 |
| 7 | ILLINOIS CAPITAL REVOLVING LOAN FUND | \$5,000,000 |
| 8 | CONSERVATION 2000 FUND | \$15,000 |
| 9 | DEATH CERTIFICATE SURCHARGE FUND | \$1,500,000 |
| 10 | ENERGY ASSISTANCE CONTRIBUTION FUND | \$750,000 |
| 11 | FAIR AND EXPOSITION FUND | \$500,000 |
| 12 | HOME INSPECTOR ADMINISTRATION FUND | \$100,000 |
| 13 | ILLINOIS AFFORDABLE HOUSING TRUST FUND | \$5,000,000 |
| 14 | LARGE BUSINESS ATTRACTION FUND | \$500,000 |
| 15 | SCHOOL TECHNOLOGY REVOLVING LOAN FUND | \$6,000,000 |
| 16 | SOLID WASTE MANAGEMENT REVOLVING LOAN FUND | \$2,000,000 |
| 17 | WIRELESS CARRIER REIMBURSEMENT FUND | \$2,000,000 |
| 18 | EPA STATE PROJECTS TRUST FUND | \$150,000 |
| 19 | ILLINOIS THOROUGHBRED | |
| 20 | BREEDERS FUND | \$160,000 |
| 21 | FIRE PREVENTION FUND | \$2,000,000 |
| 22 | MOTOR VEHICLE THEFT | |
| 23 | PREVENTION TRUST FUND | \$250,000 |
| 24 | CAPITAL DEVELOPMENT BOARD | |
| 25 | REVOLVING FUND | \$500,000 |
| 26 | AUDIT EXPENSE FUND | \$1,000,000 |

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|----|---|-------------|
| 1 | OFF-HIGHWAY VEHICLE | |
| 2 | TRAILS FUND | \$100,000 |
| 3 | CYCLE RIDER SAFETY | |
| 4 | TRAINING FUND | \$1,000,000 |
| 5 | GANG CRIME WITNESS PROTECTION FUND | \$46,000 |
| 6 | MISSING AND EXPLOITED CHILDREN TRUST FUND | \$53,000 |
| 7 | STATE POLICE VEHICLE FUND | \$86,000 |
| 8 | SEX OFFENDER REGISTRATION FUND | \$21,000 |
| 9 | STATE POLICE WIRELESS SERVICE | |
| 10 | EMERGENCY FUND | \$1,200,000 |
| 11 | MEDICAID FRAUD AND ABUSE PREVENTION FUND | \$270,000 |
| 12 | STATE CRIME LABORATORY FUND | \$250,000 |
| 13 | LEADS MAINTENANCE FUND | \$180,000 |
| 14 | STATE POLICE DUI FUND | \$100,000 |
| 15 | PETROLEUM VIOLATION FUND | \$2,000,000 |

16 All such transfers shall be made on July 1, 2003, or as
17 soon thereafter as practical. These transfers may be made
18 notwithstanding any other provision of law to the contrary.

19 (Source: P.A. 93-32, eff. 6-20-03; revised 10-11-05.)

20 (30 ILCS 105/8.44)

21 Sec. 8.44. Special fund transfers.

22 (a) In order to maintain the integrity of special funds and
23 improve stability in the General Revenue Fund, the following
24 transfers are authorized from the designated funds into the
25 General Revenue Fund:

| | | |
|----|---|--------------|
| 1 | Aeronautics Fund | \$2,186 |
| 2 | Aggregate Operations Regulatory Fund | \$32,750 |
| 3 | Agrichemical Incident Response Trust Fund..... | \$419,830 |
| 4 | Agricultural Master Fund | \$17,827 |
| 5 | Air Transportation Revolving Fund..... | \$181,478 |
| 6 | Airport Land Loan Revolving Fund | \$1,669,970 |
| 7 | Alternate Fuels Fund | \$1,056,833 |
| 8 | Alternative Compliance Market Account Fund | \$53,120 |
| 9 | Appraisal Administration Fund..... | \$250,000 |
| 10 | Armory Rental Fund | \$111,538 |
| 11 | Assisted Living and Shared Housing Regulatory Fund .. | \$24,493 |
| 12 | Bank and Trust Company Fund..... | \$3,800,000 |
| 13 | Capital Development Board Revolving Fund | \$453,054 |
| 14 | Care Provider Fund for Persons | |
| 15 | with a Developmental Disability..... | \$2,378,270 |
| 16 | Charter Schools Revolving Loan Fund..... | \$650,721 |
| 17 | Child Support Administrative Fund..... | \$1,117,266 |
| 18 | Coal Mining Regulatory Fund..... | \$127,583 |
| 19 | Communications Revolving Fund..... | \$12,999,839 |
| 20 | Community Health Center Care Fund..... | \$104,480 |
| 21 | Community Water Supply Laboratory Fund | \$716,232 |
| 22 | Continuing Legal Education Trust Fund..... | \$23,419 |
| 23 | Corporate Franchise Tax Refund Fund..... | \$500,000 |
| 24 | Court of Claims Administration and Grant Fund..... | \$24,949 |
| 25 | Criminal Justice Information Projects Fund | \$18,212 |
| 26 | DCFS Special Purposes Trust Fund | \$77,835 |

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|----|--|--------------|
| 1 | Death Certificate Surcharge Fund | \$1,134,341 |
| 2 | Department of Business Services | |
| 3 | Special Operations Fund..... | \$2,000,000 |
| 4 | Department of Children and Family Services | |
| 5 | Training Fund..... | \$1,408,106 |
| 6 | Department of Corrections | |
| 7 | Reimbursement and Education Fund | \$2,208,323 |
| 8 | Department of Insurance State Trust Fund | \$18,009 |
| 9 | Department of Labor Special State Trust Fund | \$359,895 |
| 10 | Department on Aging State Projects Fund..... | \$10,059 |
| 11 | Design Professionals Administration | |
| 12 | and Investigation Fund | \$51,701 |
| 13 | DHS Recoveries Trust Fund..... | \$1,591,834 |
| 14 | DHS State Projects Fund..... | \$89,917 |
| 15 | Division of Corporations | |
| 16 | Registered Limited Liability Partnership Fund..... | \$150,000 |
| 17 | DNR Special Projects Fund..... | \$301,649 |
| 18 | Dram Shop Fund | \$110,554 |
| 19 | Drivers Education Fund | \$30,152 |
| 20 | Drug Rebate Fund | \$17,315,821 |
| 21 | Drug Traffic Prevention Fund | \$22,123 |
| 22 | Drug Treatment Fund..... | \$160,030 |
| 23 | Drunk and Drugged Driving Prevention Fund..... | \$51,220 |
| 24 | Drycleaner Environmental Response Trust Fund | \$1,137,971 |
| 25 | DuQuoin State Fair Harness Racing Trust Fund | \$3,368 |
| 26 | Early Intervention Services Revolving Fund | \$1,044,935 |

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|----|---|-------------|
| 1 | Economic Research and Information Fund | \$49,005 |
| 2 | Educational Labor Relations Board | |
| 3 | Fair Share Trust Fund..... | \$40,933 |
| 4 | Efficiency Initiatives Revolving Fund..... | \$6,178,298 |
| 5 | Emergency Planning and Training Fund | \$28,845 |
| 6 | Emergency Public Health Fund | \$139,997 |
| 7 | Emergency Response Reimbursement Fund..... | \$15,873 |
| 8 | EMS Assistance Fund..... | \$40,923 |
| 9 | Energy Assistance Contribution Fund..... | \$89,692 |
| 10 | Energy Efficiency Trust Fund | \$1,300,938 |
| 11 | Environmental Laboratory Certification Fund..... | \$62,039 |
| 12 | Environmental Protection Permit and Inspection Fund.. | \$180,571 |
| 13 | Environmental Protection Trust Fund..... | \$2,228,031 |
| 14 | EPA Court Trust Fund | \$338,646 |
| 15 | EPA Special State Projects Trust Fund..... | \$284,263 |
| 16 | Explosives Regulatory Fund | \$23,125 |
| 17 | Facilities Management Revolving Fund | \$4,803,971 |
| 18 | Facility Licensing Fund..... | \$22,958 |
| 19 | Family Care Fund | \$22,585 |
| 20 | Federal Asset Forfeiture Fund..... | \$1,871 |
| 21 | Feed Control Fund..... | \$478,234 |
| 22 | Fertilizer Control Fund..... | \$207,398 |
| 23 | Financial Institution Fund | \$2,448,690 |
| 24 | Firearm Owner's Notification Fund..... | \$3,960 |
| 25 | Food and Drug Safety Fund..... | \$421,401 |
| 26 | General Professions Dedicated Fund | \$3,975,808 |

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|----|--|-------------|
| 1 | Good Samaritan Energy Trust Fund | \$7,191 |
| 2 | Governor's Grant Fund..... | \$1,592 |
| 3 | Group Workers' Compensation Pool Insolvency Fund | \$136,547 |
| 4 | Guardianship and Advocacy Fund | \$27,289 |
| 5 | Hazardous Waste Occupational Licensing Fund..... | \$14,939 |
| 6 | Hazardous Waste Research Fund..... | \$125,209 |
| 7 | Health Facility Plan Review Fund | \$165,972 |
| 8 | Hearing Instrument Dispenser | |
| 9 | Examining and Disciplinary Fund..... | \$102,842 |
| 10 | Home Inspector Administration Fund | \$244,503 |
| 11 | IEMA State Projects Fund | \$13 |
| 12 | Illinois Beach Marina Fund (now known as the Adeline Jay | |
| 13 | Geo-Karis Illinois Beach Marina Fund)..... | \$177,801 |
| 14 | Illinois Capital Revolving Loan Fund | \$4,024,106 |
| 15 | Illinois Clean Water Fund..... | \$1,835,796 |
| 16 | Illinois Community College Board | |
| 17 | Contracts and Grants Fund..... | \$9 |
| 18 | Illinois Department of Agriculture | |
| 19 | Laboratory Services Revolving Fund | \$174,795 |
| 20 | Illinois Equity Fund | \$119,193 |
| 21 | Illinois Executive Mansion Trust Fund..... | \$56,154 |
| 22 | Illinois Forestry Development Fund | \$1,389,096 |
| 23 | Illinois Future Teacher Corps Scholarship Fund | \$4,836 |
| 24 | Illinois Gaming Law Enforcement Fund | \$650,646 |
| 25 | Illinois Habitat Endowment Trust Fund..... | \$3,641,262 |
| 26 | Illinois Health Facilities Planning Fund | \$23,066 |

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|----|---|-----------|
| 1 | Illinois Historic Sites Fund | \$134,366 |
| 2 | Illinois National Guard Armory Construction Fund | \$31,469 |
| 3 | Illinois Rural Rehabilitation Fund | \$8,190 |
| 4 | Illinois School Asbestos Abatement Fund..... | \$183,191 |
| 5 | Illinois State Fair Fund | \$50,176 |
| 6 | Illinois State Podiatric Disciplinary Fund | \$317,239 |
| 7 | Illinois Student Assistance Commission | |
| 8 | Contracts and Grants Fund..... | \$5,589 |
| 9 | Illinois Tourism Tax Fund..... | \$647,749 |
| 10 | Illinois Underground Utility Facilities | |
| 11 | Damage Prevention Fund | \$2,175 |
| 12 | Illinois Veterans' Rehabilitation Fund | \$218,940 |
| 13 | Industrial Hygiene Regulatory and Enforcement Fund | \$3,564 |
| 14 | Innovations in Long-Term Care | |
| 15 | Quality Demonstration Grants Fund..... | \$565,494 |
| 16 | Insurance Financial Regulation Fund..... | \$800,000 |
| 17 | ISAC Accounts Receivable Fund..... | \$26,374 |
| 18 | ISBE GED Testing Fund..... | \$146,196 |
| 19 | ISBE Teacher Certificate Institute Fund..... | \$122,117 |
| 20 | J.J. Wolf Memorial for Conservation Investigation Fund | \$8,137 |
| 21 | Kaskaskia Commons Permanent Fund | \$79,813 |
| 22 | Land Reclamation Fund..... | \$30,582 |
| 23 | Large Business Attraction Fund | \$340,777 |
| 24 | Lawyers' Assistance Program Fund | \$198,207 |
| 25 | LEADS Maintenance Fund | \$76,981 |
| 26 | Lieutenant Governor's Grant Fund | \$188 |

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|----|--|-------------|
| 1 | Livestock Management Facilities Fund | \$47,800 |
| 2 | Local Initiative Fund..... | \$1,940,646 |
| 3 | Local Tourism Fund | \$132,876 |
| 4 | Long Term Care Monitor/Receiver Fund | \$427,850 |
| 5 | Monetary Award Program Reserve Fund..... | \$879,700 |
| 6 | McCormick Place Expansion Project Fund | \$0 |
| 7 | Medicaid Buy-In Program Revolving Fund | \$318,894 |
| 8 | Medicaid Fraud and Abuse Prevention Fund | \$60,306 |
| 9 | Medical Special Purposes Trust Fund..... | \$930,668 |
| 10 | Military Affairs Trust Fund..... | \$68,468 |
| 11 | Motor Carrier Safety Inspection Fund | \$147,477 |
| 12 | Motor Fuel and Petroleum Standards Fund..... | \$19,673 |
| 13 | Motor Vehicle Review Board Fund..... | \$250,000 |
| 14 | Motor Vehicle Theft Prevention Trust Fund..... | \$1,415,361 |
| 15 | Narcotics Profit Forfeiture Fund | \$39,379 |
| 16 | Natural Heritage Endowment Trust Fund..... | \$557,264 |
| 17 | Natural Heritage Fund..... | \$3,336 |
| 18 | Natural Resources Information Fund | \$64,596 |
| 19 | Natural Resources Restoration Trust Fund | \$63,002 |
| 20 | Off-Highway Vehicle Trails Fund..... | \$244,815 |
| 21 | Oil Spill Response Fund..... | \$167,547 |
| 22 | Paper and Printing Revolving Fund..... | \$48,476 |
| 23 | Park and Conservation Fund | \$3,050,154 |
| 24 | Pawnbroker Regulation Fund | \$94,131 |
| 25 | Pesticide Control Fund | \$420,223 |
| 26 | Petroleum Resources Revolving Fund | \$85,540 |

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|----|---|-------------|
| 1 | Police Training Board Services Fund..... | \$1,540 |
| 2 | Pollution Control Board Fund | \$23,004 |
| 3 | Pollution Control Board Trust Fund | \$410,651 |
| 4 | Post Transplant Maintenance and Retention Fund | \$75,100 |
| 5 | Presidential Library and Museum Operating Fund | \$727,250 |
| 6 | Professional Regulation Evidence Fund..... | \$2,817 |
| 7 | Professional Services Fund | \$46,222 |
| 8 | Provider Inquiry Trust Fund..... | \$207,098 |
| 9 | Public Aid Recoveries Trust Fund | \$7,610,631 |
| 10 | Public Health Laboratory Services Revolving Fund | \$92,276 |
| 11 | Public Health Special State Projects Fund..... | \$816,202 |
| 12 | Public Health Water Permit Fund..... | \$17,624 |
| 13 | Public Infrastructure Construction | |
| 14 | Loan Revolving Fund..... | \$63,802 |
| 15 | Public Pension Regulation Fund | \$222,433 |
| 16 | Racing Board Fingerprint License Fund..... | \$16,835 |
| 17 | Radiation Protection Fund..... | \$212,010 |
| 18 | Real Estate License Administration Fund..... | \$1,500,000 |
| 19 | Regulatory Evaluation and Basic Enforcement Fund | \$64,221 |
| 20 | Regulatory Fund..... | \$55,246 |
| 21 | Renewable Energy Resources Trust Fund..... | \$14,033 |
| 22 | Response Contractors Indemnification Fund..... | \$126 |
| 23 | Rural/Downstate Health Access Fund | \$4,644 |
| 24 | Savings and Residential Finance Regulatory Fund.... | \$5,200,000 |
| 25 | School District Emergency Financial Assistance Fund | \$2,130,848 |
| 26 | School Technology Revolving Loan Fund..... | \$19,158 |

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|----|---|-------------|
| 1 | Second Injury Fund | \$151,493 |
| 2 | Secretary of State Interagency Grant Fund..... | \$40,900 |
| 3 | Secretary of State Special License Plate Fund..... | \$520,200 |
| 4 | Secretary of State Special Services Fund | \$2,500,000 |
| 5 | Securities Audit and Enforcement Fund..... | \$3,400,000 |
| 6 | Securities Investors Education Fund..... | \$100,000 |
| 7 | Self-Insurers Administration Fund..... | \$286,964 |
| 8 | Sex Offender Registration Fund | \$7,647 |
| 9 | Sexual Assault Services Fund | \$12,210 |
| 10 | Small Business Environmental Assistance Fund | \$13,686 |
| 11 | Snowmobile Trail Establishment Fund..... | \$3,124 |
| 12 | Solid Waste Management Fund..... | \$6,587,173 |
| 13 | Sports Facilities Tax Trust Fund | \$1,112,590 |
| 14 | State Appellate Defender Special State Projects Fund | \$23,820 |
| 15 | State Asset Forfeiture Fund..... | \$71,988 |
| 16 | State Boating Act Fund | \$401,824 |
| 17 | State College and University Trust Fund..... | \$139,439 |
| 18 | State Crime Laboratory Fund..... | \$44,965 |
| 19 | State Fair Promotional Activities Fund | \$8,734 |
| 20 | State Garage Revolving Fund..... | \$639,662 |
| 21 | State Offender DNA Identification System Fund..... | \$81,740 |
| 22 | State Off-Set Claims Fund..... | \$1,487,926 |
| 23 | State Parks Fund | \$1,045,889 |
| 24 | State Police Motor Vehicle Theft Prevention Fund | \$164,843 |
| 25 | State Police Vehicle Fund..... | \$22,899 |
| 26 | State Police Whistleblower Reward and Protection Fund | \$199,699 |

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|----|---|-------------|
| 1 | State Rail Freight Loan Repayment Fund | \$1,147,727 |
| 2 | State Surplus Property Revolving Fund..... | \$388,284 |
| 3 | State Whistleblower Reward and Protection Fund | \$1,592 |
| 4 | State's Attorneys Appellate Prosecutor's County Fund | \$70,101 |
| 5 | Statewide Grand Jury Prosecution Fund..... | \$7,645 |
| 6 | Statistical Services Revolving Fund..... | \$4,847,783 |
| 7 | Subtitle D Management Fund | \$169,744 |
| 8 | Tanning Facility Permit Fund | \$64,571 |
| 9 | Tax Compliance and Administration Fund | \$429,377 |
| 10 | Tax Recovery Fund..... | \$113,591 |
| 11 | Teacher Certificate Fee Revolving Fund | \$982,399 |
| 12 | Toxic Pollution Prevention Fund..... | \$28,534 |
| 13 | Underground Resources Conservation Enforcement Fund.. | \$294,251 |
| 14 | University Grant Fund..... | \$23,881 |
| 15 | Used Tire Management Fund..... | \$1,918,500 |
| 16 | Watershed Park Fund..... | \$19,786 |
| 17 | Weights and Measures Fund..... | \$1,078,121 |
| 18 | Workers' Compensation Benefit Trust Fund | \$266,574 |
| 19 | Workers' Compensation Revolving Fund | \$520,285 |
| 20 | Working Capital Revolving Fund | \$1,404,868 |
| 21 | Youth Alcoholism and Substance Abuse Prevention Fund | \$29,995 |
| 22 | Youth Drug Abuse Prevention Fund | \$4,091 |

23 All of these transfers shall be made in equal quarterly
24 installments with the first made on the effective date of this
25 amendatory Act of the 94th General Assembly, or as soon
26 thereafter as practical, and with the remaining transfers to be

1 made on October 1, January 1, and April 1, or as soon
2 thereafter as practical. These transfers shall be made
3 notwithstanding any other provision of State law to the
4 contrary.

5 The Governor may direct the State Comptroller and the State
6 Treasurer to reverse the transfers previously authorized by
7 statute to the General Revenue Fund and retransfer from the
8 General Revenue Fund, if applicable, all or a portion of the
9 transfers made pursuant to this subsection (a) to the following
10 funds:

- 11 (1) the Drycleaner Environmental Response Trust Fund;
- 12 (2) the Educational Labor Relations Board Fair Share
13 Trust Fund;
- 14 (3) the Environmental Protection Trust Fund;
- 15 (4) the Facilities Management Revolving Fund;
- 16 (5) the Illinois Forestry Development Fund;
- 17 (6) the Illinois Habitat Endowment Trust Fund;
- 18 (7) the Innovations in Long-Term Care Quality
19 Demonstration Grants Fund;
- 20 (8) the Kaskaskia Commons Permanent Fund;
- 21 (9) the Land Reclamation Fund;
- 22 (10) the Lawyers' Assistance Program Fund;
- 23 (11) the Local Initiative Fund;
- 24 (12) the Petroleum Resources Revolving Fund;
- 25 (13) the Sports Facilities Tax Trust Fund;
- 26 (14) the State Garage Revolving Fund;

1 (15) the State Off-Set Claims Fund; and

2 (16) the DCFS Special Purposes Trust Fund.

3 (b) On and after the effective date of this amendatory Act
4 of the 94th General Assembly through June 30, 2006, when any of
5 the funds listed in subsection (a) have insufficient cash from
6 which the State Comptroller may make expenditures properly
7 supported by appropriations from the fund, then the State
8 Treasurer and State Comptroller shall transfer from the General
9 Revenue Fund to the fund only such amount as is immediately
10 necessary to satisfy outstanding expenditure obligations on a
11 timely basis, subject to the provisions of the State Prompt
12 Payment Act. All or a portion of the amounts transferred from
13 the General Revenue Fund to a fund pursuant to this subsection
14 (b) from time to time may be re-transferred by the State
15 Comptroller and the State Treasurer from the receiving fund
16 into the General Revenue Fund as soon as and to the extent that
17 deposits are made into or receipts are collected by the
18 receiving fund.

19 (c) Notwithstanding any other provision of law, on July 1,
20 2005, or as soon thereafter as may be practical, the State
21 Comptroller and the State Treasurer shall transfer \$5,000,000
22 from the Communications Revolving Fund to the Hospital Basic
23 Services Prevention Fund.

24 (Source: P.A. 94-91, eff. 7-1-05; 94-839, eff. 6-6-06; 94-1042,
25 eff. 7-24-06; revised 8-3-06.)

1 (30 ILCS 105/8g)

2 Sec. 8g. Fund transfers.

3 (a) In addition to any other transfers that may be provided
4 for by law, as soon as may be practical after the effective
5 date of this amendatory Act of the 91st General Assembly, the
6 State Comptroller shall direct and the State Treasurer shall
7 transfer the sum of \$10,000,000 from the General Revenue Fund
8 to the Motor Vehicle License Plate Fund created by Senate Bill
9 1028 of the 91st General Assembly.

10 (b) In addition to any other transfers that may be provided
11 for by law, as soon as may be practical after the effective
12 date of this amendatory Act of the 91st General Assembly, the
13 State Comptroller shall direct and the State Treasurer shall
14 transfer the sum of \$25,000,000 from the General Revenue Fund
15 to the Fund for Illinois' Future created by Senate Bill 1066 of
16 the 91st General Assembly.

17 (c) In addition to any other transfers that may be provided
18 for by law, on August 30 of each fiscal year's license period,
19 the Illinois Liquor Control Commission shall direct and the
20 State Comptroller and State Treasurer shall transfer from the
21 General Revenue Fund to the Youth Alcoholism and Substance
22 Abuse Prevention Fund an amount equal to the number of retail
23 liquor licenses issued for that fiscal year multiplied by \$50.

24 (d) The payments to programs required under subsection (d)
25 of Section 28.1 of the Horse Racing Act of 1975 shall be made,
26 pursuant to appropriation, from the special funds referred to

1 in the statutes cited in that subsection, rather than directly
2 from the General Revenue Fund.

3 Beginning January 1, 2000, on the first day of each month,
4 or as soon as may be practical thereafter, the State
5 Comptroller shall direct and the State Treasurer shall transfer
6 from the General Revenue Fund to each of the special funds from
7 which payments are to be made under Section 28.1(d) of the
8 Horse Racing Act of 1975 an amount equal to 1/12 of the annual
9 amount required for those payments from that special fund,
10 which annual amount shall not exceed the annual amount for
11 those payments from that special fund for the calendar year
12 1998. The special funds to which transfers shall be made under
13 this subsection (d) include, but are not necessarily limited
14 to, the Agricultural Premium Fund; the Metropolitan Exposition
15 Auditorium and Office Building Fund; the Fair and Exposition
16 Fund; the Standardbred Breeders Fund; the Thoroughbred
17 Breeders Fund; and the Illinois Veterans' Rehabilitation Fund.

18 (e) In addition to any other transfers that may be provided
19 for by law, as soon as may be practical after the effective
20 date of this amendatory Act of the 91st General Assembly, but
21 in no event later than June 30, 2000, the State Comptroller
22 shall direct and the State Treasurer shall transfer the sum of
23 \$15,000,000 from the General Revenue Fund to the Fund for
24 Illinois' Future.

25 (f) In addition to any other transfers that may be provided
26 for by law, as soon as may be practical after the effective

1 date of this amendatory Act of the 91st General Assembly, but
2 in no event later than June 30, 2000, the State Comptroller
3 shall direct and the State Treasurer shall transfer the sum of
4 \$70,000,000 from the General Revenue Fund to the Long-Term Care
5 Provider Fund.

6 (f-1) In fiscal year 2002, in addition to any other
7 transfers that may be provided for by law, at the direction of
8 and upon notification from the Governor, the State Comptroller
9 shall direct and the State Treasurer shall transfer amounts not
10 exceeding a total of \$160,000,000 from the General Revenue Fund
11 to the Long-Term Care Provider Fund.

12 (g) In addition to any other transfers that may be provided
13 for by law, on July 1, 2001, or as soon thereafter as may be
14 practical, the State Comptroller shall direct and the State
15 Treasurer shall transfer the sum of \$1,200,000 from the General
16 Revenue Fund to the Violence Prevention Fund.

17 (h) In each of fiscal years 2002 through 2004, but not
18 thereafter, in addition to any other transfers that may be
19 provided for by law, the State Comptroller shall direct and the
20 State Treasurer shall transfer \$5,000,000 from the General
21 Revenue Fund to the Tourism Promotion Fund.

22 (i) On or after July 1, 2001 and until May 1, 2002, in
23 addition to any other transfers that may be provided for by
24 law, at the direction of and upon notification from the
25 Governor, the State Comptroller shall direct and the State
26 Treasurer shall transfer amounts not exceeding a total of

1 \$80,000,000 from the General Revenue Fund to the Tobacco
 2 Settlement Recovery Fund. Any amounts so transferred shall be
 3 re-transferred by the State Comptroller and the State Treasurer
 4 from the Tobacco Settlement Recovery Fund to the General
 5 Revenue Fund at the direction of and upon notification from the
 6 Governor, but in any event on or before June 30, 2002.

7 (i-1) On or after July 1, 2002 and until May 1, 2003, in
 8 addition to any other transfers that may be provided for by
 9 law, at the direction of and upon notification from the
 10 Governor, the State Comptroller shall direct and the State
 11 Treasurer shall transfer amounts not exceeding a total of
 12 \$80,000,000 from the General Revenue Fund to the Tobacco
 13 Settlement Recovery Fund. Any amounts so transferred shall be
 14 re-transferred by the State Comptroller and the State Treasurer
 15 from the Tobacco Settlement Recovery Fund to the General
 16 Revenue Fund at the direction of and upon notification from the
 17 Governor, but in any event on or before June 30, 2003.

18 (j) On or after July 1, 2001 and no later than June 30,
 19 2002, in addition to any other transfers that may be provided
 20 for by law, at the direction of and upon notification from the
 21 Governor, the State Comptroller shall direct and the State
 22 Treasurer shall transfer amounts not to exceed the following
 23 sums into the Statistical Services Revolving Fund:

| | | |
|----|---|-------------|
| 24 | From the General Revenue Fund | \$8,450,000 |
| 25 | From the Public Utility Fund | 1,700,000 |
| 26 | From the Transportation Regulatory Fund | 2,650,000 |

| | | |
|----|---|-----------|
| 1 | From the Title III Social Security and | |
| 2 | Employment Fund | 3,700,000 |
| 3 | From the Professions Indirect Cost Fund | 4,050,000 |
| 4 | From the Underground Storage Tank Fund | 550,000 |
| 5 | From the Agricultural Premium Fund | 750,000 |
| 6 | From the State Pensions Fund | 200,000 |
| 7 | From the Road Fund | 2,000,000 |
| 8 | From the Health Facilities | |
| 9 | Planning Fund | 1,000,000 |
| 10 | From the Savings and Residential Finance | |
| 11 | Regulatory Fund | 130,800 |
| 12 | From the Appraisal Administration Fund | 28,600 |
| 13 | From the Pawnbroker Regulation Fund | 3,600 |
| 14 | From the Auction Regulation | |
| 15 | Administration Fund | 35,800 |
| 16 | From the Bank and Trust Company Fund..... | 634,800 |
| 17 | From the Real Estate License | |
| 18 | Administration Fund | 313,600 |

19 (k) In addition to any other transfers that may be provided
 20 for by law, as soon as may be practical after the effective
 21 date of this amendatory Act of the 92nd General Assembly, the
 22 State Comptroller shall direct and the State Treasurer shall
 23 transfer the sum of \$2,000,000 from the General Revenue Fund to
 24 the Teachers Health Insurance Security Fund.

25 (k-1) In addition to any other transfers that may be
 26 provided for by law, on July 1, 2002, or as soon as may be

1 practical thereafter, the State Comptroller shall direct and
 2 the State Treasurer shall transfer the sum of \$2,000,000 from
 3 the General Revenue Fund to the Teachers Health Insurance
 4 Security Fund.

5 (k-2) In addition to any other transfers that may be
 6 provided for by law, on July 1, 2003, or as soon as may be
 7 practical thereafter, the State Comptroller shall direct and
 8 the State Treasurer shall transfer the sum of \$2,000,000 from
 9 the General Revenue Fund to the Teachers Health Insurance
 10 Security Fund.

11 (k-3) On or after July 1, 2002 and no later than June 30,
 12 2003, in addition to any other transfers that may be provided
 13 for by law, at the direction of and upon notification from the
 14 Governor, the State Comptroller shall direct and the State
 15 Treasurer shall transfer amounts not to exceed the following
 16 sums into the Statistical Services Revolving Fund:

| | | |
|----|---|------------|
| 17 | Appraisal Administration Fund | \$150,000 |
| 18 | General Revenue Fund | 10,440,000 |
| 19 | Savings and Residential Finance | |
| 20 | Regulatory Fund | 200,000 |
| 21 | State Pensions Fund | 100,000 |
| 22 | Bank and Trust Company Fund | 100,000 |
| 23 | Professions Indirect Cost Fund | 3,400,000 |
| 24 | Public Utility Fund | 2,081,200 |
| 25 | Real Estate License Administration Fund | 150,000 |
| 26 | Title III Social Security and | |

| | | |
|---|--------------------------------------|-----------|
| 1 | Employment Fund | 1,000,000 |
| 2 | Transportation Regulatory Fund | 3,052,100 |
| 3 | Underground Storage Tank Fund | 50,000 |

4 (l) In addition to any other transfers that may be provided
5 for by law, on July 1, 2002, or as soon as may be practical
6 thereafter, the State Comptroller shall direct and the State
7 Treasurer shall transfer the sum of \$3,000,000 from the General
8 Revenue Fund to the Presidential Library and Museum Operating
9 Fund.

10 (m) In addition to any other transfers that may be provided
11 for by law, on July 1, 2002 and on the effective date of this
12 amendatory Act of the 93rd General Assembly, or as soon
13 thereafter as may be practical, the State Comptroller shall
14 direct and the State Treasurer shall transfer the sum of
15 \$1,200,000 from the General Revenue Fund to the Violence
16 Prevention Fund.

17 (n) In addition to any other transfers that may be provided
18 for by law, on July 1, 2003, or as soon thereafter as may be
19 practical, the State Comptroller shall direct and the State
20 Treasurer shall transfer the sum of \$6,800,000 from the General
21 Revenue Fund to the DHS Recoveries Trust Fund.

22 (o) On or after July 1, 2003, and no later than June 30,
23 2004, in addition to any other transfers that may be provided
24 for by law, at the direction of and upon notification from the
25 Governor, the State Comptroller shall direct and the State
26 Treasurer shall transfer amounts not to exceed the following

1 sums into the Vehicle Inspection Fund:

2 From the Underground Storage Tank Fund \$35,000,000.

3 (p) On or after July 1, 2003 and until May 1, 2004, in
4 addition to any other transfers that may be provided for by
5 law, at the direction of and upon notification from the
6 Governor, the State Comptroller shall direct and the State
7 Treasurer shall transfer amounts not exceeding a total of
8 \$80,000,000 from the General Revenue Fund to the Tobacco
9 Settlement Recovery Fund. Any amounts so transferred shall be
10 re-transferred from the Tobacco Settlement Recovery Fund to the
11 General Revenue Fund at the direction of and upon notification
12 from the Governor, but in any event on or before June 30, 2004.

13 (q) In addition to any other transfers that may be provided
14 for by law, on July 1, 2003, or as soon as may be practical
15 thereafter, the State Comptroller shall direct and the State
16 Treasurer shall transfer the sum of \$5,000,000 from the General
17 Revenue Fund to the Illinois Military Family Relief Fund.

18 (r) In addition to any other transfers that may be provided
19 for by law, on July 1, 2003, or as soon as may be practical
20 thereafter, the State Comptroller shall direct and the State
21 Treasurer shall transfer the sum of \$1,922,000 from the General
22 Revenue Fund to the Presidential Library and Museum Operating
23 Fund.

24 (s) In addition to any other transfers that may be provided
25 for by law, on or after July 1, 2003, the State Comptroller
26 shall direct and the State Treasurer shall transfer the sum of

1 \$4,800,000 from the Statewide Economic Development Fund to the
2 General Revenue Fund.

3 (t) In addition to any other transfers that may be provided
4 for by law, on or after July 1, 2003, the State Comptroller
5 shall direct and the State Treasurer shall transfer the sum of
6 \$50,000,000 from the General Revenue Fund to the Budget
7 Stabilization Fund.

8 (u) On or after July 1, 2004 and until May 1, 2005, in
9 addition to any other transfers that may be provided for by
10 law, at the direction of and upon notification from the
11 Governor, the State Comptroller shall direct and the State
12 Treasurer shall transfer amounts not exceeding a total of
13 \$80,000,000 from the General Revenue Fund to the Tobacco
14 Settlement Recovery Fund. Any amounts so transferred shall be
15 retransferred by the State Comptroller and the State Treasurer
16 from the Tobacco Settlement Recovery Fund to the General
17 Revenue Fund at the direction of and upon notification from the
18 Governor, but in any event on or before June 30, 2005.

19 (v) In addition to any other transfers that may be provided
20 for by law, on July 1, 2004, or as soon thereafter as may be
21 practical, the State Comptroller shall direct and the State
22 Treasurer shall transfer the sum of \$1,200,000 from the General
23 Revenue Fund to the Violence Prevention Fund.

24 (w) In addition to any other transfers that may be provided
25 for by law, on July 1, 2004, or as soon thereafter as may be
26 practical, the State Comptroller shall direct and the State

1 Treasurer shall transfer the sum of \$6,445,000 from the General
2 Revenue Fund to the Presidential Library and Museum Operating
3 Fund.

4 (x) In addition to any other transfers that may be provided
5 for by law, on January 15, 2005, or as soon thereafter as may
6 be practical, the State Comptroller shall direct and the State
7 Treasurer shall transfer to the General Revenue Fund the
8 following sums:

9 From the State Crime Laboratory Fund, \$200,000;

10 From the State Police Wireless Service Emergency Fund,
11 \$200,000;

12 From the State Offender DNA Identification System
13 Fund, \$800,000; and

14 From the State Police Whistleblower Reward and
15 Protection Fund, \$500,000.

16 (y) Notwithstanding any other provision of law to the
17 contrary, in addition to any other transfers that may be
18 provided for by law on June 30, 2005, or as soon as may be
19 practical thereafter, the State Comptroller shall direct and
20 the State Treasurer shall transfer the remaining balance from
21 the designated funds into the General Revenue Fund and any
22 future deposits that would otherwise be made into these funds
23 must instead be made into the General Revenue Fund:

24 (1) the Keep Illinois Beautiful Fund;

25 (2) the Metropolitan Fair and Exposition Authority
26 Reconstruction Fund;

- 1 (3) the New Technology Recovery Fund;
- 2 (4) the Illinois Rural Bond Bank Trust Fund;
- 3 (5) the ISBE School Bus Driver Permit Fund;
- 4 (6) the Solid Waste Management Revolving Loan Fund;
- 5 (7) the State Postsecondary Review Program Fund;
- 6 (8) the Tourism Attraction Development Matching Grant
7 Fund;
- 8 (9) the Patent and Copyright Fund;
- 9 (10) the Credit Enhancement Development Fund;
- 10 (11) the Community Mental Health and Developmental
11 Disabilities Services Provider Participation Fee Trust
12 Fund;
- 13 (12) the Nursing Home Grant Assistance Fund;
- 14 (13) the By-product Material Safety Fund;
- 15 (14) the Illinois Student Assistance Commission Higher
16 EdNet Fund;
- 17 (15) the DORS State Project Fund;
- 18 (16) the School Technology Revolving Fund;
- 19 (17) the Energy Assistance Contribution Fund;
- 20 (18) the Illinois Building Commission Revolving Fund;
- 21 (19) the Illinois Aquaculture Development Fund;
- 22 (20) the Homelessness Prevention Fund;
- 23 (21) the DCFS Refugee Assistance Fund;
- 24 (22) the Illinois Century Network Special Purposes
25 Fund; and
- 26 (23) the Build Illinois Purposes Fund.

1 (z) In addition to any other transfers that may be provided
2 for by law, on July 1, 2005, or as soon as may be practical
3 thereafter, the State Comptroller shall direct and the State
4 Treasurer shall transfer the sum of \$1,200,000 from the General
5 Revenue Fund to the Violence Prevention Fund.

6 (aa) In addition to any other transfers that may be
7 provided for by law, on July 1, 2005, or as soon as may be
8 practical thereafter, the State Comptroller shall direct and
9 the State Treasurer shall transfer the sum of \$9,000,000 from
10 the General Revenue Fund to the Presidential Library and Museum
11 Operating Fund.

12 (bb) In addition to any other transfers that may be
13 provided for by law, on July 1, 2005, or as soon as may be
14 practical thereafter, the State Comptroller shall direct and
15 the State Treasurer shall transfer the sum of \$6,803,600 from
16 the General Revenue Fund to the Securities Audit and
17 Enforcement Fund.

18 (cc) In addition to any other transfers that may be
19 provided for by law, on or after July 1, 2005 and until May 1,
20 2006, at the direction of and upon notification from the
21 Governor, the State Comptroller shall direct and the State
22 Treasurer shall transfer amounts not exceeding a total of
23 \$80,000,000 from the General Revenue Fund to the Tobacco
24 Settlement Recovery Fund. Any amounts so transferred shall be
25 re-transferred by the State Comptroller and the State Treasurer
26 from the Tobacco Settlement Recovery Fund to the General

1 Revenue Fund at the direction of and upon notification from the
2 Governor, but in any event on or before June 30, 2006.

3 (dd) In addition to any other transfers that may be
4 provided for by law, on April 1, 2005, or as soon thereafter as
5 may be practical, at the direction of the Director of Public
6 Aid (now Director of Healthcare and Family Services), the State
7 Comptroller shall direct and the State Treasurer shall transfer
8 from the Public Aid Recoveries Trust Fund amounts not to exceed
9 \$14,000,000 to the Community Mental Health Medicaid Trust Fund.

10 (ee) Notwithstanding any other provision of law, on July 1,
11 2006, or as soon thereafter as practical, the State Comptroller
12 shall direct and the State Treasurer shall transfer the
13 remaining balance from the Illinois Civic Center Bond Fund to
14 the Illinois Civic Center Bond Retirement and Interest Fund.

15 (ff) In addition to any other transfers that may be
16 provided for by law, on and after July 1, 2006 and until June
17 30, 2007, at the direction of and upon notification from the
18 Director of the Governor's Office of Management and Budget, the
19 State Comptroller shall direct and the State Treasurer shall
20 transfer amounts not exceeding a total of \$1,900,000 from the
21 General Revenue Fund to the Illinois Capital Revolving Loan
22 Fund.

23 (gg) In addition to any other transfers that may be
24 provided for by law, on and after July 1, 2006 and until May 1,
25 2007, at the direction of and upon notification from the
26 Governor, the State Comptroller shall direct and the State

1 Treasurer shall transfer amounts not exceeding a total of
 2 \$80,000,000 from the General Revenue Fund to the Tobacco
 3 Settlement Recovery Fund. Any amounts so transferred shall be
 4 retransferred by the State Comptroller and the State Treasurer
 5 from the Tobacco Settlement Recovery Fund to the General
 6 Revenue Fund at the direction of and upon notification from the
 7 Governor, but in any event on or before June 30, 2007.

8 (hh) In addition to any other transfers that may be
 9 provided for by law, on and after July 1, 2006 and until June
 10 30, 2007, at the direction of and upon notification from the
 11 Governor, the State Comptroller shall direct and the State
 12 Treasurer shall transfer amounts from the Illinois Affordable
 13 Housing Trust Fund to the designated funds not exceeding the
 14 following amounts:

- 15 DCFS Children's Services Fund \$2,200,000
- 16 Department of Corrections Reimbursement
- 17 and Education Fund \$1,500,000
- 18 Supplemental Low-Income Energy
- 19 Assistance Fund \$75,000

20 (ii) In addition to any other transfers that may be
 21 provided for by law, on or before August 31, 2006, the Governor
 22 and the State Comptroller may agree to transfer the surplus
 23 cash balance from the General Revenue Fund to the Budget
 24 Stabilization Fund and the Pension Stabilization Fund in equal
 25 proportions. The determination of the amount of the surplus
 26 cash balance shall be made by the Governor, with the

1 concurrence of the State Comptroller, after taking into account
2 the June 30, 2006 balances in the general funds and the actual
3 or estimated spending from the general funds during the lapse
4 period. Notwithstanding the foregoing, the maximum amount that
5 may be transferred under this subsection (ii) is \$50,000,000.

6 (jj) In addition to any other transfers that may be
7 provided for by law, on July 1, 2006, or as soon thereafter as
8 practical, the State Comptroller shall direct and the State
9 Treasurer shall transfer the sum of \$8,250,000 from the General
10 Revenue Fund to the Presidential Library and Museum Operating
11 Fund.

12 (kk) In addition to any other transfers that may be
13 provided for by law, on July 1, 2006, or as soon thereafter as
14 practical, the State Comptroller shall direct and the State
15 Treasurer shall transfer the sum of \$1,400,000 from the General
16 Revenue Fund to the Violence Prevention Fund.

17 (ll) In addition to any other transfers that may be
18 provided for by law, on the first day of each calendar quarter
19 of the fiscal year beginning July 1, 2006, or as soon
20 thereafter as practical, the State Comptroller shall direct and
21 the State Treasurer shall transfer from the General Revenue
22 Fund amounts equal to one-fourth of \$20,000,000 to the
23 Renewable Energy Resources Trust Fund.

24 (mm) In addition to any other transfers that may be
25 provided for by law, on July 1, 2006, or as soon thereafter as
26 practical, the State Comptroller shall direct and the State

1 Treasurer shall transfer the sum of \$1,320,000 from the General
2 Revenue Fund to the I-FLY Fund.

3 (nn) In addition to any other transfers that may be
4 provided for by law, on July 1, 2006, or as soon thereafter as
5 practical, the State Comptroller shall direct and the State
6 Treasurer shall transfer the sum of \$3,000,000 from the General
7 Revenue Fund to the African-American HIV/AIDS Response Fund.

8 (oo) In addition to any other transfers that may be
9 provided for by law, on and after July 1, 2006 and until June
10 30, 2007, at the direction of and upon notification from the
11 Governor, the State Comptroller shall direct and the State
12 Treasurer shall transfer amounts identified as net receipts
13 from the sale of all or part of the Illinois Student Assistance
14 Commission loan portfolio from the Student Loan Operating Fund
15 to the General Revenue Fund. The maximum amount that may be
16 transferred pursuant to this Section is \$38,800,000. In
17 addition, no transfer may be made pursuant to this Section that
18 would have the effect of reducing the available balance in the
19 Student Loan Operating Fund to an amount less than the amount
20 remaining unexpended and unreserved from the total
21 appropriations from the Fund estimated to be expended for the
22 fiscal year. The State Treasurer and Comptroller shall transfer
23 the amounts designated under this Section as soon as may be
24 practical after receiving the direction to transfer from the
25 Governor.

26 (pp) ~~(ee)~~ In addition to any other transfers that may be

1 provided for by law, on July 1, 2006, or as soon thereafter as
2 practical, the State Comptroller shall direct and the State
3 Treasurer shall transfer the sum of \$2,000,000 from the General
4 Revenue Fund to the Illinois Veterans Assistance Fund.

5 (Source: P.A. 93-32, eff. 6-20-03; 93-648, eff. 1-8-04; 93-839,
6 eff. 7-30-04; 93-1067, eff. 1-15-05; 94-58, eff. 6-17-05;
7 94-91, eff. 7-1-05; 94-816, eff. 5-30-06; 94-839, eff. 6-6-06;
8 revised 8-3-06.)

9 (30 ILCS 105/8h)

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

11 (a) Except as otherwise provided in this Section and
12 Section 8n of this Act, and ~~(c), (d), or (e)~~, notwithstanding
13 any other State law to the contrary, the Governor may, through
14 June 30, 2007, from time to time direct the State Treasurer and
15 Comptroller to transfer a specified sum from any fund held by
16 the State Treasurer to the General Revenue Fund in order to
17 help defray the State's operating costs for the fiscal year.
18 The total transfer under this Section from any fund in any
19 fiscal year shall not exceed the lesser of (i) 8% of the
20 revenues to be deposited into the fund during that fiscal year
21 or (ii) an amount that leaves a remaining fund balance of 25%
22 of the July 1 fund balance of that fiscal year. In fiscal year
23 2005 only, prior to calculating the July 1, 2004 final
24 balances, the Governor may calculate and direct the State
25 Treasurer with the Comptroller to transfer additional amounts

1 determined by applying the formula authorized in Public Act
2 93-839 to the funds balances on July 1, 2003. No transfer may
3 be made from a fund under this Section that would have the
4 effect of reducing the available balance in the fund to an
5 amount less than the amount remaining unexpended and unreserved
6 from the total appropriation from that fund estimated to be
7 expended for that fiscal year. This Section does not apply to
8 any funds that are restricted by federal law to a specific use,
9 to any funds in the Motor Fuel Tax Fund, the Intercity
10 Passenger Rail Fund, the Hospital Provider Fund, the Medicaid
11 Provider Relief Fund, the Teacher Health Insurance Security
12 Fund, the Reviewing Court Alternative Dispute Resolution Fund,
13 the Voters' Guide Fund, the Foreign Language Interpreter Fund,
14 the Lawyers' Assistance Program Fund, the Supreme Court Federal
15 Projects Fund, the Supreme Court Special State Projects Fund,
16 the Supplemental Low-Income Energy Assistance Fund, the Good
17 Samaritan Energy Trust Fund, the Low-Level Radioactive Waste
18 Facility Development and Operation Fund, the Horse Racing
19 Equity Trust Fund, or the Hospital Basic Services Preservation
20 Fund, or to any funds to which subsection (f) of Section 20-40
21 of the Nursing and Advanced Practice Nursing Act applies. No
22 transfers may be made under this Section from the Pet
23 Population Control Fund. Notwithstanding any other provision
24 of this Section, for fiscal year 2004, the total transfer under
25 this Section from the Road Fund or the State Construction
26 Account Fund shall not exceed the lesser of (i) 5% of the

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

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

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

16 (a-5) Transfers directed to be made under this Section on
17 or before February 28, 2006 that are still pending on May 19,
18 2006 (the effective date of Public Act 94-774) ~~this amendatory~~
19 ~~Act of the 94th General Assembly~~ shall be redirected as
20 provided in Section 8n of this Act.

21 (b) This Section does not apply to: (i) the Ticket For The
22 Cure Fund; (ii) any fund established under the Community Senior
23 Services and Resources Act; or (iii) on or after January 1,
24 2006 (the effective date of Public Act 94-511), the Child Labor
25 and Day and Temporary Labor Enforcement Fund.

26 (c) This Section does not apply to the Demutualization

1 Trust Fund established under the Uniform Disposition of
2 Unclaimed Property Act.

3 (d) This Section does not apply to moneys set aside in the
4 Illinois State Podiatric Disciplinary Fund for podiatric
5 scholarships and residency programs under the Podiatric
6 Scholarship and Residency Act.

7 (e) Subsection (a) does not apply to, and no transfer may
8 be made under this Section from, the Pension Stabilization
9 Fund.

10 (Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674,
11 eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04;
12 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff.
13 1-15-05; 94-91, eff. 7-1-05; 94-120, eff. 7-6-05; 94-511, eff.
14 1-1-06; 94-535, eff. 8-10-05; 94-639, eff. 8-22-05; 94-645,
15 eff. 8-22-05; 94-648, eff. 1-1-06; 94-686, eff. 11-2-05;
16 94-691, eff. 11-2-05; 94-726, eff. 1-20-06; 94-773, eff.
17 5-18-06; 94-774, eff. 5-19-06; 94-804, eff. 5-26-06; 94-839,
18 eff. 6-6-06; revised 6-19-06.)

19 (30 ILCS 105/8i)

20 Sec. 8i ~~8h~~. Transfers between the Communications Revolving
21 Fund and the Illinois Military Family Relief Fund. The State
22 Comptroller shall order transferred and the Treasurer shall
23 transfer, on March 31, 2003 or as soon as practicable
24 thereafter, the amount of \$300,000 from the Communications
25 Revolving Fund to the Illinois Military Family Relief Fund.

1 Beginning on July 1, 2004, the State Comptroller shall order
2 transferred and the Treasurer shall transfer, on the last day
3 of each month, an amount equal to 50% of that day's beginning
4 balance in the Illinois Military Family Relief Fund from the
5 Illinois Military Family Relief Fund to the Communications
6 Revolving Fund. These transfers shall continue until the
7 cumulative total of transfers executed from the Illinois
8 Military Family Relief Fund to the Communications Revolving
9 Fund equals \$300,000.

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

11 (30 ILCS 105/25) (from Ch. 127, par. 161)

12 Sec. 25. Fiscal year limitations.

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

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

1 in order to be considered an "outstanding liability as of June
2 30" that is thereby eligible for payment out of the expiring
3 appropriation.

4 However, payment of tuition reimbursement claims under
5 Section 14-7.03 or 18-3 of the School Code may be made by the
6 State Board of Education from its appropriations for those
7 respective purposes for any fiscal year, even though the claims
8 reimbursed by the payment may be claims attributable to a prior
9 fiscal year, and payments may be made at the direction of the
10 State Superintendent of Education from the fund from which the
11 appropriation is made without regard to any fiscal year
12 limitations.

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

18 Medical payments may be made by the Department of
19 Healthcare and Family Services ~~Public Aid~~ and medical payments
20 and child care payments may be made by the Department of Human
21 Services (as successor to the Department of Public Aid) from
22 appropriations for those purposes for any fiscal year, without
23 regard to the fact that the medical or child care services
24 being compensated for by such payment may have been rendered in
25 a prior fiscal year; and payments may be made at the direction
26 of the Department of Central Management Services from the

1 Health Insurance Reserve Fund and the Local Government Health
2 Insurance Reserve Fund without regard to any fiscal year
3 limitations.

4 Medical payments may be made by the Department of Human
5 Services from its appropriations relating to substance abuse
6 treatment services for any fiscal year, without regard to the
7 fact that the medical services being compensated for by such
8 payment may have been rendered in a prior fiscal year, provided
9 the payments are made on a fee-for-service basis consistent
10 with requirements established for Medicaid reimbursement by
11 the Department of Healthcare and Family Services ~~Public Aid~~.

12 Additionally, payments may be made by the Department of
13 Human Services from its appropriations, or any other State
14 agency from its appropriations with the approval of the
15 Department of Human Services, from the Immigration Reform and
16 Control Fund for purposes authorized pursuant to the
17 Immigration Reform and Control Act of 1986, without regard to
18 any fiscal year limitations.

19 Further, with respect to costs incurred in fiscal years
20 2002 and 2003 only, payments may be made by the State Treasurer
21 from its appropriations from the Capital Litigation Trust Fund
22 without regard to any fiscal year limitations.

23 Lease payments may be made by the Department of Central
24 Management Services under the sale and leaseback provisions of
25 Section 7.4 of the State Property Control Act with respect to
26 the James R. Thompson Center and the Elgin Mental Health Center

1 and surrounding land from appropriations for that purpose
2 without regard to any fiscal year limitations.

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

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

21 (d) The Department of Public Health and the Department of
22 Human Services (acting as successor to the Department of Public
23 Health under the Department of Human Services Act) shall each
24 annually submit to the State Comptroller, Senate President,
25 Senate Minority Leader, Speaker of the House, House Minority
26 Leader, and the respective Chairmen and Minority Spokesmen of

1 the Appropriations Committees of the Senate and the House, on
2 or before December 31, a report of fiscal year funds used to
3 pay for services provided in any prior fiscal year. This report
4 shall document by program or service category those
5 expenditures from the most recently completed fiscal year used
6 to pay for services provided in prior fiscal years.

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

21 (f) The Department of Human Services (as successor to the
22 Department of Public Aid) shall annually submit to the State
23 Comptroller, Senate President, Senate Minority Leader, Speaker
24 of the House, House Minority Leader, and the respective
25 Chairmen and Minority Spokesmen of the Appropriations
26 Committees of the Senate and the House, on or before December

1 31, a report of fiscal year funds used to pay for services
2 (other than medical care) provided in any prior fiscal year.
3 This report shall document by program or service category those
4 expenditures from the most recently completed fiscal year used
5 to pay for services provided in prior fiscal years.

6 (g) In addition, each annual report required to be
7 submitted by the Department of Healthcare and Family Services
8 ~~Public Aid~~ under subsection (e) shall include the following
9 information with respect to the State's Medicaid program:

10 (1) Explanations of the exact causes of the variance
11 between the previous year's estimated and actual
12 liabilities.

13 (2) Factors affecting the Department of Healthcare and
14 Family Services' ~~Public Aid's~~ liabilities, including but
15 not limited to numbers of aid recipients, levels of medical
16 service utilization by aid recipients, and inflation in the
17 cost of medical services.

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

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

26 (i) An agency which administers a fund classified by the

1 Comptroller as an internal service fund may issue rules for:

2 (1) billing user agencies in advance for payments or
3 authorized inter-fund transfers based on estimated charges
4 for goods or services;

5 (2) issuing credits, refunding through inter-fund
6 transfers, or reducing future inter-fund transfers during
7 the subsequent fiscal year for all user agency payments or
8 authorized inter-fund transfers received during the prior
9 fiscal year which were in excess of the final amounts owed
10 by the user agency for that period; and

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

16 User agencies are authorized to reimburse internal service
17 funds for catch-up billings by vouchers drawn against their
18 respective appropriations for the fiscal year in which the
19 catch-up billing was issued or by increasing an authorized
20 inter-fund transfer during the current fiscal year. For the
21 purposes of this Act, "inter-fund transfers" means transfers
22 without the use of the voucher-warrant process, as authorized
23 by Section 9.01 of the State Comptroller Act.

24 (Source: P.A. 92-885, eff. 1-13-03; 93-19, eff. 6-20-03;
25 93-839, eff. 7-30-04; 93-841, eff. 7-30-04; revised 12-15-05.)

- 1 (30 ILCS 105/5.05 rep.)
- 2 (30 ILCS 105/5.06 rep.)
- 3 (30 ILCS 105/5.35 rep.)
- 4 (30 ILCS 105/5.37 rep.)
- 5 (30 ILCS 105/5.47 rep.)
- 6 (30 ILCS 105/5.51 rep.)
- 7 (30 ILCS 105/5.59 rep.)
- 8 (30 ILCS 105/5.60 rep.)
- 9 (30 ILCS 105/5.69 rep.)
- 10 (30 ILCS 105/5.75 rep.)
- 11 (30 ILCS 105/5.76 rep.)
- 12 (30 ILCS 105/5.90 rep.)
- 13 (30 ILCS 105/5.113 rep.)
- 14 (30 ILCS 105/5.178 rep.)
- 15 (30 ILCS 105/5.190 rep.)
- 16 (30 ILCS 105/5.191 rep.)
- 17 (30 ILCS 105/5.193 rep.)
- 18 (30 ILCS 105/5.197 rep.)
- 19 (30 ILCS 105/5.205 rep.)
- 20 (30 ILCS 105/5.210 rep.)
- 21 (30 ILCS 105/5.218 rep.)
- 22 (30 ILCS 105/5.220 rep.)
- 23 (30 ILCS 105/5.228 rep.)
- 24 (30 ILCS 105/5.245 rep.)
- 25 (30 ILCS 105/5.246 rep.)
- 26 (30 ILCS 105/5.264 rep.)

- 1 (30 ILCS 105/5.271 rep.)
- 2 (30 ILCS 105/5.283 rep.)
- 3 (30 ILCS 105/5.285 rep.)
- 4 (30 ILCS 105/5.294 rep.)
- 5 (30 ILCS 105/5.299 rep.)
- 6 (30 ILCS 105/5.300 rep.)
- 7 (30 ILCS 105/5.301 rep.)
- 8 (30 ILCS 105/5.304 rep.)
- 9 (30 ILCS 105/5.308 rep.)
- 10 (30 ILCS 105/5.309 rep.)
- 11 (30 ILCS 105/5.311 rep.)
- 12 (30 ILCS 105/5.314 rep.)
- 13 (30 ILCS 105/5.327 rep.)
- 14 (30 ILCS 105/5.330 rep.)
- 15 (30 ILCS 105/5.335 rep.)
- 16 (30 ILCS 105/5.336 rep.)
- 17 (30 ILCS 105/5.360 (from P.A. 87-1249) rep.)
- 18 (30 ILCS 105/5.361 rep.)
- 19 (30 ILCS 105/5.363 rep.)
- 20 (30 ILCS 105/5.388 rep.)
- 21 (30 ILCS 105/5.389 rep.)
- 22 (30 ILCS 105/5.390 rep.)
- 23 (30 ILCS 105/5.393 rep.)
- 24 (30 ILCS 105/5.396 rep.)
- 25 (30 ILCS 105/5.398 rep.)
- 26 (30 ILCS 105/5.399 rep.)

- 1 (30 ILCS 105/5.400 rep.)
- 2 (30 ILCS 105/5.401 rep.)
- 3 (30 ILCS 105/5.402 rep.)
- 4 (30 ILCS 105/5.403 rep.)
- 5 (30 ILCS 105/5.404 rep.)
- 6 (30 ILCS 105/5.405 rep.)
- 7 (30 ILCS 105/5.406 rep.)
- 8 (30 ILCS 105/5.407 rep.)
- 9 (30 ILCS 105/5.417 rep.)
- 10 (30 ILCS 105/5.432 rep.)
- 11 (30 ILCS 105/5.433 rep.)
- 12 (30 ILCS 105/5.434 rep.)
- 13 (30 ILCS 105/5.439 rep.)
- 14 (30 ILCS 105/5.447 rep.)
- 15 (30 ILCS 105/5.467 rep.)
- 16 (30 ILCS 105/5.483 rep.)
- 17 (30 ILCS 105/5.486 rep.)
- 18 (30 ILCS 105/5.488 rep.)
- 19 (30 ILCS 105/5.507 rep.)
- 20 (30 ILCS 105/5.519 rep.)
- 21 (30 ILCS 105/5.522 rep.)

22 Section 316. The State Finance Act is amended by repealing
23 Sections 5.05, 5.06, 5.35, 5.37, 5.47, 5.51, 5.59, 5.60, 5.69,
24 5.75, 5.76, 5.90, 5.113, 5.178, 5.190, 5.191, 5.193, 5.197,
25 5.205, 5.210, 5.218, 5.220, 5.228, 5.245, 5.246, 5.264, 5.271,
26 5.283, 5.285, 5.294, 5.299, 5.300, 5.301, 5.304, 5.308, 5.309,

1 5.311, 5.314, 5.327, 5.330, 5.335, 5.336, 5.360 as added by
2 Public Act 87-1249, 5.361, 5.363, 5.388, 5.389, 5.390, 5.393,
3 5.396, 5.398, 5.399, 5.400, 5.401, 5.402, 5.403, 5.404, 5.405,
4 5.406, 5.407, 5.417, 5.432, 5.433, 5.434, 5.439, 5.447, 5.467,
5 5.483, 5.486, 5.488, 5.507, 5.519, and 5.522.

6 (30 ILCS 105/5.230 rep.)

7 Section 317. The State Finance Act is amended by repealing
8 Section 5.230.

9 Section 320. The Illinois State Collection Act of 1986 is
10 amended by changing Sections 5 and 10 as follows:

11 (30 ILCS 210/5) (from Ch. 15, par. 155)

12 Sec. 5. Rules; payment plans; offsets.

13 (a) Until July 1, 2004 for the Department of Public Aid and
14 July 1, 2005 for Universities and all other State agencies,
15 State agencies shall adopt rules establishing formal due dates
16 for amounts owing to the State and for the referral of
17 seriously past due accounts to private collection agencies,
18 unless otherwise expressly provided by law or rule, except that
19 on and after July 1, 2005, the Department of Employment
20 Security may continue to refer to private collection agencies
21 past due amounts that are exempt from subsection (g). Such
22 procedures shall be established in accord with sound business

1 practices.

2 (b) Until July 1, 2004 for the Department of Public Aid and
3 July 1, 2005 for Universities and all other State agencies,
4 agencies may enter deferred payment plans for debtors of the
5 agency and documentation of this fact retained by the agency,
6 where the deferred payment plan is likely to increase the net
7 amount collected by the State, except that, on and after July
8 1, 2005, the Department of Employment Security may continue to
9 enter deferred payment plans for debts that are exempt from
10 subsection (g).

11 (c) Until July 1, 2004 for the Department of Public Aid and
12 July 1, 2005 for Universities and all other State agencies,
13 State agencies may use the Comptroller's Offset System provided
14 in Section 10.05 of the State Comptroller Act for the
15 collection of debts owed to the agency, except that, on and
16 after July 1, 2005, the Department of Employment Security may
17 continue to use the Comptroller's offset system to collect
18 amounts that are exempt from subsection (g). All debts that
19 exceed \$1,000 and are more than 90 days past due shall be
20 placed in the Comptroller's Offset System, unless the State
21 agency shall have entered into a deferred payment plan or
22 demonstrates to the Comptroller's satisfaction that referral
23 for offset is not cost effective.

24 (d) State agencies shall develop internal procedures
25 whereby agency initiated payments to its debtors may be offset
26 without referral to the Comptroller's Offset System.

1 (e) State agencies or the Comptroller may remove claims
2 from the Comptroller's Offset System, where such claims have
3 been inactive for more than one year.

4 (f) State agencies may use the Comptroller's Offset System
5 to determine if any State agency is attempting to collect debt
6 from a contractor, bidder, or other proposed contracting party.

7 (g) Beginning July 1, 2004 for the Departments of Public
8 Aid (now Healthcare and Family Services) and Employment
9 Security and July 1, 2005 for Universities and other State
10 agencies, State agencies shall refer to the Department of
11 Revenue Debt Collection Bureau (the Bureau) all debt to the
12 State, provided that the debt satisfies the requirements for
13 referral of delinquent debt as established by rule by the
14 Department of Revenue.

15 (h) The Department of Healthcare and Family Services ~~Public~~
16 ~~Aid~~ shall be exempt from the requirements of this Section with
17 regard to child support debts, the collection of which is
18 governed by the requirements of Title IV, Part D of the federal
19 Social Security Act. The Department of Healthcare and Family
20 Services ~~Public Aid~~ may refer child support debts to the
21 Bureau, provided that the debt satisfies the requirements for
22 referral of delinquent debt as established by rule by the
23 Department of Revenue. The Bureau shall use all legal means
24 available to collect child support debt, including those
25 authorizing the Department of Revenue to collect debt and those
26 authorizing the Department of Healthcare and Family Services

1 ~~Public Aid~~ to collect debt. All such referred debt shall remain
2 an obligation under the Department of Healthcare and Family
3 Services' ~~Public Aid's~~ Child Support Enforcement Program
4 subject to the requirements of Title IV, Part D of the federal
5 Social Security Act, including the continued use of federally
6 mandated enforcement remedies and techniques by the Department
7 of Healthcare and Family Services ~~Public Aid~~.

8 (h-1) The Department of Employment Security is exempt from
9 subsection (g) with regard to debts to any federal account,
10 including but not limited to the Unemployment Trust Fund, and
11 penalties and interest assessed under the Unemployment
12 Insurance Act. The Department of Employment Security may refer
13 those debts to the Bureau, provided the debt satisfies the
14 requirements for referral of delinquent debt as established by
15 rule by the Department of Revenue. The Bureau shall use all
16 legal means available to collect the debts, including those
17 authorizing the Department of Revenue to collect debt and those
18 authorizing the Department of Employment Security to collect
19 debt. All referred debt shall remain an obligation to the
20 account to which it is owed.

21 (i) All debt referred to the Bureau for collection shall
22 remain the property of the referring agency. The Bureau shall
23 collect debt on behalf of the referring agency using all legal
24 means available, including those authorizing the Department of
25 Revenue to collect debt and those authorizing the referring
26 agency to collect debt.

1 (j) No debt secured by an interest in real property granted
2 by the debtor in exchange for the creation of the debt shall be
3 referred to the Bureau. The Bureau shall have no obligation to
4 collect debts secured by an interest in real property.

5 (k) Beginning July 1, 2003, each agency shall collect and
6 provide the Bureau information regarding the nature and details
7 of its debt in such form and manner as the Department of
8 Revenue shall require.

9 (l) For all debt accruing after July 1, 2003, each agency
10 shall collect and transmit such debtor identification
11 information as the Department of Revenue shall require.

12 (Source: P.A. 92-404, eff. 7-1-02; 93-570, eff. 8-20-03;
13 revised 12-15-05.)

14 (30 ILCS 210/10)

15 Sec. 10. Department of Revenue Debt Collection Bureau to
16 assume collection duties.

17 (a) The Department of Revenue's Debt Collection Bureau
18 shall serve as the primary debt collecting entity for the State
19 and in that role shall collect debts on behalf of agencies of
20 the State. All debts owed the State of Illinois shall be
21 referred to the Bureau, subject to such limitations as the
22 Department of Revenue shall by rule establish. The Bureau shall
23 utilize the Comptroller's offset system and private collection
24 agencies, as well as its own collections personnel. The Bureau
25 shall collect debt using all legal authority available to the

1 Department of Revenue to collect debt and all legal authority
2 available to the referring agency.

3 (b) The Bureau shall have the sole authority to let
4 contracts with persons specializing in debt collection for the
5 collection of debt referred to and accepted by the Bureau. Any
6 contract with the debt collector shall specify that the
7 collector's fee shall be on a contingency basis and that the
8 debt collector shall not be entitled to collect a contingency
9 fee for any debt collected through the efforts of any State
10 offset system.

11 (c) The Department of Revenue shall adopt rules for the
12 certification of debt from referring agencies and shall adopt
13 rules for the certification of collection specialists to be
14 employed by the Bureau.

15 (d) The Department of Revenue shall adopt rules for
16 determining when a debt referred by an agency shall be deemed
17 by the Bureau to be uncollectible.

18 (e) Once an agency's debt is deemed by the Bureau to be
19 uncollectible, the Bureau shall return the debt to the
20 referring agency which shall then write the debt off as
21 uncollectible or return the debt to the Bureau for additional
22 collection efforts. The Bureau shall refuse to accept debt that
23 has been deemed uncollectible absent factual assertions from
24 the referring agency that due to circumstances not known at the
25 time the debt was deemed uncollectible that the debt is worthy
26 of additional collection efforts.

1 (f) For each debt referred, the State agency shall retain
2 all documents and records relating to or supporting the debt.
3 In the event a debtor shall raise a reasonable doubt as to the
4 validity of the debt, the Bureau may in its discretion refer
5 the debt back to the referring agency for further review and
6 recommendation.

7 (g) The Department of Healthcare and Family Services ~~Public~~
8 ~~Aid~~ shall be exempt from the requirements of this Section with
9 regard to child support debts, the collection of which is
10 governed by the requirements of Title IV, Part D of the federal
11 Social Security Act. The Department of Healthcare and Family
12 Services ~~Public Aid~~ may refer child support debts to the
13 Bureau, provided that the debt satisfies the requirements for
14 referral of delinquent debt as established by rule by the
15 Department of Revenue. The Bureau shall use all legal means
16 available to collect child support debt, including those
17 authorizing the Department of Revenue to collect debt and those
18 authorizing the Department of Healthcare and Family Services
19 ~~Public Aid~~ to collect debt. All such referred debt shall remain
20 an obligation under the Department of Healthcare and Family
21 Services' ~~Public Aid's~~ Child Support Enforcement Program
22 subject to the requirements of Title IV, Part D of the federal
23 Social Security Act, including the continued use of federally
24 mandated enforcement remedies and techniques by the Department
25 of Healthcare and Family Services ~~Public Aid~~.

26 (g-1) The Department of Employment Security is exempt from

1 subsection (a) with regard to debts to any federal account,
2 including but not limited to the Unemployment Trust Fund, and
3 penalties and interest assessed under the Unemployment
4 Insurance Act. The Department of Employment Security may refer
5 those debts to the Bureau, provided the debt satisfies the
6 requirements for referral of delinquent debt as established by
7 rule by the Department of Revenue. The Bureau shall use all
8 legal means available to collect the debts, including those
9 authorizing the Department of Revenue to collect debt and those
10 authorizing the Department of Employment Security to collect
11 debt. All referred debt shall remain an obligation to the
12 account to which it is owed.

13 (h) The Debt Collection Fund is created as a special fund
14 in the State treasury. Debt collection contractors under this
15 Act shall receive a contingency fee as provided by the terms of
16 their contracts with the Department of Revenue. Thereafter, 20%
17 of all amounts collected by the Bureau, excluding amounts
18 collected on behalf of the Departments of Healthcare and Family
19 Services (formerly Public Aid) and Revenue, shall be deposited
20 into the Debt Collection Fund. All remaining amounts collected
21 shall be deposited into the General Revenue Fund unless the
22 funds are owed to any State fund or funds other than the
23 General Revenue Fund. Moneys in the Debt Collection Fund shall
24 be appropriated only for the administrative costs of the
25 Bureau. On the last day of each fiscal year, unappropriated
26 moneys and moneys otherwise deemed unneeded for the next fiscal

1 year remaining in the Debt Collection Fund may be transferred
2 into the General Revenue Fund at the Governor's reasonable
3 discretion. The provisions of this subsection do not apply to
4 debt that is exempt from subsection (a) pursuant to subsection
5 (g-1) or child support debt referred to the Bureau by the
6 Department of Healthcare and Family Services (formerly
7 Department of Public Aid) pursuant to this amendatory Act of
8 the 93rd General Assembly. Collections arising from referrals
9 from the Department of Healthcare and Family Services (formerly
10 Department of Public Aid) shall be deposited into such fund or
11 funds as the Department of Healthcare and Family Services
12 ~~Public Aid~~ shall direct, in accordance with the requirements of
13 Title IV, Part D of the federal Social Security Act, applicable
14 provisions of State law, and the rules of the Department of
15 Healthcare and Family Services ~~Public Aid~~. Collections arising
16 from referrals from the Department of Employment Security shall
17 be deposited into the fund or funds that the Department of
18 Employment Security shall direct, in accordance with the
19 requirements of Section 3304(a)(3) of the federal Unemployment
20 Tax Act, Section 303(a)(4) of the federal Social Security Act,
21 and the Unemployment Insurance Act.

22 (i) The Attorney General and the State Comptroller may
23 assist in the debt collection efforts of the Bureau, as
24 requested by the Department of Revenue.

25 (j) The Director of Revenue shall report annually to the
26 General Assembly and State Comptroller upon the debt collection

1 efforts of the Bureau. Each report shall include an analysis of
2 the overdue debts owed to the State.

3 (k) The Department of Revenue shall adopt rules and
4 procedures for the administration of this amendatory Act of the
5 93rd General Assembly. The rules shall be adopted under the
6 Department of Revenue's emergency rulemaking authority within
7 90 days following the effective date of this amendatory Act of
8 the 93rd General Assembly due to the budget crisis threatening
9 the public interest.

10 (l) The Department of Revenue's Debt Collection Bureau's
11 obligations under this Section 10 shall be subject to
12 appropriation by the General Assembly.

13 (Source: P.A. 93-570, eff. 8-20-03; revised 12-15-05.)

14 Section 325. 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

1 as such depository, furnish the corporate authorities of a
2 public agency with a copy of all statements of resources and
3 liabilities which it is required to furnish to the Commissioner
4 of Banks and Real Estate or to the Comptroller of the Currency;
5 provided, that if such funds or moneys are deposited in a bank,
6 the amount of all such deposits not collateralized or insured
7 by an agency of the federal government shall not exceed 75% of
8 the capital stock and surplus of such bank, and the corporate
9 authorities of a public agency submitting a deposit shall not
10 be discharged from responsibility for any funds or moneys
11 deposited in any bank in excess of such limitation.

12 (b) No savings bank or savings and loan association shall
13 receive public funds unless it has furnished the corporate
14 authorities of a public agency submitting a deposit with copies
15 of the last 2 sworn statements of resources and liabilities
16 which the savings bank or savings and loan association is
17 required to furnish to the Commissioner of Banks and Real
18 Estate or the Federal Deposit Insurance Corporation. Each
19 savings bank or savings and loan association designated as a
20 depository for public funds shall, while acting as such
21 depository, furnish the corporate authorities of a public
22 agency with a copy of all statements of resources and
23 liabilities which it is required to furnish to the Commissioner
24 of Banks and Real Estate or the Federal Deposit Insurance
25 Corporation; provided, that if such funds or moneys are
26 deposited in a savings bank or savings and loan association,

1 the amount of all such deposits not collateralized or insured
2 by an agency of the federal government shall not exceed 75% of
3 the net worth of such savings bank or savings and loan
4 association as defined by the Federal Deposit Insurance
5 Corporation, and the corporate authorities of a public agency
6 submitting a deposit shall not be discharged from
7 responsibility for any funds or moneys deposited in any savings
8 bank or savings and loan association in excess of such
9 limitation.

10 (c) No credit union shall receive public funds unless it
11 has furnished the corporate authorities of a public agency
12 submitting a share deposit with copies of the last two reports
13 of examination prepared by or submitted to the Illinois
14 Department of Financial Institutions or the National Credit
15 Union Administration. Each credit union designated as a
16 depository for public funds shall, while acting as such
17 depository, furnish the corporate authorities of a public
18 agency with a copy of all reports of examination prepared by or
19 furnished to the Illinois Department of Financial Institutions
20 or the National Credit Union Administration; provided that if
21 such funds or moneys are invested in a credit union account,
22 the amount of all such investments not collateralized or
23 insured by an agency of the federal government or other
24 approved share insurer shall not exceed 50% of the unimpaired
25 capital and surplus of such credit union, which shall include
26 shares, reserves and undivided earnings and the corporate

1 authorities of a public agency making an investment shall not
2 be discharged from responsibility for any funds or moneys
3 invested in a credit union in excess of such limitation.

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

12 (1) Bonds, notes, or other securities constituting
13 direct and general obligations of the United States, the
14 bonds, notes, or other securities constituting the direct
15 and general obligation of any agency or instrumentality of
16 the United States, the interest and principal of which is
17 unconditionally guaranteed by the United States, and
18 bonds, notes, or other securities or evidence of
19 indebtedness constituting the obligation of a U.S. agency
20 or instrumentality.

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

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

25 (4) Direct and general obligation bonds of any city,
26 town, county, school district, or other taxing body of any

1 state, the debt service of which is payable from general ad
2 valorem taxes.

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

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

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

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

25 (9) Certificates of deposit or share certificates
26 issued to the depository institution pledging them as

1 security. The public agency may require security in the
2 amount of 125% of the value of the public agency deposit.

3 Such certificate of deposit or share certificate shall:

4 (i) be fully insured by the Federal Deposit
5 Insurance Corporation, the Federal Savings and Loan
6 Insurance Corporation, or the National Credit Union
7 Share Insurance Fund or issued by a depository
8 institution which is rated within the 3 highest
9 classifications established by at least one of the 2
10 standard rating services;

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

13 (iii) be issued by either a savings and loan
14 association having a capital to asset ratio of at least
15 2%, by a bank having a capital to asset ratio of at
16 least 6% or by a credit union having a capital to asset
17 ratio of at least 4%.

18 The depository institution shall effect the assignment of
19 the certificate of deposit or share certificate to the public
20 agency and shall agree that, in the event the issuer of the
21 certificate fails to maintain the capital to asset ratio
22 required by this Section, such certificate of deposit or share
23 certificate shall be replaced by additional suitable security.

24 (e) The public agency may accept a system established by
25 the State Treasurer to aggregate permissible securities
26 received as collateral from financial institutions in a

1 collateral pool to secure public deposits of the institutions
2 that have pledged securities to the pool.

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

7 (g) Notwithstanding any other provision of this Section, as
8 security a public agency may, at its discretion, accept a bond,
9 executed by a company authorized to transact the kinds of
10 business described in clause (g) of Section 4 of the Illinois
11 Insurance Code, in an amount not less than the amount of the
12 deposits required by this Section to be secured, payable to the
13 public agency for the benefit of the People of the unit of
14 government, in a form that is acceptable to the public agency
15 ~~Finance Authority.~~

16 (h) Paragraphs (a), (b), (c), (d), (e), (f), and (g) of
17 this Section do not apply to the University of Illinois,
18 Southern Illinois University, Chicago State University,
19 Eastern Illinois University, Governors State University,
20 Illinois State University, Northeastern Illinois University,
21 Northern Illinois University, Western Illinois University, the
22 Cooperative Computer Center and public community colleges.

23 (Source: P.A. 93-205, eff. 1-1-04; 93-561, eff. 1-1-04; revised
24 1-14-04.)

25 Section 330. The State Employee Illinois Workers'

1 Compensation Commission Awards Act is amended by changing
2 Section 5 as follows:

3 (30 ILCS 260/5) (from Ch. 127, par. 181a)

4 Sec. 5. Federal funds for compensation of certain State
5 employees. The State Treasurer, ex officio, may receive from
6 the ~~State~~ Department of Healthcare and Family Services ~~Public~~
7 ~~Aid~~ and the Department of Human Services (as successor to the
8 Department of Public Aid) any moneys which either Department
9 has received or shall receive from the federal government for
10 the payment of compensation awards for injuries or death
11 suffered by any person during the course of his or her
12 employment by the Department of Healthcare and Family Services
13 (formerly the State Department of Public Aid) or the County
14 Department of Public Aid or the Department of Human Services
15 (as successor to the Illinois Department of Public Aid) or upon
16 any project entered into between the Department of Healthcare
17 and Family Services (formerly the State Department of Public
18 Aid) or the Department of Human Services (as successor to the
19 Illinois Department of Public Aid) and any other department or
20 agency of the State. Such moneys, or any part thereof may be
21 paid over from time to time by the Department, to be held in
22 trust by the Treasurer, ex officio, and disbursed by the
23 Treasurer to the beneficiaries as directed by the Department.
24 (Source: P.A. 89-507, eff. 7-1-97; revised 12-15-05.)

1 Section 335. The Local Government Debt Offering Act is
2 amended by changing Section 2 as follows:

3 (30 ILCS 375/2) (from Ch. 85, par. 842)

4 Sec. 2.

5 (a) "Local government" means a county, city, village, town,
6 township, school district, and other special-purpose district,
7 authority, or public corporation within the state and
8 authorized by the state to issue bonds and other long-term
9 obligations.

10 (b) "Governing body" means the body or board charged with
11 exercising the legislative authority of a local government.

12 (c) "Department" means the Department of Commerce and
13 Economic Opportunity ~~Local Governmental Affairs~~.

14 (d) "Chief financial officer" means the comptroller,
15 treasurer, director of finance or other local government
16 official charged with managing the fiscal affairs of a local
17 government official charged with managing the fiscal affairs of
18 a local government.

19 (e) "Bonds" means debt payable more than one year after
20 date of issue or incurrence, issued pursuant to the laws
21 authorizing local government borrowing.

22 (Source: P.A. 77-1504; revised 10-11-05.)

23 Section 340. The Human Services Provider Bond Reserve
24 Payment Act is amended by changing Section 10 as follows:

1 (30 ILCS 435/10)

2 Sec. 10. Definitions. For the purposes of this Act:

3 (a) "Service provider" means any nongovernmental entity,
4 either for-profit or not-for-profit, that enters into a
5 contract with a State agency under which the entity is paid or
6 reimbursed by the State for providing human services to persons
7 in Illinois.

8 (b) "State agency" means the Department of Healthcare and
9 Family Services (formerly Department of Public Aid), the
10 Department of Public Health, the Department of Children and
11 Family Services, the Department of Human Services, and any
12 other department or agency of State government that enters into
13 contracts with service providers under which the provider is
14 paid or reimbursed by the State for providing human services to
15 persons in Illinois.

16 (c) "Covered bond issue" means revenue bonds (i) that are
17 issued by any agency of State or local government within this
18 State, including without limitation bonds issued by the
19 Illinois Finance Authority, (ii) that are to be directly or
20 indirectly paid, in whole or in part, from payments due to a
21 service provider under a human services contract with a State
22 agency, and (iii) for which a debt service reserve or other
23 reserve fund has been established, under the control of a named
24 trustee, that the service provider is required to replenish in
25 the event that moneys from the reserve fund are used to make

1 payments of principal or interest on the bonds.

2 (Source: P.A. 93-205, eff. 1-1-04; revised 12-15-05.)

3 Section 345. The Illinois Unemployment Insurance Trust
4 Fund Financing Act is amended by changing Section 8 as follows:

5 (30 ILCS 440/8)

6 Sec. 8. Continuing appropriation. This Act shall
7 constitute an irrevocable and continuing appropriation of all
8 amounts necessary in respect to use of Fund Building Receipts
9 ~~Receipts~~ and Bond Proceeds for purposes specified in this Act,
10 including, without limitation, for the provision for payment of
11 principal and interest on the Bonds and other amounts due in
12 connection with the issuance of the Bonds pursuant to this Act,
13 to the fullest extent such appropriation is required.

14 (Source: P.A. 93-634, eff. 1-1-04; revised 10-14-05.)

15 Section 350. The Illinois Procurement Code is amended by
16 changing Sections 35-30, 50-13, and 50-35 as follows:

17 (30 ILCS 500/35-30)

18 Sec. 35-30. Awards.

19 (a) All State contracts for professional and artistic
20 services, except as provided in this Section, shall be awarded
21 using the competitive request for proposal process outlined in
22 this Section.

1 (b) For each contract offered, the chief procurement
2 officer, State purchasing officer, or his or her designee shall
3 use the appropriate standard solicitation forms available from
4 the Department of Central Management Services or the higher
5 education chief procurement officer.

6 (c) Prepared forms shall be submitted to the Department of
7 Central Management Services or the higher education chief
8 procurement officer, whichever is appropriate, for publication
9 in its Illinois Procurement Bulletin and circulation to the
10 Department of Central Management Services' or the higher
11 education chief procurement officer's list of prequalified
12 vendors. Notice of the offer or request for proposal shall
13 appear at least 14 days before the response to the offer is
14 due.

15 (d) All interested respondents shall return their
16 responses to the Department of Central Management Services or
17 the higher education chief procurement officer, whichever is
18 appropriate, which shall open and record them. The Department
19 or higher education chief procurement officer then shall
20 forward the responses, together with any information it has
21 available about the qualifications and other State work of the
22 respondents.

23 (e) After evaluation, ranking, and selection, the
24 responsible chief procurement officer, State purchasing
25 officer, or his or her designee shall notify the Department of
26 Central Management Services or the higher education chief

1 procurement officer, whichever is appropriate, of the
2 successful respondent and shall forward a copy of the signed
3 contract for the Department's or higher education chief
4 procurement officer's file. The Department or higher education
5 chief procurement officer shall publish the names of the
6 responsible procurement decision-maker, the agency letting the
7 contract, the successful respondent, a contract reference, and
8 value of the let contract in the next appropriate volume of the
9 Illinois Procurement Bulletin.

10 (f) For all professional and artistic contracts with
11 annualized value that exceeds \$25,000, evaluation and ranking
12 by price are required. Any chief procurement officer or State
13 purchasing officer, but not their designees, may select an
14 offeror other than the lowest bidder by price. In any case,
15 when the contract exceeds the \$25,000 threshold ~~threshold~~ and
16 the lowest bidder is not selected, the chief procurement
17 officer or the State purchasing officer shall forward together
18 with the contract notice of who the low bidder was and a
19 written decision as to why another was selected to the
20 Department of Central Management Services or the higher
21 education chief procurement officer, whichever is appropriate.
22 The Department or higher education chief procurement officer
23 shall publish as provided in subsection (e) of Section 35-30,
24 but shall include notice of the chief procurement officer's or
25 State purchasing officer's written decision.

26 (g) The Department of Central Management Services and

1 higher education chief procurement officer may each refine, but
2 not contradict, this Section by promulgating rules for
3 submission to the Procurement Policy Board and then to the
4 Joint Committee on Administrative Rules. Any refinement shall
5 be based on the principles and procedures of the federal
6 Architect-Engineer Selection Law, Public Law 92-582 Brooks
7 Act, and the Architectural, Engineering, and Land Surveying
8 Qualifications Based Selection Act; except that pricing shall
9 be an integral part of the selection process.

10 (Source: P.A. 90-572, eff. date - See Sec. 99-5; revised
11 10-19-05.)

12 (30 ILCS 500/50-13)

13 Sec. 50-13. Conflicts of interest.

14 (a) Prohibition. It is unlawful for any person holding an
15 elective office in this State, holding a seat in the General
16 Assembly, or appointed to or employed in any of the offices or
17 agencies of State government and who receives compensation for
18 such employment in excess of 60% of the salary of the Governor
19 of the State of Illinois, or who is an officer or employee of
20 the Capital Development Board or the Illinois Toll Highway
21 Authority, or who is the spouse or minor child of any such
22 person to have or acquire any contract, or any direct pecuniary
23 interest in any contract therein, whether for stationery,
24 printing, paper, or any services, materials, or supplies, that
25 will be wholly or partially satisfied by the payment of funds

1 appropriated by the General Assembly of the State of Illinois
2 or in any contract of the Capital Development Board or the
3 Illinois Toll Highway Authority.

4 (b) Interests. It is unlawful for any firm, partnership,
5 association, or corporation, in which any person listed in
6 subsection (a) is entitled to receive (i) more than 7 1/2% of
7 the total distributable income or (ii) an amount in excess of
8 the salary of the Governor, to have or acquire any such
9 contract or direct pecuniary interest therein.

10 (c) Combined interests. It is unlawful for any firm,
11 partnership, association, or corporation, in which any person
12 listed in subsection (a) together with his or her spouse or
13 minor children is entitled to receive (i) more than 15%, in the
14 aggregate, of the total distributable income or (ii) an amount
15 in excess of 2 times the salary of the Governor, to have or
16 acquire any such contract or direct pecuniary interest therein.

17 (c-5) Appointees and firms. In addition to any provisions
18 of this Code, the interests of certain appointees and their
19 firms are subject to Section 3A-35 of the Illinois Governmental
20 Ethics Act.

21 (d) Securities. Nothing in this Section invalidates the
22 provisions of any bond or other security previously offered or
23 to be offered for sale or sold by or for the State of Illinois.

24 (e) Prior interests. This Section does not affect the
25 validity of any contract made between the State and an officer
26 or employee of the State or member of the General Assembly, his

1 or her spouse, minor child, or other immediate family member
2 living in his or her residence or any combination of those
3 persons if that contract was in existence before his or her
4 election or employment as an officer, member, or employee. The
5 contract is voidable, however, if it cannot be completed within
6 365 days after the officer, member, or employee takes office or
7 is employed.

8 (f) Exceptions.

9 (1) Public aid payments. This Section does not apply to
10 payments made for a public aid recipient.

11 (2) Teaching. This Section does not apply to a contract
12 for personal services as a teacher or school administrator
13 between a member of the General Assembly or his or her
14 spouse, or a State officer or employee or his or her
15 spouse, and any school district, public community college
16 district, the University of Illinois, Southern Illinois
17 University, Illinois State University, Eastern Illinois
18 University, Northern Illinois University, Western Illinois
19 University, Chicago State University, Governor State
20 University, or Northeastern Illinois University.

21 (3) Ministerial duties. This Section does not apply to
22 a contract for personal services of a wholly ministerial
23 character, including but not limited to services as a
24 laborer, clerk, typist, stenographer, page, bookkeeper,
25 receptionist, or telephone switchboard operator, made by a
26 spouse or minor child of an elective or appointive State

1 officer or employee or of a member of the General Assembly.

2 (4) Child and family services. This Section does not
3 apply to payments made to a member of the General Assembly,
4 a State officer or employee, his or her spouse or minor
5 child acting as a foster parent, homemaker, advocate, or
6 volunteer for or in behalf of a child or family served by
7 the Department of Children and Family Services.

8 (5) Licensed professionals. Contracts with licensed
9 professionals, provided they are competitively bid or part
10 of a reimbursement program for specific, customary goods
11 and services through the Department of Children and Family
12 Services, the Department of Human Services, the Department
13 of Healthcare and Family Services ~~Public Aid~~, the
14 Department of Public Health, or the Department on Aging.

15 (g) Penalty. A person convicted of a violation of this
16 Section is guilty of a business offense and shall be fined not
17 less than \$1,000 nor more than \$5,000.

18 (Source: P.A. 93-615, eff. 11-19-03; revised 12-15-05.)

19 (30 ILCS 500/50-35)

20 Sec. 50-35. Disclosure and potential conflicts of
21 interest.

22 (a) All offers from responsive bidders or offerors with an
23 annual value of more than \$10,000 shall be accompanied by
24 disclosure of the financial interests of the contractor,
25 bidder, or proposer. The financial disclosure of each

1 successful bidder or offeror shall become part of the publicly
2 available contract or procurement file maintained by the
3 appropriate chief procurement officer.

4 (b) Disclosure by the responsive bidders or offerors shall
5 include any ownership or distributive income share that is in
6 excess of 5%, or an amount greater than 60% of the annual
7 salary of the Governor, of the bidding entity or its parent
8 entity, whichever is less, unless the contractor or bidder (i)
9 is a publicly traded entity subject to Federal 10K reporting,
10 in which case it may submit its 10K disclosure in place of the
11 prescribed disclosure, or (ii) is a privately held entity that
12 is exempt from Federal 10k reporting but has more than 400
13 shareholders, in which case it may submit the information that
14 Federal 10k reporting companies are required to report under 17
15 CFR 229.401 and list the names of any person or entity holding
16 any ownership share that is in excess of 5% in place of the
17 prescribed disclosure. The form of disclosure shall be
18 prescribed by the applicable chief procurement officer and must
19 include at least the names, addresses, and dollar or
20 proportionate share of ownership of each person identified in
21 this Section, their instrument of ownership or beneficial
22 relationship, and notice of any potential conflict of interest
23 resulting from the current ownership or beneficial
24 relationship of each person identified in this Section having
25 in addition any of the following relationships:

26 (1) State employment, currently or in the previous 3

1 years, including contractual employment of services.

2 (2) State employment of spouse, father, mother, son, or
3 daughter, including contractual employment for services in
4 the previous 2 years.

5 (3) Elective status; the holding of elective office of
6 the State of Illinois, the government of the United States,
7 any unit of local government authorized by the Constitution
8 of the State of Illinois or the statutes of the State of
9 Illinois currently or in the previous 3 years.

10 (4) Relationship to anyone holding elective office
11 currently or in the previous 2 years; spouse, father,
12 mother, son, or daughter.

13 (5) Appointive office; the holding of any appointive
14 government office of the State of Illinois, the United
15 States of America, or any unit of local government
16 authorized by the Constitution of the State of Illinois or
17 the statutes of the State of Illinois, which office
18 entitles the holder to compensation in excess of expenses
19 incurred in the discharge of that office currently or in
20 the previous 3 years.

21 (6) Relationship to anyone holding appointive office
22 currently or in the previous 2 years; spouse, father,
23 mother, son, or daughter.

24 (7) Employment, currently or in the previous 3 years,
25 as or by any registered lobbyist of the State government.

26 (8) Relationship to anyone who is or was a registered

1 lobbyist in the previous 2 years; spouse, father, mother,
2 son, or daughter.

3 (9) Compensated employment, currently or in the
4 previous 3 years, by any registered election or re-election
5 committee registered with the Secretary of State or any
6 county clerk in the State of Illinois, or any political
7 action committee registered with either the Secretary of
8 State or the Federal Board of Elections.

9 (10) Relationship to anyone; spouse, father, mother,
10 son, or daughter; who is or was a compensated employee in
11 the last 2 years of any registered election or re-election
12 committee registered with the Secretary of State or any
13 county clerk in the State of Illinois, or any political
14 action committee registered with either the Secretary of
15 State or the Federal Board of Elections.

16 (c) The disclosure in subsection (b) is not intended to
17 prohibit or prevent any contract. The disclosure is meant to
18 fully and publicly disclose any potential conflict to the chief
19 procurement officers, State purchasing officers, their
20 designees, and executive officers so they may adequately
21 discharge their duty to protect the State.

22 (d) In the case of any contract for personal services in
23 excess of \$50,000; any contract competitively bid in excess of
24 \$250,000; any other contract in excess of \$50,000; when a
25 potential for a conflict of interest is identified, discovered,
26 or reasonably suspected it shall be reviewed and commented on

1 in writing by the Governor of the State of Illinois, or by an
2 executive ethics board or commission he or she might designate.
3 The comment shall be returned to the responsible chief
4 procurement officer who must rule in writing whether to void or
5 allow the contract, bid, offer, or proposal weighing the best
6 interest of the State of Illinois. The comment and
7 determination shall become a publicly available part of the
8 contract, bid, or proposal file.

9 (e) These thresholds ~~thresholds~~ and disclosure do not
10 relieve the chief procurement officer, the State purchasing
11 officer, or their designees from reasonable care and diligence
12 for any contract, bid, offer, or proposal. The chief
13 procurement officer, the State purchasing officer, or their
14 designees shall be responsible for using any reasonably known
15 and publicly available information to discover any undisclosed
16 potential conflict of interest and act to protect the best
17 interest of the State of Illinois.

18 (f) Inadvertent or accidental failure to fully disclose
19 shall render the contract, bid, proposal, or relationship
20 voidable by the chief procurement officer if he or she deems it
21 in the best interest of the State of Illinois and, at his or
22 her discretion, may be cause for barring from future contracts,
23 bids, proposals, or relationships with the State for a period
24 of up to 2 years.

25 (g) Intentional, willful, or material failure to disclose
26 shall render the contract, bid, proposal, or relationship

1 voidable by the chief procurement officer if he or she deems it
2 in the best interest of the State of Illinois and shall result
3 in debarment from future contracts, bids, proposals, or
4 relationships for a period of not less than 2 years and not
5 more than 10 years. Reinstatement after 2 years and before 10
6 years must be reviewed and commented on in writing by the
7 Governor of the State of Illinois, or by an executive ethics
8 board or commission he or she might designate. The comment
9 shall be returned to the responsible chief procurement officer
10 who must rule in writing whether and when to reinstate.

11 (h) In addition, all disclosures shall note any other
12 current or pending contracts, proposals, leases, or other
13 ongoing procurement relationships the bidding, proposing, or
14 offering entity has with any other unit of State government and
15 shall clearly identify the unit and the contract, proposal,
16 lease, or other relationship.

17 (Source: P.A. 90-572, eff. 2-6-98; 91-146, eff. 7-16-99;
18 revised 10-19-05.)

19 Section 355. The State Property Control Act is amended by
20 changing Section 1.02 as follows:

21 (30 ILCS 605/1.02) (from Ch. 127, par. 133b3)

22 Sec. 1.02. "Property" means State owned property and
23 includes all real estate, with the exception of rights of way
24 for State water resource and highway improvements, traffic

1 signs and traffic signals, and with the exception of common
2 school property; and all tangible personal property with the
3 exception of properties specifically exempted by the
4 administrator, provided that any property originally
5 classified as real property which has been detached from its
6 structure shall be classified as personal property.

7 "Property" does not include property owned by the Illinois
8 Medical District Commission and leased or occupied by others
9 for purposes permitted under the Illinois Medical District Act.

10 "Property" also does not include property owned and held by the
11 Illinois Medical District Commission for redevelopment.

12 "Property" does not include property described under
13 Section 5 of Public Act 92-371 with respect to depositing the
14 net proceeds from the sale or exchange of the property as
15 provided in Section 10 of that Act.

16 "Property" does not include that property described under
17 Section 5 of Public Act 94-405 ~~this amendatory Act of the 94th~~
18 ~~General Assembly.~~

19 (Source: P.A. 94-405, eff. 8-2-05; revised 8-31-05.)

20 Section 360. The State Facilities Closure Act is amended by
21 changing Section 5-1 as follows:

22 (30 ILCS 608/5-1)

23 Sec. 5-1. Short title. This Article ~~Act~~ may be cited as the
24 State Facilities Closure Act. All references in this Article to

1 "this Act" mean this Article.

2 (Source: P.A. 93-839, eff. 7-30-04; revised 11-5-04.)

3 Section 365. The Build Illinois Act is amended by changing
4 Section 9-4.2 as follows:

5 (30 ILCS 750/9-4.2) (from Ch. 127, par. 2709-4.2)

6 Sec. 9-4.2. Illinois Capital Revolving Loan Fund.

7 (a) There is hereby created the Illinois Capital Revolving
8 Loan Fund, hereafter referred to in this Article as the
9 "Capital Fund" to be held as a separate fund within the State
10 Treasury.

11 The purpose of the Capital Fund is to finance intermediary
12 agreements, administration, technical assistance agreements,
13 loans, grants, or investments in Illinois. In addition, funds
14 may be used for a one time transfer in fiscal year 1994, not to
15 exceed the amounts appropriated, to the Public Infrastructure
16 Construction Loan Revolving Fund for grants and loans pursuant
17 to the Public Infrastructure Loan and Grant Program Act.
18 Investments, administration, grants, and financial aid shall
19 be used for the purposes set for in this Article. Loan
20 financing will be in the form of loan agreements pursuant to
21 the terms and conditions set forth in this Article. All loans
22 shall be conditioned on the project receiving financing from
23 participating lenders or other investors. Loan proceeds shall
24 be available for project costs, except for debt refinancing.

1 (b) There shall be deposited in the Capital Fund such
2 amounts, including but not limited to:

3 (i) All receipts, including dividends, principal and
4 interest payments and royalties, from any applicable loan,
5 intermediary, or technical assistance agreement made from
6 the Capital Fund or from direct appropriations from the
7 Build Illinois Bond Fund or the Build Illinois Purposes
8 Fund (now abolished) or the General Revenue Fund by the
9 General Assembly entered into by the Department;

10 (ii) All proceeds of assets of whatever nature received
11 by the Department as a result of default or delinquency
12 with respect to loan agreements made from the Capital Fund
13 or from direct appropriations by the General Assembly,
14 including proceeds from the sale, disposal, lease or rental
15 of real or personal property which the Department may
16 receive as a result thereof;

17 (iii) Any appropriations, grants or gifts made to the
18 Capital Fund;

19 (iv) Any income received from interest on investments
20 of moneys in the Capital Fund;

21 (v) All moneys resulting from the collection of
22 premiums, fees, charges, costs, and expenses described in
23 subsection (e) of Section 9-3.

24 (c) The Treasurer may invest moneys in the Capital Fund in
25 securities constituting obligations of the United States
26 Government, or in obligations the principal of and interest on

1 which are guaranteed by the United States Government, in
2 obligations the principal of and interest on which are
3 guaranteed by the United States Government, or in certificates
4 of deposit of any State or national bank which are fully
5 secured by obligations guaranteed as to principal and interest
6 by the United States Government.

7 (Source: P.A. 94-91, eff. 7-1-05; 94-392, eff. 8-1-05; revised
8 8-19-05.)

9 Section 370. The Excellence in Academic Medicine Act is
10 amended by changing Sections 65 and 74 as follows:

11 (30 ILCS 775/65)

12 Sec. 65. Reporting requirements. On or before May 1 of each
13 year, the chief executive officer of each Qualified Academic
14 Medical Center Hospital shall submit a report to the
15 Comptroller regarding the effects of the programs authorized by
16 this Act. The report shall also report the total amount of
17 grants from and contracts with the National Institutes of
18 Health in the preceding calendar year. It shall assess whether
19 the programs funded are likely to be successful, require
20 further study, or no longer appear to be promising avenues of
21 research. It shall discuss the probable use of the
22 developmental program in mainstream medicine including both
23 cost impact and medical effect. The report shall address the
24 effects the programs may have on containing Title XIX and Title

1 XXI costs in Illinois. The Comptroller shall immediately
2 forward the report to the Director of Healthcare and Family
3 Services ~~Public Aid~~ and the Director of Public Health who shall
4 evaluate the contents in a letter submitted to the President of
5 the Senate and the Speaker of the House of Representatives.

6 (Source: P.A. 92-10, eff. 6-11-01; revised 12-15-05.)

7 (30 ILCS 775/74)

8 Sec. 74. Reimbursement methodology. The Department of
9 Healthcare and Family Services ~~Public Aid~~ may develop a
10 reimbursement methodology consistent with this Act for
11 distribution of moneys from the funds in a manner that would
12 allow distributions from these funds to be matchable under
13 Title XIX of the Social Security Act. The Department may
14 promulgate rules necessary to make these distributions
15 matchable.

16 (Source: P.A. 89-506, eff. 7-3-96; revised 12-15-05.)

17 Section 375. The State Mandates Act is amended by setting
18 forth, renumbering, and changing multiple versions of Section
19 8.25 and by changing Sections 8.27, 8.28, 8.29, and 8.30 as
20 follows:

21 (30 ILCS 805/8.25)

22 Sec. 8.25. Exempt mandate. Notwithstanding Sections 6 and 8
23 of this Act, no reimbursement by the State is required for the

1 implementation of any mandate created by Public Act 92-36,
2 92-50, 92-52, 92-53, 92-166, 92-281, 92-382, 92-388, 92-416,
3 92-424, or 92-465.

4 (Source: P.A. 92-36, eff. 6-28-01; 92-50, eff. 7-12-01; 92-52,
5 eff. 7-12-01; 92-53, eff. 7-12-01; 92-166, eff. 1-1-02; 92-281,
6 eff. 8-7-01; 92-382, eff. 8-16-01; 92-388, eff. 1-1-02; 92-416,
7 eff. 8-17-01; 92-424, eff. 8-17-01; 92-465, eff. 1-1-02;
8 92-651, eff. 7-11-02.)

9 (30 ILCS 805/8.26)

10 Sec. 8.26 ~~8.25~~. Exempt mandate. Notwithstanding Sections 6
11 and 8 of this Act, no reimbursement by the State is required
12 for the implementation of any mandate created by Public Act
13 92-505, 92-533, 92-599, 92-602, 92-609, 92-616, 92-631,
14 92-705, 92-733, 92-767, 92-779, 92-844, or 92-846. ~~this~~
15 ~~amendatory Act of the 92nd General Assembly.~~

16 (Source: P.A. 92-505, eff. 12-20-01; 92-533, eff. 3-14-02;
17 92-599, eff. 6-28-02; 92-602, eff. 7-1-02; 92-609, eff. 7-1-02;
18 92-616, eff. 7-8-02; 92-631, eff. 7-11-02; 92-705, eff.
19 7-19-02; 92-733, eff. 7-25-02; 92-767, eff. 8-6-02; 92-779,
20 eff. 8-6-02; 92-844, eff. 8-23-02; 92-846, eff. 8-23-02;
21 revised 10-25-02.)

22 (30 ILCS 805/8.27)

23 Sec. 8.27. Exempt mandate.

24 (a) 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 Public Act 93-3, 93-19, 93-42,
3 93-119, 93-123, 93-146, 93-206, 93-209, 93-226, 93-282,
4 93-314, 93-334, 93-377, 93-378, 93-409, 93-411, 93-517,
5 93-538, 93-574, or 93-633. ~~this amendatory Act of the 93rd~~
6 ~~General Assembly.~~

7 (b) Notwithstanding Sections 6 and 8 of this Act, no
8 reimbursement by the State is required for the implementation
9 of any mandate created by Section 25.5 of the River Conservancy
10 Districts Act.

11 (c) Notwithstanding Sections 6 and 8 of this Act, no
12 reimbursement by the State is required for the implementation
13 of any mandate created by the Public Works Contract Change
14 Order Act.

15 (Source: P.A. 93-3, eff. 4-16-03; 93-19, eff. 6-20-03; 93-42,
16 eff. 7-1-03; 93-119, eff. 7-10-03; 93-123, eff. 7-10-03;
17 93-146, eff. 7-10-03; 93-206, eff. 7-18-03; 93-209, eff.
18 7-18-03; 93-226, eff. 7-22-03; 93-275, eff. 7-22-03; 93-282,
19 eff. 7-22-03; 93-314, eff. 1-1-04; 93-334, eff. 7-24-03;
20 93-377, eff. 1-1-04; 93-378, eff. 7-24-03; 93-409, eff. 8-4-03;
21 93-411, eff. 8-4-03; 93-517, eff. 8-6-03; 93-538, eff. 1-1-04;
22 93-574, eff. 8-21-03; 93-633; eff. 12-23-03; 93-656, eff.
23 6-1-04; revised 1-22-04.)

24 (30 ILCS 805/8.28)

25 Sec. 8.28. Exempt mandate.

1 (a) Notwithstanding Sections 6 and 8 of this Act, no
2 reimbursement by the State is required for the implementation
3 of any mandate created by Public Act 93-654, 93-677, 93-679,
4 93-689, 93-734, 93-753, 93-910, 93-917, 93-1036, 93-1038,
5 93-1079, or 93-1090 ~~this amendatory Act of the 93rd General~~
6 ~~Assembly.~~

7 (b) Notwithstanding Sections 6 and 8 of this Act, no
8 reimbursement by the State is required for the implementation
9 of any mandate created by the Senior Citizens Assessment Freeze
10 Homestead Exemption under Section 15-172 of the Property Tax
11 Code, the General Homestead Exemption under Section 15-175 of
12 the Property Tax Code, the alternative General Homestead
13 Exemption under Section 15-176 of the Property Tax Code, the
14 Homestead Improvements Exemption under Section 15-180 of the
15 Property Tax Code, and by Public Act 93-715 ~~this amendatory Act~~
16 ~~of the 93rd General Assembly.~~

17 (Source: P.A. 93-654, eff. 1-16-04; 93-677, eff. 6-28-04;
18 93-679, eff. 6-30-04; 93-689, eff. 7-1-04; 93-715, eff.
19 7-12-04; 93-734, eff. 7-14-04; 93-753, eff. 7-16-04; 93-910,
20 eff. 1-1-05; 93-917, eff. 8-12-04; 93-1036, eff. 9-14-04;
21 93-1038, eff. 6-1-05; 93-1079, eff. 1-21-05; 93-1090, eff.
22 3-11-05; revised 12-1-05.)

23 (30 ILCS 805/8.29)

24 Sec. 8.29. Exempt mandate. Notwithstanding Sections 6 and 8
25 of this Act, no reimbursement by the State is required for the

1 implementation of any mandate created by Public Act 94-4,
2 94-210, 94-234, 94-354, 94-478, 94-576, 94-600, 94-612,
3 94-621, 94-624, 94-639, 94-645, 94-712, 94-714, 94-719, or
4 94-724 ~~this amendatory Act of the 94th General Assembly.~~

5 (Source: P.A. 94-4, eff. 6-1-05; 94-210, eff. 7-14-05; 94-234,
6 eff. 7-1-06; 94-354, eff. 1-1-06; 94-478, eff. 8-5-05; 94-576,
7 eff. 8-12-05; 94-600, eff. 8-16-05; 94-612, eff. 8-18-05;
8 94-621, eff. 8-18-05; 94-624, eff. 8-18-05; 94-639, eff.
9 8-22-05; 94-645, eff. 8-22-05; 94-712, eff. 6-1-06; 94-714,
10 eff. 7-1-06; 94-719, eff. 1-6-06; 94-724, eff. 1-20-06; revised
11 1-23-06.)

12 (30 ILCS 805/8.30)

13 Sec. 8.30. Exempt mandate.

14 (a) Notwithstanding Sections 6 and 8 of this Act, no
15 reimbursement by the State is required for the implementation
16 of any mandate created by Public Act 94-750, 94-792, 94-794,
17 94-806, 94-823, 94-834, 94-856, 94-875, 94-933, or 94-1055 ~~this~~
18 ~~amendatory Act of the 94th General Assembly.~~

19 (b) Notwithstanding Sections 6 and 8 of this Act, no
20 reimbursement by the State is required for the implementation
21 of any mandate created by the Volunteer Emergency Worker Higher
22 Education Protection Act.

23 (Source: P.A. 94-750, eff. 5-9-06; 94-792, eff. 5-19-06;
24 94-794, eff. 5-22-06; 94-806, eff. 1-1-07; 94-823, eff. 1-1-07;
25 94-834, eff. 6-6-06; 94-856, eff. 6-15-06; 94-875, eff. 7-1-06;

1 94-933, eff. 6-26-06; 94-957, eff. 7-1-06; 94-1055, eff.
2 1-1-07; revised 8-22-06.)

3 Section 380. The Illinois Income Tax Act is amended by
4 changing Sections 203, 205, 509, 510, and 917 and by setting
5 forth, renumbering, and changing multiple versions of Sections
6 507X, 507Y, and 507EE as follows:

7 (35 ILCS 5/203) (from Ch. 120, par. 2-203)

8 Sec. 203. Base income defined.

9 (a) Individuals.

10 (1) In general. In the case of an individual, base
11 income means an amount equal to the taxpayer's adjusted
12 gross income for the taxable year as modified by paragraph
13 (2).

14 (2) Modifications. The adjusted gross income referred
15 to in paragraph (1) shall be modified by adding thereto the
16 sum of the following amounts:

17 (A) An amount equal to all amounts paid or accrued
18 to the taxpayer as interest or dividends during the
19 taxable year to the extent excluded from gross income
20 in the computation of adjusted gross income, except
21 stock dividends of qualified public utilities
22 described in Section 305(e) of the Internal Revenue
23 Code;

24 (B) An amount equal to the amount of tax imposed by

1 this Act to the extent deducted from gross income in
2 the computation of adjusted gross income for the
3 taxable year;

4 (C) An amount equal to the amount received during
5 the taxable year as a recovery or refund of real
6 property taxes paid with respect to the taxpayer's
7 principal residence under the Revenue Act of 1939 and
8 for which a deduction was previously taken under
9 subparagraph (L) of this paragraph (2) prior to July 1,
10 1991, the retrospective application date of Article 4
11 of Public Act 87-17. In the case of multi-unit or
12 multi-use structures and farm dwellings, the taxes on
13 the taxpayer's principal residence shall be that
14 portion of the total taxes for the entire property
15 which is attributable to such principal residence;

16 (D) An amount equal to the amount of the capital
17 gain deduction allowable under the Internal Revenue
18 Code, to the extent deducted from gross income in the
19 computation of adjusted gross income;

20 (D-5) An amount, to the extent not included in
21 adjusted gross income, equal to the amount of money
22 withdrawn by the taxpayer in the taxable year from a
23 medical care savings account and the interest earned on
24 the account in the taxable year of a withdrawal
25 pursuant to subsection (b) of Section 20 of the Medical
26 Care Savings Account Act or subsection (b) of Section

1 20 of the Medical Care Savings Account Act of 2000;

2 (D-10) For taxable years ending after December 31,
3 1997, an amount equal to any eligible remediation costs
4 that the individual deducted in computing adjusted
5 gross income and for which the individual claims a
6 credit under subsection (l) of Section 201;

7 (D-15) For taxable years 2001 and thereafter, an
8 amount equal to the bonus depreciation deduction taken
9 on the taxpayer's federal income tax return for the
10 taxable year under subsection (k) of Section 168 of the
11 Internal Revenue Code;

12 (D-16) If the taxpayer sells, transfers, abandons,
13 or otherwise disposes of property for which the
14 taxpayer was required in any taxable year to make an
15 addition modification under subparagraph (D-15), then
16 an amount equal to the aggregate amount of the
17 deductions taken in all taxable years under
18 subparagraph (Z) with respect to that property.

19 If the taxpayer continues to own property through
20 the last day of the last tax year for which the
21 taxpayer may claim a depreciation deduction for
22 federal income tax purposes and for which the taxpayer
23 was allowed in any taxable year to make a subtraction
24 modification under subparagraph (Z), then an amount
25 equal to that subtraction modification.

26 The taxpayer is required to make the addition

1 modification under this subparagraph only once with
2 respect to any one piece of property;

3 (D-17) For taxable years ending on or after
4 December 31, 2004, an amount equal to the amount
5 otherwise allowed as a deduction in computing base
6 income for interest paid, accrued, or incurred,
7 directly or indirectly, to a foreign person who would
8 be a member of the same unitary business group but for
9 the fact that foreign person's business activity
10 outside the United States is 80% or more of the foreign
11 person's total business activity. The addition
12 modification required by this subparagraph shall be
13 reduced to the extent that dividends were included in
14 base income of the unitary group for the same taxable
15 year and received by the taxpayer or by a member of the
16 taxpayer's unitary business group (including amounts
17 included in gross income under Sections 951 through 964
18 of the Internal Revenue Code and amounts included in
19 gross income under Section 78 of the Internal Revenue
20 Code) with respect to the stock of the same person to
21 whom the interest was paid, accrued, or incurred.

22 This paragraph shall not apply to the following:

23 (i) an item of interest paid, accrued, or
24 incurred, directly or indirectly, to a foreign
25 person who is subject in a foreign country or
26 state, other than a state which requires mandatory

1 unitary reporting, to a tax on or measured by net
2 income with respect to such interest; or

3 (ii) an item of interest paid, accrued, or
4 incurred, directly or indirectly, to a foreign
5 person if the taxpayer can establish, based on a
6 preponderance of the evidence, both of the
7 following:

8 (a) the foreign person, during the same
9 taxable year, paid, accrued, or incurred, the
10 interest to a person that is not a related
11 member, and

12 (b) the transaction giving rise to the
13 interest expense between the taxpayer and the
14 foreign person did not have as a principal
15 purpose the avoidance of Illinois income tax,
16 and is paid pursuant to a contract or agreement
17 that reflects an arm's-length interest rate
18 and terms; or

19 (iii) the taxpayer can establish, based on
20 clear and convincing evidence, that the interest
21 paid, accrued, or incurred relates to a contract or
22 agreement entered into at arm's-length rates and
23 terms and the principal purpose for the payment is
24 not federal or Illinois tax avoidance; or

25 (iv) an item of interest paid, accrued, or
26 incurred, directly or indirectly, to a foreign

1 person if the taxpayer establishes by clear and
2 convincing evidence that the adjustments are
3 unreasonable; or if the taxpayer and the Director
4 agree in writing to the application or use of an
5 alternative method of apportionment under Section
6 304(f).

7 Nothing in this subsection shall preclude the
8 Director from making any other adjustment
9 otherwise allowed under Section 404 of this Act for
10 any tax year beginning after the effective date of
11 this amendment provided such adjustment is made
12 pursuant to regulation adopted by the Department
13 and such regulations provide methods and standards
14 by which the Department will utilize its authority
15 under Section 404 of this Act;

16 (D-18) For taxable years ending on or after
17 December 31, 2004, an amount equal to the amount of
18 intangible expenses and costs otherwise allowed as a
19 deduction in computing base income, and that were paid,
20 accrued, or incurred, directly or indirectly, to a
21 foreign person who would be a member of the same
22 unitary business group but for the fact that the
23 foreign person's business activity outside the United
24 States is 80% or more of that person's total business
25 activity. The addition modification required by this
26 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 under Sections 951 through 964 of the Internal
6 Revenue Code and amounts included in gross income under
7 Section 78 of the Internal Revenue Code) with respect
8 to the stock of the same person to whom the intangible
9 expenses and costs were directly or indirectly paid,
10 incurred, or accrued. The preceding sentence does not
11 apply to the extent that the same dividends caused a
12 reduction to the addition modification required under
13 Section 203(a)(2)(D-17) of this Act. As used in this
14 subparagraph, the term "intangible expenses and costs"
15 includes (1) expenses, losses, and costs for, or
16 related to, the direct or indirect acquisition, use,
17 maintenance or management, ownership, sale, exchange,
18 or any other disposition of intangible property; (2)
19 losses incurred, directly or indirectly, from
20 factoring transactions or discounting transactions;
21 (3) royalty, patent, technical, and copyright fees;
22 (4) licensing fees; and (5) other similar expenses and
23 costs. For purposes of this subparagraph, "intangible
24 property" includes patents, patent applications, trade
25 names, trademarks, service marks, copyrights, mask
26 works, trade secrets, and similar types of intangible

1 assets.

2 This paragraph shall not apply to the following:

3 (i) any item of intangible expenses or costs
4 paid, accrued, or incurred, directly or
5 indirectly, from a transaction with a foreign
6 person who is subject in a foreign country or
7 state, other than a state which requires mandatory
8 unitary reporting, to a tax on or measured by net
9 income with respect to such item; or

10 (ii) any item of intangible expense or cost
11 paid, accrued, or incurred, directly or
12 indirectly, if the taxpayer can establish, based
13 on a preponderance of the evidence, both of the
14 following:

15 (a) the foreign person during the same
16 taxable year paid, accrued, or incurred, the
17 intangible expense or cost to a person that is
18 not a related member, and

19 (b) the transaction giving rise to the
20 intangible expense or cost between the
21 taxpayer and the foreign person did not have as
22 a principal purpose the avoidance of Illinois
23 income tax, and is paid pursuant to a contract
24 or agreement that reflects arm's-length terms;
25 or

26 (iii) any item of intangible expense or cost

1 paid, accrued, or incurred, directly or
2 indirectly, from a transaction with a foreign
3 person if the taxpayer establishes by clear and
4 convincing evidence, that the adjustments are
5 unreasonable; or if the taxpayer and the Director
6 agree in writing to the application or use of an
7 alternative method of apportionment under Section
8 304(f);

9 Nothing in this subsection shall preclude the
10 Director from making any other adjustment
11 otherwise allowed under Section 404 of this Act for
12 any tax year beginning after the effective date of
13 this amendment provided such adjustment is made
14 pursuant to regulation adopted by the Department
15 and such regulations provide methods and standards
16 by which the Department will utilize its authority
17 under Section 404 of this Act;

18 (D-20) For taxable years beginning on or after
19 January 1, 2002, in the case of a distribution from a
20 qualified tuition program under Section 529 of the
21 Internal Revenue Code, other than (i) a distribution
22 from a College Savings Pool created under Section 16.5
23 of the State Treasurer Act or (ii) a distribution from
24 the Illinois Prepaid Tuition Trust Fund, an amount
25 equal to the amount excluded from gross income under
26 Section 529(c)(3)(B);

1 and by deducting from the total so obtained the sum of the
2 following amounts:

3 (E) For taxable years ending before December 31,
4 2001, any amount included in such total in respect of
5 any compensation (including but not limited to any
6 compensation paid or accrued to a serviceman while a
7 prisoner of war or missing in action) paid to a
8 resident by reason of being on active duty in the Armed
9 Forces of the United States and in respect of any
10 compensation paid or accrued to a resident who as a
11 governmental employee was a prisoner of war or missing
12 in action, and in respect of any compensation paid to a
13 resident in 1971 or thereafter for annual training
14 performed pursuant to Sections 502 and 503, Title 32,
15 United States Code as a member of the Illinois National
16 Guard. For taxable years ending on or after December
17 31, 2001, any amount included in such total in respect
18 of any compensation (including but not limited to any
19 compensation paid or accrued to a serviceman while a
20 prisoner of war or missing in action) paid to a
21 resident by reason of being a member of any component
22 of the Armed Forces of the United States and in respect
23 of any compensation paid or accrued to a resident who
24 as a governmental employee was a prisoner of war or
25 missing in action, and in respect of any compensation
26 paid to a resident in 2001 or thereafter by reason of

1 being a member of the Illinois National Guard. The
2 provisions of this amendatory Act of the 92nd General
3 Assembly are exempt from the provisions of Section 250;

4 (F) An amount equal to all amounts included in such
5 total pursuant to the provisions of Sections 402(a),
6 402(c), 403(a), 403(b), 406(a), 407(a), and 408 of the
7 Internal Revenue Code, or included in such total as
8 distributions under the provisions of any retirement
9 or disability plan for employees of any governmental
10 agency or unit, or retirement payments to retired
11 partners, which payments are excluded in computing net
12 earnings from self employment by Section 1402 of the
13 Internal Revenue Code and regulations adopted pursuant
14 thereto;

15 (G) The valuation limitation amount;

16 (H) An amount equal to the amount of any tax
17 imposed by this Act which was refunded to the taxpayer
18 and included in such total for the taxable year;

19 (I) An amount equal to all amounts included in such
20 total pursuant to the provisions of Section 111 of the
21 Internal Revenue Code as a recovery of items previously
22 deducted from adjusted gross income in the computation
23 of taxable income;

24 (J) An amount equal to those dividends included in
25 such total which were paid by a corporation which
26 conducts business operations in an Enterprise Zone or

1 zones created under the Illinois Enterprise Zone Act or
2 a River Edge Redevelopment Zone or zones created under
3 the River Edge Redevelopment Zone Act, and conducts
4 substantially all of its operations in an Enterprise
5 Zone or zones or a River Edge Redevelopment Zone or
6 zones. This subparagraph (J) is exempt from the
7 provisions of Section 250;

8 (K) An amount equal to those dividends included in
9 such total that were paid by a corporation that
10 conducts business operations in a federally designated
11 Foreign Trade Zone or Sub-Zone and that is designated a
12 High Impact Business located in Illinois; provided
13 that dividends eligible for the deduction provided in
14 subparagraph (J) of paragraph (2) of this subsection
15 shall not be eligible for the deduction provided under
16 this subparagraph (K);

17 (L) For taxable years ending after December 31,
18 1983, an amount equal to all social security benefits
19 and railroad retirement benefits included in such
20 total pursuant to Sections 72(r) and 86 of the Internal
21 Revenue Code;

22 (M) With the exception of any amounts subtracted
23 under subparagraph (N), an amount equal to the sum of
24 all amounts disallowed as deductions by (i) Sections
25 171(a) (2), and 265(2) of the Internal Revenue Code of
26 1954, as now or hereafter amended, and all amounts of

1 expenses allocable to interest and disallowed as
2 deductions by Section 265(1) of the Internal Revenue
3 Code of 1954, as now or hereafter amended; and (ii) for
4 taxable years ending on or after August 13, 1999,
5 Sections 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of
6 the Internal Revenue Code; the provisions of this
7 subparagraph are exempt from the provisions of Section
8 250;

9 (N) An amount equal to all amounts included in such
10 total which are exempt from taxation by this State
11 either by reason of its statutes or Constitution or by
12 reason of the Constitution, treaties or statutes of the
13 United States; provided that, in the case of any
14 statute of this State that exempts income derived from
15 bonds or other obligations from the tax imposed under
16 this Act, the amount exempted shall be the interest net
17 of bond premium amortization;

18 (O) An amount equal to any contribution made to a
19 job training project established pursuant to the Tax
20 Increment Allocation Redevelopment Act;

21 (P) An amount equal to the amount of the deduction
22 used to compute the federal income tax credit for
23 restoration of substantial amounts held under claim of
24 right for the taxable year pursuant to Section 1341 of
25 the Internal Revenue Code of 1986;

26 (Q) An amount equal to any amounts included in such

1 total, received by the taxpayer as an acceleration in
2 the payment of life, endowment or annuity benefits in
3 advance of the time they would otherwise be payable as
4 an indemnity for a terminal illness;

5 (R) An amount equal to the amount of any federal or
6 State bonus paid to veterans of the Persian Gulf War;

7 (S) An amount, to the extent included in adjusted
8 gross income, equal to the amount of a contribution
9 made in the taxable year on behalf of the taxpayer to a
10 medical care savings account established under the
11 Medical Care Savings Account Act or the Medical Care
12 Savings Account Act of 2000 to the extent the
13 contribution is accepted by the account administrator
14 as provided in that Act;

15 (T) An amount, to the extent included in adjusted
16 gross income, equal to the amount of interest earned in
17 the taxable year on a medical care savings account
18 established under the Medical Care Savings Account Act
19 or the Medical Care Savings Account Act of 2000 on
20 behalf of the taxpayer, other than interest added
21 pursuant to item (D-5) of this paragraph (2);

22 (U) For one taxable year beginning on or after
23 January 1, 1994, an amount equal to the total amount of
24 tax imposed and paid under subsections (a) and (b) of
25 Section 201 of this Act on grant amounts received by
26 the taxpayer under the Nursing Home Grant Assistance

1 Act during the taxpayer's taxable years 1992 and 1993;

2 (V) Beginning with tax years ending on or after
3 December 31, 1995 and ending with tax years ending on
4 or before December 31, 2004, an amount equal to the
5 amount paid by a taxpayer who is a self-employed
6 taxpayer, a partner of a partnership, or a shareholder
7 in a Subchapter S corporation for health insurance or
8 long-term care insurance for that taxpayer or that
9 taxpayer's spouse or dependents, to the extent that the
10 amount paid for that health insurance or long-term care
11 insurance may be deducted under Section 213 of the
12 Internal Revenue Code of 1986, has not been deducted on
13 the federal income tax return of the taxpayer, and does
14 not exceed the taxable income attributable to that
15 taxpayer's income, self-employment income, or
16 Subchapter S corporation income; except that no
17 deduction shall be allowed under this item (V) if the
18 taxpayer is eligible to participate in any health
19 insurance or long-term care insurance plan of an
20 employer of the taxpayer or the taxpayer's spouse. The
21 amount of the health insurance and long-term care
22 insurance subtracted under this item (V) shall be
23 determined by multiplying total health insurance and
24 long-term care insurance premiums paid by the taxpayer
25 times a number that represents the fractional
26 percentage of eligible medical expenses under Section

1 213 of the Internal Revenue Code of 1986 not actually
2 deducted on the taxpayer's federal income tax return;

3 (W) For taxable years beginning on or after January
4 1, 1998, all amounts included in the taxpayer's federal
5 gross income in the taxable year from amounts converted
6 from a regular IRA to a Roth IRA. This paragraph is
7 exempt from the provisions of Section 250;

8 (X) For taxable year 1999 and thereafter, an amount
9 equal to the amount of any (i) distributions, to the
10 extent includible in gross income for federal income
11 tax purposes, made to the taxpayer because of his or
12 her status as a victim of persecution for racial or
13 religious reasons by Nazi Germany or any other Axis
14 regime or as an heir of the victim and (ii) items of
15 income, to the extent includible in gross income for
16 federal income tax purposes, attributable to, derived
17 from or in any way related to assets stolen from,
18 hidden from, or otherwise lost to a victim of
19 persecution for racial or religious reasons by Nazi
20 Germany or any other Axis regime immediately prior to,
21 during, and immediately after World War II, including,
22 but not limited to, interest on the proceeds receivable
23 as insurance under policies issued to a victim of
24 persecution for racial or religious reasons by Nazi
25 Germany or any other Axis regime by European insurance
26 companies immediately prior to and during World War II;

1 provided, however, this subtraction from federal
2 adjusted gross income does not apply to assets acquired
3 with such assets or with the proceeds from the sale of
4 such assets; provided, further, this paragraph shall
5 only apply to a taxpayer who was the first recipient of
6 such assets after their recovery and who is a victim of
7 persecution for racial or religious reasons by Nazi
8 Germany or any other Axis regime or as an heir of the
9 victim. The amount of and the eligibility for any
10 public assistance, benefit, or similar entitlement is
11 not affected by the inclusion of items (i) and (ii) of
12 this paragraph in gross income for federal income tax
13 purposes. This paragraph is exempt from the provisions
14 of Section 250;

15 (Y) For taxable years beginning on or after January
16 1, 2002 and ending on or before December 31, 2004,
17 moneys contributed in the taxable year to a College
18 Savings Pool account under Section 16.5 of the State
19 Treasurer Act, except that amounts excluded from gross
20 income under Section 529(c)(3)(C)(i) of the Internal
21 Revenue Code shall not be considered moneys
22 contributed under this subparagraph (Y). For taxable
23 years beginning on or after January 1, 2005, a maximum
24 of \$10,000 contributed in the taxable year to (i) a
25 College Savings Pool account under Section 16.5 of the
26 State Treasurer Act or (ii) the Illinois Prepaid

1 Tuition Trust Fund, except that amounts excluded from
2 gross income under Section 529(c)(3)(C)(i) of the
3 Internal Revenue Code shall not be considered moneys
4 contributed under this subparagraph (Y). This
5 subparagraph (Y) is exempt from the provisions of
6 Section 250;

7 (Z) For taxable years 2001 and thereafter, for the
8 taxable year in which the bonus depreciation deduction
9 is taken on the taxpayer's federal income tax return
10 under subsection (k) of Section 168 of the Internal
11 Revenue Code and for each applicable taxable year
12 thereafter, an amount equal to "x", where:

13 (1) "y" equals the amount of the depreciation
14 deduction taken for the taxable year on the
15 taxpayer's federal income tax return on property
16 for which the bonus depreciation deduction was
17 taken in any year under subsection (k) of Section
18 168 of the Internal Revenue Code, but not including
19 the bonus depreciation deduction;

20 (2) for taxable years ending on or before
21 December 31, 2005, "x" equals "y" multiplied by 30
22 and then divided by 70 (or "y" multiplied by
23 0.429); and

24 (3) for taxable years ending after December
25 31, 2005:

26 (i) for property on which a bonus

1 depreciation deduction of 30% of the adjusted
2 basis was taken, "x" equals "y" multiplied by
3 30 and then divided by 70 (or "y" multiplied by
4 0.429); and

5 (ii) for property on which a bonus
6 depreciation deduction of 50% of the adjusted
7 basis was taken, "x" equals "y" multiplied by
8 1.0.

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 taken on that property on the
13 taxpayer's federal income tax return under subsection
14 (k) of Section 168 of the Internal Revenue Code. This
15 subparagraph (Z) is exempt from the provisions of
16 Section 250;

17 (AA) If the taxpayer sells, transfers, abandons,
18 or otherwise disposes of property for which the
19 taxpayer was required in any taxable year to make an
20 addition modification under subparagraph (D-15), then
21 an amount equal to that addition modification.

22 If the taxpayer continues to own property through
23 the last day of the last tax year for which the
24 taxpayer may claim a depreciation deduction for
25 federal income tax purposes and for which the taxpayer
26 was required in any taxable year to make an addition

1 modification under subparagraph (D-15), then an amount
2 equal to that addition modification.

3 The taxpayer is allowed to take the deduction under
4 this subparagraph only once with respect to any one
5 piece of property.

6 This subparagraph (AA) is exempt from the
7 provisions of Section 250;

8 (BB) Any amount included in adjusted gross income,
9 other than salary, received by a driver in a
10 ridesharing arrangement using a motor vehicle;

11 (CC) 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 that 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 that
26 addition modification;

1 (DD) An amount equal to the interest income taken
2 into account for the taxable year (net of the
3 deductions allocable thereto) with respect to
4 transactions with a foreign person who would be a
5 member of the taxpayer's unitary business group but for
6 the fact that the foreign person's business activity
7 outside the United States is 80% or more of that
8 person's total business activity, but not to exceed the
9 addition modification required to be made for the same
10 taxable year under Section 203(a)(2)(D-17) for
11 interest paid, accrued, or incurred, directly or
12 indirectly, to the same foreign person; and

13 (EE) An amount equal to the income from intangible
14 property taken into account for the taxable year (net
15 of the deductions allocable thereto) with respect to
16 transactions with a foreign person who would be a
17 member of the taxpayer's unitary business group but for
18 the fact that the foreign person's business activity
19 outside the United States is 80% or more of that
20 person's total business activity, but not to exceed the
21 addition modification required to be made for the same
22 taxable year under Section 203(a)(2)(D-18) for
23 intangible expenses and costs paid, accrued, or
24 incurred, directly or indirectly, to the same foreign
25 person.

1 (b) Corporations.

2 (1) In general. In the case of a corporation, base
3 income means an amount equal to the taxpayer's taxable
4 income for the taxable year as modified by paragraph (2).

5 (2) Modifications. The taxable income referred to in
6 paragraph (1) shall be modified by adding thereto the sum
7 of the following amounts:

8 (A) An amount equal to all amounts paid or accrued
9 to the taxpayer as interest and all distributions
10 received from regulated investment companies during
11 the taxable year to the extent excluded from gross
12 income 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 in
15 the computation of taxable income for the taxable year;

16 (C) In the case of a regulated investment company,
17 an amount equal to the excess of (i) the net long-term
18 capital gain for the taxable year, over (ii) the amount
19 of the capital gain dividends designated as such in
20 accordance with Section 852(b)(3)(C) of the Internal
21 Revenue Code and any amount designated under Section
22 852(b)(3)(D) of the Internal Revenue Code,
23 attributable to the taxable year (this amendatory Act
24 of 1995 (Public Act 89-89) is declarative of existing
25 law and is not a new enactment);

26 (D) The amount of any net operating loss deduction

1 taken in arriving at taxable income, other than a net
2 operating loss carried forward from a taxable year
3 ending prior to December 31, 1986;

4 (E) For taxable years in which a net operating loss
5 carryback or carryforward from a taxable year ending
6 prior to December 31, 1986 is an element of taxable
7 income under paragraph (1) of subsection (e) or
8 subparagraph (E) of paragraph (2) of subsection (e),
9 the amount by which addition modifications other than
10 those provided by this subparagraph (E) exceeded
11 subtraction modifications in such earlier taxable
12 year, with the following limitations applied in the
13 order that they are listed:

14 (i) the addition modification relating to the
15 net operating loss carried back or forward to the
16 taxable year from any taxable year ending prior to
17 December 31, 1986 shall be reduced by the amount of
18 addition modification under this subparagraph (E)
19 which related to that net operating loss and which
20 was taken into account in calculating the base
21 income of an earlier taxable year, and

22 (ii) the addition modification relating to the
23 net operating loss carried back or forward to the
24 taxable year from any taxable year ending prior to
25 December 31, 1986 shall not exceed the amount of
26 such carryback or carryforward;

1 For taxable years in which there is a net operating
2 loss carryback or carryforward from more than one other
3 taxable year ending prior to December 31, 1986, the
4 addition modification provided in this subparagraph
5 (E) shall be the sum of the amounts computed
6 independently under the preceding provisions of this
7 subparagraph (E) for each such taxable year;

8 (E-5) For taxable years ending after December 31,
9 1997, an amount equal to any eligible remediation costs
10 that the corporation deducted in computing adjusted
11 gross income and for which the corporation claims a
12 credit under subsection (l) of Section 201;

13 (E-10) For taxable years 2001 and thereafter, an
14 amount equal to the bonus depreciation deduction taken
15 on the taxpayer's federal income tax return for the
16 taxable year under subsection (k) of Section 168 of the
17 Internal Revenue Code; and

18 (E-11) If the taxpayer sells, transfers, abandons,
19 or otherwise disposes of property for which the
20 taxpayer was required in any taxable year to make an
21 addition modification under subparagraph (E-10), then
22 an amount equal to the aggregate amount of the
23 deductions taken in all taxable years under
24 subparagraph (T) with respect to that property.

25 If the taxpayer continues to own property through
26 the last day of the last tax year for which the

1 taxpayer may claim a depreciation deduction for
2 federal income tax purposes and for which the taxpayer
3 was allowed in any taxable year to make a subtraction
4 modification under subparagraph (T), then an amount
5 equal to that subtraction modification.

6 The taxpayer is required to make the addition
7 modification under this subparagraph only once with
8 respect to any one piece of property;

9 (E-12) For taxable years ending on or after
10 December 31, 2004, an amount equal to the amount
11 otherwise allowed as a deduction in computing base
12 income for interest paid, accrued, or incurred,
13 directly or indirectly, to a foreign person who would
14 be a member of the same unitary business group but for
15 the fact the foreign person's business activity
16 outside the United States is 80% or more of the foreign
17 person's total business activity. The addition
18 modification required by this subparagraph shall be
19 reduced to the extent that dividends were included in
20 base income of the unitary group for the same taxable
21 year and received by the taxpayer or by a member of the
22 taxpayer's unitary business group (including amounts
23 included in gross income pursuant to Sections 951
24 through 964 of the Internal Revenue Code and amounts
25 included in gross income under Section 78 of the
26 Internal Revenue Code) with respect to the stock of the

1 same person to whom the interest was paid, accrued, or
2 incurred.

3 This paragraph shall not apply to the following:

4 (i) an item of interest paid, accrued, or
5 incurred, directly or indirectly, to a foreign
6 person who is subject in a foreign country or
7 state, other than a state which requires mandatory
8 unitary reporting, to a tax on or measured by net
9 income with respect to such interest; or

10 (ii) an item of interest paid, accrued, or
11 incurred, directly or indirectly, to a foreign
12 person if the taxpayer can establish, based on a
13 preponderance of the evidence, both of the
14 following:

15 (a) the foreign person, during the same
16 taxable year, paid, accrued, or incurred, the
17 interest to a person that is not a related
18 member, and

19 (b) the transaction giving rise to the
20 interest expense between the taxpayer and the
21 foreign person did not have as a principal
22 purpose the avoidance of Illinois income tax,
23 and is paid pursuant to a contract or agreement
24 that reflects an arm's-length interest rate
25 and terms; or

26 (iii) the taxpayer can establish, based on

1 clear and convincing evidence, that the interest
2 paid, accrued, or incurred relates to a contract or
3 agreement entered into at arm's-length rates and
4 terms and the principal purpose for the payment is
5 not federal or Illinois tax avoidance; or

6 (iv) an item of interest paid, accrued, or
7 incurred, directly or indirectly, to a foreign
8 person if the taxpayer establishes by clear and
9 convincing evidence that the adjustments are
10 unreasonable; or if the taxpayer and the Director
11 agree in writing to the application or use of an
12 alternative method of apportionment under Section
13 304(f).

14 Nothing in this subsection shall preclude the
15 Director from making any other adjustment
16 otherwise allowed under Section 404 of this Act for
17 any tax year beginning after the effective date of
18 this amendment provided such adjustment is made
19 pursuant to regulation adopted by the Department
20 and such regulations provide methods and standards
21 by which the Department will utilize its authority
22 under Section 404 of this Act;

23 (E-13) For taxable years ending on or after
24 December 31, 2004, an amount equal to the amount of
25 intangible expenses and costs otherwise allowed as a
26 deduction in computing base income, and that were paid,

1 accrued, or incurred, directly or indirectly, to a
2 foreign person who would be a member of the same
3 unitary business group but for the fact that the
4 foreign person's business activity outside the United
5 States is 80% or more of that person's total business
6 activity. The addition modification required by this
7 subparagraph shall be reduced to the extent that
8 dividends were included in base income of the unitary
9 group for the same taxable year and received by the
10 taxpayer or by a member of the taxpayer's unitary
11 business group (including amounts included in gross
12 income pursuant to Sections 951 through 964 of the
13 Internal Revenue Code and amounts included in gross
14 income under Section 78 of the Internal Revenue Code)
15 with respect to the stock of the same person to whom
16 the intangible expenses and costs were directly or
17 indirectly paid, incurred, or accrued. The preceding
18 sentence shall not apply to the extent that the same
19 dividends caused a reduction to the addition
20 modification required under Section 203(b)(2)(E-12) of
21 this Act. As used in this subparagraph, the term
22 "intangible expenses and costs" includes (1) expenses,
23 losses, and costs for, or related to, the direct or
24 indirect acquisition, use, maintenance or management,
25 ownership, sale, exchange, or any other disposition of
26 intangible property; (2) losses incurred, directly or

1 indirectly, from factoring transactions or discounting
2 transactions; (3) royalty, patent, technical, and
3 copyright fees; (4) licensing fees; and (5) other
4 similar expenses and costs. For purposes of this
5 subparagraph, "intangible property" includes patents,
6 patent applications, trade names, trademarks, service
7 marks, copyrights, mask works, trade secrets, and
8 similar types of intangible assets.

9 This paragraph shall not apply to the following:

10 (i) any item of intangible expenses or costs
11 paid, accrued, or incurred, directly or
12 indirectly, from a transaction with a foreign
13 person who is subject in a foreign country or
14 state, other than a state which requires mandatory
15 unitary reporting, to a tax on or measured by net
16 income with respect to such item; or

17 (ii) any item of intangible expense or cost
18 paid, accrued, or incurred, directly or
19 indirectly, if the taxpayer can establish, based
20 on a preponderance of the evidence, both of the
21 following:

22 (a) the foreign person during the same
23 taxable year paid, accrued, or incurred, the
24 intangible expense or cost to a person that is
25 not a related member, and

26 (b) the transaction giving rise to the

1 intangible expense or cost between the
2 taxpayer and the foreign person did not have as
3 a principal purpose the avoidance of Illinois
4 income tax, and is paid pursuant to a contract
5 or agreement that reflects arm's-length terms;
6 or

7 (iii) any item of intangible expense or cost
8 paid, accrued, or incurred, directly or
9 indirectly, from a transaction with a foreign
10 person if the taxpayer establishes by clear and
11 convincing evidence, that the adjustments are
12 unreasonable; or if the taxpayer and the Director
13 agree in writing to the application or use of an
14 alternative method of apportionment under Section
15 304(f);

16 Nothing in this subsection shall preclude the
17 Director from making any other adjustment
18 otherwise allowed under Section 404 of this Act for
19 any tax year beginning after the effective date of
20 this amendment provided such adjustment is made
21 pursuant to regulation adopted by the Department
22 and such regulations provide methods and standards
23 by which the Department will utilize its authority
24 under Section 404 of this Act;

25 and by deducting from the total so obtained the sum of the
26 following amounts:

1 (F) An amount equal to the amount of any tax
2 imposed by this Act which was refunded to the taxpayer
3 and included in such total for the taxable year;

4 (G) An amount equal to any amount included in such
5 total under Section 78 of the Internal Revenue Code;

6 (H) In the case of a regulated investment company,
7 an amount equal to the amount of exempt interest
8 dividends as defined in subsection (b) (5) of Section
9 852 of the Internal Revenue Code, paid to shareholders
10 for the taxable year;

11 (I) With the exception of any amounts subtracted
12 under subparagraph (J), an amount equal to the sum of
13 all amounts disallowed as deductions by (i) Sections
14 171(a) (2), and 265(a) (2) and amounts disallowed as
15 interest expense by Section 291(a) (3) of the Internal
16 Revenue Code, as now or hereafter amended, and all
17 amounts of expenses allocable to interest and
18 disallowed as deductions by Section 265(a) (1) of the
19 Internal Revenue Code, as now or hereafter amended; and
20 (ii) for taxable years ending on or after August 13,
21 1999, Sections 171(a) (2), 265, 280C, 291(a) (3), and
22 832(b) (5) (B) (i) of the Internal Revenue Code; the
23 provisions of this subparagraph are exempt from the
24 provisions of Section 250;

25 (J) An amount equal to all amounts included in such
26 total which are exempt from taxation by this State

1 either by reason of its statutes or Constitution or by
2 reason of the Constitution, treaties or statutes of the
3 United States; provided that, in the case of any
4 statute of this State that exempts income derived from
5 bonds or other obligations from the tax imposed under
6 this Act, the amount exempted shall be the interest net
7 of bond premium amortization;

8 (K) 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 or
12 a River Edge Redevelopment Zone or zones created under
13 the River Edge Redevelopment Zone Act and conducts
14 substantially all of its operations in an Enterprise
15 Zone or zones or a River Edge Redevelopment Zone or
16 zones. This subparagraph (K) is exempt from the
17 provisions of Section 250;

18 (L) An amount equal to those dividends included in
19 such total that were paid by a corporation that
20 conducts business operations in a federally designated
21 Foreign Trade Zone or Sub-Zone and that is designated a
22 High Impact Business located in Illinois; provided
23 that dividends eligible for the deduction provided in
24 subparagraph (K) of paragraph 2 of this subsection
25 shall not be eligible for the deduction provided under
26 this subparagraph (L);

1 (M) For any taxpayer that is a financial
2 organization within the meaning of Section 304(c) of
3 this Act, an amount included in such total as interest
4 income from a loan or loans made by such taxpayer to a
5 borrower, to the extent that such a loan is secured by
6 property which is eligible for the Enterprise Zone
7 Investment Credit or the River Edge Redevelopment Zone
8 Investment Credit. To determine the portion of a loan
9 or loans that is secured by property eligible for a
10 Section 201(f) investment credit to the borrower, the
11 entire principal amount of the loan or loans between
12 the taxpayer and the borrower should be divided into
13 the basis of the Section 201(f) investment credit
14 property which secures the loan or loans, using for
15 this purpose the original basis of such property on the
16 date that it was placed in service in the Enterprise
17 Zone or the River Edge Redevelopment Zone. The
18 subtraction modification available to taxpayer in any
19 year under this subsection shall be that portion of the
20 total interest paid by the borrower with respect to
21 such loan attributable to the eligible property as
22 calculated under the previous sentence. This
23 subparagraph (M) is exempt from the provisions of
24 Section 250;

25 (M-1) For any taxpayer that is a financial
26 organization within the meaning of Section 304(c) of

1 this Act, an amount included in such total as interest
2 income from a loan or loans made by such taxpayer to a
3 borrower, to the extent that such a loan is secured by
4 property which is eligible for the High Impact Business
5 Investment Credit. To determine the portion of a loan
6 or loans that is secured by property eligible for a
7 Section 201(h) investment credit to the borrower, the
8 entire principal amount of the loan or loans between
9 the taxpayer and the borrower should be divided into
10 the basis of the Section 201(h) investment credit
11 property which secures the loan or loans, using for
12 this purpose the original basis of such property on the
13 date that it was placed in service in a federally
14 designated Foreign Trade Zone or Sub-Zone located in
15 Illinois. No taxpayer that is eligible for the
16 deduction provided in subparagraph (M) of paragraph
17 (2) of this subsection shall be eligible for the
18 deduction provided under this subparagraph (M-1). The
19 subtraction modification available to taxpayers in any
20 year under this subsection shall be that portion of the
21 total interest paid by the borrower with respect to
22 such loan attributable to the eligible property as
23 calculated under the previous sentence;

24 (N) Two times any contribution made during the
25 taxable year to a designated zone organization to the
26 extent that the contribution (i) qualifies as a

1 charitable contribution under subsection (c) of
2 Section 170 of the Internal Revenue Code and (ii) must,
3 by its terms, be used for a project approved by the
4 Department of Commerce and Economic Opportunity under
5 Section 11 of the Illinois Enterprise Zone Act or under
6 Section 10-10 of the ~~Illinois~~ River Edge Redevelopment
7 Zone Act. This subparagraph (N) is exempt from the
8 provisions of Section 250;

9 (O) An amount equal to: (i) 85% for taxable years
10 ending on or before December 31, 1992, or, a percentage
11 equal to the percentage allowable under Section
12 243(a)(1) of the Internal Revenue Code of 1986 for
13 taxable years ending after December 31, 1992, of the
14 amount by which dividends included in taxable income
15 and received from a corporation that is not created or
16 organized under the laws of the United States or any
17 state or political subdivision thereof, including, for
18 taxable years ending on or after December 31, 1988,
19 dividends received or deemed received or paid or deemed
20 paid under Sections 951 through 964 of the Internal
21 Revenue Code, exceed the amount of the modification
22 provided under subparagraph (G) of paragraph (2) of
23 this subsection (b) which is related to such dividends;
24 plus (ii) 100% of the amount by which dividends,
25 included in taxable income and received, including,
26 for taxable years ending on or after December 31, 1988,

1 dividends received or deemed received or paid or deemed
2 paid under Sections 951 through 964 of the Internal
3 Revenue Code, from any such corporation specified in
4 clause (i) that would but for the provisions of Section
5 1504 (b) (3) of the Internal Revenue Code be treated as
6 a member of the affiliated group which includes the
7 dividend recipient, exceed the amount of the
8 modification provided under subparagraph (G) of
9 paragraph (2) of this subsection (b) which is related
10 to such dividends;

11 (P) An amount equal to any contribution made to a
12 job training project established pursuant to the Tax
13 Increment Allocation Redevelopment Act;

14 (Q) An amount equal to the amount of the deduction
15 used to compute the federal income tax credit for
16 restoration of substantial amounts held under claim of
17 right for the taxable year pursuant to Section 1341 of
18 the Internal Revenue Code of 1986;

19 (R) On and after July 20, 1999, in the case of an
20 attorney-in-fact with respect to whom an interinsurer
21 or a reciprocal insurer has made the election under
22 Section 835 of the Internal Revenue Code, 26 U.S.C.
23 835, an amount equal to the excess, if any, of the
24 amounts paid or incurred by that interinsurer or
25 reciprocal insurer in the taxable year to the
26 attorney-in-fact over the deduction allowed to that

1 interinsurer or reciprocal insurer with respect to the
2 attorney-in-fact under Section 835(b) of the Internal
3 Revenue Code for the taxable year; the provisions of
4 this subparagraph are exempt from the provisions of
5 Section 250;

6 (S) For taxable years ending on or after December
7 31, 1997, in the case of a Subchapter S corporation, an
8 amount equal to all amounts of income allocable to a
9 shareholder subject to the Personal Property Tax
10 Replacement Income Tax imposed by subsections (c) and
11 (d) of Section 201 of this Act, including amounts
12 allocable to organizations exempt from federal income
13 tax by reason of Section 501(a) of the Internal Revenue
14 Code. This subparagraph (S) is exempt from the
15 provisions of Section 250;

16 (T) For taxable years 2001 and thereafter, for the
17 taxable year in which the bonus depreciation deduction
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 was
26 taken in any year under subsection (k) of Section

1 168 of the Internal Revenue Code, but not including
2 the bonus depreciation deduction;

3 (2) for taxable years ending on or before
4 December 31, 2005, "x" equals "y" multiplied by 30
5 and then divided by 70 (or "y" multiplied by
6 0.429); and

7 (3) for taxable years ending after December
8 31, 2005:

9 (i) for property on which a bonus
10 depreciation deduction of 30% of the adjusted
11 basis was taken, "x" equals "y" multiplied by
12 30 and then divided by 70 (or "y" multiplied by
13 0.429); and

14 (ii) for property on which a bonus
15 depreciation deduction of 50% of the adjusted
16 basis was taken, "x" equals "y" multiplied by
17 1.0.

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 taken on that property on the
22 taxpayer's federal income tax return under subsection
23 (k) of Section 168 of the Internal Revenue Code. This
24 subparagraph (T) is exempt from the provisions of
25 Section 250;

26 (U) If the taxpayer sells, transfers, abandons, or

1 otherwise disposes of property for which the taxpayer
2 was required in any taxable year to make an addition
3 modification under subparagraph (E-10), then an amount
4 equal to that addition modification.

5 If the taxpayer continues to own property through
6 the last day of the last tax year for which the
7 taxpayer may claim a depreciation deduction for
8 federal income tax purposes and for which the taxpayer
9 was required in any taxable year to make an addition
10 modification under subparagraph (E-10), then an amount
11 equal to that addition modification.

12 The taxpayer is allowed to take the deduction under
13 this subparagraph only once with respect to any one
14 piece of property.

15 This subparagraph (U) is exempt from the
16 provisions of Section 250;

17 (V) The amount of: (i) any interest income (net of
18 the deductions allocable thereto) taken into account
19 for the taxable year with respect to a transaction with
20 a taxpayer that is required to make an addition
21 modification with respect to such transaction under
22 Section 203(a)(2)(D-17), 203(b)(2)(E-12),
23 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed
24 the amount of such addition modification and (ii) any
25 income from intangible property (net of the deductions
26 allocable thereto) taken into account for the taxable

1 year with respect to a transaction with a taxpayer that
2 is required to make an addition modification with
3 respect to such transaction under Section
4 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or
5 203(d)(2)(D-8), but not to exceed the amount of such
6 addition modification;

7 (W) An amount equal to the interest income taken
8 into account for the taxable year (net of the
9 deductions allocable thereto) with respect to
10 transactions with a foreign person who would be a
11 member of the taxpayer's unitary business group but for
12 the fact that the foreign person's business activity
13 outside the United States is 80% or more of that
14 person's total business activity, but not to exceed the
15 addition modification required to be made for the same
16 taxable year under Section 203(b)(2)(E-12) for
17 interest paid, accrued, or incurred, directly or
18 indirectly, to the same foreign person; and

19 (X) An amount equal to the income from intangible
20 property taken into account for the taxable year (net
21 of the deductions allocable thereto) with respect to
22 transactions with a foreign person who would be a
23 member of the taxpayer's unitary business group but for
24 the fact that the foreign person's business activity
25 outside the United States is 80% or more of that
26 person's total business activity, but not to exceed the

1 addition modification required to be made for the same
2 taxable year under Section 203(b)(2)(E-13) for
3 intangible expenses and costs paid, accrued, or
4 incurred, directly or indirectly, to the same foreign
5 person.

6 (3) Special rule. For purposes of paragraph (2) (A),
7 "gross income" in the case of a life insurance company, for
8 tax years ending on and after December 31, 1994, shall mean
9 the gross investment income for the taxable year.

10 (c) Trusts and estates.

11 (1) In general. In the case of a trust or estate, base
12 income means an amount equal to the taxpayer's taxable
13 income for the taxable year as modified by paragraph (2).

14 (2) Modifications. Subject to the provisions of
15 paragraph (3), the taxable income referred to in paragraph
16 (1) shall be modified by adding thereto the sum of the
17 following amounts:

18 (A) An amount equal to all amounts paid or accrued
19 to the taxpayer as interest or dividends during the
20 taxable year to the extent excluded from gross income
21 in the computation of taxable income;

22 (B) In the case of (i) an estate, \$600; (ii) a
23 trust which, under its governing instrument, is
24 required to distribute all of its income currently,
25 \$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

1 income of an earlier taxable year, and

2 (ii) the addition modification relating to the
3 net operating loss carried back or forward to the
4 taxable year from any taxable year ending prior to
5 December 31, 1986 shall not exceed the amount of
6 such carryback or carryforward;

7 For taxable years in which there is a net operating
8 loss carryback or carryforward from more than one other
9 taxable year ending prior to December 31, 1986, the
10 addition modification provided in this subparagraph
11 (E) shall be the sum of the amounts computed
12 independently under the preceding provisions of this
13 subparagraph (E) for each such taxable year;

14 (F) For taxable years ending on or after January 1,
15 1989, an amount equal to the tax deducted pursuant to
16 Section 164 of the Internal Revenue Code if the trust
17 or estate is claiming the same tax for purposes of the
18 Illinois foreign tax credit under Section 601 of this
19 Act;

20 (G) An amount equal to the amount of the capital
21 gain deduction allowable under the Internal Revenue
22 Code, to the extent deducted from gross income in the
23 computation of taxable income;

24 (G-5) For taxable years ending after December 31,
25 1997, an amount equal to any eligible remediation costs
26 that the trust or estate deducted in computing adjusted

1 gross income and for which the trust or estate claims a
2 credit under subsection (l) of Section 201;

3 (G-10) For taxable years 2001 and thereafter, an
4 amount equal to the bonus depreciation deduction taken
5 on the taxpayer's federal income tax return for the
6 taxable year under subsection (k) of Section 168 of the
7 Internal Revenue Code; and

8 (G-11) If the taxpayer sells, transfers, abandons,
9 or otherwise disposes of property for which the
10 taxpayer was required in any taxable year to make an
11 addition modification under subparagraph (G-10), then
12 an amount equal to the aggregate amount of the
13 deductions taken in all taxable years under
14 subparagraph (R) with respect to that property.

15 If the taxpayer continues to own property through
16 the last day of the last tax year for which the
17 taxpayer may claim a depreciation deduction for
18 federal income tax purposes and for which the taxpayer
19 was allowed in any taxable year to make a subtraction
20 modification under subparagraph (R), then an amount
21 equal to that subtraction modification.

22 The taxpayer is required to make the addition
23 modification under this subparagraph only once with
24 respect to any one piece of property;

25 (G-12) For taxable years ending on or after
26 December 31, 2004, an amount equal to the amount

1 otherwise allowed as a deduction in computing base
2 income for interest paid, accrued, or incurred,
3 directly or indirectly, to a foreign person who would
4 be a member of the same unitary business group but for
5 the fact that the foreign person's business activity
6 outside the United States is 80% or more of the foreign
7 person's total business activity. The addition
8 modification required by this subparagraph shall be
9 reduced to the extent that dividends were included in
10 base income of the unitary group for the same taxable
11 year and received by the taxpayer or by a member of the
12 taxpayer's unitary business group (including amounts
13 included in gross income pursuant to Sections 951
14 through 964 of the Internal Revenue Code and amounts
15 included in gross income under Section 78 of the
16 Internal Revenue Code) with respect to the stock of the
17 same person to whom the interest was paid, accrued, or
18 incurred.

19 This paragraph shall not apply to the following:

20 (i) an item of interest paid, accrued, or
21 incurred, directly or indirectly, to a foreign
22 person who is subject in a foreign country or
23 state, other than a state which requires mandatory
24 unitary reporting, to a tax on or measured by net
25 income with respect to such interest; or

26 (ii) an item of interest paid, accrued, or

1 incurred, directly or indirectly, to a foreign
2 person if the taxpayer can establish, based on a
3 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 interest to a person that is not a related
8 member, and

9 (b) the transaction giving rise to the
10 interest expense between the taxpayer and the
11 foreign person did not have as a principal
12 purpose the avoidance of Illinois income tax,
13 and is paid pursuant to a contract or agreement
14 that reflects an arm's-length interest rate
15 and terms; or

16 (iii) the taxpayer can establish, based on
17 clear and convincing evidence, that the interest
18 paid, accrued, or incurred relates to a contract or
19 agreement entered into at arm's-length rates and
20 terms and the principal purpose for the payment is
21 not federal or Illinois tax avoidance; or

22 (iv) an item of interest paid, accrued, or
23 incurred, directly or indirectly, to 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

1 agree in writing to the application or use of an
2 alternative method of apportionment under Section
3 304(f).

4 Nothing in this subsection shall preclude the
5 Director from making any other adjustment
6 otherwise allowed under Section 404 of this Act for
7 any tax year beginning after the effective date of
8 this amendment provided such adjustment is made
9 pursuant to regulation adopted by the Department
10 and such regulations provide methods and standards
11 by which the Department will utilize its authority
12 under Section 404 of this Act;

13 (G-13) For taxable years ending on or after
14 December 31, 2004, an amount equal to the amount of
15 intangible expenses and costs otherwise allowed as a
16 deduction in computing base income, and that were paid,
17 accrued, or incurred, directly or indirectly, to a
18 foreign person who would be a member of the same
19 unitary business group but for the fact that the
20 foreign person's business activity outside the United
21 States is 80% or more of that person's total business
22 activity. The addition modification required by this
23 subparagraph shall be reduced to the extent that
24 dividends were included in base income of the unitary
25 group for the same taxable year and received by the
26 taxpayer or by a member of the taxpayer's unitary

1 business group (including amounts included in gross
2 income pursuant to Sections 951 through 964 of the
3 Internal Revenue Code and amounts included in gross
4 income under Section 78 of the Internal Revenue Code)
5 with respect to the stock of the same person to whom
6 the intangible expenses and costs were directly or
7 indirectly paid, incurred, or accrued. The preceding
8 sentence shall not apply to the extent that the same
9 dividends caused a reduction to the addition
10 modification required under Section 203(c)(2)(G-12) of
11 this Act. As used in this subparagraph, the term
12 "intangible expenses and costs" includes: (1)
13 expenses, losses, and costs for or related to the
14 direct or indirect acquisition, use, maintenance or
15 management, ownership, sale, exchange, or any other
16 disposition of intangible property; (2) losses
17 incurred, directly or indirectly, from factoring
18 transactions or discounting transactions; (3) royalty,
19 patent, technical, and copyright fees; (4) licensing
20 fees; and (5) other similar expenses and costs. For
21 purposes of this subparagraph, "intangible property"
22 includes patents, patent applications, trade names,
23 trademarks, service marks, copyrights, mask works,
24 trade secrets, and similar types of intangible assets.

25 This paragraph shall not apply to the following:

26 (i) any item of intangible expenses or costs

1 paid, accrued, or incurred, directly or
2 indirectly, from a transaction with a foreign
3 person who is subject in a foreign country or
4 state, other than a state which requires mandatory
5 unitary reporting, to a tax on or measured by net
6 income with respect to such item; or

7 (ii) any item of intangible expense or cost
8 paid, accrued, or incurred, directly or
9 indirectly, if the taxpayer can establish, based
10 on a preponderance of the evidence, both of the
11 following:

12 (a) the foreign person during the same
13 taxable year paid, accrued, or incurred, the
14 intangible expense or cost to a person that is
15 not a related member, and

16 (b) the transaction giving rise to the
17 intangible expense or cost between the
18 taxpayer and the foreign person did not have as
19 a principal purpose the avoidance of Illinois
20 income tax, and is paid pursuant to a contract
21 or agreement that reflects arm's-length terms;
22 or

23 (iii) any item of intangible expense or cost
24 paid, accrued, or incurred, directly or
25 indirectly, from a transaction with a foreign
26 person if the taxpayer establishes by clear and

1 convincing evidence, that the adjustments are
2 unreasonable; or if the taxpayer and the Director
3 agree in writing to the application or use of an
4 alternative method of apportionment under Section
5 304(f);

6 Nothing in this subsection shall preclude the
7 Director from making any other adjustment
8 otherwise allowed under Section 404 of this Act for
9 any tax year beginning after the effective date of
10 this amendment provided such adjustment is made
11 pursuant to regulation adopted by the Department
12 and such regulations provide methods and standards
13 by which the Department will utilize its authority
14 under Section 404 of this Act;

15 and by deducting from the total so obtained the sum of the
16 following amounts:

17 (H) An amount equal to all amounts included in such
18 total pursuant to the provisions of Sections 402(a),
19 402(c), 403(a), 403(b), 406(a), 407(a) and 408 of the
20 Internal Revenue Code or included in such total as
21 distributions under the provisions of any retirement
22 or disability plan for employees of any governmental
23 agency or unit, or retirement payments to retired
24 partners, which payments are excluded in computing net
25 earnings from self employment by Section 1402 of the
26 Internal Revenue Code and regulations adopted pursuant

1 thereto;

2 (I) The valuation limitation amount;

3 (J) An amount equal to the amount of any tax
4 imposed by this Act which was refunded to the taxpayer
5 and included in such total for the taxable year;

6 (K) An amount equal to all amounts included in
7 taxable income as modified by subparagraphs (A), (B),
8 (C), (D), (E), (F) and (G) which are exempt from
9 taxation by this State either by reason of its statutes
10 or Constitution or by reason of the Constitution,
11 treaties or statutes of the United States; provided
12 that, in the case of any statute of this State that
13 exempts income derived from bonds or other obligations
14 from the tax imposed under this Act, the amount
15 exempted shall be the interest net of bond premium
16 amortization;

17 (L) With the exception of any amounts subtracted
18 under subparagraph (K), an amount equal to the sum of
19 all amounts disallowed as deductions by (i) Sections
20 171(a) (2) and 265(a) (2) of the Internal Revenue Code,
21 as now or hereafter amended, and all amounts of
22 expenses allocable to interest and disallowed as
23 deductions by Section 265(1) of the Internal Revenue
24 Code of 1954, as now or hereafter amended; and (ii) for
25 taxable years ending on or after August 13, 1999,
26 Sections 171(a) (2), 265, 280C, and 832(b) (5) (B) (i) of

1 the Internal Revenue Code; the provisions of this
2 subparagraph are exempt from the provisions of Section
3 250;

4 (M) An amount equal to those dividends included in
5 such total which were paid by a corporation which
6 conducts business operations in an Enterprise Zone or
7 zones created under the Illinois Enterprise Zone Act or
8 a River Edge Redevelopment Zone or zones created under
9 the River Edge Redevelopment Zone Act and conducts
10 substantially all of its operations in an Enterprise
11 Zone or Zones or a River Edge Redevelopment Zone or
12 zones. This subparagraph (M) is exempt from the
13 provisions of Section 250;

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

1 used to compute the federal income tax credit for
2 restoration of substantial amounts held under claim of
3 right for the taxable year pursuant to Section 1341 of
4 the Internal Revenue Code of 1986;

5 (Q) For taxable year 1999 and thereafter, an amount
6 equal to the amount of any (i) distributions, to the
7 extent includible in gross income for federal income
8 tax purposes, made to the taxpayer because of his or
9 her status as a victim of persecution for racial or
10 religious reasons by Nazi Germany or any other Axis
11 regime or as an heir of the victim and (ii) items of
12 income, to the extent includible in gross income for
13 federal income tax purposes, attributable to, derived
14 from or in any way related to assets stolen from,
15 hidden from, or otherwise lost to a victim of
16 persecution for racial or religious reasons by Nazi
17 Germany or any other Axis regime immediately prior to,
18 during, and immediately after World War II, including,
19 but not limited to, interest on the proceeds receivable
20 as insurance under policies issued to a victim of
21 persecution for racial or religious reasons by Nazi
22 Germany or any other Axis regime by European insurance
23 companies immediately prior to and during World War II;
24 provided, however, this subtraction from federal
25 adjusted gross income does not apply to assets acquired
26 with such assets or with the proceeds from the sale of

1 such assets; provided, further, this paragraph shall
2 only apply to a taxpayer who was the first recipient of
3 such assets after their recovery and who is a victim of
4 persecution for racial or religious reasons by Nazi
5 Germany or any other Axis regime or as an heir of the
6 victim. The amount of and the eligibility for any
7 public assistance, benefit, or similar entitlement is
8 not affected by the inclusion of items (i) and (ii) of
9 this paragraph in gross income for federal income tax
10 purposes. This paragraph is exempt from the provisions
11 of Section 250;

12 (R) For taxable years 2001 and thereafter, for the
13 taxable year in which the bonus depreciation deduction
14 is taken on the taxpayer's federal income tax return
15 under subsection (k) of Section 168 of the Internal
16 Revenue Code and for each applicable taxable year
17 thereafter, an amount equal to "x", where:

18 (1) "y" equals the amount of the depreciation
19 deduction taken for the taxable year on the
20 taxpayer's federal income tax return on property
21 for which the bonus depreciation deduction was
22 taken in any year under subsection (k) of Section
23 168 of the Internal Revenue Code, but not including
24 the bonus depreciation deduction;

25 (2) for taxable years ending on or before
26 December 31, 2005, "x" equals "y" multiplied by 30

1 and then divided by 70 (or "y" multiplied by
2 0.429); and

3 (3) for taxable years ending after December
4 31, 2005:

5 (i) for property on which a bonus
6 depreciation deduction of 30% of the adjusted
7 basis was taken, "x" equals "y" multiplied by
8 30 and then divided by 70 (or "y" multiplied by
9 0.429); and

10 (ii) for property on which a bonus
11 depreciation deduction of 50% of the adjusted
12 basis was taken, "x" equals "y" multiplied by
13 1.0.

14 The aggregate amount deducted under this
15 subparagraph in all taxable years for any one piece of
16 property may not exceed the amount of the bonus
17 depreciation deduction taken on that property on the
18 taxpayer's federal income tax return under subsection
19 (k) of Section 168 of the Internal Revenue Code. This
20 subparagraph (R) is exempt from the provisions of
21 Section 250;

22 (S) If the taxpayer sells, transfers, abandons, or
23 otherwise disposes of property for which the taxpayer
24 was required in any taxable year to make an addition
25 modification under subparagraph (G-10), then an amount
26 equal to that addition modification.

1 If the taxpayer continues to own property through
2 the last day of the last tax year for which the
3 taxpayer may claim a depreciation deduction for
4 federal income tax purposes and for which the taxpayer
5 was required in any taxable year to make an addition
6 modification under subparagraph (G-10), then an amount
7 equal to that addition 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 This subparagraph (S) is exempt from the
12 provisions of Section 250;

13 (T) The amount of (i) any interest income (net of
14 the deductions allocable thereto) taken into account
15 for the taxable year with respect to a transaction with
16 a taxpayer that is required to make an addition
17 modification with respect to such transaction under
18 Section 203(a)(2)(D-17), 203(b)(2)(E-12),
19 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed
20 the amount of such addition modification and (ii) any
21 income from intangible property (net of the deductions
22 allocable thereto) taken into account for the taxable
23 year with respect to a transaction with a taxpayer that
24 is required to make an addition modification with
25 respect to such transaction under Section
26 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or

1 203(d)(2)(D-8), but not to exceed the amount of such
2 addition modification;

3 (U) An amount equal to the interest income taken
4 into account for the taxable year (net of the
5 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 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(c)(2)(G-12) for
13 interest paid, accrued, or incurred, directly or
14 indirectly, to the same foreign person; and

15 (V) An amount equal to the income from intangible
16 property taken into account for the taxable year (net
17 of the 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(c)(2)(G-13) for
25 intangible expenses and costs paid, accrued, or
26 incurred, directly or indirectly, to the same foreign

1 person.

2 (3) Limitation. The amount of any modification
3 otherwise required under this subsection shall, under
4 regulations prescribed by the Department, be adjusted by
5 any amounts included therein which were properly paid,
6 credited, or required to be distributed, or permanently set
7 aside for charitable purposes pursuant to Internal Revenue
8 Code Section 642(c) during the taxable year.

9 (d) Partnerships.

10 (1) In general. In the case of a partnership, base
11 income means an amount equal to the taxpayer's taxable
12 income for the taxable year as modified by paragraph (2).

13 (2) Modifications. The taxable income referred to in
14 paragraph (1) shall be modified by adding thereto the sum
15 of the following amounts:

16 (A) An amount equal to all amounts paid or accrued
17 to the taxpayer as interest or dividends during the
18 taxable year to the extent excluded from gross income
19 in the computation of taxable income;

20 (B) An amount equal to the amount of tax imposed by
21 this Act to the extent deducted from gross income for
22 the taxable year;

23 (C) The amount of deductions allowed to the
24 partnership pursuant to Section 707 (c) of the Internal
25 Revenue Code in calculating its taxable income;

1 (D) An amount equal to the amount of the capital
2 gain deduction allowable under the Internal Revenue
3 Code, to the extent deducted from gross income in the
4 computation of taxable income;

5 (D-5) For taxable years 2001 and thereafter, an
6 amount equal to the bonus depreciation deduction taken
7 on the taxpayer's federal income tax return for the
8 taxable year under subsection (k) of Section 168 of the
9 Internal Revenue Code;

10 (D-6) If the taxpayer sells, transfers, abandons,
11 or otherwise disposes of property for which the
12 taxpayer was required in any taxable year to make an
13 addition modification under subparagraph (D-5), then
14 an amount equal to the aggregate amount of the
15 deductions taken in all taxable years under
16 subparagraph (O) with respect to that property.

17 If the taxpayer continues to own property through
18 the last day of the last tax year for which the
19 taxpayer may claim a depreciation deduction for
20 federal income tax purposes and for which the taxpayer
21 was allowed in any taxable year to make a subtraction
22 modification under subparagraph (O), then an amount
23 equal to that subtraction modification.

24 The taxpayer is required to make the addition
25 modification under this subparagraph only once with
26 respect to any one piece of property;

1 (D-7) For taxable years ending on or after December
2 31, 2004, an amount equal to the amount otherwise
3 allowed as a deduction in computing base income for
4 interest paid, accrued, or incurred, directly or
5 indirectly, to a foreign person who would be a member
6 of the same unitary business group but for the fact the
7 foreign person's business activity outside the United
8 States is 80% or more of the foreign person's total
9 business activity. The addition modification required
10 by this subparagraph shall be reduced to the extent
11 that dividends were included in base income of the
12 unitary group for the same taxable year and received by
13 the taxpayer or by a member of the taxpayer's unitary
14 business group (including amounts included in gross
15 income pursuant to Sections 951 through 964 of the
16 Internal Revenue Code and amounts included in gross
17 income under Section 78 of the Internal Revenue Code)
18 with respect to the stock of the same person to whom
19 the interest was paid, accrued, or incurred.

20 This paragraph shall not apply to the following:

21 (i) an item of interest paid, accrued, or
22 incurred, directly or indirectly, to a foreign
23 person who is subject in a foreign country or
24 state, other than a state which requires mandatory
25 unitary reporting, to a tax on or measured by net
26 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

1 unreasonable; or if the taxpayer and the Director
2 agree in writing to the application or use of an
3 alternative method of apportionment under Section
4 304(f).

5 Nothing in this subsection shall preclude the
6 Director from making any other adjustment
7 otherwise allowed under Section 404 of this Act for
8 any tax year beginning after the effective date of
9 this amendment provided such adjustment is made
10 pursuant to regulation adopted by the Department
11 and such regulations provide methods and standards
12 by which the Department will utilize its authority
13 under Section 404 of this Act; and

14 (D-8) For taxable years ending on or after December
15 31, 2004, an amount equal to the amount of intangible
16 expenses and costs otherwise allowed as a deduction in
17 computing base income, and that were paid, accrued, or
18 incurred, directly or indirectly, to a foreign person
19 who would be a member of the same unitary business
20 group but for the fact that the foreign person's
21 business activity outside the United States is 80% or
22 more of that person's total business activity. The
23 addition modification required by this subparagraph
24 shall be reduced to the extent that dividends were
25 included in base income of the unitary group for the
26 same taxable year and received by the taxpayer or by a

1 member of the taxpayer's unitary business group
2 (including amounts included in gross income pursuant
3 to Sections 951 through 964 of the Internal Revenue
4 Code and amounts included in gross income under Section
5 78 of the Internal Revenue Code) with respect to the
6 stock of the same person to whom the intangible
7 expenses and costs were directly or indirectly paid,
8 incurred or accrued. The preceding sentence shall not
9 apply to the extent that the same dividends caused a
10 reduction to the addition modification required under
11 Section 203(d)(2)(D-7) of this Act. As used in this
12 subparagraph, the term "intangible expenses and costs"
13 includes (1) expenses, losses, and costs for, or
14 related to, the direct or indirect acquisition, use,
15 maintenance or management, ownership, sale, exchange,
16 or any other disposition of intangible property; (2)
17 losses incurred, directly or indirectly, from
18 factoring transactions or discounting transactions;
19 (3) royalty, patent, technical, and copyright fees;
20 (4) licensing fees; and (5) other similar expenses and
21 costs. For purposes of this subparagraph, "intangible
22 property" includes patents, patent applications, trade
23 names, trademarks, service marks, copyrights, mask
24 works, trade secrets, and similar types of intangible
25 assets;

26 This paragraph shall not apply to the following:

1 (i) any item of intangible expenses or costs
2 paid, accrued, or incurred, directly or
3 indirectly, from a transaction with a foreign
4 person who is subject in a foreign country or
5 state, other than a state which requires mandatory
6 unitary reporting, to a tax on or measured by net
7 income with respect to such item; or

8 (ii) any item of intangible expense or cost
9 paid, accrued, or incurred, directly or
10 indirectly, if the taxpayer can establish, based
11 on a preponderance of the evidence, both of the
12 following:

13 (a) the foreign person during the same
14 taxable year paid, accrued, or incurred, the
15 intangible expense or cost to a person that is
16 not a related member, and

17 (b) the transaction giving rise to the
18 intangible expense or cost between the
19 taxpayer and the foreign person did not have as
20 a principal purpose the avoidance of Illinois
21 income tax, and is paid pursuant to a contract
22 or agreement that reflects arm's-length terms;
23 or

24 (iii) any item of intangible expense or cost
25 paid, accrued, or incurred, directly or
26 indirectly, from a transaction with a foreign

1 person if the taxpayer establishes by clear and
2 convincing evidence, that the adjustments are
3 unreasonable; or if the taxpayer and the Director
4 agree in writing to the application or use of an
5 alternative method of apportionment under Section
6 304(f);

7 Nothing in this subsection shall preclude the
8 Director from making any other adjustment
9 otherwise allowed under Section 404 of this Act for
10 any tax year beginning after the effective date of
11 this amendment provided such adjustment is made
12 pursuant to regulation adopted by the Department
13 and such regulations provide methods and standards
14 by which the Department will utilize its authority
15 under Section 404 of this Act;

16 and by deducting from the total so obtained the following
17 amounts:

18 (E) The valuation limitation amount;

19 (F) An amount equal to the amount of any tax
20 imposed by this Act which was refunded to the taxpayer
21 and included in such total for the taxable year;

22 (G) An amount equal to all amounts included in
23 taxable income as modified by subparagraphs (A), (B),
24 (C) and (D) which are exempt from taxation by this
25 State either by reason of its statutes or Constitution
26 or by reason of the Constitution, treaties or statutes

1 of the United States; provided that, in the case of any
2 statute of this State that exempts income derived from
3 bonds or other obligations from the tax imposed under
4 this Act, the amount exempted shall be the interest net
5 of bond premium amortization;

6 (H) Any income of the partnership which
7 constitutes personal service income as defined in
8 Section 1348 (b) (1) of the Internal Revenue Code (as
9 in effect December 31, 1981) or a reasonable allowance
10 for compensation paid or accrued for services rendered
11 by partners to the partnership, whichever is greater;

12 (I) An amount equal to all amounts of income
13 distributable to an entity subject to the Personal
14 Property Tax Replacement Income Tax imposed by
15 subsections (c) and (d) of Section 201 of this Act
16 including amounts distributable to organizations
17 exempt from federal income tax by reason of Section
18 501(a) of the Internal Revenue Code;

19 (J) With the exception of any amounts subtracted
20 under subparagraph (G), an amount equal to the sum of
21 all amounts disallowed as deductions by (i) Sections
22 171(a) (2), and 265(2) of the Internal Revenue Code of
23 1954, as now or hereafter amended, and all amounts of
24 expenses allocable to interest and disallowed as
25 deductions by Section 265(1) of the Internal Revenue
26 Code, as now or hereafter amended; and (ii) for taxable

1 years ending on or after August 13, 1999, Sections
2 171(a)(2), 265, 280C, and 832(b)(5)(B)(i) of the
3 Internal Revenue Code; the provisions of this
4 subparagraph are exempt from the provisions of Section
5 250;

6 (K) An amount equal to those dividends included in
7 such total which were paid by a corporation which
8 conducts business operations in an Enterprise Zone or
9 zones created under the Illinois Enterprise Zone Act,
10 enacted by the 82nd General Assembly, or a River Edge
11 Redevelopment Zone or zones created under the River
12 Edge Redevelopment Zone Act and conducts substantially
13 all of its operations in an Enterprise Zone or Zones or
14 from a River Edge Redevelopment Zone or zones. This
15 subparagraph (K) is exempt from the provisions of
16 Section 250;

17 (L) An amount equal to any contribution made to a
18 job training project established pursuant to the Real
19 Property Tax Increment Allocation Redevelopment Act;

20 (M) An amount equal to those dividends included in
21 such total that were paid by a corporation that
22 conducts business operations in a federally designated
23 Foreign Trade Zone or Sub-Zone and that is designated a
24 High Impact Business located in Illinois; provided
25 that dividends eligible for the deduction provided in
26 subparagraph (K) of paragraph (2) of this subsection

1 shall not be eligible for the deduction provided under
2 this subparagraph (M);

3 (N) An amount equal to the amount of the deduction
4 used to compute the federal income tax credit for
5 restoration of substantial amounts held under claim of
6 right for the taxable year pursuant to Section 1341 of
7 the Internal Revenue Code of 1986;

8 (O) For taxable years 2001 and thereafter, for the
9 taxable year in which the bonus depreciation deduction
10 is taken on the taxpayer's federal income tax return
11 under subsection (k) of Section 168 of the Internal
12 Revenue Code and for each applicable taxable year
13 thereafter, an amount equal to "x", where:

14 (1) "y" equals the amount of the depreciation
15 deduction taken for the taxable year on the
16 taxpayer's federal income tax return on property
17 for which the bonus depreciation deduction was
18 taken in any year under subsection (k) of Section
19 168 of the Internal Revenue Code, but not including
20 the bonus depreciation deduction;

21 (2) for taxable years ending on or before
22 December 31, 2005, "x" equals "y" multiplied by 30
23 and then divided by 70 (or "y" multiplied by
24 0.429); and

25 (3) for taxable years ending after December
26 31, 2005:

1 (i) for property on which a bonus
2 depreciation deduction of 30% of the adjusted
3 basis was taken, "x" equals "y" multiplied by
4 30 and then divided by 70 (or "y" multiplied by
5 0.429); and

6 (ii) for property on which a bonus
7 depreciation deduction of 50% of the adjusted
8 basis was taken, "x" equals "y" multiplied by
9 1.0.

10 The aggregate amount deducted under this
11 subparagraph in all taxable years for any one piece of
12 property may not exceed the amount of the bonus
13 depreciation deduction 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. This
16 subparagraph (O) is exempt from the provisions of
17 Section 250;

18 (P) If the taxpayer sells, transfers, abandons, or
19 otherwise disposes of property for which the taxpayer
20 was required in any taxable year to make an addition
21 modification under subparagraph (D-5), then an amount
22 equal to that addition modification.

23 If the taxpayer continues to own property through
24 the last day of the last tax year for which the
25 taxpayer may claim a depreciation deduction for
26 federal income tax purposes and for which the taxpayer

1 was required in any taxable year to make an addition
2 modification under subparagraph (D-5), then an amount
3 equal to that addition modification.

4 The taxpayer is allowed to take the deduction under
5 this subparagraph only once with respect to any one
6 piece of property.

7 This subparagraph (P) is exempt from the
8 provisions of Section 250;

9 (Q) The amount of (i) any interest income (net of
10 the deductions allocable thereto) taken into account
11 for the taxable year with respect to a transaction with
12 a taxpayer that is required to make an addition
13 modification with respect to such transaction under
14 Section 203(a)(2)(D-17), 203(b)(2)(E-12),
15 203(c)(2)(G-12), or 203(d)(2)(D-7), but not to exceed
16 the amount of such addition modification and (ii) any
17 income from intangible property (net of the deductions
18 allocable thereto) taken into account for the taxable
19 year with respect to a transaction with a taxpayer that
20 is required to make an addition modification with
21 respect to such transaction under Section
22 203(a)(2)(D-18), 203(b)(2)(E-13), 203(c)(2)(G-13), or
23 203(d)(2)(D-8), but not to exceed the amount of such
24 addition modification;

25 (R) An amount equal to the interest income taken
26 into account for the taxable year (net of the

1 deductions allocable thereto) with respect to
2 transactions with a foreign person who would be a
3 member of the taxpayer's unitary business group but for
4 the fact that the foreign person's business activity
5 outside the United States is 80% or more of that
6 person's total business activity, but not to exceed the
7 addition modification required to be made for the same
8 taxable year under Section 203(d)(2)(D-7) for interest
9 paid, accrued, or incurred, directly or indirectly, to
10 the same foreign person; and

11 (S) An amount equal to the income from intangible
12 property taken into account for the taxable year (net
13 of the deductions allocable thereto) with respect to
14 transactions with a foreign person who would be a
15 member of the taxpayer's unitary business group but for
16 the fact that the foreign person's business activity
17 outside the United States is 80% or more of that
18 person's total business activity, but not to exceed the
19 addition modification required to be made for the same
20 taxable year under Section 203(d)(2)(D-8) for
21 intangible expenses and costs paid, accrued, or
22 incurred, directly or indirectly, to the same foreign
23 person.

24 (e) Gross income; adjusted gross income; taxable income.

25 (1) In general. Subject to the provisions of paragraph

1 (2) and subsection (b) (3), for purposes of this Section
2 and Section 803(e), a taxpayer's gross income, adjusted
3 gross income, or taxable income for the taxable year shall
4 mean the amount of gross income, adjusted gross income or
5 taxable income properly reportable for federal income tax
6 purposes for the taxable year under the provisions of the
7 Internal Revenue Code. Taxable income may be less than
8 zero. However, for taxable years ending on or after
9 December 31, 1986, net operating loss carryforwards from
10 taxable years ending prior to December 31, 1986, may not
11 exceed the sum of federal taxable income for the taxable
12 year before net operating loss deduction, plus the excess
13 of addition modifications over subtraction modifications
14 for the taxable year. For taxable years ending prior to
15 December 31, 1986, taxable income may never be an amount in
16 excess of the net operating loss for the taxable year as
17 defined in subsections (c) and (d) of Section 172 of the
18 Internal Revenue Code, provided that when taxable income of
19 a corporation (other than a Subchapter S corporation),
20 trust, or estate is less than zero and addition
21 modifications, other than those provided by subparagraph
22 (E) of paragraph (2) of subsection (b) for corporations or
23 subparagraph (E) of paragraph (2) of subsection (c) for
24 trusts and estates, exceed subtraction modifications, an
25 addition modification must be made under those
26 subparagraphs for any other taxable year to which the

1 taxable income less than zero (net operating loss) is
2 applied under Section 172 of the Internal Revenue Code or
3 under subparagraph (E) of paragraph (2) of this subsection
4 (e) applied in conjunction with Section 172 of the Internal
5 Revenue Code.

6 (2) Special rule. For purposes of paragraph (1) of this
7 subsection, the taxable income properly reportable for
8 federal income tax purposes shall mean:

9 (A) Certain life insurance companies. In the case
10 of a life insurance company subject to the tax imposed
11 by Section 801 of the Internal Revenue Code, life
12 insurance company taxable income, plus the amount of
13 distribution from pre-1984 policyholder surplus
14 accounts as calculated under Section 815a of the
15 Internal Revenue Code;

16 (B) Certain other insurance companies. In the case
17 of mutual insurance companies subject to the tax
18 imposed by Section 831 of the Internal Revenue Code,
19 insurance company taxable income;

20 (C) Regulated investment companies. In the case of
21 a regulated investment company subject to the tax
22 imposed by Section 852 of the Internal Revenue Code,
23 investment company taxable income;

24 (D) Real estate investment trusts. In the case of a
25 real estate investment trust subject to the tax imposed
26 by Section 857 of the Internal Revenue Code, real

1 estate investment trust taxable income;

2 (E) Consolidated corporations. In the case of a
3 corporation which is a member of an affiliated group of
4 corporations filing a consolidated income tax return
5 for the taxable year for federal income tax purposes,
6 taxable income determined as if such corporation had
7 filed a separate return for federal income tax purposes
8 for the taxable year and each preceding taxable year
9 for which it was a member of an affiliated group. For
10 purposes of this subparagraph, the taxpayer's separate
11 taxable income shall be determined as if the election
12 provided by Section 243(b) (2) of the Internal Revenue
13 Code had been in effect for all such years;

14 (F) Cooperatives. In the case of a cooperative
15 corporation or association, the taxable income of such
16 organization determined in accordance with the
17 provisions of Section 1381 through 1388 of the Internal
18 Revenue Code;

19 (G) Subchapter S corporations. In the case of: (i)
20 a Subchapter S corporation for which there is in effect
21 an election for the taxable year under Section 1362 of
22 the Internal Revenue Code, the taxable income of such
23 corporation determined in accordance with Section
24 1363(b) of the Internal Revenue Code, except that
25 taxable income shall take into account those items
26 which are required by Section 1363(b)(1) of the

1 Internal Revenue Code to be separately stated; and (ii)
2 a Subchapter S corporation for which there is in effect
3 a federal election to opt out of the provisions of the
4 Subchapter S Revision Act of 1982 and have applied
5 instead the prior federal Subchapter S rules as in
6 effect on July 1, 1982, the taxable income of such
7 corporation determined in accordance with the federal
8 Subchapter S rules as in effect on July 1, 1982; and

9 (H) Partnerships. In the case of a partnership,
10 taxable income determined in accordance with Section
11 703 of the Internal Revenue Code, except that taxable
12 income shall take into account those items which are
13 required by Section 703(a)(1) to be separately stated
14 but which would be taken into account by an individual
15 in calculating his taxable income.

16 (3) Recapture of business expenses on disposition of
17 asset or business. Notwithstanding any other law to the
18 contrary, if in prior years income from an asset or
19 business has been classified as business income and in a
20 later year is demonstrated to be non-business income, then
21 all expenses, without limitation, deducted in such later
22 year and in the 2 immediately preceding taxable years
23 related to that asset or business that generated the
24 non-business income shall be added back and recaptured as
25 business income in the year of the disposition of the asset
26 or business. Such amount shall be apportioned to Illinois

1 using the greater of the apportionment fraction computed
2 for the business under Section 304 of this Act for the
3 taxable year or the average of the apportionment fractions
4 computed for the business under Section 304 of this Act for
5 the taxable year and for the 2 immediately preceding
6 taxable years.

7 (f) Valuation limitation amount.

8 (1) In general. The valuation limitation amount
9 referred to in subsections (a) (2) (G), (c) (2) (I) and
10 (d) (2) (E) is an amount equal to:

11 (A) The sum of the pre-August 1, 1969 appreciation
12 amounts (to the extent consisting of gain reportable
13 under the provisions of Section 1245 or 1250 of the
14 Internal Revenue Code) for all property in respect of
15 which such gain was reported for the taxable year; plus

16 (B) The lesser of (i) the sum of the pre-August 1,
17 1969 appreciation amounts (to the extent consisting of
18 capital gain) for all property in respect of which such
19 gain was reported for federal income tax purposes for
20 the taxable year, or (ii) the net capital gain for the
21 taxable year, reduced in either case by any amount of
22 such gain included in the amount determined under
23 subsection (a) (2) (F) or (c) (2) (H).

24 (2) Pre-August 1, 1969 appreciation amount.

25 (A) If the fair market value of property referred
26 to in paragraph (1) was readily ascertainable on August

1 1, 1969, the pre-August 1, 1969 appreciation amount for
2 such property is the lesser of (i) the excess of such
3 fair market value over the taxpayer's basis (for
4 determining gain) for such property on that date
5 (determined under the Internal Revenue Code as in
6 effect on that date), or (ii) the total gain realized
7 and reportable for federal income tax purposes in
8 respect of the sale, exchange or other disposition of
9 such property.

10 (B) If the fair market value of property referred
11 to in paragraph (1) was not readily ascertainable on
12 August 1, 1969, the pre-August 1, 1969 appreciation
13 amount for such property is that amount which bears the
14 same ratio to the total gain reported in respect of the
15 property for federal income tax purposes for the
16 taxable year, as the number of full calendar months in
17 that part of the taxpayer's holding period for the
18 property ending July 31, 1969 bears to the number of
19 full calendar months in the taxpayer's entire holding
20 period for the property.

21 (C) The Department shall prescribe such
22 regulations as may be necessary to carry out the
23 purposes of this paragraph.

24 (g) Double deductions. Unless specifically provided
25 otherwise, nothing in this Section shall permit the same item

1 to be deducted more than once.

2 (h) Legislative intention. Except as expressly provided by
3 this Section there shall be no modifications or limitations on
4 the amounts of income, gain, loss or deduction taken into
5 account in determining gross income, adjusted gross income or
6 taxable income for federal income tax purposes for the taxable
7 year, or in the amount of such items entering into the
8 computation of base income and net income under this Act for
9 such taxable year, whether in respect of property values as of
10 August 1, 1969 or otherwise.

11 (Source: P.A. 93-812, eff. 7-26-04; 93-840, eff. 7-30-04;
12 94-776, eff. 5-19-06; 94-789, eff. 5-19-06; 94-1021, eff.
13 7-12-06; revised 7-14-06.)

14 (35 ILCS 5/205) (from Ch. 120, par. 2-205)

15 Sec. 205. Exempt organizations.

16 (a) Charitable, etc. organizations. The base income of an
17 organization which is exempt from the federal income tax by
18 reason of Section 501(a) of the Internal Revenue Code shall not
19 be determined under section 203 of this Act, but shall be its
20 unrelated business taxable income as determined under section
21 512 of the Internal Revenue Code, without any deduction for the
22 tax imposed by this Act. The standard exemption provided by
23 section 204 of this Act shall not be allowed in determining the
24 net income of an organization to which this subsection applies.

1 (b) Partnerships. A partnership as such shall not be
2 subject to the tax imposed by subsection 201 (a) and (b) of
3 this Act, but shall be subject to the replacement tax imposed
4 by subsection 201 (c) and (d) of this Act and shall compute its
5 base income as described in subsection (d) of Section 203 of
6 this Act. For taxable years ending on or after December 31,
7 2004, an investment partnership, as defined in Section
8 1501(a)(11.5) of this Act, shall not be subject to the tax
9 imposed by subsections (c) and (d) of Section 201 of this Act.
10 A partnership shall file such returns and other information at
11 such time and in such manner as may be required under Article 5
12 of this Act. The partners in a partnership shall be liable for
13 the replacement tax imposed by subsection 201 (c) and (d) of
14 this Act on such partnership, to the extent such tax is not
15 paid by the partnership, as provided under the laws of Illinois
16 governing the liability of partners for the obligations of a
17 partnership. Persons carrying on business as partners shall be
18 liable for the tax imposed by subsection 201 (a) and (b) of
19 this Act only in their separate or individual capacities.

20 (c) Subchapter S corporations. A Subchapter S corporation
21 shall not be subject to the tax imposed by subsection 201 (a)
22 and (b) of this Act but shall be subject to the replacement tax
23 imposed by subsection 201 (c) and (d) of this Act and shall
24 file such returns and other information at such time and in
25 such manner as may be required under Article 5 of this Act.

26 (d) Combat zone death. An individual relieved from the

1 federal income tax for any taxable year by reason of section
2 692 of the Internal Revenue Code shall not be subject to the
3 tax imposed by this Act for such taxable year.

4 (e) Certain trusts. A common trust fund described in
5 Section 584 of the Internal Revenue Code, and any other trust
6 to the extent that the grantor is treated as the owner thereof
7 under sections 671 through 678 of the Internal Revenue Code
8 shall not be subject to the tax imposed by this Act.

9 (f) Certain business activities. A person not otherwise
10 subject to the tax imposed by this Act shall not become subject
11 to the tax imposed by this Act by reason of:

12 (1) that person's ownership of tangible personal
13 property located at the premises of a printer in this State
14 with which the person has contracted for printing, or

15 (2) activities of the person's employees or agents
16 located solely at the premises of a printer and related to
17 quality control, distribution, or printing services
18 performed by a printer in the State with which the person
19 has contracted for printing.

20 (g) A nonprofit risk organization that holds a certificate
21 of authority under Article VIID of the Illinois Insurance Code
22 is exempt from the tax imposed under this Act with respect to
23 its activities or operations in furtherance of the powers
24 conferred upon it under that Article VIID of the Illinois
25 Insurance Code.

26 (Source: P.A. 93-840, eff. 7-30-04; 93-918, eff. 1-1-05;

1 revised 10-25-04.)

2 (35 ILCS 5/507X)

3 Sec. 507X. The Multiple Sclerosis Assistance Fund
4 checkoff. Beginning with taxable years ending on or after
5 December 31, 2002, the Department shall print on its standard
6 individual income tax form a provision indicating that if the
7 taxpayer wishes to contribute to the Multiple Sclerosis
8 Assistance Fund, as authorized by this amendatory Act of the
9 92nd General Assembly, he or she may do so by stating the
10 amount of the contribution (not less than \$1) on the return and
11 that the contribution will reduce the taxpayer's refund or
12 increase the amount of payment to accompany the return. Failure
13 to remit any amount of increased payment shall reduce the
14 contribution accordingly. This Section shall not apply to any
15 amended return.

16 (Source: P.A. 92-772, eff. 8-6-02.)

17 (35 ILCS 5/507Y)

18 Sec. 507Y ~~507X~~. The Illinois Military Family Relief
19 checkoff. Beginning with taxable years ending on or after
20 December 31, 2003, the Department shall print on its standard
21 individual income tax form a provision indicating that if the
22 taxpayer wishes to contribute to the Illinois Military Family
23 Relief Fund, as authorized by this amendatory Act of the 92nd
24 General Assembly, he or she may do so by stating the amount of

1 the contribution (not less than \$1) on the return and that the
2 contribution will reduce the taxpayer's refund or increase the
3 amount of payment to accompany the return. Failure to remit any
4 amount of increased payment shall reduce the contribution
5 accordingly. This Section shall not apply to any amended
6 return.

7 (Source: P.A. 92-886, eff. 2-7-03; revised 3-11-03.)

8 (35 ILCS 5/507AA)

9 Sec. 507AA ~~507Y~~. The Lou Gehrig's Disease (ALS) Research
10 Fund checkoff. Beginning with the taxable year ending on
11 December 31, 2003, the Department shall print on its standard
12 individual income tax form a provision indicating that if the
13 taxpayer wishes to contribute to the Lou Gehrig's Disease (ALS)
14 Research Fund, as authorized by this amendatory Act of the 93rd
15 General Assembly, he or she may do so by stating the amount of
16 the contribution (not less than \$1) on the return and that the
17 contribution will reduce the taxpayer's refund or increase the
18 amount of payment to accompany the return. Failure to remit any
19 amount of increased payment shall reduce the contribution
20 accordingly. This Section shall not apply to any amended
21 return.

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

23 (35 ILCS 5/507BB)

24 Sec. 507BB ~~507Y~~. Asthma and Lung Research checkoff. The

1 Department must print on its standard individual income tax
2 form a provision indicating that if the taxpayer wishes to
3 contribute to the Asthma and Lung Research Fund, as authorized
4 by this amendatory Act of the 93rd General Assembly, he or she
5 may do so by stating the amount of the contribution (not less
6 than \$1) on the return and that the contribution will reduce
7 the taxpayer's refund or increase the amount of payment to
8 accompany the return. Failure to remit any amount of increased
9 payment reduces the contribution accordingly. This Section
10 does not apply to an amended return.

11 (Source: P.A. 93-292, eff. 7-22-03; revised 9-24-03.)

12 (35 ILCS 5/507CC)

13 Sec. 507CC ~~507Y~~. The Leukemia Treatment and Education
14 checkoff. The Department shall print on its standard individual
15 income tax form a provision indicating that if the taxpayer
16 wishes to contribute to the Leukemia Treatment and Education
17 Fund, as authorized by this amendatory Act of the 93rd General
18 Assembly, he or she may do so by stating the amount of the
19 contribution (not less than \$1) on the return and that the
20 contribution will reduce the taxpayer's refund or increase the
21 amount of payment to accompany the return. Failure to remit any
22 amount of increased payment shall reduce the contribution
23 accordingly. This Section shall not apply to any amended
24 return.

25 (Source: P.A. 93-324, eff. 7-23-03; revised 9-24-03.)

1 (35 ILCS 5/507EE)

2 Sec. 507EE. Pet Population Control Fund checkoff. The
3 Department must print on its standard individual income tax
4 form a provision indicating that if the taxpayer wishes to
5 contribute to the Pet Population Control Fund, as established
6 in the Illinois Public Health and Safety Animal Population
7 Control Act, he or she may do so by stating the amount of the
8 contribution (not less than \$1) on the return and that the
9 contribution will reduce the taxpayer's refund or increase the
10 amount of payment to accompany the return. Failure to remit any
11 amount of increased payment reduces the contribution
12 accordingly. This Section does not apply to any amended return.

13 The Department of Revenue shall determine annually the
14 total amount contributed to the Fund pursuant to this Section
15 and shall notify the State Comptroller and the State Treasurer
16 of the amount to be transferred to the Pet Population Control
17 Fund, and upon receipt of the notification the State
18 Comptroller shall transfer the amount.

19 (Source: P.A. 94-639, eff. 8-22-05.)

20 (35 ILCS 5/507FF)

21 Sec. 507FF ~~507EE~~. Epilepsy Treatment and Education
22 Grants-in-Aid Fund checkoff. The Department must print on its
23 standard individual income tax form a provision indicating that
24 if the taxpayer wishes to contribute to the Epilepsy Treatment

1 and Education Grants-in-Aid Fund, as authorized by Public Act
2 94-73 ~~this amendatory Act of the 94th General Assembly~~, he or
3 she may do so by stating the amount of the contribution (not
4 less than \$1) on the return and that the contribution will
5 reduce the taxpayer's refund or increase the amount of payment
6 to accompany the return. Failure to remit any amount of
7 increased payment reduces the contribution accordingly. This
8 Section does not apply to any amended return.

9 (Source: P.A. 94-73, eff. 6-23-05; revised 9-26-05.)

10 (35 ILCS 5/507GG)

11 Sec. 507GG ~~507EE~~. Diabetes Research Checkoff Fund
12 checkoff. For taxable years ending on or after December 31,
13 2005, the Department must print on its standard individual
14 income tax form a provision indicating that if the taxpayer
15 wishes to contribute to the Diabetes Research Checkoff Fund, as
16 authorized by Public 94-107 ~~this amendatory Act of the 94th~~
17 ~~General Assembly~~, he or she may do so by stating the amount of
18 the contribution (not less than \$1) on the return and that the
19 contribution will reduce the taxpayer's refund or increase the
20 amount of payment to accompany the return. Failure to remit any
21 amount of increased payment shall reduce the contribution
22 accordingly. This Section does not apply to any amended return.

23 (Source: P.A. 94-107, eff. 7-1-05; revised 9-26-05.)

24 (35 ILCS 5/507HH)

1 Sec. 507HH ~~507EE~~. Sarcoidosis Research Fund checkoff. The
2 Department shall print on its standard individual income tax
3 form a provision indicating that if the taxpayer wishes to
4 contribute to the Sarcoidosis Research Fund, as authorized by
5 Public Act 94-141 ~~this amendatory Act of the 94th General~~
6 ~~Assembly~~, he or she may do so by stating the amount of the
7 contribution (not less than \$1) on the return and that the
8 contribution will reduce the taxpayer's refund or increase the
9 amount of payment to accompany the return. Failure to remit any
10 amount of increased payment shall reduce the contribution
11 accordingly. This Section shall not apply to any amended
12 return.

13 (Source: P.A. 94-141, eff. 1-1-06; revised 9-26-05.)

14 (35 ILCS 5/507II)

15 Sec. 507II ~~507EE~~. The Vince Demuzio Memorial Colon Cancer
16 Fund checkoff. For taxable years ending on or after December
17 31, 2005, the Department must print on its standard individual
18 income tax form a provision indicating that if the taxpayer
19 wishes to contribute to the Vince Demuzio Memorial Colon Cancer
20 Fund, as authorized by Public Act 94-142 ~~this amendatory Act of~~
21 ~~the 94th General Assembly~~, he or she may do so by stating the
22 amount of the contribution (not less than \$1) on the return and
23 that the contribution will reduce the taxpayer's refund or
24 increase the amount of payment to accompany the return. Failure
25 to remit any amount of increased payment shall reduce the

1 contribution accordingly. This Section does not apply to any
2 amended return.

3 (Source: P.A. 94-142, eff. 1-1-06; revised 9-26-05.)

4 (35 ILCS 5/507JJ)

5 Sec. 507JJ ~~507EE~~. The Autism Research Fund checkoff. For
6 taxable years ending on or after December 31, 2005, the
7 Department must print on its standard individual income tax
8 form a provision indicating that if the taxpayer wishes to
9 contribute to the Autism Research Fund, as authorized by Public
10 Act 94-442 ~~this amendatory Act of the 94th General Assembly~~, he
11 or she may do so by stating the amount of the contribution (not
12 less than \$1) on the return and that the contribution will
13 reduce the taxpayer's refund or increase the amount of payment
14 to accompany the return. Failure to remit any amount of
15 increased payment shall reduce the contribution accordingly.
16 This Section does not apply to any amended return.

17 (Source: P.A. 94-442, eff. 8-4-05; revised 9-26-05.)

18 (35 ILCS 5/507KK)

19 Sec. 507KK ~~507EE~~. Blindness Prevention Fund checkoff. For
20 taxable years ending on or after December 31, 2005, the
21 Department shall print on its standard individual income tax
22 form a provision indicating that if the taxpayer wishes to
23 contribute to the Blindness Prevention Fund, as authorized by
24 Public Act 94-602 ~~this amendatory Act of the 94th General~~

1 ~~Assembly~~, he or she may do so by stating the amount of the
2 contribution (not less than \$1) on the return and that the
3 contribution will reduce the taxpayer's refund or increase the
4 amount of payment to accompany the return. Failure to remit any
5 amount of increased payment shall reduce the contribution
6 accordingly. This Section shall not apply to any amended
7 return.

8 (Source: P.A. 94-602, eff. 8-16-05; revised 9-26-05.)

9 (35 ILCS 5/507LL)

10 Sec. 507LL ~~507EE~~. The Illinois Brain Tumor Research
11 checkoff. For taxable years ending on or after December 31,
12 2005, the Department shall print on its standard individual
13 income tax form a provision indicating that if the taxpayer
14 wishes to contribute to the Illinois Brain Tumor Research Fund,
15 as authorized by Public Act 94-649 ~~this amendatory Act of the~~
16 ~~94th General Assembly~~, he or she may do so by stating the
17 amount of the contribution (not less than \$1) on the return and
18 that the contribution will reduce the taxpayer's refund or
19 increase the amount of payment to accompany the return. Failure
20 to remit any amount of increased payment shall reduce the
21 contribution accordingly. This Section shall not apply to any
22 amended return.

23 (Source: P.A. 94-649, eff. 8-22-05; revised 9-26-05.)

24 (35 ILCS 5/507NN)

1 Sec. 507NN ~~507EE~~. The Heartsaver AED Fund checkoff. For
2 taxable years ending on or after December 31, 2005, the
3 Department must print on its standard individual income tax
4 form a provision indicating that if the taxpayer wishes to
5 contribute to the Heartsaver AED Fund, as authorized by this
6 amendatory Act of the 94th General Assembly, he or she may do
7 so by stating the amount of the contribution (not less than \$1)
8 on the return and that the contribution will reduce the
9 taxpayer's refund or increase the amount of payment to
10 accompany the return. Failure to remit any amount of increased
11 payment shall reduce the contribution accordingly. This
12 Section does not apply to any amended return.

13 (Source: P.A. 94-876, eff. 6-19-06; revised 8-29-06.)

14 (35 ILCS 5/509) (from Ch. 120, par. 5-509)

15 Sec. 509. Tax checkoff explanations. All individual income
16 tax return forms shall contain appropriate explanations and
17 spaces to enable the taxpayers to designate contributions to
18 the following funds: the Child Abuse Prevention Fund, the
19 Illinois Wildlife Preservation Fund (as required by the
20 Illinois Non-Game Wildlife Protection Act), the Alzheimer's
21 Disease Research Fund (as required by the Alzheimer's Disease
22 Research Act), the Assistance to the Homeless Fund (as required
23 by this Act), the Penny Severns Breast and Cervical Cancer
24 Research Fund, the National World War II Memorial Fund, the
25 Prostate Cancer Research Fund, the Lou Gehrig's Disease (ALS)

1 Research Fund, the Multiple Sclerosis Assistance Fund, the
2 Sarcoidosis Research Fund, the Leukemia Treatment and
3 Education Fund, the World War II Illinois Veterans Memorial
4 Fund, the Korean War Veterans National Museum and Library Fund,
5 the Illinois Military Family Relief Fund, the Blindness
6 Prevention Fund, the Illinois Veterans' Homes Fund, the
7 Epilepsy Treatment and Education Grants-in-Aid Fund, the
8 Diabetes Research Checkoff Fund, the Vince Demuzio Memorial
9 Colon Cancer Fund, the Autism Research Fund, the Heartsaver AED
10 Fund, the Asthma and Lung Research Fund, and the Illinois Brain
11 Tumor Research Fund.

12 Each form shall contain a statement that the contributions
13 will reduce the taxpayer's refund or increase the amount of
14 payment to accompany the return. Failure to remit any amount of
15 increased payment shall reduce the contribution accordingly.

16 If, on October 1 of any year, the total contributions to
17 any one of the funds made under this Section do not equal
18 \$100,000 or more, the explanations and spaces for designating
19 contributions to the fund shall be removed from the individual
20 income tax return forms for the following and all subsequent
21 years and all subsequent contributions to the fund shall be
22 refunded to the taxpayer.

23 (Source: P.A. 93-36, eff. 6-24-03; 93-131, eff. 7-10-03;
24 93-292, eff. 7-22-03; 93-324, eff. 7-23-03; 93-776, eff.
25 7-21-04; 94-73, eff. 6-23-05; 94-107, eff. 7-1-05; 94-141, eff.
26 1-1-06; 94-142, eff. 1-1-06; 94-442, eff. 8-4-05; 94-602, eff.

1 8-16-05; 94-649, eff. 8-22-05; 94-876, eff. 6-19-06; revised
2 8-3-06.)

3 (35 ILCS 5/510) (from Ch. 120, par. 5-510)

4 Sec. 510. Determination of amounts contributed. The
5 Department shall determine the total amount contributed to each
6 of the following: the Child Abuse Prevention Fund, the Illinois
7 Wildlife Preservation Fund, the Assistance to the Homeless
8 Fund, the Alzheimer's Disease Research Fund, the Penny Severns
9 Breast and Cervical Cancer Research Fund, the National World
10 War II Memorial Fund, the Prostate Cancer Research Fund, the
11 Illinois Military Family Relief Fund, the Lou Gehrig's Disease
12 (ALS) Research Fund, the Multiple Sclerosis Assistance Fund,
13 the Sarcoidosis Research Fund, the Leukemia Treatment and
14 Education Fund, the World War II Illinois Veterans Memorial
15 Fund, the Korean War Veterans National Museum and Library Fund,
16 the Illinois Veterans' Homes Fund, the Epilepsy Treatment and
17 Education Grants-in-Aid Fund, the Diabetes Research Checkoff
18 Fund, the Vince Demuzio Memorial Colon Cancer Fund, the Autism
19 Research Fund, the Blindness Prevention Fund, the Heartsaver
20 AED Fund, the Asthma and Lung Research Fund, and the Illinois
21 Brain Tumor Research Fund; and shall notify the State
22 Comptroller and the State Treasurer of the amounts to be
23 transferred from the General Revenue Fund to each fund, and
24 upon receipt of such notification the State Treasurer and
25 Comptroller shall transfer the amounts.

1 (Source: P.A. 93-36, eff. 6-24-03; 93-131, eff. 7-10-03;
2 93-292, eff. 7-22-03; 93-324, eff. 7-23-03; 93-776, eff.
3 7-21-04; 94-73, eff. 6-23-05; 94-107, eff. 7-1-05; 94-141, eff.
4 1-1-06; 94-142, eff. 1-1-06; 94-442, eff. 8-4-05; 94-602, eff.
5 8-16-05; 94-649, eff. 8-22-05; 94-876, eff. 6-19-06; revised
6 8-3-06.)

7 (35 ILCS 5/917) (from Ch. 120, par. 9-917)

8 Sec. 917. Confidentiality and information sharing.

9 (a) Confidentiality. Except as provided in this Section,
10 all information received by the Department from returns filed
11 under this Act, or from any investigation conducted under the
12 provisions of this Act, shall be confidential, except for
13 official purposes within the Department or pursuant to official
14 procedures for collection of any State tax or pursuant to an
15 investigation or audit by the Illinois State Scholarship
16 Commission of a delinquent student loan or monetary award or
17 enforcement of any civil or criminal penalty or sanction
18 imposed by this Act or by another statute imposing a State tax,
19 and any person who divulges any such information in any manner,
20 except for such purposes and pursuant to order of the Director
21 or in accordance with a proper judicial order, shall be guilty
22 of a Class A misdemeanor. However, the provisions of this
23 paragraph are not applicable to information furnished to (i)
24 the Department of Healthcare and Family Services (formerly
25 Department of Public Aid), State's Attorneys, and the Attorney

1 General for child support enforcement purposes and (ii) a
2 licensed attorney representing the taxpayer where an appeal or
3 a protest has been filed on behalf of the taxpayer. If it is
4 necessary to file information obtained pursuant to this Act in
5 a child support enforcement proceeding, the information shall
6 be filed under seal.

7 (b) Public information. Nothing contained in this Act shall
8 prevent the Director from publishing or making available to the
9 public the names and addresses of persons filing returns under
10 this Act, or from publishing or making available reasonable
11 statistics concerning the operation of the tax wherein the
12 contents of returns are grouped into aggregates in such a way
13 that the information contained in any individual return shall
14 not be disclosed.

15 (c) Governmental agencies. The Director may make available
16 to the Secretary of the Treasury of the United States or his
17 delegate, or the proper officer or his delegate of any other
18 state imposing a tax upon or measured by income, for
19 exclusively official purposes, information received by the
20 Department in the administration of this Act, but such
21 permission shall be granted only if the United States or such
22 other state, as the case may be, grants the Department
23 substantially similar privileges. The Director may exchange
24 information with the ~~Illinois~~ Department of Healthcare and
25 Family Services ~~Public Aid~~ and the Department of Human Services
26 (acting as successor to the Department of Public Aid under the

1 Department of Human Services Act) for the purpose of verifying
2 sources and amounts of income and for other purposes directly
3 connected with the administration of this Act and the Illinois
4 Public Aid Code. The Director may exchange information with the
5 Director of the Department of Employment Security for the
6 purpose of verifying sources and amounts of income and for
7 other purposes directly connected with the administration of
8 this Act and Acts administered by the Department of Employment
9 Security. The Director may make available to the Illinois
10 Workers' Compensation Commission information regarding
11 employers for the purpose of verifying the insurance coverage
12 required under the Workers' Compensation Act and Workers'
13 Occupational Diseases Act. The Director may exchange
14 information with the Illinois Department on Aging for the
15 purpose of verifying sources and amounts of income for purposes
16 directly related to confirming eligibility for participation
17 in the programs of benefits authorized by the Senior Citizens
18 and Disabled Persons Property Tax Relief and Pharmaceutical
19 Assistance Act.

20 The Director may make available to any State agency,
21 including the Illinois Supreme Court, which licenses persons to
22 engage in any occupation, information that a person licensed by
23 such agency has failed to file returns under this Act or pay
24 the tax, penalty and interest shown therein, or has failed to
25 pay any final assessment of tax, penalty or interest due under
26 this Act. The Director may make available to any State agency,

1 including the Illinois Supreme Court, information regarding
2 whether a bidder, contractor, or an affiliate of a bidder or
3 contractor has failed to file returns under this Act or pay the
4 tax, penalty, and interest shown therein, or has failed to pay
5 any final assessment of tax, penalty, or interest due under
6 this Act, for the limited purpose of enforcing bidder and
7 contractor certifications. For purposes of this Section, the
8 term "affiliate" means any entity that (1) directly,
9 indirectly, or constructively controls another entity, (2) is
10 directly, indirectly, or constructively controlled by another
11 entity, or (3) is subject to the control of a common entity.
12 For purposes of this subsection (a), an entity controls another
13 entity if it owns, directly or individually, more than 10% of
14 the voting securities of that entity. As used in this
15 subsection (a), the term "voting security" means a security
16 that (1) confers upon the holder the right to vote for the
17 election of members of the board of directors or similar
18 governing body of the business or (2) is convertible into, or
19 entitles the holder to receive upon its exercise, a security
20 that confers such a right to vote. A general partnership
21 interest is a voting security.

22 The Director may make available to any State agency,
23 including the Illinois Supreme Court, units of local
24 government, and school districts, information regarding
25 whether a bidder or contractor is an affiliate of a person who
26 is not collecting and remitting Illinois Use taxes, for the

1 limited purpose of enforcing bidder and contractor
2 certifications.

3 The Director may also make available to the Secretary of
4 State information that a corporation which has been issued a
5 certificate of incorporation by the Secretary of State has
6 failed to file returns under this Act or pay the tax, penalty
7 and interest shown therein, or has failed to pay any final
8 assessment of tax, penalty or interest due under this Act. An
9 assessment is final when all proceedings in court for review of
10 such assessment have terminated or the time for the taking
11 thereof has expired without such proceedings being instituted.
12 For taxable years ending on or after December 31, 1987, the
13 Director may make available to the Director or principal
14 officer of any Department of the State of Illinois, information
15 that a person employed by such Department has failed to file
16 returns under this Act or pay the tax, penalty and interest
17 shown therein. For purposes of this paragraph, the word
18 "Department" shall have the same meaning as provided in Section
19 3 of the State Employees Group Insurance Act of 1971.

20 (d) The Director shall make available for public inspection
21 in the Department's principal office and for publication, at
22 cost, administrative decisions issued on or after January 1,
23 1995. These decisions are to be made available in a manner so
24 that the following taxpayer information is not disclosed:

25 (1) The names, addresses, and identification numbers
26 of the taxpayer, related entities, and employees.

1 (2) At the sole discretion of the Director, trade
2 secrets or other confidential information identified as
3 such by the taxpayer, no later than 30 days after receipt
4 of an administrative decision, by such means as the
5 Department shall provide by rule.

6 The Director shall determine the appropriate extent of the
7 deletions allowed in paragraph (2). In the event the taxpayer
8 does not submit deletions, the Director shall make only the
9 deletions specified in paragraph (1).

10 The Director shall make available for public inspection and
11 publication an administrative decision within 180 days after
12 the issuance of the administrative decision. The term
13 "administrative decision" has the same meaning as defined in
14 Section 3-101 of Article III of the Code of Civil Procedure.
15 Costs collected under this Section shall be paid into the Tax
16 Compliance and Administration Fund.

17 (e) Nothing contained in this Act shall prevent the
18 Director from divulging information to any person pursuant to a
19 request or authorization made by the taxpayer, by an authorized
20 representative of the taxpayer, or, in the case of information
21 related to a joint return, by the spouse filing the joint
22 return with the taxpayer.

23 (Source: P.A. 93-25, eff. 6-20-03; 93-721, eff. 1-1-05; 93-835;
24 eff. 7-29-04; 93-841, eff. 7-30-04; revised 12-15-05.)

25 Section 385. The Use Tax Act is amended by changing Section

1 12 as follows:

2 (35 ILCS 105/12) (from Ch. 120, par. 439.12)

3 Sec. 12. Applicability of Retailers' Occupation Tax Act and
4 Uniform Penalty and Interest Act. All of the provisions of
5 Sections 1d, 1e, 1f, 1i, 1j, 1j.1, 1k, 1m, 1n, 1o, 2-6, 2-54,
6 2a, 2b, 2c, 3, 4 (except that the time limitation provisions
7 shall run from the date when the tax is due rather than from
8 the date when gross receipts are received), 5 (except that the
9 time limitation provisions on the issuance of notices of tax
10 liability shall run from the date when the tax is due rather
11 than from the date when gross receipts are received and except
12 that in the case of a failure to file a return required by this
13 Act, no notice of tax liability shall be issued on and after
14 each July 1 and January 1 covering tax due with that return
15 during any month or period more than 6 years before that July 1
16 or January 1, respectively), 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5h,
17 5j, 5k, 5l, 7, 8, 9, 10, 11 and 12 of the Retailers' Occupation
18 Tax Act and Section 3-7 of the Uniform Penalty and Interest
19 Act, which are not inconsistent with this Act, shall apply, as
20 far as practicable, to the subject matter of this Act to the
21 same extent as if such provisions were included herein.

22 (Source: P.A. 94-781, eff. 5-19-06; 94-1021, eff. 7-12-06;
23 revised 8-03-06.)

24 Section 390. The Service Use Tax Act is amended by changing

1 Section 12 as follows:

2 (35 ILCS 110/12) (from Ch. 120, par. 439.42)

3 Sec. 12. Applicability of Retailers' Occupation Tax Act and
4 Uniform Penalty and Interest Act. All of the provisions of
5 Sections 1d, 1e, 1f, 1i, 1j, 1j.1, 1k, 1m, 1n, 1o, 2-6, 2-54,
6 2a, 2b, 2c, 3 (except as to the disposition by the Department
7 of the money collected under this Act), 4 (except that the time
8 limitation provisions shall run from the date when gross
9 receipts are received), 5 (except that the time limitation
10 provisions on the issuance of notices of tax liability shall
11 run from the date when the tax is due rather than from the date
12 when gross receipts are received and except that in the case of
13 a failure to file a return required by this Act, no notice of
14 tax liability shall be issued on and after July 1 and January 1
15 covering tax due with that return during any month or period
16 more than 6 years before that July 1 or January 1,
17 respectively), 5a, 5b, 5c, 5d, 5e, 5f, 5g, 5j, 5k, 5l, 7, 8, 9,
18 10, 11 and 12 of the Retailers' Occupation Tax Act which are
19 not inconsistent with this Act, and Section 3-7 of the Uniform
20 Penalty and Interest Act, shall apply, as far as practicable,
21 to the subject matter of this Act to the same extent as if such
22 provisions were included herein.

23 (Source: P.A. 94-781, eff. 5-19-06; 94-1021, eff. 7-12-06;
24 revised 8-03-06.)

1 Section 395. The Service Occupation Tax Act is amended by
2 changing Section 12 as follows:

3 (35 ILCS 115/12) (from Ch. 120, par. 439.112)

4 Sec. 12. All of the provisions of Sections 1d, 1e, 1f, 1i,
5 1j, 1j.1, 1k, 1m, 1n, 1o, 2-6, 2-54, 2a, 2b, 2c, 3 (except as to
6 the disposition by the Department of the tax collected under
7 this Act), 4 (except that the time limitation provisions shall
8 run from the date when the tax is due rather than from the date
9 when gross receipts are received), 5 (except that the time
10 limitation provisions on the issuance of notices of tax
11 liability shall run from the date when the tax is due rather
12 than from the date when gross receipts are received), 5a, 5b,
13 5c, 5d, 5e, 5f, 5g, 5j, 5k, 5l, 7, 8, 9, 10, 11 and 12 of the
14 "Retailers' Occupation Tax Act" which are not inconsistent with
15 this Act, and Section 3-7 of the Uniform Penalty and Interest
16 Act shall apply, as far as practicable, to the subject matter
17 of this Act to the same extent as if such provisions were
18 included herein.

19 (Source: P.A. 94-781, eff. 5-19-06; 94-1021, eff. 7-12-06;
20 revised 8-03-06.)

21 Section 400. The Retailers' Occupation Tax Act is amended
22 by changing Section 3 as follows:

23 (35 ILCS 120/3) (from Ch. 120, par. 442)

1 Sec. 3. Except as provided in this Section, on or before
2 the twentieth day of each calendar month, every person engaged
3 in the business of selling tangible personal property at retail
4 in this State during the preceding calendar month shall file a
5 return with the Department, stating:

6 1. The name of the seller;

7 2. His residence address and the address of his
8 principal place of business and the address of the
9 principal place of business (if that is a different
10 address) from which he engages in the business of selling
11 tangible personal property at retail in this State;

12 3. Total amount of receipts received by him during the
13 preceding calendar month or quarter, as the case may be,
14 from sales of tangible personal property, and from services
15 furnished, by him during such preceding calendar month or
16 quarter;

17 4. Total amount received by him during the preceding
18 calendar month or quarter on charge and time sales of
19 tangible personal property, and from services furnished,
20 by him prior to the month or quarter for which the return
21 is filed;

22 5. Deductions allowed by law;

23 6. Gross receipts which were received by him during the
24 preceding calendar month or quarter and upon the basis of
25 which the tax is imposed;

26 7. The amount of credit provided in Section 2d of this

1 Act;

2 8. The amount of tax due;

3 9. The signature of the taxpayer; and

4 10. Such other reasonable information as the
5 Department may require.

6 If a taxpayer fails to sign a return within 30 days after
7 the proper notice and demand for signature by the Department,
8 the return shall be considered valid and any amount shown to be
9 due on the return shall be deemed assessed.

10 Each return shall be accompanied by the statement of
11 prepaid tax issued pursuant to Section 2e for which credit is
12 claimed.

13 Prior to October 1, 2003, and on and after September 1,
14 2004 a retailer may accept a Manufacturer's Purchase Credit
15 certification from a purchaser in satisfaction of Use Tax as
16 provided in Section 3-85 of the Use Tax Act if the purchaser
17 provides the appropriate documentation as required by Section
18 3-85 of the Use Tax Act. A Manufacturer's Purchase Credit
19 certification, accepted by a retailer prior to October 1, 2003
20 and on and after September 1, 2004 as provided in Section 3-85
21 of the Use Tax Act, may be used by that retailer to satisfy
22 Retailers' Occupation Tax liability in the amount claimed in
23 the certification, not to exceed 6.25% of the receipts subject
24 to tax from a qualifying purchase. A Manufacturer's Purchase
25 Credit reported on any original or amended return filed under
26 this Act after October 20, 2003 for reporting periods prior to

1 September 1, 2004 shall be disallowed. Manufacturer's
2 Purchaser Credit reported on annual returns due on or after
3 January 1, 2005 will be disallowed for periods prior to
4 September 1, 2004. No Manufacturer's Purchase Credit may be
5 used after September 30, 2003 through August 31, 2004 to
6 satisfy any tax liability imposed under this Act, including any
7 audit liability.

8 The Department may require returns to be filed on a
9 quarterly basis. If so required, a return for each calendar
10 quarter shall be filed on or before the twentieth day of the
11 calendar month following the end of such calendar quarter. The
12 taxpayer shall also file a return with the Department for each
13 of the first two months of each calendar quarter, on or before
14 the twentieth day of the following calendar month, stating:

15 1. The name of the seller;

16 2. The address of the principal place of business from
17 which he engages in the business of selling tangible
18 personal property at retail in this State;

19 3. The total amount of taxable receipts received by him
20 during the preceding calendar month from sales of tangible
21 personal property by him during such preceding calendar
22 month, including receipts from charge and time sales, but
23 less all deductions allowed by law;

24 4. The amount of credit provided in Section 2d of this
25 Act;

26 5. The amount of tax due; and

1 6. Such other reasonable information as the Department
2 may require.

3 Beginning on October 1, 2003, any person who is not a
4 licensed distributor, importing distributor, or manufacturer,
5 as defined in the Liquor Control Act of 1934, but is engaged in
6 the business of selling, at retail, alcoholic liquor shall file
7 a statement with the Department of Revenue, in a format and at
8 a time prescribed by the Department, showing the total amount
9 paid for alcoholic liquor purchased during the preceding month
10 and such other information as is reasonably required by the
11 Department. The Department may adopt rules to require that this
12 statement be filed in an electronic or telephonic format. Such
13 rules may provide for exceptions from the filing requirements
14 of this paragraph. For the purposes of this paragraph, the term
15 "alcoholic liquor" shall have the meaning prescribed in the
16 Liquor Control Act of 1934.

17 Beginning on October 1, 2003, every distributor, importing
18 distributor, and manufacturer of alcoholic liquor as defined in
19 the Liquor Control Act of 1934, shall file a statement with the
20 Department of Revenue, no later than the 10th day of the month
21 for the preceding month during which transactions occurred, by
22 electronic means, showing the total amount of gross receipts
23 from the sale of alcoholic liquor sold or distributed during
24 the preceding month to purchasers; identifying the purchaser to
25 whom it was sold or distributed; the purchaser's tax
26 registration number; and such other information reasonably

1 required by the Department. A distributor, importing
2 distributor, or manufacturer of alcoholic liquor must
3 personally deliver, mail, or provide by electronic means to
4 each retailer listed on the monthly statement a report
5 containing a cumulative total of that distributor's, importing
6 distributor's, or manufacturer's total sales of alcoholic
7 liquor to that retailer no later than the 10th day of the month
8 for the preceding month during which the transaction occurred.
9 The distributor, importing distributor, or manufacturer shall
10 notify the retailer as to the method by which the distributor,
11 importing distributor, or manufacturer will provide the sales
12 information. If the retailer is unable to receive the sales
13 information by electronic means, the distributor, importing
14 distributor, or manufacturer shall furnish the sales
15 information by personal delivery or by mail. For purposes of
16 this paragraph, the term "electronic means" includes, but is
17 not limited to, the use of a secure Internet website, e-mail,
18 or facsimile.

19 If a total amount of less than \$1 is payable, refundable or
20 creditable, such amount shall be disregarded if it is less than
21 50 cents and shall be increased to \$1 if it is 50 cents or more.

22 Beginning October 1, 1993, a taxpayer who has an average
23 monthly tax liability of \$150,000 or more shall make all
24 payments required by rules of the Department by electronic
25 funds transfer. Beginning October 1, 1994, a taxpayer who has
26 an average monthly tax liability of \$100,000 or more shall make

1 all payments required by rules of the Department by electronic
2 funds transfer. Beginning October 1, 1995, a taxpayer who has
3 an average monthly tax liability of \$50,000 or more shall make
4 all payments required by rules of the Department by electronic
5 funds transfer. Beginning October 1, 2000, a taxpayer who has
6 an annual tax liability of \$200,000 or more shall make all
7 payments required by rules of the Department by electronic
8 funds transfer. The term "annual tax liability" shall be the
9 sum of the taxpayer's liabilities under this Act, and under all
10 other State and local occupation and use tax laws administered
11 by the Department, for the immediately preceding calendar year.
12 The term "average monthly tax liability" shall be the sum of
13 the taxpayer's liabilities under this Act, and under all other
14 State and local occupation and use tax laws administered by the
15 Department, for the immediately preceding calendar year
16 divided by 12. Beginning on October 1, 2002, a taxpayer who has
17 a tax liability in the amount set forth in subsection (b) of
18 Section 2505-210 of the Department of Revenue Law shall make
19 all payments required by rules of the Department by electronic
20 funds transfer.

21 Before August 1 of each year beginning in 1993, the
22 Department shall notify all taxpayers required to make payments
23 by electronic funds transfer. All taxpayers required to make
24 payments by electronic funds transfer shall make those payments
25 for a minimum of one year beginning on October 1.

26 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

1 January 20 of the following year.

2 If the retailer is otherwise required to file a monthly or
3 quarterly return and if the retailer's average monthly tax
4 liability with the Department does not exceed \$50, the
5 Department may authorize his returns to be filed on an annual
6 basis, with the return for a given year being due by January 20
7 of the following year.

8 Such quarter annual and annual returns, as to form and
9 substance, shall be subject to the same requirements as monthly
10 returns.

11 Notwithstanding any other provision in this Act concerning
12 the time within which a retailer may file his return, in the
13 case of any retailer who ceases to engage in a kind of business
14 which makes him responsible for filing returns under this Act,
15 such retailer shall file a final return under this Act with the
16 Department not more than one month after discontinuing such
17 business.

18 Where the same person has more than one business registered
19 with the Department under separate registrations under this
20 Act, such person may not file each return that is due as a
21 single return covering all such registered businesses, but
22 shall file separate returns for each such registered business.

23 In addition, with respect to motor vehicles, watercraft,
24 aircraft, and trailers that are required to be registered with
25 an agency of this State, every retailer selling this kind of
26 tangible personal property shall file, with the Department,

1 upon a form to be prescribed and supplied by the Department, a
2 separate return for each such item of tangible personal
3 property which the retailer sells, except that if, in the same
4 transaction, (i) a retailer of aircraft, watercraft, motor
5 vehicles or trailers transfers more than one aircraft,
6 watercraft, motor vehicle or trailer to another aircraft,
7 watercraft, motor vehicle retailer or trailer retailer for the
8 purpose of resale or (ii) a retailer of aircraft, watercraft,
9 motor vehicles, or trailers transfers more than one aircraft,
10 watercraft, motor vehicle, or trailer to a purchaser for use as
11 a qualifying rolling stock as provided in Section 2-5 of this
12 Act, then that seller may report the transfer of all aircraft,
13 watercraft, motor vehicles or trailers involved in that
14 transaction to the Department on the same uniform
15 invoice-transaction reporting return form. For purposes of
16 this Section, "watercraft" means a Class 2, Class 3, or Class 4
17 watercraft as defined in Section 3-2 of the Boat Registration
18 and Safety Act, a personal watercraft, or any boat equipped
19 with an inboard motor.

20 Any retailer who sells only motor vehicles, watercraft,
21 aircraft, or trailers that are required to be registered with
22 an agency of this State, so that all retailers' occupation tax
23 liability is required to be reported, and is reported, on such
24 transaction reporting returns and who is not otherwise required
25 to file monthly or quarterly returns, need not file monthly or
26 quarterly returns. However, those retailers shall be required

1 to file returns on an annual basis.

2 The transaction reporting return, in the case of motor
3 vehicles or trailers that are required to be registered with an
4 agency of this State, shall be the same document as the Uniform
5 Invoice referred to in Section 5-402 of The Illinois Vehicle
6 Code and must show the name and address of the seller; the name
7 and address of the purchaser; the amount of the selling price
8 including the amount allowed by the retailer for traded-in
9 property, if any; the amount allowed by the retailer for the
10 traded-in tangible personal property, if any, to the extent to
11 which Section 1 of this Act allows an exemption for the value
12 of traded-in property; the balance payable after deducting such
13 trade-in allowance from the total selling price; the amount of
14 tax due from the retailer with respect to such transaction; the
15 amount of tax collected from the purchaser by the retailer on
16 such transaction (or satisfactory evidence that such tax is not
17 due in that particular instance, if that is claimed to be the
18 fact); the place and date of the sale; a sufficient
19 identification of the property sold; such other information as
20 is required in Section 5-402 of The Illinois Vehicle Code, and
21 such other information as the Department may reasonably
22 require.

23 The transaction reporting return in the case of watercraft
24 or aircraft must show the name and address of the seller; the
25 name and address of the purchaser; the amount of the selling
26 price including the amount allowed by the retailer for

1 traded-in property, if any; the amount allowed by the retailer
2 for the traded-in tangible personal property, if any, to the
3 extent to which Section 1 of this Act allows an exemption for
4 the value of traded-in property; the balance payable after
5 deducting such trade-in allowance from the total selling price;
6 the amount of tax due from the retailer with respect to such
7 transaction; the amount of tax collected from the purchaser by
8 the retailer on such transaction (or satisfactory evidence that
9 such tax is not due in that particular instance, if that is
10 claimed to be the fact); the place and date of the sale, a
11 sufficient identification of the property sold, and such other
12 information as the Department may reasonably require.

13 Such transaction reporting return shall be filed not later
14 than 20 days after the day of delivery of the item that is
15 being sold, but may be filed by the retailer at any time sooner
16 than that if he chooses to do so. The transaction reporting
17 return and tax remittance or proof of exemption from the
18 Illinois use tax may be transmitted to the Department by way of
19 the State agency with which, or State officer with whom the
20 tangible personal property must be titled or registered (if
21 titling or registration is required) if the Department and such
22 agency or State officer determine that this procedure will
23 expedite the processing of applications for title or
24 registration.

25 With each such transaction reporting return, the retailer
26 shall remit the proper amount of tax due (or shall submit

1 satisfactory evidence that the sale is not taxable if that is
2 the case), to the Department or its agents, whereupon the
3 Department shall issue, in the purchaser's name, a use tax
4 receipt (or a certificate of exemption if the Department is
5 satisfied that the particular sale is tax exempt) which such
6 purchaser may submit to the agency with which, or State officer
7 with whom, he must title or register the tangible personal
8 property that is involved (if titling or registration is
9 required) in support of such purchaser's application for an
10 Illinois certificate or other evidence of title or registration
11 to such tangible personal property.

12 No retailer's failure or refusal to remit tax under this
13 Act precludes a user, who has paid the proper tax to the
14 retailer, from obtaining his certificate of title or other
15 evidence of title or registration (if titling or registration
16 is required) upon satisfying the Department that such user has
17 paid the proper tax (if tax is due) to the retailer. The
18 Department shall adopt appropriate rules to carry out the
19 mandate of this paragraph.

20 If the user who would otherwise pay tax to the retailer
21 wants the transaction reporting return filed and the payment of
22 the tax or proof of exemption made to the Department before the
23 retailer is willing to take these actions and such user has not
24 paid the tax to the retailer, such user may certify to the fact
25 of such delay by the retailer and may (upon the Department
26 being satisfied of the truth of such certification) transmit

1 the information required by the transaction reporting return
2 and the remittance for tax or proof of exemption directly to
3 the Department and obtain his tax receipt or exemption
4 determination, in which event the transaction reporting return
5 and tax remittance (if a tax payment was required) shall be
6 credited by the Department to the proper retailer's account
7 with the Department, but without the 2.1% or 1.75% discount
8 provided for in this Section being allowed. When the user pays
9 the tax directly to the Department, he shall pay the tax in the
10 same amount and in the same form in which it would be remitted
11 if the tax had been remitted to the Department by the retailer.

12 Refunds made by the seller during the preceding return
13 period to purchasers, on account of tangible personal property
14 returned to the seller, shall be allowed as a deduction under
15 subdivision 5 of his monthly or quarterly return, as the case
16 may be, in case the seller had theretofore included the
17 receipts from the sale of such tangible personal property in a
18 return filed by him and had paid the tax imposed by this Act
19 with respect to such receipts.

20 Where the seller is a corporation, the return filed on
21 behalf of such corporation shall be signed by the president,
22 vice-president, secretary or treasurer or by the properly
23 accredited agent of such corporation.

24 Where the seller is a limited liability company, the return
25 filed on behalf of the limited liability company shall be
26 signed by a manager, member, or properly accredited agent of

1 the limited liability company.

2 Except as provided in this Section, the retailer filing the
3 return under this Section shall, at the time of filing such
4 return, pay to the Department the amount of tax imposed by this
5 Act less a discount of 2.1% prior to January 1, 1990 and 1.75%
6 on and after January 1, 1990, or \$5 per calendar year,
7 whichever is greater, which is allowed to reimburse the
8 retailer for the expenses incurred in keeping records,
9 preparing and filing returns, remitting the tax and supplying
10 data to the Department on request. Any prepayment made pursuant
11 to Section 2d of this Act shall be included in the amount on
12 which such 2.1% or 1.75% discount is computed. In the case of
13 retailers who report and pay the tax on a transaction by
14 transaction basis, as provided in this Section, such discount
15 shall be taken with each such tax remittance instead of when
16 such retailer files his periodic return.

17 Before October 1, 2000, if the taxpayer's average monthly
18 tax liability to the Department under this Act, the Use Tax
19 Act, the Service Occupation Tax Act, and the Service Use Tax
20 Act, excluding any liability for prepaid sales tax to be
21 remitted in accordance with Section 2d of this Act, was \$10,000
22 or more during the preceding 4 complete calendar quarters, he
23 shall file a return with the Department each month by the 20th
24 day of the month next following the month during which such tax
25 liability is incurred and shall make payments to the Department
26 on or before the 7th, 15th, 22nd and last day of the month

1 during which such liability is incurred. On and after October
2 1, 2000, if the taxpayer's average monthly tax liability to the
3 Department under this Act, the Use Tax Act, the Service
4 Occupation Tax Act, and the Service Use Tax Act, excluding any
5 liability for prepaid sales tax to be remitted in accordance
6 with Section 2d of this Act, was \$20,000 or more during the
7 preceding 4 complete calendar quarters, he shall file a return
8 with the Department each month by the 20th day of the month
9 next following the month during which such tax liability is
10 incurred and shall make payment to the Department on or before
11 the 7th, 15th, 22nd and last day of the month during which such
12 liability is incurred. If the month during which such tax
13 liability is incurred began prior to January 1, 1985, each
14 payment shall be in an amount equal to 1/4 of the taxpayer's
15 actual liability for the month or an amount set by the
16 Department not to exceed 1/4 of the average monthly liability
17 of the taxpayer to the Department for the preceding 4 complete
18 calendar quarters (excluding the month of highest liability and
19 the month of lowest liability in such 4 quarter period). If the
20 month during which such tax liability is incurred begins on or
21 after January 1, 1985 and prior to January 1, 1987, each
22 payment shall be in an amount equal to 22.5% of the taxpayer's
23 actual liability for the month or 27.5% of the taxpayer's
24 liability for the same calendar month of the preceding year. If
25 the month during which such tax liability is incurred begins on
26 or after January 1, 1987 and prior to January 1, 1988, each

1 payment shall be in an amount equal to 22.5% of the taxpayer's
2 actual liability for the month or 26.25% of the taxpayer's
3 liability for the same calendar month of the preceding year. If
4 the month during which such tax liability is incurred begins on
5 or after January 1, 1988, and prior to January 1, 1989, or
6 begins on or after January 1, 1996, each payment shall be in an
7 amount equal to 22.5% of the taxpayer's actual liability for
8 the month or 25% of the taxpayer's liability for the same
9 calendar month of the preceding year. If the month during which
10 such tax liability is incurred begins on or after January 1,
11 1989, and prior to January 1, 1996, each payment shall be in an
12 amount equal to 22.5% of the taxpayer's actual liability for
13 the month or 25% of the taxpayer's liability for the same
14 calendar month of the preceding year or 100% of the taxpayer's
15 actual liability for the quarter monthly reporting period. The
16 amount of such quarter monthly payments shall be credited
17 against the final tax liability of the taxpayer's return for
18 that month. Before October 1, 2000, once applicable, the
19 requirement of the making of quarter monthly payments to the
20 Department by taxpayers having an average monthly tax liability
21 of \$10,000 or more as determined in the manner provided above
22 shall continue until such taxpayer's average monthly liability
23 to the Department during the preceding 4 complete calendar
24 quarters (excluding the month of highest liability and the
25 month of lowest liability) is less than \$9,000, or until such
26 taxpayer's average monthly liability to the Department as

1 computed for each calendar quarter of the 4 preceding complete
2 calendar quarter period is less than \$10,000. However, if a
3 taxpayer can show the Department that a substantial change in
4 the taxpayer's business has occurred which causes the taxpayer
5 to anticipate that his average monthly tax liability for the
6 reasonably foreseeable future will fall below the \$10,000
7 threshold stated above, then such taxpayer may petition the
8 Department for a change in such taxpayer's reporting status. On
9 and after October 1, 2000, once applicable, the requirement of
10 the making of quarter monthly payments to the Department by
11 taxpayers having an average monthly tax liability of \$20,000 or
12 more as determined in the manner provided above shall continue
13 until such taxpayer's average monthly liability to the
14 Department during the preceding 4 complete calendar quarters
15 (excluding the month of highest liability and the month of
16 lowest liability) is less than \$19,000 or until such taxpayer's
17 average monthly liability to the Department as computed for
18 each calendar quarter of the 4 preceding complete calendar
19 quarter period is less than \$20,000. However, if a taxpayer can
20 show the Department that a substantial change in the taxpayer's
21 business has occurred which causes the taxpayer to anticipate
22 that his average monthly tax liability for the reasonably
23 foreseeable future will fall below the \$20,000 threshold stated
24 above, then such taxpayer may petition the Department for a
25 change in such taxpayer's reporting status. The Department
26 shall change such taxpayer's reporting status unless it finds

1 that such change is seasonal in nature and not likely to be
2 long term. If any such quarter monthly payment is not paid at
3 the time or in the amount required by this Section, then the
4 taxpayer shall be liable for penalties and interest on the
5 difference between the minimum amount due as a payment and the
6 amount of such quarter monthly payment actually and timely
7 paid, except insofar as the taxpayer has previously made
8 payments for that month to the Department in excess of the
9 minimum payments previously due as provided in this Section.
10 The Department shall make reasonable rules and regulations to
11 govern the quarter monthly payment amount and quarter monthly
12 payment dates for taxpayers who file on other than a calendar
13 monthly basis.

14 The provisions of this paragraph apply before October 1,
15 2001. Without regard to whether a taxpayer is required to make
16 quarter monthly payments as specified above, any taxpayer who
17 is required by Section 2d of this Act to collect and remit
18 prepaid taxes and has collected prepaid taxes which average in
19 excess of \$25,000 per month during the preceding 2 complete
20 calendar quarters, shall file a return with the Department as
21 required by Section 2f and shall make payments to the
22 Department on or before the 7th, 15th, 22nd and last day of the
23 month during which such liability is incurred. If the month
24 during which such tax liability is incurred began prior to the
25 effective date of this amendatory Act of 1985, each payment
26 shall be in an amount not less than 22.5% of the taxpayer's

1 actual liability under Section 2d. If the month during which
2 such tax liability is incurred begins on or after January 1,
3 1986, each payment shall be in an amount equal to 22.5% of the
4 taxpayer's actual liability for the month or 27.5% of the
5 taxpayer's liability for the same calendar month of the
6 preceding calendar year. If the month during which such tax
7 liability is incurred begins on or after January 1, 1987, each
8 payment shall be in an amount equal to 22.5% of the taxpayer's
9 actual liability for the month or 26.25% of the taxpayer's
10 liability for the same calendar month of the preceding year.
11 The amount of such quarter monthly payments shall be credited
12 against the final tax liability of the taxpayer's return for
13 that month filed under this Section or Section 2f, as the case
14 may be. Once applicable, the requirement of the making of
15 quarter monthly payments to the Department pursuant to this
16 paragraph shall continue until such taxpayer's average monthly
17 prepaid tax collections during the preceding 2 complete
18 calendar quarters is \$25,000 or less. If any such quarter
19 monthly payment is not paid at the time or in the amount
20 required, the taxpayer shall be liable for penalties and
21 interest on such difference, except insofar as the taxpayer has
22 previously made payments for that month in excess of the
23 minimum payments previously due.

24 The provisions of this paragraph apply on and after October
25 1, 2001. Without regard to whether a taxpayer is required to
26 make quarter monthly payments as specified above, any taxpayer

1 who is required by Section 2d of this Act to collect and remit
2 prepaid taxes and has collected prepaid taxes that average in
3 excess of \$20,000 per month during the preceding 4 complete
4 calendar quarters shall file a return with the Department as
5 required by Section 2f and shall make payments to the
6 Department on or before the 7th, 15th, 22nd and last day of the
7 month during which the liability is incurred. Each payment
8 shall be in an amount equal to 22.5% of the taxpayer's actual
9 liability for the month or 25% of the taxpayer's liability for
10 the same calendar month of the preceding year. The amount of
11 the quarter monthly payments shall be credited against the
12 final tax liability of the taxpayer's return for that month
13 filed under this Section or Section 2f, as the case may be.
14 Once applicable, the requirement of the making of quarter
15 monthly payments to the Department pursuant to this paragraph
16 shall continue until the taxpayer's average monthly prepaid tax
17 collections during the preceding 4 complete calendar quarters
18 (excluding the month of highest liability and the month of
19 lowest liability) is less than \$19,000 or until such taxpayer's
20 average monthly liability to the Department as computed for
21 each calendar quarter of the 4 preceding complete calendar
22 quarters is less than \$20,000. If any such quarter monthly
23 payment is not paid at the time or in the amount required, the
24 taxpayer shall be liable for penalties and interest on such
25 difference, except insofar as the taxpayer has previously made
26 payments for that month in excess of the minimum payments

1 previously due.

2 If any payment provided for in this Section exceeds the
3 taxpayer's liabilities under this Act, the Use Tax Act, the
4 Service Occupation Tax Act and the Service Use Tax Act, as
5 shown on an original monthly return, the Department shall, if
6 requested by the taxpayer, issue to the taxpayer a credit
7 memorandum no later than 30 days after the date of payment. The
8 credit evidenced by such credit memorandum may be assigned by
9 the taxpayer to a similar taxpayer under this Act, the Use Tax
10 Act, the Service Occupation Tax Act or the Service Use Tax Act,
11 in accordance with reasonable rules and regulations to be
12 prescribed by the Department. If no such request is made, the
13 taxpayer may credit such excess payment against tax liability
14 subsequently to be remitted to the Department under this Act,
15 the Use Tax Act, the Service Occupation Tax Act or the Service
16 Use Tax Act, in accordance with reasonable rules and
17 regulations prescribed by the Department. If the Department
18 subsequently determined that all or any part of the credit
19 taken was not actually due to the taxpayer, the taxpayer's 2.1%
20 and 1.75% vendor's discount shall be reduced by 2.1% or 1.75%
21 of the difference between the credit taken and that actually
22 due, and that taxpayer shall be liable for penalties and
23 interest on such difference.

24 If a retailer of motor fuel is entitled to a credit under
25 Section 2d of this Act which exceeds the taxpayer's liability
26 to the Department under this Act for the month which the

1 taxpayer is filing a return, the Department shall issue the
2 taxpayer a credit memorandum for the excess.

3 Beginning January 1, 1990, each month the Department shall
4 pay into the Local Government Tax Fund, a special fund in the
5 State treasury which is hereby created, the net revenue
6 realized for the preceding month from the 1% tax on sales of
7 food for human consumption which is to be consumed off the
8 premises where it is sold (other than alcoholic beverages, soft
9 drinks and food which has been prepared for immediate
10 consumption) and prescription and nonprescription medicines,
11 drugs, medical appliances and insulin, urine testing
12 materials, syringes and needles used by diabetics.

13 Beginning January 1, 1990, each month the Department shall
14 pay into the County and Mass Transit District Fund, a special
15 fund in the State treasury which is hereby created, 4% of the
16 net revenue realized for the preceding month from the 6.25%
17 general rate.

18 Beginning August 1, 2000, each month the Department shall
19 pay into the County and Mass Transit District Fund 20% of the
20 net revenue realized for the preceding month from the 1.25%
21 rate on the selling price of motor fuel and gasohol.

22 Beginning January 1, 1990, each month the Department shall
23 pay into the Local Government Tax Fund 16% of the net revenue
24 realized for the preceding month from the 6.25% general rate on
25 the selling price of tangible personal property.

26 Beginning August 1, 2000, each month the Department shall

1 pay into the Local Government Tax Fund 80% of the net revenue
2 realized for the preceding month from the 1.25% rate on the
3 selling price of motor fuel and gasohol.

4 Of the remainder of the moneys received by the Department
5 pursuant to this Act, (a) 1.75% thereof shall be paid into the
6 Build Illinois Fund and (b) prior to July 1, 1989, 2.2% and on
7 and after July 1, 1989, 3.8% thereof shall be paid into the
8 Build Illinois Fund; provided, however, that if in any fiscal
9 year the sum of (1) the aggregate of 2.2% or 3.8%, as the case
10 may be, of the moneys received by the Department and required
11 to be paid into the Build Illinois Fund pursuant to this Act,
12 Section 9 of the Use Tax Act, Section 9 of the Service Use Tax
13 Act, and Section 9 of the Service Occupation Tax Act, such Acts
14 being hereinafter called the "Tax Acts" and such aggregate of
15 2.2% or 3.8%, as the case may be, of moneys being hereinafter
16 called the "Tax Act Amount", and (2) the amount transferred to
17 the Build Illinois Fund from the State and Local Sales Tax
18 Reform Fund shall be less than the Annual Specified Amount (as
19 hereinafter defined), an amount equal to the difference shall
20 be immediately paid into the Build Illinois Fund from other
21 moneys received by the Department pursuant to the Tax Acts; the
22 "Annual Specified Amount" means the amounts specified below for
23 fiscal years 1986 through 1993:

| Fiscal Year | Annual Specified Amount |
|-------------|-------------------------|
| 1986 | \$54,800,000 |
| 1987 | \$76,650,000 |

| | | |
|---|------|----------------|
| 1 | 1988 | \$80,480,000 |
| 2 | 1989 | \$88,510,000 |
| 3 | 1990 | \$115,330,000 |
| 4 | 1991 | \$145,470,000 |
| 5 | 1992 | \$182,730,000 |
| 6 | 1993 | \$206,520,000; |

7 and means the Certified Annual Debt Service Requirement (as
8 defined in Section 13 of the Build Illinois Bond Act) or the
9 Tax Act Amount, whichever is greater, for fiscal year 1994 and
10 each fiscal year thereafter; and further provided, that if on
11 the last business day of any month the sum of (1) the Tax Act
12 Amount required to be deposited into the Build Illinois Bond
13 Account in the Build Illinois Fund during such month and (2)
14 the amount transferred to the Build Illinois Fund from the
15 State and Local Sales Tax Reform Fund shall have been less than
16 1/12 of the Annual Specified Amount, an amount equal to the
17 difference shall be immediately paid into the Build Illinois
18 Fund from other moneys received by the Department pursuant to
19 the Tax Acts; and, further provided, that in no event shall the
20 payments required under the preceding proviso result in
21 aggregate payments into the Build Illinois Fund pursuant to
22 this clause (b) for any fiscal year in excess of the greater of
23 (i) the Tax Act Amount or (ii) the Annual Specified Amount for
24 such fiscal year. The amounts payable into the Build Illinois
25 Fund under clause (b) of the first sentence in this paragraph
26 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

1 into the Build Illinois Fund are subject to the pledge, claim
2 and charge set forth in Section 12 of the Build Illinois Bond
3 Act.

4 Subject to payment of amounts into the Build Illinois Fund
5 as provided in the preceding paragraph or in any amendment
6 thereto hereafter enacted, the following specified monthly
7 installment of the amount requested in the certificate of the
8 Chairman of the Metropolitan Pier and Exposition Authority
9 provided under Section 8.25f of the State Finance Act, but not
10 in excess of sums designated as "Total Deposit", shall be
11 deposited in the aggregate from collections under Section 9 of
12 the Use Tax Act, Section 9 of the Service Use Tax Act, Section
13 9 of the Service Occupation Tax Act, and Section 3 of the
14 Retailers' Occupation Tax Act into the McCormick Place
15 Expansion Project Fund in the specified fiscal years.

| | Fiscal Year | Total Deposit |
|----|-------------|------------------|
| 16 | | |
| 17 | 1993 | \$0 |
| 18 | 1994 | 53,000,000 |
| 19 | 1995 | 58,000,000 |
| 20 | 1996 | 61,000,000 |
| 21 | 1997 | 64,000,000 |
| 22 | 1998 | 68,000,000 |
| 23 | 1999 | 71,000,000 |
| 24 | 2000 | 75,000,000 |
| 25 | 2001 | 80,000,000 |

| | | |
|----|-----------------------|-------------|
| 1 | 2002 | 93,000,000 |
| 2 | 2003 | 99,000,000 |
| 3 | 2004 | 103,000,000 |
| 4 | 2005 | 108,000,000 |
| 5 | 2006 | 113,000,000 |
| 6 | 2007 | 119,000,000 |
| 7 | 2008 | 126,000,000 |
| 8 | 2009 | 132,000,000 |
| 9 | 2010 | 139,000,000 |
| 10 | 2011 | 146,000,000 |
| 11 | 2012 | 153,000,000 |
| 12 | 2013 | 161,000,000 |
| 13 | 2014 | 170,000,000 |
| 14 | 2015 | 179,000,000 |
| 15 | 2016 | 189,000,000 |
| 16 | 2017 | 199,000,000 |
| 17 | 2018 | 210,000,000 |
| 18 | 2019 | 221,000,000 |
| 19 | 2020 | 233,000,000 |
| 20 | 2021 | 246,000,000 |
| 21 | 2022 | 260,000,000 |
| 22 | 2023 and | 275,000,000 |
| 23 | each fiscal year | |
| 24 | thereafter that bonds | |
| 25 | are outstanding under | |
| 26 | Section 13.2 of the | |

1 Metropolitan Pier and
2 Exposition Authority Act,
3 but not after fiscal year 2042.

4 Beginning July 20, 1993 and in each month of each fiscal
5 year thereafter, one-eighth of the amount requested in the
6 certificate of the Chairman of the Metropolitan Pier and
7 Exposition Authority for that fiscal year, less the amount
8 deposited into the McCormick Place Expansion Project Fund by
9 the State Treasurer in the respective month under subsection
10 (g) of Section 13 of the Metropolitan Pier and Exposition
11 Authority Act, plus cumulative deficiencies in the deposits
12 required under this Section for previous months and years,
13 shall be deposited into the McCormick Place Expansion Project
14 Fund, until the full amount requested for the fiscal year, but
15 not in excess of the amount specified above as "Total Deposit",
16 has been deposited.

17 Subject to payment of amounts into the Build Illinois Fund
18 and the McCormick Place Expansion Project Fund pursuant to the
19 preceding paragraphs or in any amendments thereto hereafter
20 enacted, beginning July 1, 1993, the Department shall each
21 month pay into the Illinois Tax Increment Fund 0.27% of 80% of
22 the net revenue realized for the preceding month from the 6.25%
23 general rate on the selling price of tangible personal
24 property.

25 Subject to payment of amounts into the Build Illinois Fund
26 and the McCormick Place Expansion Project Fund pursuant to the

1 preceding paragraphs or in any amendments thereto hereafter
2 enacted, beginning with the receipt of the first report of
3 taxes paid by an eligible business and continuing for a 25-year
4 period, the Department shall each month pay into the Energy
5 Infrastructure Fund 80% of the net revenue realized from the
6 6.25% general rate on the selling price of Illinois-mined coal
7 that was sold to an eligible business. For purposes of this
8 paragraph, the term "eligible business" means a new electric
9 generating facility certified pursuant to Section 605-332 of
10 the Department of Commerce and Economic Opportunity Law of the
11 Civil Administrative Code of Illinois.

12 Of the remainder of the moneys received by the Department
13 pursuant to this Act, 75% thereof shall be paid into the State
14 Treasury and 25% shall be reserved in a special account and
15 used only for the transfer to the Common School Fund as part of
16 the monthly transfer from the General Revenue Fund in
17 accordance with Section 8a of the State Finance Act.

18 The Department may, upon separate written notice to a
19 taxpayer, require the taxpayer to prepare and file with the
20 Department on a form prescribed by the Department within not
21 less than 60 days after receipt of the notice an annual
22 information return for the tax year specified in the notice.
23 Such annual return to the Department shall include a statement
24 of gross receipts as shown by the retailer's last Federal
25 income tax return. If the total receipts of the business as
26 reported in the Federal income tax return do not agree with the

1 gross receipts reported to the Department of Revenue for the
2 same period, the retailer shall attach to his annual return a
3 schedule showing a reconciliation of the 2 amounts and the
4 reasons for the difference. The retailer's annual return to the
5 Department shall also disclose the cost of goods sold by the
6 retailer during the year covered by such return, opening and
7 closing inventories of such goods for such year, costs of goods
8 used from stock or taken from stock and given away by the
9 retailer during such year, payroll information of the
10 retailer's business during such year and any additional
11 reasonable information which the Department deems would be
12 helpful in determining the accuracy of the monthly, quarterly
13 or annual returns filed by such retailer as provided for in
14 this Section.

15 If the annual information return required by this Section
16 is not filed when and as required, the taxpayer shall be liable
17 as follows:

18 (i) Until January 1, 1994, the taxpayer shall be liable
19 for a penalty equal to $\frac{1}{6}$ of 1% of the tax due from such
20 taxpayer under this Act during the period to be covered by
21 the annual return for each month or fraction of a month
22 until such return is filed as required, the penalty to be
23 assessed and collected in the same manner as any other
24 penalty provided for in this Act.

25 (ii) On and after January 1, 1994, the taxpayer shall
26 be liable for a penalty as described in Section 3-4 of the

1 Uniform Penalty and Interest Act.

2 The chief executive officer, proprietor, owner or highest
3 ranking manager shall sign the annual return to certify the
4 accuracy of the information contained therein. Any person who
5 willfully signs the annual return containing false or
6 inaccurate information shall be guilty of perjury and punished
7 accordingly. The annual return form prescribed by the
8 Department shall include a warning that the person signing the
9 return may be liable for perjury.

10 The provisions of this Section concerning the filing of an
11 annual information return do not apply to a retailer who is not
12 required to file an income tax return with the United States
13 Government.

14 As soon as possible after the first day of each month, upon
15 certification of the Department of Revenue, the Comptroller
16 shall order transferred and the Treasurer shall transfer from
17 the General Revenue Fund to the Motor Fuel Tax Fund an amount
18 equal to 1.7% of 80% of the net revenue realized under this Act
19 for the second preceding month. Beginning April 1, 2000, this
20 transfer is no longer required and shall not be made.

21 Net revenue realized for a month shall be the revenue
22 collected by the State pursuant to this Act, less the amount
23 paid out during that month as refunds to taxpayers for
24 overpayment of liability.

25 For greater simplicity of administration, manufacturers,
26 importers and wholesalers whose products are sold at retail in

1 Illinois by numerous retailers, and who wish to do so, may
2 assume the responsibility for accounting and paying to the
3 Department all tax accruing under this Act with respect to such
4 sales, if the retailers who are affected do not make written
5 objection to the Department to this arrangement.

6 Any person who promotes, organizes, provides retail
7 selling space for concessionaires or other types of sellers at
8 the Illinois State Fair, DuQuoin State Fair, county fairs,
9 local fairs, art shows, flea markets and similar exhibitions or
10 events, including any transient merchant as defined by Section
11 2 of the Transient Merchant Act of 1987, is required to file a
12 report with the Department providing the name of the merchant's
13 business, the name of the person or persons engaged in
14 merchant's business, the permanent address and Illinois
15 Retailers Occupation Tax Registration Number of the merchant,
16 the dates and location of the event and other reasonable
17 information that the Department may require. The report must be
18 filed not later than the 20th day of the month next following
19 the month during which the event with retail sales was held.
20 Any person who fails to file a report required by this Section
21 commits a business offense and is subject to a fine not to
22 exceed \$250.

23 Any person engaged in the business of selling tangible
24 personal property at retail as a concessionaire or other type
25 of seller at the Illinois State Fair, county fairs, art shows,
26 flea markets and similar exhibitions or events, or any

1 transient merchants, as defined by Section 2 of the Transient
2 Merchant Act of 1987, may be required to make a daily report of
3 the amount of such sales to the Department and to make a daily
4 payment of the full amount of tax due. The Department shall
5 impose this requirement when it finds that there is a
6 significant risk of loss of revenue to the State at such an
7 exhibition or event. Such a finding shall be based on evidence
8 that a substantial number of concessionaires or other sellers
9 who are not residents of Illinois will be engaging in the
10 business of selling tangible personal property at retail at the
11 exhibition or event, or other evidence of a significant risk of
12 loss of revenue to the State. The Department shall notify
13 concessionaires and other sellers affected by the imposition of
14 this requirement. In the absence of notification by the
15 Department, the concessionaires and other sellers shall file
16 their returns as otherwise required in this Section.

17 (Source: P.A. 92-12, eff. 7-1-01; 92-16, eff. 6-28-01; 92-208,
18 eff. 8-2-01; 92-484, eff. 8-23-01; 92-492, eff. 1-1-02; 92-600,
19 eff. 6-28-02; 92-651, eff. 7-11-02; 93-22, eff. 6-20-03; 93-24,
20 eff. 6-20-03; 93-840, eff. 7-30-04; 93-926, eff. 8-12-04;
21 93-1057, eff. 12-2-04; revised 12-6-04.)

22 Section 405. The Hotel Operators' Occupation Tax Act is
23 amended by changing Section 6 as follows:

24 (35 ILCS 145/6) (from Ch. 120, par. 481b.36)

1 Sec. 6. Except as provided hereinafter in this Section, on
2 or before the last day of each calendar month, every person
3 engaged in the business of renting, leasing or letting rooms in
4 a hotel in this State during the preceding calendar month shall
5 file a return with the Department, stating:

6 1. The name of the operator;

7 2. His residence address and the address of his
8 principal place of business and the address of the
9 principal place of business (if that is a different
10 address) from which he engages in the business of renting,
11 leasing or letting rooms in a hotel in this State;

12 3. Total amount of rental receipts received by him
13 during the preceding calendar month from renting, leasing
14 or letting rooms during such preceding calendar month;

15 4. Total amount of rental receipts received by him
16 during the preceding calendar month from renting, leasing
17 or letting rooms to permanent residents during such
18 preceding calendar month;

19 5. Total amount of other exclusions from gross rental
20 receipts allowed by this Act;

21 6. Gross rental receipts which were received by him
22 during the preceding calendar month and upon the basis of
23 which the tax is imposed;

24 7. The amount of tax due;

25 8. Such other reasonable information as the Department
26 may require.

1 If the operator's average monthly tax liability to the
2 Department does not exceed \$200, the Department may authorize
3 his returns to be filed on a quarter annual basis, with the
4 return for January, February and March of a given year being
5 due by April 30 of such year; with the return for April, May
6 and June of a given year being due by July 31 of such year; with
7 the return for July, August and September of a given year being
8 due by October 31 of such year, and with the return for
9 October, November and December of a given year being due by
10 January 31 of the following year.

11 If the operator's average monthly tax liability to the
12 Department does not exceed \$50, the Department may authorize
13 his returns to be filed on an annual basis, with the return for
14 a given year being due by January 31 of the following year.

15 Such quarter annual and annual returns, as to form and
16 substance, shall be subject to the same requirements as monthly
17 returns.

18 Notwithstanding any other provision in this Act concerning
19 the time within which an operator may file his return, in the
20 case of any operator who ceases to engage in a kind of business
21 which makes him responsible for filing returns under this Act,
22 such operator shall file a final return under this Act with the
23 Department not more than 1 month after discontinuing such
24 business.

25 Where the same person has more than 1 business registered
26 with the Department under separate registrations under this

1 Act, such person shall not file each return that is due as a
2 single return covering all such registered businesses, but
3 shall file separate returns for each such registered business.

4 In his return, the operator shall determine the value of
5 any consideration other than money received by him in
6 connection with the renting, leasing or letting of rooms in the
7 course of his business and he shall include such value in his
8 return. Such determination shall be subject to review and
9 revision by the Department in the manner hereinafter provided
10 for the correction of returns.

11 Where the operator is a corporation, the return filed on
12 behalf of such corporation shall be signed by the president,
13 vice-president, secretary or treasurer or by the properly
14 accredited agent of such corporation.

15 The person filing the return herein provided for shall, at
16 the time of filing such return, pay to the Department the
17 amount of tax herein imposed. The operator filing the return
18 under this Section shall, at the time of filing such return,
19 pay to the Department the amount of tax imposed by this Act
20 less a discount of 2.1% or \$25 per calendar year, whichever is
21 greater, which is allowed to reimburse the operator for the
22 expenses incurred in keeping records, preparing and filing
23 returns, remitting the tax and supplying data to the Department
24 on request.

25 There shall be deposited in the Build Illinois Fund in the
26 State Treasury for each State fiscal year 40% of the amount of

1 total net proceeds from the tax imposed by subsection (a) of
2 Section 3. Of the remaining 60%, \$5,000,000 shall be deposited
3 in the Illinois Sports Facilities Fund and credited to the
4 Subsidy Account each fiscal year by making monthly deposits in
5 the amount of 1/8 of \$5,000,000 plus cumulative deficiencies in
6 such deposits for prior months, and an additional \$8,000,000
7 shall be deposited in the Illinois Sports Facilities Fund and
8 credited to the Advance Account each fiscal year by making
9 monthly deposits in the amount of 1/8 of \$8,000,000 plus any
10 cumulative deficiencies in such deposits for prior months;
11 provided, that for fiscal years ending after June 30, 2001, the
12 amount to be so deposited into the Illinois Sports Facilities
13 Fund and credited to the Advance Account each fiscal year shall
14 be increased from \$8,000,000 to the then applicable Advance
15 Amount and the required monthly deposits beginning with July
16 2001 shall be in the amount of 1/8 of the then applicable
17 Advance Amount plus any cumulative deficiencies in those
18 deposits for prior months. (The deposits of the additional
19 \$8,000,000 or the then applicable Advance Amount, as
20 applicable, during each fiscal year shall be treated as
21 advances of funds to the Illinois Sports Facilities Authority
22 for its corporate purposes to the extent paid to the Authority
23 or its trustee and shall be repaid into the General Revenue
24 Fund in the State Treasury by the State Treasurer on behalf of
25 the Authority pursuant to Section 19 of the Illinois Sports
26 Facilities Authority Act, as amended. If in any fiscal year the

1 full amount of the then applicable Advance Amount is not repaid
2 into the General Revenue Fund, then the deficiency shall be
3 paid from the amount in the Local Government Distributive Fund
4 that would otherwise be allocated to the City of Chicago under
5 the State Revenue Sharing Act.)

6 For purposes of the foregoing paragraph, the term "Advance
7 Amount" means, for fiscal year 2002, \$22,179,000, and for
8 subsequent fiscal years through fiscal year 2032, 105.615% of
9 the Advance Amount for the immediately preceding fiscal year,
10 rounded up to the nearest \$1,000.

11 Of the remaining 60% of the amount of total net proceeds
12 from the tax imposed by subsection (a) of Section 3 after all
13 required deposits in the Illinois Sports Facilities Fund, the
14 amount equal to 8% of the net revenue realized from the Hotel
15 Operators' Occupation Tax Act plus an amount equal to 8% of the
16 net revenue realized from any tax imposed under Section 4.05 of
17 the Chicago World's Fair-1992 Authority Act during the
18 preceding month shall be deposited in the Local Tourism Fund
19 each month for purposes authorized by Section 605-705 of the
20 Department of Commerce and Economic Opportunity ~~Community~~
21 ~~Affairs~~ Law (20 ILCS 605/605-705) ~~in the Local Tourism Fund,~~
22 and beginning August 1, 1999, the amount equal to 4.5% of the
23 net revenue realized from the Hotel Operators' Occupation Tax
24 Act during the preceding month shall be deposited into the
25 International Tourism Fund for the purposes authorized in
26 Section 605-707 ~~605-725~~ of the Department of Commerce and

1 Economic Opportunity ~~Community Affairs~~ Law. "Net revenue
2 realized for a month" means the revenue collected by the State
3 under that Act during the previous month less the amount paid
4 out during that same month as refunds to taxpayers for
5 overpayment of liability under that Act.

6 After making all these deposits, all other proceeds of the
7 tax imposed under subsection (a) of Section 3 shall be
8 deposited in the General Revenue Fund in the State Treasury.
9 All moneys received by the Department from the additional tax
10 imposed under subsection (b) of Section 3 shall be deposited
11 into the Build Illinois Fund in the State Treasury.

12 The Department may, upon separate written notice to a
13 taxpayer, require the taxpayer to prepare and file with the
14 Department on a form prescribed by the Department within not
15 less than 60 days after receipt of the notice an annual
16 information return for the tax year specified in the notice.
17 Such annual return to the Department shall include a statement
18 of gross receipts as shown by the operator's last State income
19 tax return. If the total receipts of the business as reported
20 in the State income tax return do not agree with the gross
21 receipts reported to the Department for the same period, the
22 operator shall attach to his annual information return a
23 schedule showing a reconciliation of the 2 amounts and the
24 reasons for the difference. The operator's annual information
25 return to the Department shall also disclose pay roll
26 information of the operator's business during the year covered

1 by such return and any additional reasonable information which
2 the Department deems would be helpful in determining the
3 accuracy of the monthly, quarterly or annual tax returns by
4 such operator as hereinbefore provided for in this Section.

5 If the annual information return required by this Section
6 is not filed when and as required the taxpayer shall be liable
7 for a penalty in an amount determined in accordance with
8 Section 3-4 of the Uniform Penalty and Interest Act until such
9 return is filed as required, the penalty to be assessed and
10 collected in the same manner as any other penalty provided for
11 in this Act.

12 The chief executive officer, proprietor, owner or highest
13 ranking manager shall sign the annual return to certify the
14 accuracy of the information contained therein. Any person who
15 willfully signs the annual return containing false or
16 inaccurate information shall be guilty of perjury and punished
17 accordingly. The annual return form prescribed by the
18 Department shall include a warning that the person signing the
19 return may be liable for perjury.

20 The foregoing portion of this Section concerning the filing
21 of an annual information return shall not apply to an operator
22 who is not required to file an income tax return with the
23 United States Government.

24 (Source: P.A. 92-16, eff. 6-28-01; 92-600, eff. 6-28-02;
25 revised 10-15-03.)

1 Section 410. The Property Tax Code is amended by changing
2 Sections 15-25, 15-55, 16-190, 18-185, and 21-310 and by
3 setting forth and renumbering multiple versions of Section
4 18-92 as follows:

5 (35 ILCS 200/15-25)

6 Sec. 15-25. Removal of exemptions. If the Department
7 determines that any property has been unlawfully exempted from
8 taxation, or is no longer entitled to exemption, the Department
9 shall, before January 1 of any year, direct the chief county
10 assessment officer to assess the property and return it to the
11 assessment rolls for the next assessment year. The Department
12 shall give notice of its decision to the owner of the property
13 by certified mail. The decision shall be subject to review and
14 hearing under Section 8-35, upon application by the owner filed
15 within 60 days after the notice of decision is mailed. However,
16 the extension of taxes on the assessment shall not be delayed
17 by any proceedings under this Section. If the property is
18 determined to be exempt, any taxes extended upon the assessment
19 shall be abated or, if already paid, be refunded.

20 (Source: P.A. 92-651, eff. 7-11-02; 92-658, eff. 7-16-02;
21 revised 7-26-02.)

22 (35 ILCS 200/15-55)

23 Sec. 15-55. State property.

24 (a) All property belonging to the State of Illinois is

1 exempt. However, the State agency holding title shall file the
2 certificate of ownership and use required by Section 15-10,
3 together with a copy of any written lease or agreement, in
4 effect on March 30 of the assessment year, concerning parcels
5 of 1 acre or more, or an explanation of the terms of any oral
6 agreement under which the property is leased, subleased or
7 rented.

8 The leased property shall be assessed to the lessee and the
9 taxes thereon extended and billed to the lessee, and collected
10 in the same manner as for property which is not exempt. The
11 lessee shall be liable for the taxes and no lien shall attach
12 to the property of the State.

13 For the purposes of this Section, the word "leases"
14 includes licenses, franchises, operating agreements and other
15 arrangements under which private individuals, associations or
16 corporations are granted the right to use property of the
17 Illinois State Toll Highway Authority and includes all property
18 of the Authority used by others without regard to the size of
19 the leased parcel.

20 (b) However, all property of every kind belonging to the
21 State of Illinois, which is or may hereafter be leased to the
22 Illinois Prairie Path Corporation, shall be exempt from all
23 assessments, taxation or collection, despite the making of any
24 such lease, if it is used for:

25 (1) conservation, nature trail or any other
26 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

1 subsection (c), the State must retain an option to purchase the
2 property at a future date or, within the limitations period for
3 reverters, the property must revert back to the State.

4 If the property has been conveyed as described in this
5 subsection (c), the property is no longer exempt pursuant to
6 this Section as of the date when:

7 (1) the right of the State to use, control, and possess
8 the property has been terminated; or

9 (2) the State no longer has an option to purchase or
10 otherwise acquire the property and there is no provision
11 for a reverter of the property to the State within the
12 limitations period for reverters.

13 Pursuant to Sections 15-15 and 15-20 of this Code, the
14 State shall notify the chief county assessment officer of any
15 transaction under this subsection (c). The chief county
16 assessment officer shall determine initial and continuing
17 compliance with the requirements of this Section for tax
18 exemption. Failure to notify the chief county assessment
19 officer of a transaction under this subsection (c) or to
20 otherwise comply with the requirements of Sections 15-15 and
21 15-20 of this Code shall, in the discretion of the chief county
22 assessment officer, constitute cause to terminate the
23 exemption, notwithstanding any other provision of this Code.

24 (c-1) If the Illinois State Toll Highway Authority sells
25 the Illinois State Toll Highway Authority headquarters
26 building and surrounding land, located at 2700 Ogden Avenue,

1 Downers Grove, Illinois as provided in subdivision (a)(2) of
2 Section 7.5 of the State Property Control Act, to another
3 entity whose property is not exempt and immediately thereafter
4 enters into a leaseback or other agreement that directly or
5 indirectly gives the State or the Illinois State Toll Highway
6 Authority a right to use, control, and possess the property,
7 that portion of the property leased and occupied exclusively by
8 the State or the Authority shall remain exempt under this
9 Section. For the property to remain exempt under this
10 subsection (c), the Authority must retain an option to purchase
11 the property at a future date or, within the limitations period
12 for reverters, the property must revert back to the Authority.

13 If the property has been conveyed as described in this
14 subsection (c), the property is no longer exempt pursuant to
15 this Section as of the date when:

16 (1) the right of the State or the Authority to use,
17 control, and possess the property has been terminated; or

18 (2) the Authority no longer has an option to purchase
19 or otherwise acquire the property and there is no provision
20 for a reverter of the property to the Authority within the
21 limitations period for reverters.

22 Pursuant to Sections 15-15 and 15-20 of this Code, the
23 Authority shall notify the chief county assessment officer of
24 any transaction under this subsection (c). The chief county
25 assessment officer shall determine initial and continuing
26 compliance with the requirements of this Section for tax

1 exemption. Failure to notify the chief county assessment
2 officer of a transaction under this subsection (c) or to
3 otherwise comply with the requirements of Sections 15-15 and
4 15-20 of this Code shall, in the discretion of the chief county
5 assessment officer, constitute cause to terminate the
6 exemption, notwithstanding any other provision of this Code.

7 (d) ~~However,~~ The fair market rent of each parcel of real
8 property in Will County owned by the State of Illinois for the
9 purpose of developing an airport by the Department of
10 Transportation shall include the assessed value of leasehold
11 tax. The lessee of each parcel of real property in Will County
12 owned by the State of Illinois for the purpose of developing an
13 airport by the Department of Transportation shall not be liable
14 for the taxes thereon. In order for the State to compensate
15 taxing districts for the leasehold tax under this paragraph the
16 Will County Supervisor of Assessments shall certify, in
17 writing, to the Department of Transportation, the amount of
18 leasehold taxes extended for the 2002 property tax year for
19 each such exempt parcel. The Department of Transportation shall
20 pay to the Will County Treasurer, from the Tax Recovery Fund,
21 on or before July 1 of each year, the amount of leasehold taxes
22 for each such exempt parcel as certified by the Will County
23 Supervisor of Assessments. The tax compensation shall
24 terminate on December 31, 2010. It is the duty of the
25 Department of Transportation to file with the Office of the
26 Will County Supervisor of Assessments an affidavit stating the

1 termination date for rental of each such parcel due to airport
2 construction. The affidavit shall include the property
3 identification number for each such parcel. In no instance
4 shall tax compensation for property owned by the State be
5 deemed delinquent or bear interest. In no instance shall a lien
6 attach to the property of the State. In no instance shall the
7 State be required to pay leasehold tax compensation in excess
8 of the Tax Recovery Fund's balance.

9 (e) ~~(d)~~ Public Act 81-1026 applies to all leases or
10 agreements entered into or renewed on or after September 24,
11 1979.

12 (Source: P.A. 93-19, eff. 6-20-03; 93-658, eff. 1-22-04;
13 revised 1-22-04.)

14 (35 ILCS 200/16-190)

15 Sec. 16-190. Record of proceedings and orders.

16 (a) The Property Tax Appeal Board shall keep a record of
17 its proceedings and orders and the record shall be a public
18 record. In all cases where the contesting party is seeking a
19 change of \$100,000 or more in assessed valuation, the
20 contesting party must provide a court reporter at his or her
21 own expense. The original certified transcript of such hearing
22 shall be forwarded to the Springfield office of the Property
23 Tax Appeal Board and shall become part of the Board's official
24 record of the proceeding on appeal. Each year the Property Tax
25 Appeal Board shall publish a volume containing a synopsis of

1 representative cases decided by the Board during that year. The
2 publication shall be organized by or cross-referenced by the
3 issue presented before the Board in each case contained in the
4 publication. The publication shall be available for inspection
5 by the public at the Property Tax Appeal Board offices and
6 copies shall be available for a reasonable cost, except as
7 provided in Section 16-191.

8 (b) The Property Tax Appeal Board shall provide annually,
9 no later than February 1, to the Governor and the General
10 Assembly a report that contains for each county the following:

11 (1) the total number of cases for commercial and
12 industrial property requesting a reduction in assessed
13 value of \$100,000 or more for each of the last 5 years;

14 (2) the total number of cases for commercial and
15 industrial property decided by the Property Tax Appeal
16 Board for each of the last 5 years; and

17 (3) the total change in assessed value based on the
18 Property Tax Appeal Board decisions for commercial
19 property and industrial property for each of the last 5
20 years.

21 (c) The requirement for providing a report to the General
22 Assembly shall be satisfied by filing copies of the report with
23 the following:

24 (1) the Speaker of the House of Representatives;

25 (2) the Minority Leader of the House of
26 Representatives;

- 1 (3) the Clerk of the House of Representatives;
- 2 (4) the President of the Senate;
- 3 (5) the Minority Leader of the Senate;
- 4 (6) the Secretary of the Senate;
- 5 (7) the Legislative Research Unit, as required by
- 6 Section 3.1 of the General Assembly Organization Act; and
- 7 (8) the State Government Report Distribution Center
- 8 for the General Assembly, as required by subsection (t) of
- 9 Section 7 ~~320~~ of the State Library Act.

10 (Source: P.A. 93-248, eff. 7-22-03; revised 10-9-03.)

11 (35 ILCS 200/18-92)

12 Sec. 18-92. Downstate School Finance Authority for

13 Elementary Districts Law. The provisions of the Truth in

14 Taxation Law are subject to the Downstate School Finance

15 Authority for Elementary Districts Law.

16 (Source: P.A. 92-855, eff. 12-6-02.)

17 (35 ILCS 200/18-93)

18 Sec. 18-93 ~~18-92~~. Maywood Public Library District Tax Levy

19 Validation (2002) Law. The provisions of the Truth in Taxation

20 Law are subject to the Maywood Public Library District Tax Levy

21 Validation (2002) Law.

22 (Source: P.A. 92-884, eff. 1-13-03; revised 1-18-03.)

23 (35 ILCS 200/18-185)

1 Sec. 18-185. Short title; definitions. This Division 5 may
2 be cited as the Property Tax Extension Limitation Law. As used
3 in this Division 5:

4 "Consumer Price Index" means the Consumer Price Index for
5 All Urban Consumers for all items published by the United
6 States Department of Labor.

7 "Extension limitation" means (a) the lesser of 5% or the
8 percentage increase in the Consumer Price Index during the
9 12-month calendar year preceding the levy year or (b) the rate
10 of increase approved by voters under Section 18-205.

11 "Affected county" means a county of 3,000,000 or more
12 inhabitants or a county contiguous to a county of 3,000,000 or
13 more inhabitants.

14 "Taxing district" has the same meaning provided in Section
15 1-150, except as otherwise provided in this Section. For the
16 1991 through 1994 levy years only, "taxing district" includes
17 only each non-home rule taxing district having the majority of
18 its 1990 equalized assessed value within any county or counties
19 contiguous to a county with 3,000,000 or more inhabitants.
20 Beginning with the 1995 levy year, "taxing district" includes
21 only each non-home rule taxing district subject to this Law
22 before the 1995 levy year and each non-home rule taxing
23 district not subject to this Law before the 1995 levy year
24 having the majority of its 1994 equalized assessed value in an
25 affected county or counties. Beginning with the levy year in
26 which this Law becomes applicable to a taxing district as

1 provided in Section 18-213, "taxing district" also includes
2 those taxing districts made subject to this Law as provided in
3 Section 18-213.

4 "Aggregate extension" for taxing districts to which this
5 Law applied before the 1995 levy year means the annual
6 corporate extension for the taxing district and those special
7 purpose extensions that are made annually for the taxing
8 district, excluding special purpose extensions: (a) made for
9 the taxing district to pay interest or principal on general
10 obligation bonds that were approved by referendum; (b) made for
11 any taxing district to pay interest or principal on general
12 obligation bonds issued before October 1, 1991; (c) made for
13 any taxing district to pay interest or principal on bonds
14 issued to refund or continue to refund those bonds issued
15 before October 1, 1991; (d) made for any taxing district to pay
16 interest or principal on bonds issued to refund or continue to
17 refund bonds issued after October 1, 1991 that were approved by
18 referendum; (e) made for any taxing district to pay interest or
19 principal on revenue bonds issued before October 1, 1991 for
20 payment of which a property tax levy or the full faith and
21 credit of the unit of local government is pledged; however, a
22 tax for the payment of interest or principal on those bonds
23 shall be made only after the governing body of the unit of
24 local government finds that all other sources for payment are
25 insufficient to make those payments; (f) made for payments
26 under a building commission lease when the lease payments are

1 for the retirement of bonds issued by the commission before
2 October 1, 1991, to pay for the building project; (g) made for
3 payments due under installment contracts entered into before
4 October 1, 1991; (h) made for payments of principal and
5 interest on bonds issued under the Metropolitan Water
6 Reclamation District Act to finance construction projects
7 initiated before October 1, 1991; (i) made for payments of
8 principal and interest on limited bonds, as defined in Section
9 3 of the Local Government Debt Reform Act, in an amount not to
10 exceed the debt service extension base less the amount in items
11 (b), (c), (e), and (h) of this definition for non-referendum
12 obligations, except obligations initially issued pursuant to
13 referendum; (j) made for payments of principal and interest on
14 bonds issued under Section 15 of the Local Government Debt
15 Reform Act; (k) made by a school district that participates in
16 the Special Education District of Lake County, created by
17 special education joint agreement under Section 10-22.31 of the
18 School Code, for payment of the school district's share of the
19 amounts required to be contributed by the Special Education
20 District of Lake County to the Illinois Municipal Retirement
21 Fund under Article 7 of the Illinois Pension Code; the amount
22 of any extension under this item (k) shall be certified by the
23 school district to the county clerk; (l) made to fund expenses
24 of providing joint recreational programs for the handicapped
25 under Section 5-8 of the Park District Code or Section 11-95-14
26 of the Illinois Municipal Code; (m) made for temporary

1 relocation loan repayment purposes pursuant to Sections 2-3.77
2 and 17-2.2d of the School Code; (n) made for payment of
3 principal and interest on any bonds issued under the authority
4 of Section 17-2.2d of the School Code; and (o) made for
5 contributions to a firefighter's pension fund created under
6 Article 4 of the Illinois Pension Code, to the extent of the
7 amount certified under item (5) of Section 4-134 of the
8 Illinois Pension Code.

9 "Aggregate extension" for the taxing districts to which
10 this Law did not apply before the 1995 levy year (except taxing
11 districts subject to this Law in accordance with Section
12 18-213) means the annual corporate extension for the taxing
13 district and those special purpose extensions that are made
14 annually for the taxing district, excluding special purpose
15 extensions: (a) made for the taxing district to pay interest or
16 principal on general obligation bonds that were approved by
17 referendum; (b) made for any taxing district to pay interest or
18 principal on general obligation bonds issued before March 1,
19 1995; (c) made for any taxing district to pay interest or
20 principal on bonds issued to refund or continue to refund those
21 bonds issued before March 1, 1995; (d) made for any taxing
22 district to pay interest or principal on bonds issued to refund
23 or continue to refund bonds issued after March 1, 1995 that
24 were approved by referendum; (e) made for any taxing district
25 to pay interest or principal on revenue bonds issued before
26 March 1, 1995 for payment of which a property tax levy or the

1 full faith and credit of the unit of local government is
2 pledged; however, a tax for the payment of interest or
3 principal on those bonds shall be made only after the governing
4 body of the unit of local government finds that all other
5 sources for payment are insufficient to make those payments;
6 (f) made for payments under a building commission lease when
7 the lease payments are for the retirement of bonds issued by
8 the commission before March 1, 1995 to pay for the building
9 project; (g) made for payments due under installment contracts
10 entered into before March 1, 1995; (h) made for payments of
11 principal and interest on bonds issued under the Metropolitan
12 Water Reclamation District Act to finance construction
13 projects initiated before October 1, 1991; (h-4) made for
14 stormwater management purposes by the Metropolitan Water
15 Reclamation District of Greater Chicago under Section 12 of the
16 Metropolitan Water Reclamation District Act; (i) made for
17 payments of principal and interest on limited bonds, as defined
18 in Section 3 of the Local Government Debt Reform Act, in an
19 amount not to exceed the debt service extension base less the
20 amount in items (b), (c), and (e) of this definition for
21 non-referendum obligations, except obligations initially
22 issued pursuant to referendum and bonds described in subsection
23 (h) of this definition; (j) made for payments of principal and
24 interest on bonds issued under Section 15 of the Local
25 Government Debt Reform Act; (k) made for payments of principal
26 and interest on bonds authorized by Public Act 88-503 and

1 issued under Section 20a of the Chicago Park District Act for
2 aquarium or museum projects; (l) made for payments of principal
3 and interest on bonds authorized by Public Act 87-1191 or
4 93-601 and (i) issued pursuant to Section 21.2 of the Cook
5 County Forest Preserve District Act, (ii) issued under Section
6 42 of the Cook County Forest Preserve District Act for
7 zoological park projects, or (iii) issued under Section 44.1 of
8 the Cook County Forest Preserve District Act for botanical
9 gardens projects; (m) made pursuant to Section 34-53.5 of the
10 School Code, whether levied annually or not; (n) made to fund
11 expenses of providing joint recreational programs for the
12 handicapped under Section 5-8 of the Park District Code or
13 Section 11-95-14 of the Illinois Municipal Code; (o) made by
14 the Chicago Park District for recreational programs for the
15 handicapped under subsection (c) of Section 7.06 of the Chicago
16 Park District Act; and (p) made for contributions to a
17 firefighter's pension fund created under Article 4 of the
18 Illinois Pension Code, to the extent of the amount certified
19 under item (5) of Section 4-134 of the Illinois Pension Code.

20 "Aggregate extension" for all taxing districts to which
21 this Law applies in accordance with Section 18-213, except for
22 those taxing districts subject to paragraph (2) of subsection
23 (e) of Section 18-213, means the annual corporate extension for
24 the taxing district and those special purpose extensions that
25 are made annually for the taxing district, excluding special
26 purpose extensions: (a) made for the taxing district to pay

1 interest or principal on general obligation bonds that were
2 approved by referendum; (b) made for any taxing district to pay
3 interest or principal on general obligation bonds issued before
4 the date on which the referendum making this Law applicable to
5 the taxing district is held; (c) made for any taxing district
6 to pay interest or principal on bonds issued to refund or
7 continue to refund those bonds issued before the date on which
8 the referendum making this Law applicable to the taxing
9 district is held; (d) made for any taxing district to pay
10 interest or principal on bonds issued to refund or continue to
11 refund bonds issued after the date on which the referendum
12 making this Law applicable to the taxing district is held if
13 the bonds were approved by referendum after the date on which
14 the referendum making this Law applicable to the taxing
15 district is held; (e) made for any taxing district to pay
16 interest or principal on revenue bonds issued before the date
17 on which the referendum making this Law applicable to the
18 taxing district is held for payment of which a property tax
19 levy or the full faith and credit of the unit of local
20 government is pledged; however, a tax for the payment of
21 interest or principal on those bonds shall be made only after
22 the governing body of the unit of local government finds that
23 all other sources for payment are insufficient to make those
24 payments; (f) made for payments under a building commission
25 lease when the lease payments are for the retirement of bonds
26 issued by the commission before the date on which the

1 referendum making this Law applicable to the taxing district is
2 held to pay for the building project; (g) made for payments due
3 under installment contracts entered into before the date on
4 which the referendum making this Law applicable to the taxing
5 district is held; (h) made for payments of principal and
6 interest on limited bonds, as defined in Section 3 of the Local
7 Government Debt Reform Act, in an amount not to exceed the debt
8 service extension base less the amount in items (b), (c), and
9 (e) of this definition for non-referendum obligations, except
10 obligations initially issued pursuant to referendum; (i) made
11 for payments of principal and interest on bonds issued under
12 Section 15 of the Local Government Debt Reform Act; (j) made
13 for a qualified airport authority to pay interest or principal
14 on general obligation bonds issued for the purpose of paying
15 obligations due under, or financing airport facilities
16 required to be acquired, constructed, installed or equipped
17 pursuant to, contracts entered into before March 1, 1996 (but
18 not including any amendments to such a contract taking effect
19 on or after that date); (k) made to fund expenses of providing
20 joint recreational programs for the handicapped under Section
21 5-8 of the Park District Code or Section 11-95-14 of the
22 Illinois Municipal Code; and (l) made for contributions to a
23 firefighter's pension fund created under Article 4 of the
24 Illinois Pension Code, to the extent of the amount certified
25 under item (5) of Section 4-134 of the Illinois Pension Code.

26 "Aggregate extension" for all taxing districts to which

1 this Law applies in accordance with paragraph (2) of subsection
2 (e) of Section 18-213 means the annual corporate extension for
3 the taxing district and those special purpose extensions that
4 are made annually for the taxing district, excluding special
5 purpose extensions: (a) made for the taxing district to pay
6 interest or principal on general obligation bonds that were
7 approved by referendum; (b) made for any taxing district to pay
8 interest or principal on general obligation bonds issued before
9 the effective date of this amendatory Act of 1997; (c) made for
10 any taxing district to pay interest or principal on bonds
11 issued to refund or continue to refund those bonds issued
12 before the effective date of this amendatory Act of 1997; (d)
13 made for any taxing district to pay interest or principal on
14 bonds issued to refund or continue to refund bonds issued after
15 the effective date of this amendatory Act of 1997 if the bonds
16 were approved by referendum after the effective date of this
17 amendatory Act of 1997; (e) made for any taxing district to pay
18 interest or principal on revenue bonds issued before the
19 effective date of this amendatory Act of 1997 for payment of
20 which a property tax levy or the full faith and credit of the
21 unit of local government is pledged; however, a tax for the
22 payment of interest or principal on those bonds shall be made
23 only after the governing body of the unit of local government
24 finds that all other sources for payment are insufficient to
25 make those payments; (f) made for payments under a building
26 commission lease when the lease payments are for the retirement

1 of bonds issued by the commission before the effective date of
2 this amendatory Act of 1997 to pay for the building project;
3 (g) made for payments due under installment contracts entered
4 into before the effective date of this amendatory Act of 1997;
5 (h) made for payments of principal and interest on limited
6 bonds, as defined in Section 3 of the Local Government Debt
7 Reform Act, in an amount not to exceed the debt service
8 extension base less the amount in items (b), (c), and (e) of
9 this definition for non-referendum obligations, except
10 obligations initially issued pursuant to referendum; (i) made
11 for payments of principal and interest on bonds issued under
12 Section 15 of the Local Government Debt Reform Act; (j) made
13 for a qualified airport authority to pay interest or principal
14 on general obligation bonds issued for the purpose of paying
15 obligations due under, or financing airport facilities
16 required to be acquired, constructed, installed or equipped
17 pursuant to, contracts entered into before March 1, 1996 (but
18 not including any amendments to such a contract taking effect
19 on or after that date); (k) made to fund expenses of providing
20 joint recreational programs for the handicapped under Section
21 5-8 of the Park District Code or Section 11-95-14 of the
22 Illinois Municipal Code; and (l) made for contributions to a
23 firefighter's pension fund created under Article 4 of the
24 Illinois Pension Code, to the extent of the amount certified
25 under item (5) of Section 4-134 of the Illinois Pension Code.

26 "Debt service extension base" means an amount equal to that

1 portion of the extension for a taxing district for the 1994
2 levy year, or for those taxing districts subject to this Law in
3 accordance with Section 18-213, except for those subject to
4 paragraph (2) of subsection (e) of Section 18-213, for the levy
5 year in which the referendum making this Law applicable to the
6 taxing district is held, or for those taxing districts subject
7 to this Law in accordance with paragraph (2) of subsection (e)
8 of Section 18-213 for the 1996 levy year, constituting an
9 extension for payment of principal and interest on bonds issued
10 by the taxing district without referendum, but not including
11 excluded non-referendum bonds. For park districts (i) that were
12 first subject to this Law in 1991 or 1995 and (ii) whose
13 extension for the 1994 levy year for the payment of principal
14 and interest on bonds issued by the park district without
15 referendum (but not including excluded non-referendum bonds)
16 was less than 51% of the amount for the 1991 levy year
17 constituting an extension for payment of principal and interest
18 on bonds issued by the park district without referendum (but
19 not including excluded non-referendum bonds), "debt service
20 extension base" means an amount equal to that portion of the
21 extension for the 1991 levy year constituting an extension for
22 payment of principal and interest on bonds issued by the park
23 district without referendum (but not including excluded
24 non-referendum bonds). The debt service extension base may be
25 established or increased as provided under Section 18-212.
26 "Excluded non-referendum bonds" means (i) bonds authorized by

1 Public Act 88-503 and issued under Section 20a of the Chicago
2 Park District Act for aquarium and museum projects; (ii) bonds
3 issued under Section 15 of the Local Government Debt Reform
4 Act; or (iii) refunding obligations issued to refund or to
5 continue to refund obligations initially issued pursuant to
6 referendum.

7 "Special purpose extensions" include, but are not limited
8 to, extensions for levies made on an annual basis for
9 unemployment and workers' compensation, self-insurance,
10 contributions to pension plans, and extensions made pursuant to
11 Section 6-601 of the Illinois Highway Code for a road
12 district's permanent road fund whether levied annually or not.
13 The extension for a special service area is not included in the
14 aggregate extension.

15 "Aggregate extension base" means the taxing district's
16 last preceding aggregate extension as adjusted under Sections
17 18-215 through 18-230.

18 "Levy year" has the same meaning as "year" under Section
19 1-155.

20 "New property" means (i) the assessed value, after final
21 board of review or board of appeals action, of new improvements
22 or additions to existing improvements on any parcel of real
23 property that increase the assessed value of that real property
24 during the levy year multiplied by the equalization factor
25 issued by the Department under Section 17-30, (ii) the assessed
26 value, after final board of review or board of appeals action,

1 of real property not exempt from real estate taxation, which
2 real property was exempt from real estate taxation for any
3 portion of the immediately preceding levy year, multiplied by
4 the equalization factor issued by the Department under Section
5 17-30, including the assessed value, upon final stabilization
6 of occupancy after new construction is complete, of any real
7 property located within the boundaries of an otherwise or
8 previously exempt military reservation that is intended for
9 residential use and owned by or leased to a private corporation
10 or other entity, and (iii) in counties that classify in
11 accordance with Section 4 of Article IX of the Illinois
12 Constitution, an incentive property's additional assessed
13 value resulting from a scheduled increase in the level of
14 assessment as applied to the first year final board of review
15 market value. In addition, the county clerk in a county
16 containing a population of 3,000,000 or more shall include in
17 the 1997 recovered tax increment value for any school district,
18 any recovered tax increment value that was applicable to the
19 1995 tax year calculations.

20 "Qualified airport authority" means an airport authority
21 organized under the Airport Authorities Act and located in a
22 county bordering on the State of Wisconsin and having a
23 population in excess of 200,000 and not greater than 500,000.

24 "Recovered tax increment value" means, except as otherwise
25 provided in this paragraph, the amount of the current year's
26 equalized assessed value, in the first year after a

1 municipality terminates the designation of an area as a
2 redevelopment project area previously established under the
3 Tax Increment Allocation Development Act in the Illinois
4 Municipal Code, previously established under the Industrial
5 Jobs Recovery Law in the Illinois Municipal Code, or previously
6 established under the Economic Development Area Tax Increment
7 Allocation Act, of each taxable lot, block, tract, or parcel of
8 real property in the redevelopment project area over and above
9 the initial equalized assessed value of each property in the
10 redevelopment project area. For the taxes which are extended
11 for the 1997 levy year, the recovered tax increment value for a
12 non-home rule taxing district that first became subject to this
13 Law for the 1995 levy year because a majority of its 1994
14 equalized assessed value was in an affected county or counties
15 shall be increased if a municipality terminated the designation
16 of an area in 1993 as a redevelopment project area previously
17 established under the Tax Increment Allocation Development Act
18 in the Illinois Municipal Code, previously established under
19 the Industrial Jobs Recovery Law in the Illinois Municipal
20 Code, or previously established under the Economic Development
21 Area Tax Increment Allocation Act, by an amount equal to the
22 1994 equalized assessed value of each taxable lot, block,
23 tract, or parcel of real property in the redevelopment project
24 area over and above the initial equalized assessed value of
25 each property in the redevelopment project area. In the first
26 year after a municipality removes a taxable lot, block, tract,

1 or parcel of real property from a redevelopment project area
2 established under the Tax Increment Allocation Development Act
3 in the Illinois Municipal Code, the Industrial Jobs Recovery
4 Law in the Illinois Municipal Code, or the Economic Development
5 Area Tax Increment Allocation Act, "recovered tax increment
6 value" means the amount of the current year's equalized
7 assessed value of each taxable lot, block, tract, or parcel of
8 real property removed from the redevelopment project area over
9 and above the initial equalized assessed value of that real
10 property before removal from the redevelopment project area.

11 Except as otherwise provided in this Section, "limiting
12 rate" means a fraction the numerator of which is the last
13 preceding aggregate extension base times an amount equal to one
14 plus the extension limitation defined in this Section and the
15 denominator of which is the current year's equalized assessed
16 value of all real property in the territory under the
17 jurisdiction of the taxing district during the prior levy year.
18 For those taxing districts that reduced their aggregate
19 extension for the last preceding levy year, the highest
20 aggregate extension in any of the last 3 preceding levy years
21 shall be used for the purpose of computing the limiting rate.
22 The denominator shall not include new property or the recovered
23 tax increment value. If a new rate, a rate decrease, or a
24 limiting rate increase has been approved at an election held
25 after March 21, 2006, then (i) the otherwise applicable
26 limiting rate shall be increased by the amount of the new rate

1 or shall be reduced by the amount of the rate decrease, as the
2 case may be, or (ii) in the case of a limiting rate increase,
3 the limiting rate shall be equal to the rate set forth in the
4 proposition approved by the voters for each of the years
5 specified in the proposition, after which the limiting rate of
6 the taxing district shall be calculated as otherwise provided.

7 (Source: P.A. 93-601, eff. 1-1-04; 93-606, eff. 11-18-03;
8 93-612, eff. 11-18-03; 93-689, eff. 7-1-04; 93-690, eff.
9 7-1-04; 93-1049, eff. 11-17-04; 94-974, eff. 6-30-06; 94-976,
10 eff. 6-30-06; revised 8-3-06.)

11 (35 ILCS 200/21-310)

12 Sec. 21-310. Sales in error.

13 (a) When, upon application of the county collector, the
14 owner of the certificate of purchase, or a municipality which
15 owns or has owned the property ordered sold, it appears to the
16 satisfaction of the court which ordered the property sold that
17 any of the following subsections are applicable, the court
18 shall declare the sale to be a sale in error:

19 (1) the property was not subject to taxation, or all or
20 any part of the lien of taxes sold has become null and void
21 pursuant to Section 21-95 or unenforceable pursuant to
22 subsection (c) of Section 18-250 or subsection (b) of
23 Section 22-40,

24 (2) the taxes or special assessments had been paid
25 prior to the sale of the property,

1 (3) there is a double assessment,

2 (4) the description is void for uncertainty,

3 (5) the assessor, chief county assessment officer,
4 board of review, board of appeals, or other county official
5 has made an error (other than an error of judgment as to
6 the value of any property),

7 (5.5) the owner of the homestead property had tendered
8 timely and full payment to the county collector that the
9 owner reasonably believed was due and owing on the
10 homestead property, and the county collector did not apply
11 the payment to the homestead property; provided that this
12 provision applies only to homeowners, not their agents or
13 third-party payors,

14 (6) prior to the tax sale a voluntary or involuntary
15 petition has been filed by or against the legal or
16 beneficial owner of the property requesting relief under
17 the provisions of 11 U.S.C. Chapter 7, 11, 12, or 13,

18 (7) the property is owned by the United States, the
19 State of Illinois, a municipality, or a taxing district, or

20 (8) the owner of the property is a reservist or
21 guardsperson who is granted an extension of his or her due
22 date under Sections 21-15, 21-20, and 21-25 of this Act.

23 (b) When, upon application of the owner of the certificate
24 of purchase only, it appears to the satisfaction of the court
25 which ordered the property sold that any of the following
26 subsections are applicable, the court shall declare the sale to

1 be a sale in error:

2 (1) A voluntary or involuntary petition under the
3 provisions of 11 U.S.C. Chapter 7, 11, 12, or 13 has been
4 filed subsequent to the tax sale and prior to the issuance
5 of the tax deed.

6 (2) The improvements upon the property sold have been
7 substantially destroyed or rendered uninhabitable or
8 otherwise unfit for occupancy subsequent to the tax sale
9 and prior to the issuance of the tax deed.

10 (3) There is an interest held by the United States in
11 the property sold which could not be extinguished by the
12 tax deed.

13 (4) The real property contains a hazardous substance,
14 hazardous waste, or underground storage tank that would
15 require cleanup or other removal under any federal, State,
16 or local law, ordinance, or regulation, only if the tax
17 purchaser purchased the property without actual knowledge
18 of the hazardous substance, hazardous waste, or
19 underground storage tank. This paragraph (4) applies only
20 if the owner of the certificate of purchase has made
21 application for a sale in error at any time before the
22 issuance of a tax deed.

23 (c) When the county collector discovers, prior to the
24 expiration of the period of redemption, that a tax sale should
25 not have occurred for one or more of the reasons set forth in
26 subdivision (a) (1), (a) (2), (a) (6), or (a) (7) of this Section,

1 the county collector shall notify the last known owner of the
2 certificate of purchase by certified and regular mail, or other
3 means reasonably calculated to provide actual notice, that the
4 county collector intends to declare an administrative sale in
5 error and of the reasons therefor, including documentation
6 sufficient to establish the reason why the sale should not have
7 occurred. The owner of the certificate of purchase may object
8 in writing within 28 days after the date of the mailing by the
9 county collector. If an objection is filed, the county
10 collector shall not administratively declare a sale in error,
11 but may apply to the circuit court for a sale in error as
12 provided in subsection (a) of this Section. Thirty days
13 following the receipt of notice by the last known owner of the
14 certificate of purchase, or within a reasonable time
15 thereafter, the county collector shall make a written
16 declaration, based upon clear and convincing evidence, that the
17 taxes were sold in error and shall deliver a copy thereof to
18 the county clerk within 30 days after the date the declaration
19 is made for entry in the tax judgment, sale, redemption, and
20 forfeiture record pursuant to subsection (d) of this Section.
21 The county collector shall promptly notify the last known owner
22 of the certificate of purchase of the declaration by regular
23 mail and shall promptly pay the amount of the tax sale,
24 together with interest and costs as provided in Section 21-315,
25 upon surrender of the original certificate of purchase.

26 (d) If a sale is declared to be a sale in error, the county

1 clerk shall make entry in the tax judgment, sale, redemption
2 and forfeiture record, that the property was erroneously sold,
3 and the county collector shall, on demand of the owner of the
4 certificate of purchase, refund the amount paid, pay any
5 interest and costs as may be ordered under Sections 21-315
6 through 21-335, and cancel the certificate so far as it relates
7 to the property. The county collector shall deduct from the
8 accounts of the appropriate taxing bodies their pro rata
9 amounts paid.

10 (Source: P.A. 94-312, eff. 7-25-05; 94-662, eff. 1-1-06;
11 revised 8-29-05.)

12 (35 ILCS 200/18-101.47 rep.)

13 Section 412. The Property Tax Code is amended by repealing
14 Section 18-101.47 as added by Public Acts 92-855 and 92-884.

15 Section 415. The Simplified Municipal Telecommunications
16 Tax Act is amended by changing Section 5-50 as follows:

17 (35 ILCS 636/5-50)

18 Sec. 5-50. Returns to the Department.

19 (a) Commencing on February 1, 2003, for the tax imposed
20 under subsection (a) of Section 5-20 of this Act, every
21 retailer maintaining a place of business in this State shall,
22 on or before the last day of each month make a return to the
23 Department for the preceding calendar month, stating:

1 (1) Its name;

2 (2) The address of its principal place of business or
3 the address of the principal place of business (if that is
4 a different address) from which it engages in the business
5 of transmitting telecommunications;

6 (3) Total amount of gross charges billed by it during
7 the preceding calendar month for providing
8 telecommunications during the calendar month;

9 (4) Total amount received by it during the preceding
10 calendar month on credit extended;

11 (5) Deductions allowed by law;

12 (6) Gross charges that were billed by it during the
13 preceding calendar month and upon the basis of which the
14 tax is imposed;

15 (7) Amount of tax (computed upon Item 6);

16 (8) The municipalities to which the Department shall
17 remit the taxes and the amount of such remittances;

18 (9) Such other reasonable information as the
19 Department may require.

20 (b) Any retailer required to make payments under this
21 Section may make the payments by electronic funds transfer. The
22 Department shall adopt rules necessary to effectuate a program
23 of electronic funds transfer. Any retailer who has average
24 monthly tax billings due to the Department under this Act and
25 the Telecommunications Excise Tax Act that exceed \$1,000 shall
26 make all payments by electronic funds transfer as required by

1 rules of the Department.

2 (c) If the retailer's average monthly tax billings due to
3 the Department under this Act and the Telecommunications Excise
4 Tax Act do not exceed \$1,000, the Department may authorize such
5 retailer's returns to be filed on a quarter-annual basis, with
6 the return for January, February, and March of a given year
7 being due by April 30th of that year; with the return for
8 April, May, and June of a given year being due by July 31st of
9 that year; with the return for July, August, and September of a
10 given year being due by October 31st of that year; and with the
11 return for October, November, and December of a given year
12 being due by January 31st of the following year.

13 (d) If the retailer is otherwise required to file a monthly
14 or quarterly return and if the retailer's average monthly tax
15 billings due to the Department under this Act and the
16 Telecommunications Excise Tax Act do not exceed \$400, the
17 Department may authorize such retailer's return to be filed on
18 an annual basis, with the return for a given year being due by
19 January 31st of the following year.

20 (e) Each retailer whose average monthly remittance to the
21 Department under this Act and the Telecommunications Excise Tax
22 Act was \$25,000 or more during the preceding calendar year,
23 excluding the month of highest remittance and the month of
24 lowest remittance in such calendar year, and who is not
25 operated by a unit of local government, shall make estimated
26 payments to the Department on or before the 7th, 15th, 22nd,

1 and last day of the month during which the tax remittance is
2 owed to the Department in an amount not less than the lower of
3 either 22.5% of the retailer's actual tax collections for the
4 month or 25% of the retailer's actual tax collections for the
5 same calendar month of the preceding year. The amount of such
6 quarter-monthly payments shall be credited against the final
7 remittance of the retailer's return for that month. Any
8 outstanding credit, approved by the Department, arising from
9 the retailer's overpayment of its final remittance for any
10 month may be applied to reduce the amount of any subsequent
11 quarter-monthly payment or credited against the final
12 remittance of the retailer's return for any subsequent month.
13 If any quarter-monthly payment is not paid at the time or in
14 the amount required by this Section, the retailer shall be
15 liable for penalty and interest on the difference between the
16 minimum amount due as a payment and the amount of such payment
17 actually and timely paid, except insofar as the retailer has
18 previously made payments for that month to the Department or
19 received credits in excess of the minimum payments previously
20 due.

21 (f) Notwithstanding any other provision of this Section
22 containing the time within which a retailer may file his or her
23 return, in the case of any retailer who ceases to engage in a
24 kind of business that makes him or her responsible for filing
25 returns under this Section, the retailer shall file a final
26 return under this Section with the Department not more than one

1 month after discontinuing such business.

2 (g) In making such return, the retailer shall determine the
3 value of any consideration other than money received by it and
4 such retailer shall include the value in its return. Such
5 determination shall be subject to review and revision by the
6 Department in the manner hereinafter provided for the
7 correction of returns.

8 (h) Any retailer who has average monthly tax billings due
9 to the Department under this Act and the Telecommunications
10 Excise Tax Act that exceed \$1,000 shall file the return
11 required by this Section by electronic means as required by
12 rules of the Department.

13 (i) The retailer filing the return herein provided for
14 shall, at the time of filing the return, pay to the Department
15 the amounts due pursuant to this Act. The Department shall
16 immediately pay over to the State Treasurer, ex officio, as
17 trustee, 99.5% of all taxes, penalties, and interest collected
18 hereunder for deposit into the Municipal Telecommunications
19 Fund, which is hereby created. The remaining 0.5% received by
20 the Department pursuant to this Act shall be deposited into the
21 Tax Compliance and Administration Fund and shall be used by the
22 Department, subject to appropriation, to cover the costs of the
23 Department.

24 On or before the 25th day of each calendar month, the
25 Department shall prepare and certify to the Comptroller the
26 disbursement of stated sums of money to be paid to named

1 municipalities from the Municipal Telecommunications Fund for
2 amounts collected during the second preceding calendar month.
3 The named municipalities shall be those municipalities
4 identified by a retailer in such retailer's return as having
5 imposed the tax authorized by the Act. The amount of money to
6 be paid to each municipality shall be the amount (not including
7 credit memoranda) collected hereunder during the second
8 preceding calendar month by the Department, plus an amount the
9 Department determines is necessary to offset any amounts that
10 were erroneously ~~erroneously~~ paid to a different taxing body,
11 and not including an amount equal to the amount of refunds made
12 during the second preceding calendar month by the Department on
13 behalf of such municipality, and not including any amount that
14 the Department determines is necessary to offset any amount
15 that were payable to a different taxing body but were
16 erroneously paid to the municipality. Within 10 days after
17 receipt by the Comptroller of the disbursement certification
18 from the Department, the Comptroller shall cause the orders to
19 be drawn for the respective amounts in accordance with the
20 directions contained in the certification. When certifying to
21 the Comptroller the amount of a monthly disbursement to a
22 municipality under this Section, the Department shall increase
23 or decrease the amount by an amount necessary to offset any
24 misallocation of previous disbursements. The offset amount
25 shall be the amount erroneously disbursed within the previous 6
26 months from the time a misallocation is discovered.

1 (j) For municipalities with populations of less than
2 500,000, whenever the Department determines that a refund shall
3 be made under this Section to a claimant instead of issuing a
4 credit memorandum, the Department shall notify the State
5 Comptroller, who shall cause the order to be drawn for the
6 amount specified and to the person named in the notification
7 from the Department. The refund shall be paid by the State
8 Treasurer out of the Municipal Telecommunications Fund.

9 (Source: P.A. 92-526, eff. 7-1-02; revised 2-17-03.)

10 Section 420. The Uniform Penalty and Interest Act is
11 amended by changing Section 3-2 as follows:

12 (35 ILCS 735/3-2) (from Ch. 120, par. 2603-2)

13 Sec. 3-2. Interest.

14 (a) Interest paid by the Department to taxpayers and
15 interest charged to taxpayers by the Department shall be paid
16 at the annual rate determined by the Department. For periods
17 prior to January 1, 2004, that rate shall be the underpayment
18 rate established under Section 6621 of the Internal Revenue
19 Code. For periods after December 31, 2003, that rate shall be:

20 (1) for the one-year period beginning with the date of
21 underpayment or overpayment, the short-term federal rate
22 established under Section 6621 of the Internal Revenue
23 Code.

24 (2) for any period beginning the day after the one-year

1 period described in paragraph (1) of this subsection (a),
2 the underpayment rate established under Section 6621 of the
3 Internal Revenue Code.

4 (b) The interest rate shall be adjusted on a semiannual
5 basis, on January 1 and July 1, based upon the underpayment
6 rate or short-term federal rate going into effect on that
7 January 1 or July 1 under Section 6621 of the Internal Revenue
8 Code.

9 (c) This subsection (c) is applicable to returns due on and
10 before December 31, 2000. Interest shall be simple interest
11 calculated on a daily basis. Interest shall accrue upon tax and
12 penalty due. If notice and demand is made for the payment of
13 any amount of tax due and if the amount due is paid within 30
14 days after the date of such notice and demand, interest under
15 this Section on the amount so paid shall not be imposed for the
16 period after the date of the notice and demand.

17 (c-5) This subsection (c-5) is applicable to returns due on
18 and after January 1, 2001. Interest shall be simple interest
19 calculated on a daily basis. Interest shall accrue upon tax
20 due. If notice and demand is made for the payment of any amount
21 of tax due and if the amount due is paid within 30 days after
22 the date of the notice and demand, interest under this Section
23 on the amount so paid shall not be imposed for the period after
24 the date of the notice and demand.

25 (d) No interest shall be paid upon any overpayment of tax
26 if the overpayment is refunded or a credit approved within 90

1 days after the last date prescribed for filing the original
2 return, or within 90 days of the receipt of the processable
3 return, or within 90 days after the date of overpayment,
4 whichever date is latest, as determined without regard to
5 processing time by the Comptroller or without regard to the
6 date on which the credit is applied to the taxpayer's account.
7 In order for an original return to be processable for purposes
8 of this Section, it must be in the form prescribed or approved
9 by the Department, signed by the person authorized by law, and
10 contain all information, schedules, and support documents
11 necessary to determine the tax due and to make allocations of
12 tax as prescribed by law. For the purposes of computing
13 interest, a return shall be deemed to be processable unless the
14 Department notifies the taxpayer that the return is not
15 processable within 90 days after the receipt of the return;
16 however, interest shall not accumulate for the period following
17 this date of notice. Interest on amounts refunded or credited
18 pursuant to the filing of an amended return or claim for refund
19 shall be determined from the due date of the original return or
20 the date of overpayment, whichever is later, to the date of
21 payment by the Department without regard to processing time by
22 the Comptroller or the date of credit by the Department or
23 without regard to the date on which the credit is applied to
24 the taxpayer's account. If a claim for refund relates to an
25 overpayment attributable to a net loss carryback as provided by
26 Section 207 of the Illinois Income Tax Act, the date of

1 overpayment shall be the last day of the taxable year in which
2 the loss was incurred.

3 (e) Interest on erroneous refunds. Any portion of the tax
4 imposed by an Act to which this Act is applicable or any
5 interest or penalty which has been erroneously refunded and
6 which is recoverable by the Department shall bear interest from
7 the date of payment of the refund. However, no interest will be
8 charged if the erroneous refund is for an amount less than \$500
9 and is due to a mistake of the Department.

10 (f) If a taxpayer has a tax liability that is eligible for
11 amnesty under the Tax Delinquency Amnesty Act and the taxpayer
12 fails to satisfy the tax liability during the amnesty period
13 provided for in that Act, then the interest charged by the
14 Department under this Section shall be imposed at a rate that
15 is 200% of the rate that would otherwise be imposed under this
16 Section.

17 (Source: P.A. 93-26, eff. 6-20-03; 93-32, eff. 6-20-03; revised
18 8-1-03.)

19 Section 425. The Illinois Pension Code is amended by
20 changing Sections 2-134 and 8-138 and the heading of Article 9
21 and Section 11-134 and the heading of Article 13 and Sections
22 14-103.04, 15-155, 16-150, 16-158, 16-165, and 16-182 as
23 follows:

24 (40 ILCS 5/2-134) (from Ch. 108 1/2, par. 2-134)

1 Sec. 2-134. To certify required State contributions and
2 submit vouchers.

3 (a) The Board shall certify to the Governor on or before
4 December 15 of each year the amount of the required State
5 contribution to the System for the next fiscal year. The
6 certification shall include a copy of the actuarial
7 recommendations upon which it is based.

8 On or before May 1, 2004, the Board shall recalculate and
9 recertify to the Governor the amount of the required State
10 contribution to the System for State fiscal year 2005, taking
11 into account the amounts appropriated to and received by the
12 System under subsection (d) of Section 7.2 of the General
13 Obligation Bond Act.

14 On or before July 1, 2005, the Board shall recalculate and
15 recertify to the Governor the amount of the required State
16 contribution to the System for State fiscal year 2006, taking
17 into account the changes in required State contributions made
18 by this amendatory Act of the 94th General Assembly.

19 (b) Beginning in State fiscal year 1996, on or as soon as
20 possible after the 15th day of each month the Board shall
21 submit vouchers for payment of State contributions to the
22 System, in a total monthly amount of one-twelfth of the
23 required annual State contribution certified under subsection
24 (a). From the effective date of this amendatory Act of the 93rd
25 General Assembly through June 30, 2004, the Board shall not
26 submit vouchers for the remainder of fiscal year 2004 in excess

1 of the fiscal year 2004 certified contribution amount
2 determined under this Section after taking into consideration
3 the transfer to the System under subsection (d) of Section
4 6z-61 of the State Finance Act. These vouchers shall be paid by
5 the State Comptroller and Treasurer by warrants drawn on the
6 funds appropriated to the System for that fiscal year. If in
7 any month the amount remaining unexpended from all other
8 appropriations to the System for the applicable fiscal year
9 (including the appropriations to the System under Section 8.12
10 of the State Finance Act and Section 1 of the State Pension
11 Funds Continuing Appropriation Act) is less than the amount
12 lawfully vouchered under this Section, the difference shall be
13 paid from the General Revenue Fund under the continuing
14 appropriation authority provided in Section 1.1 of the State
15 Pension Funds Continuing Appropriation Act.

16 (c) The full amount of any annual appropriation for the
17 System for State fiscal year 1995 shall be transferred and made
18 available to the System at the beginning of that fiscal year at
19 the request of the Board. Any excess funds remaining at the end
20 of any fiscal year from appropriations shall be retained by the
21 System as a general reserve to meet the System's accrued
22 liabilities.

23 (Source: P.A. 93-2, eff. 4-7-03; 93-665, eff. 3-5-04; 94-4,
24 eff. 6-1-05; 94-536, eff. 8-10-05; revised 8-19-05.)

25 (40 ILCS 5/8-138) (from Ch. 108 1/2, par. 8-138)

1 Sec. 8-138. Minimum annuities - Additional provisions.

2 (a) An employee who withdraws after age 65 or more with at
3 least 20 years of service, for whom the amount of age and
4 service and prior service annuity combined is less than the
5 amount stated in this Section, shall from the date of
6 withdrawal, instead of all annuities otherwise provided, be
7 entitled to receive an annuity for life of \$150 a year, plus 1
8 1/2% for each year of service, to and including 20 years, and 1
9 2/3% for each year of service over 20 years, of his highest
10 average annual salary for any 4 consecutive years within the
11 last 10 years of service immediately preceding the date of
12 withdrawal.

13 An employee who withdraws after 20 or more years of
14 service, before age 65, shall be entitled to such annuity, to
15 begin not earlier than upon attained age of 55 years if under
16 such age at withdrawal, reduced by 2% for each full year or
17 fractional part thereof that his attained age is less than 65,
18 plus an additional 2% reduction for each full year or
19 fractional part thereof that his attained age when annuity is
20 to begin is less than 60 so that the total reduction at age 55
21 shall be 30%.

22 (b) An employee who withdraws after July 1, 1957, at age 60
23 or over, with 20 or more years of service, for whom the age and
24 service and prior service annuity combined, is less than the
25 amount stated in this paragraph, shall, from the date of
26 withdrawal, instead of such annuities, be entitled to receive

1 an annuity for life equal to 1 2/3% for each year of service,
2 of the highest average annual salary for any 5 consecutive
3 years within the last 10 years of service immediately preceding
4 the date of withdrawal; provided, that in the case of any
5 employee who withdraws on or after July 1, 1971, such employee
6 age 60 or over with 20 or more years of service, shall receive
7 an annuity for life equal to 1.67% for each of the first 10
8 years of service; 1.90% for each of the next 10 years of
9 service; 2.10% for each year of service in excess of 20 but not
10 exceeding 30; and 2.30% for each year of service in excess of
11 30, based on the highest average annual salary for any 4
12 consecutive years within the last 10 years of service
13 immediately preceding the date of withdrawal.

14 An employee who withdraws after July 1, 1957 and before
15 January 1, 1988, with 20 or more years of service, before age
16 60 years is entitled to annuity, to begin not earlier than upon
17 attained age of 55 years, if under such age at withdrawal, as
18 computed in the last preceding paragraph, reduced 0.25% for
19 each full month or fractional part thereof that his attained
20 age when annuity is to begin is less than 60 if the employee
21 was born before January 1, 1936, or 0.5% for each such month if
22 the employee was born on or after January 1, 1936.

23 Any employee born before January 1, 1936, who withdraws
24 with 20 or more years of service, and any employee with 20 or
25 more years of service who withdraws on or after January 1,
26 1988, may elect to receive, in lieu of any other employee

1 annuity provided in this Section, an annuity for life equal to
2 1.80% for each of the first 10 years of service, 2.00% for each
3 of the next 10 years of service, 2.20% for each year of service
4 in excess of 20 but not exceeding 30, and 2.40% for each year
5 of service in excess of 30, of the highest average annual
6 salary for any 4 consecutive years within the last 10 years of
7 service immediately preceding the date of withdrawal, to begin
8 not earlier than upon attained age of 55 years, if under such
9 age at withdrawal, reduced 0.25% for each full month or
10 fractional part thereof that his attained age when annuity is
11 to begin is less than 60; except that an employee retiring on
12 or after January 1, 1988, at age 55 or over but less than age
13 60, having at least 35 years of service, or an employee
14 retiring on or after July 1, 1990, at age 55 or over but less
15 than age 60, having at least 30 years of service, or an
16 employee retiring on or after the effective date of this
17 amendatory Act of 1997, at age 55 or over but less than age 60,
18 having at least 25 years of service, shall not be subject to
19 the reduction in retirement annuity because of retirement below
20 age 60.

21 However, in the case of an employee who retired on or after
22 January 1, 1985 but before January 1, 1988, at age 55 or older
23 and with at least 35 years of service, and who was subject
24 under this subsection (b) to the reduction in retirement
25 annuity because of retirement below age 60, that reduction
26 shall cease to be effective January 1, 1991, and the retirement

1 annuity shall be recalculated accordingly.

2 Any employee who withdraws on or after July 1, 1990, with
3 20 or more years of service, may elect to receive, in lieu of
4 any other employee annuity provided in this Section, an annuity
5 for life equal to 2.20% for each year of service if withdrawal
6 is before January 1, 2002, ~~60 days after the effective date of~~
7 ~~this amendatory Act of the 92nd General Assembly,~~ or 2.40% for
8 each year of service if withdrawal is on or after January 1,
9 2002, ~~60 days after the effective date of this amendatory Act~~
10 ~~of the 92nd General Assembly or later,~~ of the highest average
11 annual salary for any 4 consecutive years within the last 10
12 years of service immediately preceding the date of withdrawal,
13 to begin not earlier than upon attained age of 55 years, if
14 under such age at withdrawal, reduced 0.25% for each full month
15 or fractional part thereof that his attained age when annuity
16 is to begin is less than 60; except that an employee retiring
17 at age 55 or over but less than age 60, having at least 30 years
18 of service, shall not be subject to the reduction in retirement
19 annuity because of retirement below age 60.

20 Any employee who withdraws on or after the effective date
21 of this amendatory Act of 1997 with 20 or more years of service
22 may elect to receive, in lieu of any other employee annuity
23 provided in this Section, an annuity for life equal to 2.20%
24 for each year of service, if withdrawal is before January 1,
25 2002, ~~60 days after the effective date of this amendatory Act~~
26 ~~of the 92nd General Assembly,~~ or 2.40% for each year of service

1 if withdrawal is on or after January 1, 2002, ~~60 days after the~~
2 ~~effective date of this amendatory Act of the 92nd General~~
3 ~~Assembly or later,~~ of the highest average annual salary for any
4 consecutive years within the last 10 years of service
5 immediately preceding the date of withdrawal, to begin not
6 earlier than upon attainment of age 55 (age 50 if the employee
7 has at least 30 years of service), reduced 0.25% for each full
8 month or remaining fractional part thereof that the employee's
9 attained age when annuity is to begin is less than 60; except
10 that an employee retiring at age 50 or over with at least 30
11 years of service or at age 55 or over with at least 25 years of
12 service shall not be subject to the reduction in retirement
13 annuity because of retirement below age 60.

14 The maximum annuity payable under part (a) and (b) of this
15 Section shall not exceed 70% of highest average annual salary
16 in the case of an employee who withdraws prior to July 1, 1971,
17 75% if withdrawal takes place on or after July 1, 1971 and
18 prior to January 1, 2002, ~~60 days after the effective date of~~
19 ~~this amendatory Act of the 92nd General Assembly,~~ or 80% if
20 withdrawal takes place on or after January 1, 2002 ~~is 60 days~~
21 ~~after the effective date of this amendatory Act of the 92nd~~
22 ~~General Assembly or later.~~ For the purpose of the minimum
23 annuity provided in this Section \$1,500 is considered the
24 minimum annual salary for any year; and the maximum annual
25 salary for the computation of such annuity is \$4,800 for any
26 year before 1953, \$6000 for the years 1953 to 1956, inclusive,

1 and the actual annual salary, as salary is defined in this
2 Article, for any year thereafter.

3 To preserve rights existing on December 31, 1959, for
4 participants and contributors on that date to the fund created
5 by the Court and Law Department Employees' Annuity Act, who
6 became participants in the fund provided for on January 1,
7 1960, the maximum annual salary to be considered for such
8 persons for the years 1955 and 1956 is \$7,500.

9 (c) For an employee receiving disability benefit, his
10 salary for annuity purposes under paragraphs (a) and (b) of
11 this Section, for all periods of disability benefit subsequent
12 to the year 1956, is the amount on which his disability benefit
13 was based.

14 (d) An employee with 20 or more years of service, whose
15 entire disability benefit credit period expires before
16 attainment of age 55 while still disabled for service, is
17 entitled upon withdrawal to the larger of (1) the minimum
18 annuity provided above, assuming he is then age 55, and
19 reducing such annuity to its actuarial equivalent as of his
20 attained age on such date or (2) the annuity provided from his
21 age and service and prior service annuity credits.

22 (e) The minimum annuity provisions do not apply to any
23 former municipal employee receiving an annuity from the fund
24 who re-enters service as a municipal employee, unless he
25 renders at least 3 years of additional service after the date
26 of re-entry.

1 (f) An employee in service on July 1, 1947, or who became a
2 contributor after July 1, 1947 and before attainment of age 70,
3 who withdraws after age 65, with less than 20 years of service
4 for whom the annuity has been fixed under this Article shall,
5 instead of the annuity so fixed, receive an annuity as follows:

6 Such amount as he could have received had the accumulated
7 amounts for annuity been improved with interest at the
8 effective rate to the date of his withdrawal, or to attainment
9 of age 70, whichever is earlier, and had the city contributed
10 to such earlier date for age and service annuity the amount
11 that it would have contributed had he been under age 65, after
12 the date his annuity was fixed in accordance with this Article,
13 and assuming his annuity were computed from such accumulations
14 as of his age on such earlier date. The annuity so computed
15 shall not exceed the annuity which would be payable under the
16 other provisions of this Section if the employee was credited
17 with 20 years of service and would qualify for annuity
18 thereunder.

19 (g) Instead of the annuity provided in this Article, an
20 employee having attained age 65 with at least 15 years of
21 service who withdraws from service on or after July 1, 1971 and
22 whose annuity computed under other provisions of this Article
23 is less than the amount provided under this paragraph, is
24 entitled to a minimum annuity for life equal to 1% of the
25 highest average annual salary, as salary is defined and limited
26 in this Section for any 4 consecutive years within the last 10

1 years of service for each year of service, plus the sum of \$25
2 for each year of service. The annuity shall not exceed 60% of
3 such highest average annual salary.

4 (g-1) Instead of any other retirement annuity provided in
5 this Article, an employee who has at least 10 years of service
6 and withdraws from service on or after January 1, 1999 may
7 elect to receive a retirement annuity for life, beginning no
8 earlier than upon attainment of age 60, equal to 2.2% if
9 withdrawal is before January 1, 2002, ~~60 days after the~~
10 ~~effective date of this amendatory Act of the 92nd General~~
11 ~~Assembly~~ or 2.4% if withdrawal is on or after January 1, 2002,
12 ~~60 days after the effective date of this amendatory Act of the~~
13 ~~92nd General Assembly or later,~~ of final average salary for
14 each year of service, subject to a maximum of 75% of final
15 average salary if withdrawal is before January 1, 2002, or 80%
16 if withdrawal is on or after January 1, 2002. For the purpose
17 of calculating this annuity, "final average salary" means the
18 highest average annual salary for any 4 consecutive years in
19 the last 10 years of service.

20 (h) The minimum annuities provided under this Section shall
21 be paid in equal monthly installments.

22 (i) The amendatory provisions of part (b) and (g) of this
23 Section shall be effective July 1, 1971 and apply in the case
24 of every qualifying employee withdrawing on or after July 1,
25 1971.

26 (j) The amendatory provisions of this amendatory Act of

1 1985 (P.A. 84-23) relating to the discount of annuity because
2 of retirement prior to attainment of age 60, and to the
3 retirement formula, for those born before January 1, 1936,
4 shall apply only to qualifying employees withdrawing on or
5 after July 18, 1985.

6 (j-1) The changes made to this Section by Public Act 92-609
7 ~~this amendatory Act of the 92nd General Assembly~~ (increasing
8 the retirement formula to 2.4% per year of service and
9 increasing the maximum to 80%) apply to persons who withdraw
10 from service on or after January 1, 2002, regardless of whether
11 that withdrawal takes place before the effective date of that
12 ~~this amendatory~~ Act. In the case of a person who withdraws from
13 service on or after January 1, 2002 but begins to receive a
14 retirement annuity before July 1, 2002 ~~the effective date of~~
15 ~~this amendatory Act~~, the annuity shall be recalculated, with
16 the increase resulting from Public ~~this amendatory~~ Act 92-609
17 accruing from the date the retirement annuity began. The
18 changes made by Public Act 92-609 control over the changes made
19 by Public Act 92-599, as provided in Section 95 of P.A. 92-609.

20 (k) Beginning on January 1, 1999, the minimum amount of
21 employee's annuity shall be \$850 per month for life for the
22 following classes of employees, without regard to the fact that
23 withdrawal occurred prior to the effective date of this
24 amendatory Act of 1998:

25 (1) any employee annuitant alive and receiving a life
26 annuity on the effective date of this amendatory Act of

1 1998, except a reciprocal annuity;

2 (2) any employee annuitant alive and receiving a term
3 annuity on the effective date of this amendatory Act of
4 1998, except a reciprocal annuity;

5 (3) any employee annuitant alive and receiving a
6 reciprocal annuity on the effective date of this amendatory
7 Act of 1998, whose service in this fund is at least 5
8 years;

9 (4) any employee annuitant withdrawing after age 60 on
10 or after the effective date of this amendatory Act of 1998,
11 with at least 10 years of service in this fund.

12 The increases granted under items (1), (2) and (3) of this
13 subsection (k) shall not be limited by any other Section of
14 this Act.

15 (Source: P.A. 92-599, eff. 6-28-02; 92-609, eff. 7-1-02;
16 revised 9-11-02.)

17 (40 ILCS 5/Art. 9 heading)

18 ARTICLE 9. COUNTY EMPLOYEES' AND OFFICERS'

19 ANNUITY AND BENEFIT FUND - COUNTIES OVER

20 3,000,000 ~~500,000~~ INHABITANTS

21 (40 ILCS 5/11-134) (from Ch. 108 1/2, par. 11-134)

22 Sec. 11-134. Minimum annuities.

23 (a) An employee whose withdrawal occurs after July 1, 1957
24 at age 60 or over, with 20 or more years of service, (as

1 service is defined or computed in Section 11-216), for whom the
2 age and service and prior service annuity combined is less than
3 the amount stated in this Section, shall, from and after the
4 date of withdrawal, in lieu of all annuities otherwise provided
5 in this Article, be entitled to receive an annuity for life of
6 an amount equal to 1 2/3% for each year of service, of the
7 highest average annual salary for any 5 consecutive years
8 within the last 10 years of service immediately preceding the
9 date of withdrawal; provided, that in the case of any employee
10 who withdraws on or after July 1, 1971, such employee age 60 or
11 over with 20 or more years of service, shall be entitled to
12 instead receive an annuity for life equal to 1.67% for each of
13 the first 10 years of service; 1.90% for each of the next 10
14 years of service; 2.10% for each year of service in excess of
15 20 but not exceeding 30; and 2.30% for each year of service in
16 excess of 30, based on the highest average annual salary for
17 any 4 consecutive years within the last 10 years of service
18 immediately preceding the date of withdrawal.

19 An employee who withdraws after July 1, 1957 and before
20 January 1, 1988, with 20 or more years of service, before age
21 60, shall be entitled to an annuity, to begin not earlier than
22 age 55, if under such age at withdrawal, as computed in the
23 last preceding paragraph, reduced 0.25% if the employee was
24 born before January 1, 1936, or 0.5% if the employee was born
25 on or after January 1, 1936, for each full month or fractional
26 part thereof that his attained age when such annuity is to

1 begin is less than 60.

2 Any employee born before January 1, 1936 who withdraws with
3 20 or more years of service, and any employee with 20 or more
4 years of service who withdraws on or after January 1, 1988, may
5 elect to receive, in lieu of any other employee annuity
6 provided in this Section, an annuity for life equal to 1.80%
7 for each of the first 10 years of service, 2.00% for each of
8 the next 10 years of service, 2.20% for each year of service in
9 excess of 20, but not exceeding 30, and 2.40% for each year of
10 service in excess of 30, of the highest average annual salary
11 for any 4 consecutive years within the last 10 years of service
12 immediately preceding the date of withdrawal, to begin not
13 earlier than upon attained age of 55 years, if under such age
14 at withdrawal, reduced 0.25% for each full month or fractional
15 part thereof that his attained age when annuity is to begin is
16 less than 60; except that an employee retiring on or after
17 January 1, 1988, at age 55 or over but less than age 60, having
18 at least 35 years of service, or an employee retiring on or
19 after July 1, 1990, at age 55 or over but less than age 60,
20 having at least 30 years of service, or an employee retiring on
21 or after the effective date of this amendatory Act of 1997, at
22 age 55 or over but less than age 60, having at least 25 years of
23 service, shall not be subject to the reduction in retirement
24 annuity because of retirement below age 60.

25 However, in the case of an employee who retired on or after
26 January 1, 1985 but before January 1, 1988, at age 55 or older

1 and with at least 35 years of service, and who was subject
2 under this subsection (a) to the reduction in retirement
3 annuity because of retirement below age 60, that reduction
4 shall cease to be effective January 1, 1991, and the retirement
5 annuity shall be recalculated accordingly.

6 Any employee who withdraws on or after July 1, 1990, with
7 20 or more years of service, may elect to receive, in lieu of
8 any other employee annuity provided in this Section, an annuity
9 for life equal to 2.20% for each year of service if withdrawal
10 is before January 1, 2002, ~~60 days after the effective date of~~
11 ~~this amendatory Act of the 92nd General Assembly,~~ or 2.40% for
12 each year of service if withdrawal is on or after January 1,
13 2002, ~~60 days after the effective date of this amendatory Act~~
14 ~~of the 92nd General Assembly or later,~~ of the highest average
15 annual salary for any 4 consecutive years within the last 10
16 years of service immediately preceding the date of withdrawal,
17 to begin not earlier than upon attained age of 55 years, if
18 under such age at withdrawal, reduced 0.25% for each full month
19 or fractional part thereof that his attained age when annuity
20 is to begin is less than 60; except that an employee retiring
21 at age 55 or over but less than age 60, having at least 30 years
22 of service, shall not be subject to the reduction in retirement
23 annuity because of retirement below age 60.

24 Any employee who withdraws on or after the effective date
25 of this amendatory Act of 1997 with 20 or more years of service
26 may elect to receive, in lieu of any other employee annuity

1 provided in this Section, an annuity for life equal to 2.20%
2 for each year of service if withdrawal is before January 1,
3 2002, ~~60 days after the effective date of this amendatory Act~~
4 ~~of the 92nd General Assembly,~~ or 2.40% for each year of service
5 if withdrawal is on or after January 1, 2002, ~~60 days after the~~
6 ~~effective date of this amendatory Act of the 92nd General~~
7 ~~Assembly or later,~~ of the highest average annual salary for any
8 4 consecutive years within the last 10 years of service
9 immediately preceding the date of withdrawal, to begin not
10 earlier than upon attainment of age 55 (age 50 if the employee
11 has at least 30 years of service), reduced 0.25% for each full
12 month or remaining fractional part thereof that the employee's
13 attained age when annuity is to begin is less than 60; except
14 that an employee retiring at age 50 or over with at least 30
15 years of service or at age 55 or over with at least 25 years of
16 service shall not be subject to the reduction in retirement
17 annuity because of retirement below age 60.

18 The maximum annuity payable under this paragraph (a) of
19 this Section shall not exceed 70% of highest average annual
20 salary in the case of an employee who withdraws prior to July
21 1, 1971, 75% if withdrawal takes place on or after July 1, 1971
22 and prior to January 1, 2002, ~~60 days after the effective date~~
23 ~~of this amendatory Act of the 92nd General Assembly,~~ or 80% if
24 withdrawal is on or after January 1, 2002 ~~60 days after the~~
25 ~~effective date of this amendatory Act of the 92nd General~~
26 ~~Assembly or later.~~ For the purpose of the minimum annuity

1 provided in said paragraphs \$1,500 shall be considered the
2 minimum annual salary for any year; and the maximum annual
3 salary to be considered for the computation of such annuity
4 shall be \$4,800 for any year prior to 1953, \$6,000 for the
5 years 1953 to 1956, inclusive, and the actual annual salary, as
6 salary is defined in this Article, for any year thereafter.

7 (b) For an employee receiving disability benefit, his
8 salary for annuity purposes under this Section shall, for all
9 periods of disability benefit subsequent to the year 1956, be
10 the amount on which his disability benefit was based.

11 (c) An employee with 20 or more years of service, whose
12 entire disability benefit credit period expires prior to
13 attainment of age 55 while still disabled for service, shall be
14 entitled upon withdrawal to the larger of (1) the minimum
15 annuity provided above assuming that he is then age 55, and
16 reducing such annuity to its actuarial equivalent at his
17 attained age on such date, or (2) the annuity provided from his
18 age and service and prior service annuity credits.

19 (d) The minimum annuity provisions as aforesaid shall not
20 apply to any former employee receiving an annuity from the
21 fund, and who re-enters service as an employee, unless he
22 renders at least 3 years of additional service after the date
23 of re-entry.

24 (e) An employee in service on July 1, 1947, or who became a
25 contributor after July 1, 1947 and prior to July 1, 1950, or
26 who shall become a contributor to the fund after July 1, 1950

1 prior to attainment of age 70, who withdraws after age 65 with
2 less than 20 years of service, for whom the annuity has been
3 fixed under the foregoing Sections of this Article shall, in
4 lieu of the annuity so fixed, receive an annuity as follows:

5 Such amount as he could have received had the accumulated
6 amounts for annuity been improved with interest at the
7 effective rate to the date of his withdrawal, or to attainment
8 of age 70, whichever is earlier, and had the city contributed
9 to such earlier date for age and service annuity the amount
10 that would have been contributed had he been under age 65,
11 after the date his annuity was fixed in accordance with this
12 Article, and assuming his annuity were computed from such
13 accumulations as of his age on such earlier date. The annuity
14 so computed shall not exceed the annuity which would be payable
15 under the other provisions of this Section if the employee was
16 credited with 20 years of service and would qualify for annuity
17 thereunder.

18 (f) In lieu of the annuity provided in this or in any other
19 Section of this Article, an employee having attained age 65
20 with at least 15 years of service who withdraws from service on
21 or after July 1, 1971 and whose annuity computed under other
22 provisions of this Article is less than the amount provided
23 under this paragraph shall be entitled to receive a minimum
24 annual annuity for life equal to 1% of the highest average
25 annual salary for any 4 consecutive years within the last 10
26 years of service immediately preceding retirement for each year

1 of his service plus the sum of \$25 for each year of service.
2 Such annual annuity shall not exceed the maximum percentages
3 stated under paragraph (a) of this Section of such highest
4 average annual salary.

5 (f-1) Instead of any other retirement annuity provided in
6 this Article, an employee who has at least 10 years of service
7 and withdraws from service on or after January 1, 1999 may
8 elect to receive a retirement annuity for life, beginning no
9 earlier than upon attainment of age 60, equal to 2.2% if
10 withdrawal is before January 1, 2002, ~~60 days after the~~
11 ~~effective date of this amendatory Act of the 92nd General~~
12 ~~Assembly~~ or 2.4% for each year of service if withdrawal is on
13 or after January 1, 2002, ~~60 days after the effective date of~~
14 ~~this amendatory Act of the 92nd General Assembly or later,~~ of
15 final average salary for each year of service, subject to a
16 maximum of 75% of final average salary if withdrawal is before
17 January 1, 2002, ~~60 days after the effective date of this~~
18 ~~amendatory Act of the 92nd General Assembly,~~ or 80% if
19 withdrawal is on or after January 1, 2002 ~~60 days after the~~
20 ~~effective date of this amendatory Act of the 92nd General~~
21 ~~Assembly or later.~~ For the purpose of calculating this annuity,
22 "final average salary" means the highest average annual salary
23 for any 4 consecutive years in the last 10 years of service.

24 (g) Any annuity payable under the preceding subsections of
25 this Section 11-134 shall be paid in equal monthly
26 installments.

1 (h) The amendatory provisions of part (a) and (f) of this
2 Section shall be effective July 1, 1971 and apply in the case
3 of every qualifying employee withdrawing on or after July 1,
4 1971.

5 (h-1) The changes made to this Section by Public Act 92-609
6 ~~this amendatory Act of the 92nd General Assembly~~ (increasing
7 the retirement formula to 2.4% per year of service and
8 increasing the maximum to 80%) apply to persons who withdraw
9 from service on or after January 1, 2002, regardless of whether
10 that withdrawal takes place before the effective date of that
11 ~~this amendatory~~ Act. In the case of a person who withdraws from
12 service on or after January 1, 2002 but begins to receive a
13 retirement annuity before July 1, 2002 ~~the effective date of~~
14 ~~this amendatory Act~~, the annuity shall be recalculated, with
15 the increase resulting from Public ~~this amendatory~~ Act 92-609
16 accruing from the date the retirement annuity began. The
17 changes made by Public Act 92-609 control over the changes made
18 by Public Act 92-599, as provided in Section 95 of P.A. 92-609.

19 (i) The amendatory provisions of this amendatory Act of
20 1985 relating to the discount of annuity because of retirement
21 prior to attainment of age 60 and increasing the retirement
22 formula for those born before January 1, 1936, shall apply only
23 to qualifying employees withdrawing on or after August 16,
24 1985.

25 (j) Beginning on January 1, 1999, the minimum amount of
26 employee's annuity shall be \$850 per month for life for the

1 following classes of employees, without regard to the fact that
2 withdrawal occurred prior to the effective date of this
3 amendatory Act of 1998:

4 (1) any employee annuitant alive and receiving a life
5 annuity on the effective date of this amendatory Act of
6 1998, except a reciprocal annuity;

7 (2) any employee annuitant alive and receiving a term
8 annuity on the effective date of this amendatory Act of
9 1998, except a reciprocal annuity;

10 (3) any employee annuitant alive and receiving a
11 reciprocal annuity on the effective date of this amendatory
12 Act of 1998, whose service in this fund is at least 5
13 years;

14 (4) any employee annuitant withdrawing after age 60 on
15 or after the effective date of this amendatory Act of 1998,
16 with at least 10 years of service in this fund.

17 The increases granted under items (1), (2) and (3) of this
18 subsection (j) shall not be limited by any other Section of
19 this Act.

20 (Source: P.A. 92-599, eff. 6-28-02; 92-609, eff. 7-1-02;
21 revised 9-11-02.)

22 (40 ILCS 5/Art. 13 heading)

23 ARTICLE 13. METROPOLITAN WATER RECLAMATION

24 DISTRICT RETIREMENT FUND ~~SANITARY DISTRICT~~

25 ~~EMPLOYEE'S AND TRUSTEES' ANNUITY AND BENEFIT FUND~~

1 (40 ILCS 5/14-103.04) (from Ch. 108 1/2, par. 14-103.04)

2 Sec. 14-103.04. Department. "Department": Any department,
3 institution, board, commission, officer, court, or any agency
4 of the State having power to certify payrolls to the State
5 Comptroller authorizing payments of salary or wages against
6 State appropriations, or against trust funds held by the State
7 Treasurer, except those departments included under the term
8 "employer" in the State Universities Retirement System.
9 "Department" includes the Illinois Finance Authority.
10 "Department" also includes the Illinois Comprehensive Health
11 Insurance Board ~~and the Illinois Finance Authority.~~

12 (Source: P.A. 93-205 (Sections 890-11 and 890-44), eff. 1-1-04;
13 revised 9-23-03.)

14 (40 ILCS 5/15-155) (from Ch. 108 1/2, par. 15-155)

15 Sec. 15-155. Employer contributions.

16 (a) The State of Illinois shall make contributions by
17 appropriations of amounts which, together with the other
18 employer contributions from trust, federal, and other funds,
19 employee contributions, income from investments, and other
20 income of this System, will be sufficient to meet the cost of
21 maintaining and administering the System on a 90% funded basis
22 in accordance with actuarial recommendations.

23 The Board shall determine the amount of State contributions
24 required for each fiscal year on the basis of the actuarial

1 tables and other assumptions adopted by the Board and the
2 recommendations of the actuary, using the formula in subsection
3 (a-1).

4 (a-1) For State fiscal years 2011 through 2045, the minimum
5 contribution to the System to be made by the State for each
6 fiscal year shall be an amount determined by the System to be
7 sufficient to bring the total assets of the System up to 90% of
8 the total actuarial liabilities of the System by the end of
9 State fiscal year 2045. In making these determinations, the
10 required State contribution shall be calculated each year as a
11 level percentage of payroll over the years remaining to and
12 including fiscal year 2045 and shall be determined under the
13 projected unit credit actuarial cost method.

14 For State fiscal years 1996 through 2005, the State
15 contribution to the System, as a percentage of the applicable
16 employee payroll, shall be increased in equal annual increments
17 so that by State fiscal year 2011, the State is contributing at
18 the rate required under this Section.

19 Notwithstanding any other provision of this Article, the
20 total required State contribution for State fiscal year 2006 is
21 \$166,641,900.

22 Notwithstanding any other provision of this Article, the
23 total required State contribution for State fiscal year 2007 is
24 \$252,064,100.

25 For each of State fiscal years 2008 through 2010, the State
26 contribution to the System, as a percentage of the applicable

1 employee payroll, shall be increased in equal annual increments
2 from the required State contribution for State fiscal year
3 2007, so that by State fiscal year 2011, the State is
4 contributing at the rate otherwise required under this Section.

5 Beginning in State fiscal year 2046, the minimum State
6 contribution for each fiscal year shall be the amount needed to
7 maintain the total assets of the System at 90% of the total
8 actuarial liabilities of the System.

9 Amounts received by the System pursuant to Section 25 of
10 the Budget Stabilization Act in any fiscal year do not reduce
11 and do not constitute payment of any portion of the minimum
12 State contribution required under this Article in that fiscal
13 year. Such amounts shall not reduce, and shall not be included
14 in the calculation of, the required State contributions under
15 this Article in any future year until the System has reached a
16 funding ratio of at least 90%. A reference in this Article to
17 the "required State contribution" or any substantially similar
18 term does not include or apply to any amounts payable to the
19 System under Section 25 of the Budget Stabilization Act.

20 Notwithstanding any other provision of this Section, the
21 required State contribution for State fiscal year 2005 and for
22 fiscal year 2008 and each fiscal year thereafter, as calculated
23 under this Section and certified under Section 15-165, shall
24 not exceed an amount equal to (i) the amount of the required
25 State contribution that would have been calculated under this
26 Section for that fiscal year if the System had not received any

1 payments under subsection (d) of Section 7.2 of the General
2 Obligation Bond Act, minus (ii) the portion of the State's
3 total debt service payments for that fiscal year on the bonds
4 issued for the purposes of that Section 7.2, as determined and
5 certified by the Comptroller, that is the same as the System's
6 portion of the total moneys distributed under subsection (d) of
7 Section 7.2 of the General Obligation Bond Act. In determining
8 this maximum for State fiscal years 2008 through 2010, however,
9 the amount referred to in item (i) shall be increased, as a
10 percentage of the applicable employee payroll, in equal
11 increments calculated from the sum of the required State
12 contribution for State fiscal year 2007 plus the applicable
13 portion of the State's total debt service payments for fiscal
14 year 2007 on the bonds issued for the purposes of Section 7.2
15 of the General Obligation Bond Act, so that, by State fiscal
16 year 2011, the State is contributing at the rate otherwise
17 required under this Section.

18 (b) If an employee is paid from trust or federal funds, the
19 employer shall pay to the Board contributions from those funds
20 which are sufficient to cover the accruing normal costs on
21 behalf of the employee. However, universities having employees
22 who are compensated out of local auxiliary funds, income funds,
23 or service enterprise funds are not required to pay such
24 contributions on behalf of those employees. The local auxiliary
25 funds, income funds, and service enterprise funds of
26 universities shall not be considered trust funds for the

1 purpose of this Article, but funds of alumni associations,
2 foundations, and athletic associations which are affiliated
3 with the universities included as employers under this Article
4 and other employers which do not receive State appropriations
5 are considered to be trust funds for the purpose of this
6 Article.

7 (b-1) The City of Urbana and the City of Champaign shall
8 each make employer contributions to this System for their
9 respective firefighter employees who participate in this
10 System pursuant to subsection (h) of Section 15-107. The rate
11 of contributions to be made by those municipalities shall be
12 determined annually by the Board on the basis of the actuarial
13 assumptions adopted by the Board and the recommendations of the
14 actuary, and shall be expressed as a percentage of salary for
15 each such employee. The Board shall certify the rate to the
16 affected municipalities as soon as may be practical. The
17 employer contributions required under this subsection shall be
18 remitted by the municipality to the System at the same time and
19 in the same manner as employee contributions.

20 (c) Through State fiscal year 1995: The total employer
21 contribution shall be apportioned among the various funds of
22 the State and other employers, whether trust, federal, or other
23 funds, in accordance with actuarial procedures approved by the
24 Board. State of Illinois contributions for employers receiving
25 State appropriations for personal services shall be payable
26 from appropriations made to the employers or to the System. The

1 contributions for Class I community colleges covering earnings
2 other than those paid from trust and federal funds, shall be
3 payable solely from appropriations to the Illinois Community
4 College Board or the System for employer contributions.

5 (d) Beginning in State fiscal year 1996, the required State
6 contributions to the System shall be appropriated directly to
7 the System and shall be payable through vouchers issued in
8 accordance with subsection (c) of Section 15-165, except as
9 provided in subsection (g).

10 (e) The State Comptroller shall draw warrants payable to
11 the System upon proper certification by the System or by the
12 employer in accordance with the appropriation laws and this
13 Code.

14 (f) Normal costs under this Section means liability for
15 pensions and other benefits which accrues to the System because
16 of the credits earned for service rendered by the participants
17 during the fiscal year and expenses of administering the
18 System, but shall not include the principal of or any
19 redemption premium or interest on any bonds issued by the Board
20 or any expenses incurred or deposits required in connection
21 therewith.

22 (g) If the amount of a participant's earnings for any
23 academic year used to determine the final rate of earnings,
24 determined on a full-time equivalent basis, exceeds the amount
25 of his or her earnings with the same employer for the previous
26 academic year, determined on a full-time equivalent basis, by

1 more than 6%, the participant's employer shall pay to the
2 System, in addition to all other payments required under this
3 Section and in accordance with guidelines established by the
4 System, the present value of the increase in benefits resulting
5 from the portion of the increase in earnings that is in excess
6 of 6%. This present value shall be computed by the System on
7 the basis of the actuarial assumptions and tables used in the
8 most recent actuarial valuation of the System that is available
9 at the time of the computation. The System may require the
10 employer to provide any pertinent information or
11 documentation.

12 Whenever it determines that a payment is or may be required
13 under this subsection (g), the System shall calculate the
14 amount of the payment and bill the employer for that amount.
15 The bill shall specify the calculations used to determine the
16 amount due. If the employer disputes the amount of the bill, it
17 may, within 30 days after receipt of the bill, apply to the
18 System in writing for a recalculation. The application must
19 specify in detail the grounds of the dispute and, if the
20 employer asserts that the calculation is subject to subsection
21 (h) or (i) of this Section, must include an affidavit setting
22 forth and attesting to all facts within the employer's
23 knowledge that are pertinent to the applicability of subsection
24 (h) or (i). Upon receiving a timely application for
25 recalculation, the System shall review the application and, if
26 appropriate, recalculate the amount due.

1 The employer contributions required under this subsection
2 (f) may be paid in the form of a lump sum within 90 days after
3 receipt of the bill. If the employer contributions are not paid
4 within 90 days after receipt of the bill, then interest will be
5 charged at a rate equal to the System's annual actuarially
6 assumed rate of return on investment compounded annually from
7 the 91st day after receipt of the bill. Payments must be
8 concluded within 3 years after the employer's receipt of the
9 bill.

10 (h) This subsection (h) applies only to payments made or
11 salary increases given on or after June 1, 2005 but before July
12 1, 2011. The changes made by Public Act 94-1057 ~~this amendatory~~
13 ~~Act of the 94th General Assembly~~ shall not require the System
14 to refund any payments received before July 31, 2006 (the
15 effective date of Public Act 94-1057) ~~this amendatory Act~~.

16 When assessing payment for any amount due under subsection
17 (g), the System shall exclude earnings increases paid to
18 participants under contracts or collective bargaining
19 agreements entered into, amended, or renewed before June 1,
20 2005.

21 When assessing payment for any amount due under subsection
22 (g), the System shall exclude earnings increases paid to a
23 participant at a time when the participant is 10 or more years
24 from retirement eligibility under Section 15-135.

25 When assessing payment for any amount due under subsection
26 (g), the System shall exclude earnings increases resulting from

1 overload work, including a contract for summer teaching, or
2 overtime when the employer has certified to the System, and the
3 System has approved the certification, that: (i) in the case of
4 overloads (A) the overload work is for the sole purpose of
5 academic instruction in excess of the standard number of
6 instruction hours for a full-time employee occurring during the
7 academic year that the overload is paid and (B) the earnings
8 increases are equal to or less than the rate of pay for
9 academic instruction computed using the participant's current
10 salary rate and work schedule; and (ii) in the case of
11 overtime, the overtime was necessary for the educational
12 mission.

13 When assessing payment for any amount due under subsection
14 (g), the System shall exclude any earnings increase resulting
15 from (i) a promotion for which the employee moves from one
16 classification to a higher classification under the State
17 Universities Civil Service System, (ii) a promotion in academic
18 rank for a tenured or tenure-track faculty position, or (iii) a
19 promotion that the Illinois Community College Board has
20 recommended in accordance with subsection (k) of this Section.
21 These earnings increases shall be excluded only if the
22 promotion is to a position that has existed and been filled by
23 a member for no less than one complete academic year and the
24 earnings increase as a result of the promotion is an increase
25 that results in an amount no greater than the average salary
26 paid for other similar positions.

1 (i) When assessing payment for any amount due under
2 subsection (g), the System shall exclude any salary increase
3 described in subsection (h) of this Section given on or after
4 July 1, 2011 but before July 1, 2014 under a contract or
5 collective bargaining agreement entered into, amended, or
6 renewed on or after June 1, 2005 but before July 1, 2011.
7 Notwithstanding any other provision of this Section, any
8 payments made or salary increases given after June 30, 2014
9 shall be used in assessing payment for any amount due under
10 subsection (g) of this Section.

11 (j) The System shall prepare a report and file copies of
12 the report with the Governor and the General Assembly by
13 January 1, 2007 that contains all of the following information:

14 (1) The number of recalculations required by the
15 changes made to this Section by Public Act 94-1057 ~~this~~
16 ~~amendatory Act of the 94th General Assembly~~ for each
17 employer.

18 (2) The dollar amount by which each employer's
19 contribution to the System was changed due to
20 recalculations required by Public Act 94-1057 ~~this~~
21 ~~amendatory Act of the 94th General Assembly~~.

22 (3) The total amount the System received from each
23 employer as a result of the changes made to this Section by
24 Public Act 94-4.

25 (4) The increase in the required State contribution
26 resulting from the changes made to this Section by Public

1 Act 94-1057 ~~this amendatory Act of the 94th General~~
2 ~~Assembly.~~

3 (k) The Illinois Community College Board shall adopt rules
4 for recommending lists of promotional positions submitted to
5 the Board by community colleges and for reviewing the
6 promotional lists on an annual basis. When recommending
7 promotional lists, the Board shall consider the similarity of
8 the positions submitted to those positions recognized for State
9 universities by the State Universities Civil Service System.
10 The Illinois Community College Board shall file a copy of its
11 findings with the System. The System shall consider the
12 findings of the Illinois Community College Board when making
13 determinations under this Section. The System shall not exclude
14 any earnings increases resulting from a promotion when the
15 promotion was not submitted by a community college. Nothing in
16 this subsection (k) shall require any community college to
17 submit any information to the Community College Board.

18 (Source: P.A. 93-2, eff. 4-7-03; 94-4, eff. 6-1-05; 94-839,
19 eff. 6-6-06; 94-1057, eff. 7-31-06; revised 8-3-06.)

20 (40 ILCS 5/16-150) (from Ch. 108 1/2, par. 16-150)

21 Sec. 16-150. Re-entry.

22 (a) This Section does not apply to an annuitant who returns
23 to teaching under the program established in Section 16-150.1,
24 for the duration of his or her participation in that program.

25 (b) If an annuitant under this System is again employed as

1 a teacher for an aggregate period exceeding that permitted by
2 Section 16-118, his or her retirement annuity shall be
3 terminated and the annuitant shall thereupon be regarded as an
4 active member.

5 Such annuitant is not entitled to a recomputation of his or
6 her retirement annuity unless at least one full year of
7 creditable service is rendered after the latest re-entry into
8 service and the annuitant must have rendered at least 3 years
9 of creditable service after last re-entry into service to
10 qualify for a recomputation of the retirement annuity based on
11 amendments enacted while in receipt of a retirement annuity,
12 except when retirement was due to disability.

13 However, regardless of age, an annuitant in receipt of a
14 retirement annuity may be given temporary employment by a
15 school board not exceeding that permitted under Section 16-118
16 and continue to receive the retirement annuity.

17 (c) Unless retirement was necessitated by disability, a
18 retirement shall be considered cancelled and the retirement
19 allowance must be repaid in full if the annuitant is employed
20 as a teacher within the school year during which service was
21 terminated.

22 (d) An annuitant's retirement which does not include a
23 period of at least one full and complete school year shall be
24 considered cancelled and the retirement annuity must be repaid
25 in full unless such retirement was necessitated by disability.

26 (Source: P.A. 93-320, eff. 7-23-03; 93-469, eff. 8-8-03;

1 revised 9-11-03.)

2 (40 ILCS 5/16-158) (from Ch. 108 1/2, par. 16-158)

3 Sec. 16-158. Contributions by State and other employing
4 units.

5 (a) The State shall make contributions to the System by
6 means of appropriations from the Common School Fund and other
7 State funds of amounts which, together with other employer
8 contributions, employee contributions, investment income, and
9 other income, will be sufficient to meet the cost of
10 maintaining and administering the System on a 90% funded basis
11 in accordance with actuarial recommendations.

12 The Board shall determine the amount of State contributions
13 required for each fiscal year on the basis of the actuarial
14 tables and other assumptions adopted by the Board and the
15 recommendations of the actuary, using the formula in subsection
16 (b-3).

17 (a-1) Annually, on or before November 15, the Board shall
18 certify to the Governor the amount of the required State
19 contribution for the coming fiscal year. The certification
20 shall include a copy of the actuarial recommendations upon
21 which it is based.

22 On or before May 1, 2004, the Board shall recalculate and
23 recertify to the Governor the amount of the required State
24 contribution to the System for State fiscal year 2005, taking
25 into account the amounts appropriated to and received by the

1 System under subsection (d) of Section 7.2 of the General
2 Obligation Bond Act.

3 On or before July 1, 2005, the Board shall recalculate and
4 recertify to the Governor the amount of the required State
5 contribution to the System for State fiscal year 2006, taking
6 into account the changes in required State contributions made
7 by this amendatory Act of the 94th General Assembly.

8 (b) Through State fiscal year 1995, the State contributions
9 shall be paid to the System in accordance with Section 18-7 of
10 the School Code.

11 (b-1) Beginning in State fiscal year 1996, on the 15th day
12 of each month, or as soon thereafter as may be practicable, the
13 Board shall submit vouchers for payment of State contributions
14 to the System, in a total monthly amount of one-twelfth of the
15 required annual State contribution certified under subsection
16 (a-1). From the effective date of this amendatory Act of the
17 93rd General Assembly through June 30, 2004, the Board shall
18 not submit vouchers for the remainder of fiscal year 2004 in
19 excess of the fiscal year 2004 certified contribution amount
20 determined under this Section after taking into consideration
21 the transfer to the System under subsection (a) of Section
22 6z-61 of the State Finance Act. These vouchers shall be paid by
23 the State Comptroller and Treasurer by warrants drawn on the
24 funds appropriated to the System for that fiscal year.

25 If in any month the amount remaining unexpended from all
26 other appropriations to the System for the applicable fiscal

1 year (including the appropriations to the System under Section
2 8.12 of the State Finance Act and Section 1 of the State
3 Pension Funds Continuing Appropriation Act) is less than the
4 amount lawfully vouchered under this subsection, the
5 difference shall be paid from the Common School Fund under the
6 continuing appropriation authority provided in Section 1.1 of
7 the State Pension Funds Continuing Appropriation Act.

8 (b-2) Allocations from the Common School Fund apportioned
9 to school districts not coming under this System shall not be
10 diminished or affected by the provisions of this Article.

11 (b-3) For State fiscal years 2011 through 2045, the minimum
12 contribution to the System to be made by the State for each
13 fiscal year shall be an amount determined by the System to be
14 sufficient to bring the total assets of the System up to 90% of
15 the total actuarial liabilities of the System by the end of
16 State fiscal year 2045. In making these determinations, the
17 required State contribution shall be calculated each year as a
18 level percentage of payroll over the years remaining to and
19 including fiscal year 2045 and shall be determined under the
20 projected unit credit actuarial cost method.

21 For State fiscal years 1996 through 2005, the State
22 contribution to the System, as a percentage of the applicable
23 employee payroll, shall be increased in equal annual increments
24 so that by State fiscal year 2011, the State is contributing at
25 the rate required under this Section; except that in the
26 following specified State fiscal years, the State contribution

1 to the System shall not be less than the following indicated
2 percentages of the applicable employee payroll, even if the
3 indicated percentage will produce a State contribution in
4 excess of the amount otherwise required under this subsection
5 and subsection (a), and notwithstanding any contrary
6 certification made under subsection (a-1) before the effective
7 date of this amendatory Act of 1998: 10.02% in FY 1999; 10.77%
8 in FY 2000; 11.47% in FY 2001; 12.16% in FY 2002; 12.86% in FY
9 2003; and 13.56% in FY 2004.

10 Notwithstanding any other provision of this Article, the
11 total required State contribution for State fiscal year 2006 is
12 \$534,627,700.

13 Notwithstanding any other provision of this Article, the
14 total required State contribution for State fiscal year 2007 is
15 \$738,014,500.

16 For each of State fiscal years 2008 through 2010, the State
17 contribution to the System, as a percentage of the applicable
18 employee payroll, shall be increased in equal annual increments
19 from the required State contribution for State fiscal year
20 2007, so that by State fiscal year 2011, the State is
21 contributing at the rate otherwise required under this Section.

22 Beginning in State fiscal year 2046, the minimum State
23 contribution for each fiscal year shall be the amount needed to
24 maintain the total assets of the System at 90% of the total
25 actuarial liabilities of the System.

26 Amounts received by the System pursuant to Section 25 of

1 the Budget Stabilization Act in any fiscal year do not reduce
2 and do not constitute payment of any portion of the minimum
3 State contribution required under this Article in that fiscal
4 year. Such amounts shall not reduce, and shall not be included
5 in the calculation of, the required State contributions under
6 this Article in any future year until the System has reached a
7 funding ratio of at least 90%. A reference in this Article to
8 the "required State contribution" or any substantially similar
9 term does not include or apply to any amounts payable to the
10 System under Section 25 of the Budget Stabilization Act.

11 Notwithstanding any other provision of this Section, the
12 required State contribution for State fiscal year 2005 and for
13 fiscal year 2008 and each fiscal year thereafter, as calculated
14 under this Section and certified under subsection (a-1), shall
15 not exceed an amount equal to (i) the amount of the required
16 State contribution that would have been calculated under this
17 Section for that fiscal year if the System had not received any
18 payments under subsection (d) of Section 7.2 of the General
19 Obligation Bond Act, minus (ii) the portion of the State's
20 total debt service payments for that fiscal year on the bonds
21 issued for the purposes of that Section 7.2, as determined and
22 certified by the Comptroller, that is the same as the System's
23 portion of the total moneys distributed under subsection (d) of
24 Section 7.2 of the General Obligation Bond Act. In determining
25 this maximum for State fiscal years 2008 through 2010, however,
26 the amount referred to in item (i) shall be increased, as a

1 percentage of the applicable employee payroll, in equal
2 increments calculated from the sum of the required State
3 contribution for State fiscal year 2007 plus the applicable
4 portion of the State's total debt service payments for fiscal
5 year 2007 on the bonds issued for the purposes of Section 7.2
6 of the General Obligation Bond Act, so that, by State fiscal
7 year 2011, the State is contributing at the rate otherwise
8 required under this Section.

9 (c) Payment of the required State contributions and of all
10 pensions, retirement annuities, death benefits, refunds, and
11 other benefits granted under or assumed by this System, and all
12 expenses in connection with the administration and operation
13 thereof, are obligations of the State.

14 If members are paid from special trust or federal funds
15 which are administered by the employing unit, whether school
16 district or other unit, the employing unit shall pay to the
17 System from such funds the full accruing retirement costs based
18 upon that service, as determined by the System. Employer
19 contributions, based on salary paid to members from federal
20 funds, may be forwarded by the distributing agency of the State
21 of Illinois to the System prior to allocation, in an amount
22 determined in accordance with guidelines established by such
23 agency and the System.

24 (d) Effective July 1, 1986, any employer of a teacher as
25 defined in paragraph (8) of Section 16-106 shall pay the
26 employer's normal cost of benefits based upon the teacher's

1 service, in addition to employee contributions, as determined
2 by the System. Such employer contributions shall be forwarded
3 monthly in accordance with guidelines established by the
4 System.

5 However, with respect to benefits granted under Section
6 16-133.4 or 16-133.5 to a teacher as defined in paragraph (8)
7 of Section 16-106, the employer's contribution shall be 12%
8 (rather than 20%) of the member's highest annual salary rate
9 for each year of creditable service granted, and the employer
10 shall also pay the required employee contribution on behalf of
11 the teacher. For the purposes of Sections 16-133.4 and
12 16-133.5, a teacher as defined in paragraph (8) of Section
13 16-106 who is serving in that capacity while on leave of
14 absence from another employer under this Article shall not be
15 considered an employee of the employer from which the teacher
16 is on leave.

17 (e) Beginning July 1, 1998, every employer of a teacher
18 shall pay to the System an employer contribution computed as
19 follows:

20 (1) Beginning July 1, 1998 through June 30, 1999, the
21 employer contribution shall be equal to 0.3% of each
22 teacher's salary.

23 (2) Beginning July 1, 1999 and thereafter, the employer
24 contribution shall be equal to 0.58% of each teacher's
25 salary.

26 The school district or other employing unit may pay these

1 employer contributions out of any source of funding available
2 for that purpose and shall forward the contributions to the
3 System on the schedule established for the payment of member
4 contributions.

5 These employer contributions are intended to offset a
6 portion of the cost to the System of the increases in
7 retirement benefits resulting from this amendatory Act of 1998.

8 Each employer of teachers is entitled to a credit against
9 the contributions required under this subsection (e) with
10 respect to salaries paid to teachers for the period January 1,
11 2002 through June 30, 2003, equal to the amount paid by that
12 employer under subsection (a-5) of Section 6.6 of the State
13 Employees Group Insurance Act of 1971 with respect to salaries
14 paid to teachers for that period.

15 The additional 1% employee contribution required under
16 Section 16-152 by this amendatory Act of 1998 is the
17 responsibility of the teacher and not the teacher's employer,
18 unless the employer agrees, through collective bargaining or
19 otherwise, to make the contribution on behalf of the teacher.

20 If an employer is required by a contract in effect on May
21 1, 1998 between the employer and an employee organization to
22 pay, on behalf of all its full-time employees covered by this
23 Article, all mandatory employee contributions required under
24 this Article, then the employer shall be excused from paying
25 the employer contribution required under this subsection (e)
26 for the balance of the term of that contract. The employer and

1 the employee organization shall jointly certify to the System
2 the existence of the contractual requirement, in such form as
3 the System may prescribe. This exclusion shall cease upon the
4 termination, extension, or renewal of the contract at any time
5 after May 1, 1998.

6 (f) If the amount of a teacher's salary for any school year
7 used to determine final average salary exceeds the member's
8 annual full-time salary rate with the same employer for the
9 previous school year by more than 6%, the teacher's employer
10 shall pay to the System, in addition to all other payments
11 required under this Section and in accordance with guidelines
12 established by the System, the present value of the increase in
13 benefits resulting from the portion of the increase in salary
14 that is in excess of 6%. This present value shall be computed
15 by the System on the basis of the actuarial assumptions and
16 tables used in the most recent actuarial valuation of the
17 System that is available at the time of the computation. For
18 the purposes of this Section, change in employment under
19 Section 10-21.12 of the School Code shall constitute a change
20 in employer. The System may require the employer to provide any
21 pertinent information or documentation.

22 Whenever it determines that a payment is or may be required
23 under this subsection, the System shall calculate the amount of
24 the payment and bill the employer for that amount. The bill
25 shall specify the calculations used to determine the amount
26 due. If the employer disputes the amount of the bill, it may,

1 within 30 days after receipt of the bill, apply to the System
2 in writing for a recalculation. The application must specify in
3 detail the grounds of the dispute and, if the employer asserts
4 that the calculation is subject to subsection (g) or (h) of
5 this Section, must include an affidavit setting forth and
6 attesting to all facts within the employer's knowledge that are
7 pertinent to the applicability of that subsection. Upon
8 receiving a timely application for recalculation, the System
9 shall review the application and, if appropriate, recalculate
10 the amount due.

11 The employer contributions required under this subsection
12 (f) may be paid in the form of a lump sum within 90 days after
13 receipt of the bill. If the employer contributions are not paid
14 within 90 days after receipt of the bill, then interest will be
15 charged at a rate equal to the System's annual actuarially
16 assumed rate of return on investment compounded annually from
17 the 91st day after receipt of the bill. Payments must be
18 concluded within 3 years after the employer's receipt of the
19 bill.

20 (g) This subsection (g) applies only to payments made or
21 salary increases given on or after June 1, 2005 but before July
22 1, 2011. The changes made by Public Act 94-1057 ~~this amendatory~~
23 ~~Act of the 94th General Assembly~~ shall not require the System
24 to refund any payments received before July 31, 2006 (the
25 effective date of Public Act 94-1057) ~~this amendatory Act~~.

26 When assessing payment for any amount due under subsection

1 (f), the System shall exclude salary increases paid to teachers
2 under contracts or collective bargaining agreements entered
3 into, amended, or renewed before June 1, 2005.

4 When assessing payment for any amount due under subsection
5 (f), the System shall exclude salary increases paid to a
6 teacher at a time when the teacher is 10 or more years from
7 retirement eligibility under Section 16-132 or 16-133.2.

8 When assessing payment for any amount due under subsection
9 (f), the System shall exclude salary increases resulting from
10 overload work, including summer school, when the school
11 district has certified to the System, and the System has
12 approved the certification, that (i) the overload work is for
13 the sole purpose of classroom instruction in excess of the
14 standard number of classes for a full-time teacher in a school
15 district during a school year and (ii) the salary increases are
16 equal to or less than the rate of pay for classroom instruction
17 computed on the teacher's current salary and work schedule.

18 When assessing payment for any amount due under subsection
19 (f), the System shall exclude a salary increase resulting from
20 a promotion (i) for which the employee is required to hold a
21 certificate or supervisory endorsement issued by the State
22 Teacher Certification Board that is a different certification
23 or supervisory endorsement than is required for the teacher's
24 previous position and (ii) to a position that has existed and
25 been filled by a member for no less than one complete academic
26 year and the salary increase from the promotion is an increase

1 that results in an amount no greater than the lesser of the
2 average salary paid for other similar positions in the district
3 requiring the same certification or the amount stipulated in
4 the collective bargaining agreement for a similar position
5 requiring the same certification.

6 When assessing payment for any amount due under subsection
7 (f), the System shall exclude any payment to the teacher from
8 the State of Illinois or the State Board of Education over
9 which the employer does not have discretion, notwithstanding
10 that the payment is included in the computation of final
11 average salary.

12 (h) When assessing payment for any amount due under
13 subsection (f), the System shall exclude any salary increase
14 described in subsection (g) of this Section given on or after
15 July 1, 2011 but before July 1, 2014 under a contract or
16 collective bargaining agreement entered into, amended, or
17 renewed on or after June 1, 2005 but before July 1, 2011.
18 Notwithstanding any other provision of this Section, any
19 payments made or salary increases given after June 30, 2014
20 shall be used in assessing payment for any amount due under
21 subsection (f) of this Section.

22 (i) The System shall prepare a report and file copies of
23 the report with the Governor and the General Assembly by
24 January 1, 2007 that contains all of the following information:

25 (1) The number of recalculations required by the
26 changes made to this Section by Public Act 94-1057 ~~this~~

1 ~~amendatory Act of the 94th General Assembly~~ for each
2 employer.

3 (2) The dollar amount by which each employer's
4 contribution to the System was changed due to
5 recalculations required by Public Act 94-1057 ~~this~~
6 ~~amendatory Act of the 94th General Assembly~~.

7 (3) The total amount the System received from each
8 employer as a result of the changes made to this Section by
9 Public Act 94-4.

10 (4) The increase in the required State contribution
11 resulting from the changes made to this Section by Public
12 Act 94-1057 ~~this amendatory Act of the 94th General~~
13 ~~Assembly~~.

14 (Source: P.A. 93-2, eff. 4-7-03; 93-665, eff. 3-5-04; 94-4,
15 eff. 6-1-05; 94-839, eff. 6-6-06; 94-1057, eff. 7-31-06;
16 revised 8-3-06.)

17 (40 ILCS 5/16-165) (from Ch. 108 1/2, par. 16-165)

18 Sec. 16-165. Board; elected members; vacancies.

19 (a) In each odd-numbered year, there shall be elected 2
20 teachers who shall hold office for a term of 4 years beginning
21 July 15 next following their election, in the manner provided
22 under this Section. An elected teacher member of the board who
23 ceases to be a teacher as defined in Section 16-106 may
24 continue to serve on the board for the remainder of the term to
25 which he or she was elected.

1 (b) One elected annuitant trustee shall first be elected in
2 1987, and in every fourth year thereafter, for a term of 4
3 years beginning July 15 next following his or her election.

4 (c) The elected annuitant position created by this
5 amendatory Act of the 91st General Assembly shall be filled as
6 soon as possible in the manner provided for vacancies, for an
7 initial term ending July 15, 2001. One elected annuitant
8 trustee shall be elected in 2001, and in every fourth year
9 thereafter, for a term of 4 years beginning July 15 next
10 following his or her election.

11 (d) Elections shall be held on May 1, unless May 1 falls on
12 a Saturday or Sunday, in which event the election shall be
13 conducted on the following Monday. Candidates shall be
14 nominated by petitions in writing, signed by not less than 500
15 teachers or annuitants, as the case may be, with their
16 addresses shown opposite their names. The petitions shall be
17 filed with the board's Secretary not less than 90 nor more than
18 120 days prior to May 1. The Secretary shall determine their
19 validity not less than 75 days before the election.

20 (e) If, for either teacher or annuitant members, the number
21 of qualified nominees exceeds the number of available
22 positions, the system shall prepare an appropriate ballot with
23 the names of the candidates in alphabetical order and shall
24 mail one copy thereof, at least 10 days prior to the election
25 day, to each teacher or annuitant of this system as of the
26 latest date practicable, at the latest known address, together

1 with a return envelope addressed to the board and also a
2 smaller envelope marked "For Ballot Only", and a slip for
3 signature. Each voter, upon marking his ballot with a cross
4 mark in the square before the name of the person voted for,
5 shall place the ballot in the envelope marked "For Ballot
6 Only", seal the envelope, write on the slip provided therefor
7 his signature and address, enclose both the slip and sealed
8 envelope containing the marked ballot in the return envelope
9 addressed to the board, and mail it. Whether a person is
10 eligible to vote for the teacher nominees or the annuitant
11 nominees shall be determined from system payroll records as of
12 March 1.

13 Upon receipt of the return envelopes, the system shall open
14 them and set aside unopened the envelopes marked "For Ballot
15 Only". On election day ballots shall be publicly opened and
16 counted by the trustees or canvassers appointed therefor. Each
17 vote cast for a candidate represents one vote only. No ballot
18 arriving after 10 o'clock a.m. on election day shall be
19 counted. The 2 teacher candidates and the annuitant candidate
20 receiving the highest number of votes shall be elected. The
21 board shall declare the results of the election, keep a record
22 thereof, and notify the candidates of the results thereof
23 within 30 days after the election.

24 If, for either class of members, there are only as many
25 qualified nominees as there are positions available, the
26 balloting as described in this Section shall not be conducted

1 for those nominees, and the board shall declare them duly
2 elected.

3 (f) A vacancy occurring in the elective membership of the
4 board shall be filled for the unexpired term by a person
5 qualified for the vacant position, selected by the remaining
6 elected members of the board, if there are no more than 6
7 months remaining on the term. For a term with more than 6
8 months remaining, the Director of the Teachers' Retirement
9 System of the State of Illinois shall institute an election in
10 accordance with this Act to fill the unexpired term.

11 (Source: P.A. 94-423, eff. 8-2-05; 94-710, eff. 12-5-05;
12 revised 12-8-05.)

13 (40 ILCS 5/16-182) (from Ch. 108 1/2, par. 16-182)

14 Sec. 16-182. Members' Contribution Reserve. ~~(a)~~ On July 1,
15 2003, the Members' Contribution Reserve is abolished and the
16 remaining balance shall be transferred from that Reserve to the
17 Benefit Trust Reserve.

18 (Source: P.A. 93-469, eff. 8-8-03; revised 10-9-03.)

19 Section 430. The Interstate Compact on Adoption Act is
20 amended by changing Sections 5-35 and 5-40 as follows:

21 (45 ILCS 17/5-35)

22 Sec. 5-35. Medical assistance.

23 (a) A child with special needs who resides in this State

1 and who is the subject of an adoption assistance agreement with
2 another state shall be eligible for medical assistance from
3 this State under Article V of the Illinois Public Aid Code upon
4 the filing of agreed documentation obtained from the assistance
5 state and filed with the ~~Illinois~~ Department of Healthcare and
6 Family Services ~~Public Aid~~. The Department of Children and
7 Family Services shall be required at least annually to
8 establish that the agreement is still in force or has been
9 renewed.

10 (b) If a child (i) is in another state, (ii) is covered by
11 an adoption assistance agreement made by the Illinois
12 Department of Children and Family Services, and (iii) was
13 eligible for medical assistance under Article V of the Illinois
14 Public Aid Code at the time he or she resided in this State and
15 would continue to be eligible for that assistance if he or she
16 was currently residing in this State, then that child is
17 eligible for medical assistance under Article V of the Illinois
18 Public Aid Code, but only for those medical assistance benefits
19 under Article V that are not provided by the other state. There
20 shall be no payment or reimbursement by this State for services
21 or benefits covered under any insurance or other third party
22 medical contract or arrangement held by the child or the
23 adoptive parents.

24 (c) The submission of any claim for payment or
25 reimbursement for services or benefits pursuant to this Section
26 or the making of any statement in connection therewith, which

1 claim or statement the maker knows or should know to be false,
2 misleading, or fraudulent, shall be punishable as perjury and
3 shall also be subject to a fine not to exceed \$10,000 or
4 imprisonment for not to exceed 2 years, or both.

5 (d) The provisions of this Section shall apply only to
6 medical assistance for children under adoption assistance
7 agreements from states that have entered into a compact with
8 this State under which the other state provided medical
9 assistance to children with special needs under adoption
10 assistance agreements made by this State.

11 (e) The Illinois Department of Children and Family Services
12 and the Department of Healthcare and Family Services ~~Illinois~~
13 ~~Department of Public Aid~~ may adopt all rules necessary to
14 implement this Section.

15 (Source: P.A. 90-28, eff. 1-1-98; revised 12-15-05.)

16 (45 ILCS 17/5-40)

17 Sec. 5-40. Federal participation. Consistent with federal
18 law, the Illinois Department of Children and Family Services
19 and the Department of Healthcare and Family Services ~~Illinois~~
20 ~~Department of Public Aid~~ or the Illinois Department of Human
21 Services, as the successor agency of the Illinois Department of
22 Public Aid, in connection with the administration of this Act
23 and any compact entered into pursuant to this Act, shall
24 include in any state plan made pursuant to the Adoption
25 Assistance and Child Welfare Act of 1980 (P.L. 96-272), Titles

1 IV (e) and XIX of the Social Security Act, and any other
2 applicable federal laws the provision of adoption assistance
3 and medical assistance for which the federal government pays
4 some or all of the cost. The Department of Children and Family
5 Services and the Department of Healthcare and Family Services
6 ~~Illinois Department of Public Aid~~ or the Department of Human
7 Services, as the successor agency of the Illinois Department of
8 Public Aid, shall apply for and administer all relevant federal
9 aid in accordance with law.

10 (Source: P.A. 90-28, eff. 1-1-98; revised 12-15-05.)

11 Section 435. The Bi-State Development Agency Act is amended
12 by changing Section 3 as follows:

13 (45 ILCS 105/3) (from Ch. 127, par. 63s-3)

14 Sec. 3. Vacancies occurring in the office of any
15 commissioner shall be filled by appointment by the Chairman of
16 the County Board that made the original appointment of that
17 commissioner, with the advice and consent of the respective
18 county board, for the unexpired term. Any vacancies occurring
19 during the transition for the implementation of this amendatory
20 Act of the 93rd General Assembly that were appointed by the
21 Governor, and not by the respective County Board Chairmen,
22 shall be filled by the appointment by the County Board Chairman
23 of Madison County if occurring in the years 2004, 2006, or 2008
24 or by the County Board Chairman of St. Clair County if

1 occurring in the years 2005 or 2007, each with the advice and
2 consent of the respective county board.

3 (Source: P.A. 93-432, eff. 6-1-04; revised 10-29-04.)

4 Section 440. The Interstate Insurance Receivership Compact
5 Act is amended by changing Section 5 as follows:

6 (45 ILCS 160/5)

7 Sec. 5. Ratification of Compact. The State of Illinois
8 ratifies and approves the Interstate Insurance Receivership
9 Compact and enters into that Compact with all other
10 jurisdictions legally joining in it in substantially the
11 following form:

12 ARTICLE I. PURPOSES

13 The purposes of this Compact are, through means of joint
14 and cooperative action among the compacting states:

15 (1) to promote, develop and facilitate orderly, efficient,
16 cost-effective, and uniform insurer receivership laws and
17 operations;

18 (2) to coordinate interaction between insurer receivership
19 and Guaranty Association operations;

20 (3) to create the Interstate Insurance Receivership
21 Commission; and

22 (4) to perform these and such other related functions as
23 may be consistent with the state regulation of the business of

1 insurance pursuant to the McCarran-Ferguson Act.

2 ARTICLE II. DEFINITIONS

3 For the purposes of this Compact:

4 (1) "By-laws" means those by-laws prescribed by the
5 Commission for its governance or for directing or controlling
6 the Commission's actions or conduct.

7 (2) "Compacting state" means any state which has enacted
8 enabling legislation for this Compact.

9 (3) "Commission" means the Interstate Insurance
10 Receivership Commission established by this Compact.

11 (4) "Commissioner" means the chief insurance regulatory
12 official of a state.

13 (5) "Deputy Receiver" means a person appointed or retained
14 by a Receiver and who is the Receiver's duly authorized
15 representative for administering one or more estates.

16 (6) "Domiciliary state" means the state in which an insurer
17 is incorporated or organized; or, in the case of an alien
18 insurer, its state of entry; or in the case of an unauthorized
19 insurer not incorporated, organized, or entered in any state, a
20 state where the insurer is engaged in or doing business.

21 (7) "Estate" means the assets and liabilities of any
22 insurer in receivership.

23 (8) "Guaranty Association" means an insurance guaranty
24 fund or association or any similar entity now or hereafter
25 created by statute in a compacting state, other than a

1 receivership, to pay or assume, in whole or in part, the
2 contractual claim obligations of insolvent insurers.

3 (9) "Insurer" means any person or entity that has done,
4 purports to do, is doing, or is licensed to do any insurance or
5 reinsurance business, or is or has been subject to the
6 authority of, or to liquidation, rehabilitation, supervision,
7 conservation, or ancillary receivership by, any Commissioner.

8 (10) "Member" means the Commissioner of a compacting state
9 or his or her designee, who shall be a person officially
10 connected with the Commissioner and who is wholly or
11 principally employed by the Commissioner.

12 (11) "Non-compacting state" means a state which has not
13 enacted enabling legislation for this Compact.

14 (12) "Operating procedures" means procedures promulgated
15 by the Commission implementing a rule, an existing law in a
16 compacting state, or a provision of this Compact.

17 (13) "Publication" means the act of publishing in the
18 official state publication in a compacting state or in such
19 other publication as may be established by the Commission.

20 (14) "Receiver" means receiver, liquidator, rehabilitator,
21 conservator, or ancillary receiver as the context requires.

22 (15) "Receivership" means any liquidation, rehabilitation,
23 conservation, or ancillary receivership proceeding as the
24 context requires.

25 (16) "Rules" means acts of the Commission, duly promulgated
26 pursuant to Article VII of this Compact, substantially

1 affecting interested parties in addition to the Commission,
2 which shall have the force and effect of law in the compacting
3 states.

4 (17) "State" means any state, district or territory of the
5 United States of America.

6 ARTICLE III. ESTABLISHMENT OF THE COMMISSION AND VENUE

7 (1) The compacting states hereby create and establish an
8 entity known as the Interstate Insurance Receivership
9 Commission.

10 (2) The Commission is a body corporate of each compacting
11 state.

12 (3) The Commission is a not-for-profit entity, separate and
13 distinct from the compacting states.

14 (4) The Commission is solely responsible for its
15 liabilities except as otherwise provided in this Compact.

16 (5) Except as otherwise specifically provided in state or
17 federal law in the jurisdiction where the Commission's
18 principal office is located or where the Commission is acting
19 as Receiver, venue is proper and judicial proceedings by or
20 against the Commission shall be brought in a court of competent
21 jurisdiction where the Commission's principal office is
22 located.

23 ARTICLE IV. POWERS OF THE COMMISSION

24 The Commission shall have all of the following powers:

1 (1) To promulgate rules which shall have the force and
2 effect of statutory law and shall be binding in the compacting
3 states to the extent and in the manner provided in this
4 Compact.

5 (2) To promulgate operating procedures which shall be
6 binding in the compacting states to the extent and in the
7 manner provided in this Compact.

8 (3) To oversee, supervise, and coordinate the activities of
9 receivers in compacting states.

10 (4) To act as Receiver of insurers organized under the laws
11 of, engaged in, or doing the business of insurance in a
12 compacting state upon the request of the Commissioner of such
13 state or when grounds for receivership by the Commission exist
14 under Article IX of this Compact.

15 (5) To act as Deputy Receiver of insurers organized under
16 the laws of, engaged in, or doing the business of insurance in
17 a non-compacting state in accordance with Article IX of this
18 Compact.

19 (6) To act as ancillary Receiver in a compacting state of
20 an insurer domiciled in a non-compacting state.

21 (7) To monitor the activities and functions of Guaranty
22 Associations in the compacting states.

23 (8) To delegate its operating authority or functions;
24 provided, that its rulemaking authority under Article VII of
25 this Compact shall not be delegated.

26 (9) To bring or prosecute legal proceedings or actions in

1 its name as the Commission, or in the name of the Commission
2 acting as Receiver.

3 (10) To bring or prosecute legal proceedings or actions as
4 Receiver on behalf of an estate or its policyholders and
5 creditors; provided, that any Guaranty Association's standing
6 to sue or be sued under applicable law shall not be affected.

7 (11) To issue subpoenas requiring the attendance and
8 testimony of witnesses and the production of evidence.

9 (12) To establish and maintain offices.

10 (13) To purchase and maintain insurance and bonds.

11 (14) To borrow, accept, or contract for services of
12 personnel including, but not limited to, members and their
13 staff.

14 (15) To elect or appoint such officers, attorneys,
15 employees, or agents, and to fix their compensation, define
16 their duties, and determine their qualifications; and to
17 establish the Commission's personnel policies and programs
18 relating to, among other things, conflicts of interest, rates
19 of compensation, and qualifications of personnel.

20 (16) To accept any and all donations and grants of money,
21 equipment, supplies, materials, and services, and to receive,
22 utilize, and dispose of the same.

23 (17) To lease, purchase, accept gifts or donations of, or
24 otherwise to own, hold, improve or use, any property, real,
25 personal, or mixed.

26 (18) To sell, convey, mortgage, pledge, lease, exchange,

1 abandon, or otherwise dispose of any property, real, personal,
2 or mixed.

3 (19) To enforce compliance with Commission rules,
4 operating procedures, and by-laws.

5 (20) To provide for dispute resolution among compacting
6 states and Receivers.

7 (21) To represent and advise compacting states on issues
8 relating to insurers domiciled or doing business in
9 non-compacting jurisdictions, consistent with the purposes of
10 this compact.

11 (22) To provide advice and training to receivership
12 personnel of compacting states, and to be a resource for
13 compacting states by maintaining a reference library of
14 relevant materials.

15 (23) To establish a budget and make expenditures.

16 (24) To borrow money.

17 (25) To appoint committees including, but not limited to,
18 an industry advisory committee and an executive committee of
19 members.

20 (26) To provide and receive information relating to
21 receiverships and Guaranty Associations and to cooperate with
22 law enforcement agencies.

23 (27) To adopt and use a corporate seal.

24 (28) To perform such other functions as may be necessary or
25 appropriate to achieve the purposes of this Compact as may be
26 consistent with the state regulation of the business of

1 insurance pursuant to the McCarran-Ferguson ~~McCarren-Ferguson~~
2 Act.

3 ARTICLE V. ORGANIZATION OF THE COMMISSION

4 Section A. Membership, voting, and by-laws.

5 (1) A compacting state shall have and be limited to one
6 member. A member shall be qualified to serve in such capacity
7 under or pursuant to the applicable law of the compacting
8 state. A compacting state retains the discretionary right to
9 determine the due election or appointment and qualification of
10 its own Commissioner, and to fill all vacancies of its member.

11 (2) A member shall be entitled to one vote.

12 (3) The Commission shall, by a majority of the members,
13 prescribe by-laws to govern its conduct as may be necessary or
14 appropriate to carry out the purposes of the Compact,
15 including, but not limited to:

16 (a) establishing the fiscal year of the Commission;

17 (b) providing reasonable standards and procedures:

18 (i) for the establishment of committees, and (ii) governing
19 any general or specific delegation of any authority or function
20 of the Commission;

21 (c) providing reasonable procedures for calling and
22 conducting meetings of the Commission and for ensuring
23 reasonable notice of each such meeting;

24 (d) establishing the titles and responsibilities of
25 the officers of the Commission;

1 (e) providing reasonable standards and procedures for
2 the establishment of the personnel policies and programs of
3 the Commission. Notwithstanding any civil service or other
4 similar laws of any compacting state, the by-laws shall
5 exclusively govern the personnel policies and programs of
6 the Commission; and

7 (f) providing a mechanism for winding up the operations
8 of the Commission and the equitable return of any surplus
9 funds that may exist after the dissolution of the Compact
10 after the payment or reserving of all of its debts and
11 obligations, or both.

12 Section B. Officers and personnel.

13 (1) The Commission shall, by a majority of the members,
14 elect annually from among its members a chairperson and a vice
15 chairperson, each of whom shall have such authorities and
16 duties as may be specified in the by-laws. The chairperson or,
17 in his or her absence or disability, a member designated in
18 accordance with the by-laws, shall preside at all meetings of
19 the Commission. The officers so elected shall serve without
20 compensation or remuneration from the Commission; provided,
21 that subject to the availability of budgeted funds, the
22 officers shall be reimbursed for any actual and necessary costs
23 and expenses incurred by them in the performance of their
24 duties and responsibilities as officers of the Commission.

25 (2) The Commission may, by a majority of the members,

1 appoint or retain an executive director for such period, upon
2 such terms and conditions and for such compensation as the
3 Commission may deem appropriate. The executive director shall
4 serve as secretary to the Commission, but shall not be a member
5 of the Commission. The executive director shall hire and
6 supervise such other staff as may be authorized by the
7 Commission.

8 Section C. Corporate records of the Commission. The
9 Commission shall maintain its corporate books and records in
10 accordance with the by-laws.

11 Section D. Qualified immunity, defense, and
12 indemnification.

13 (1) The members, officers, executive director, and
14 employees of the Commission shall be immune from suit and
15 liability, either personally or in their official capacity, for
16 any claim for damage to or loss of property or personal injury
17 or other civil liability caused or arising out of or relating
18 to any actual or alleged act, error, or omission that occurred,
19 or that such person had a reasonable basis for believing
20 occurred within the scope of Commission employment, duties, or
21 responsibilities; provided, that nothing in this paragraph
22 shall be construed to protect any such person from suit or
23 liability, or both, for any damage, loss, injury, or liability
24 caused by the intentional or willful and wanton misconduct of

1 any such person, or to protect the Commission acting as
2 Receiver under Article IX of this Compact.

3 (2) The Commission shall defend any Commissioner of a
4 compacting state, his or her representatives or employees, or
5 the Commission's representatives or employees in any civil
6 action seeking to impose liability against such person arising
7 out of or relating to any actual or alleged act, error, or
8 omission that occurred within the scope of Commission
9 employment, duties, or responsibilities or that such person had
10 a reasonable basis for believing occurred within the scope of
11 Commission employment, duties, or responsibilities; provided,
12 that the actual or alleged act, error, or omission did not
13 result from gross negligence or intentional wrongdoing on the
14 part of such person.

15 (3) The Commission shall indemnify and hold the
16 Commissioner of a compacting state, his or her representatives
17 or employees, or the Commission's representatives or employees
18 harmless in the amount of any settlement or judgment obtained
19 against such person arising out of or relating to any actual or
20 alleged act, error, or omission that occurred within the scope
21 of Commission employment, duties, or responsibilities or that
22 such person had a reasonable basis for believing occurred
23 within the scope of Commission employment, duties, or
24 responsibilities; provided, that the actual or alleged act,
25 error, or omission did not result from gross negligence or
26 intentional wrongdoing on the part of such person.

1 (4) The costs and expenses of defense and indemnification
2 of the Commission acting as Receiver of an estate shall be paid
3 as administrative expenses from the assets of that estate
4 unless such costs and expenses are covered by insurance
5 maintained by the Commission.

6 ARTICLE VI. MEETINGS AND ACTS OF THE COMMISSION

7 (1) The Commission shall meet and take such actions as are
8 consistent with the provisions of this Compact.

9 (2) Except as otherwise provided in this Compact and unless
10 a greater percentage is required by the by-laws, in order to
11 constitute an act of the Commission, such act shall have been
12 taken at a meeting of the Commission and shall have received an
13 affirmative vote of a majority of the members.

14 (3) Each member of the Commission shall have the right and
15 power to cast a vote to which that compacting state is entitled
16 and to participate in the business and affairs of the
17 Commission. A member shall vote in person and shall not
18 delegate his or her vote to another member. The by-laws may
19 provide for members' participation in meetings by telephone or
20 other means of telecommunication.

21 (4) The Commission shall meet at least once during each
22 calendar year. The chairperson of the Commission may call
23 additional meetings at any time and, upon the request of a
24 majority of the members, shall call additional meetings.

25 (5) The Commission's rules shall establish conditions and

1 procedures under which the Commission shall make its
2 information and official records available to the public for
3 inspection or copying. The Commission may exempt from
4 disclosure any information or official records to the extent
5 disclosure would adversely affect personal privacy rights or
6 proprietary interests. In promulgating such rules, the
7 Commission may consider any special circumstances pertaining
8 to insurer insolvencies, but shall be guided by the principles
9 embodied in state and federal freedom of information laws. The
10 Commission may promulgate additional rules under which it may
11 make available to law enforcement agencies records and
12 information otherwise exempt from disclosure and may enter into
13 agreements with law enforcement agencies to receive or exchange
14 information or records subject to nondisclosure and
15 confidentiality provisions.

16 (6) Public notice shall be given of all meetings, and all
17 meetings shall be open to the public, except as set forth in
18 the rules or as otherwise provided in this Compact. The
19 Commission shall promulgate rules consistent with the
20 principles contained in the federal Government in Sunshine Act,
21 5 U.S.C. Section 552b, as may be amended. The Commission and
22 any of its committees may close a meeting to the public where
23 it determines by two-thirds vote that an open meeting would be
24 likely to:

25 (a) relate solely to the Commission's internal
26 personnel practices and procedures;

1 (b) disclose matters specifically exempted from
2 disclosure by statute;

3 (c) disclose trade secrets or commercial or financial
4 information which is privileged or confidential;

5 (d) involve accusing any person of a crime or formally
6 censuring any person;

7 (e) disclose information of a personal nature where
8 disclosure would constitute a clearly unwarranted invasion
9 of personal privacy;

10 (f) disclose investigatory records compiled for law
11 enforcement purposes;

12 (g) disclose information contained in or related to
13 examination, operating, or condition reports prepared by,
14 on behalf of, or for the use of the Commission with respect
15 to a regulated entity for the purpose of regulation or
16 supervision of such entity;

17 (h) disclose information, the premature disclosure of
18 which would significantly endanger the stability of a
19 regulated entity;

20 (i) specifically relate to the Commission's issuance
21 of a subpoena or its participation in a civil action or
22 proceeding.

23 (7) For every meeting closed pursuant to paragraph (6), the
24 Commission's chief legal officer shall publicly certify that,
25 in his or her opinion, the meeting may be closed to the public
26 and shall reference each relevant exemptive provision. The

1 Commission shall keep minutes which shall fully and clearly
2 describe all matters discussed in any meeting and shall provide
3 a full and accurate summary of any actions taken and the
4 reasons therefor, including a description of each of the views
5 expressed on any item and the record of any roll call vote
6 (reflected in the vote of each member on the question). All
7 documents considered in connection with any action shall be
8 identified in such minutes.

9 ARTICLE VII. RULEMAKING FUNCTIONS OF THE COMMISSION

10 (1) The Commission shall promulgate rules and operating
11 procedures in order to effectively and efficiently achieve the
12 purposes of this Compact; provided, that the Commission shall
13 not promulgate any rules: (i) directly relating to Guaranty
14 Associations including, but not limited to, rules governing
15 coverage, funding, or assessment mechanisms, or (ii) (except
16 pursuant to rules promulgated under Article VII(3) of this
17 Compact) altering the statutory priorities for distributing
18 assets out of an estate.

19 (2) Rulemaking shall occur pursuant to the criteria set
20 forth in this Article and the rules and operating procedures
21 promulgated pursuant thereto. Such rulemaking shall
22 substantially conform to the principles of the federal
23 Administrative Procedure Act, 5 U.S.C.S. Section 551 et seq.
24 and the Federal Advisory Committee Act, 5 U.S.C.S. app. 2,
25 Section 1 et seq., as may be amended.

1 (3) Other than the promulgation of such rules as are
2 necessary for the orderly operation of the Commission, the
3 first rule to be considered by the Commission shall be uniform
4 provisions governing insurer receiverships including, but not
5 limited to, provisions requiring compacting states to
6 implement, execute, and administer in a fair, just, effective,
7 and efficient manner rules and operating procedures relating to
8 receiverships. The Commission shall within 3 years of the
9 adoption of this Compact by 2 or more states, promulgate such
10 uniform provisions through the rulemaking process. Such
11 uniform provisions shall become law in all of the compacting
12 states upon legislative enactment in a majority of the
13 compacting states.

14 (4) All rules and amendments shall become binding as of the
15 date specified in each rule or amendment; provided, that if a
16 compacting state expressly rejects such rule or amendment
17 through legislative enactment as of the expiration of the
18 second full calendar year after such rule is promulgated, such
19 rule or amendment shall have no further force or effect in the
20 rejecting compacting state. If a majority of compacting states
21 reject a rule, then such rule shall have no further force or
22 effect in any compacting state.

23 (5) When promulgating a rule or operating procedure, the
24 Commission shall:

25 (a) effect publication of the proposed rulemaking,
26 stating with particularity the text of the rule or

1 operating procedure which is proposed and the reason for
2 the proposed rule or operating procedure;

3 (b) allow persons to submit written data, facts,
4 opinions and arguments, which information the Commission
5 shall make publicly available;

6 (c) provide an opportunity for an informal hearing; and

7 (d) promulgate a final rule or operating procedure and
8 its effective date, if appropriate, based on the rulemaking
9 record.

10 (6) Not later than 60 days after a rule or operating
11 procedure is promulgated, any interested person may file a
12 petition in a court of competent jurisdiction where the
13 Commission's principal office is located for judicial review of
14 such rule or operating procedure. If the court finds that the
15 Commission's action is not supported by substantial evidence in
16 the rulemaking record, the court shall hold the rule unlawful
17 and set it aside.

18 ARTICLE VIII. OVERSIGHT AND

19 DISPUTE RESOLUTION BY THE COMMISSION

20 Section A. Oversight.

21 (1) The Commission shall oversee the administration and
22 operations of receiverships in compacting states and shall
23 monitor receiverships being administered in non-compacting
24 states which may significantly affect compacting states.

1 (2) To aid its monitoring, oversight, and coordination
2 responsibilities, the Commission shall establish operating
3 procedures requiring each member to submit written reports to
4 the Commission as follows:

5 (a) An initial report to the Commission upon a finding
6 or other official action by the compacting state that
7 grounds exist for receivership of an insurer doing business
8 in more than one state. Thereafter, reports shall be
9 submitted periodically and as otherwise required pursuant
10 to the Commission's operating procedures. The Commission
11 shall be entitled to receive notice of, and shall have
12 standing to appear in, compacting states' receiverships.

13 (b) An initial report of the status of an insurer
14 within a reasonable time after the initiation of a
15 receivership.

16 (3) The Commission shall promulgate operating procedures
17 requiring Receivers to submit to the Commission periodic
18 written reports and such additional information and
19 documentation as the Commission may reasonably request. Each
20 compacting state's Receivers shall establish the capability to
21 obtain and provide all such records, data, and information
22 required by the Commission in accordance with the Commission's
23 operating procedures.

24 (4) Except as to privileged records, data, and information,
25 the laws of any compacting state pertaining to confidentiality
26 or nondisclosure shall not relieve any compacting state

1 Commissioner of the responsibility to disclose any relevant
2 records, data, or information to the Commission; provided, that
3 disclosure to the Commission shall not be deemed to waive or
4 otherwise affect any confidentiality requirement; and further
5 provided, that the Commission shall be subject to the
6 compacting state's laws pertaining to confidentiality and
7 nondisclosure with respect to all such records, data, and
8 information in its possession.

9 (5) The courts and executive agencies in each compacting
10 state shall enforce this Compact and shall take all actions
11 necessary and appropriate to effectuate the Compact's purposes
12 and intent. In any receivership or other judicial or
13 administrative proceeding in a compacting state pertaining to
14 the subject matter of this Compact which may affect the powers,
15 responsibilities, or actions of the Commission, the Commission
16 shall be entitled to receive all service of process in any such
17 proceeding and shall have standing to intervene in the
18 receivership or proceeding for all purposes.

19 (6) The Commission shall analyze and correlate records,
20 data, information, and reports received from Receivers and
21 Guaranty Associations and shall make recommendations for
22 improving their performance to the compacting states. The
23 Commission shall include summary information and data
24 regarding its oversight functions in its annual report.

25 Section B. Dispute resolution.

1 (1) The Commission shall attempt, upon the request of a
2 member, to resolve any disputes or other issues which are
3 subject to this Compact and which may arise among compacting
4 states and non-compacting states.

5 (2) The compacting states shall report to the Commission on
6 issues or activities of concern to them and cooperate with and
7 support the Commission in the discharge of its duties and
8 responsibilities.

9 (3) The Commission shall promulgate an operating procedure
10 providing for binding dispute resolution for disputes among
11 Receivers.

12 (4) The Commission shall facilitate voluntary dispute
13 resolution for disputes among Guaranty Associations and
14 Receivers.

15 ARTICLE IX. RECEIVERSHIP FUNCTIONS OF THE COMMISSION

16 (1) The Commission has authority to act as Receiver of any
17 insurer domiciled, engaged in, or doing business in a
18 compacting state upon the request of the Commissioner of such
19 compacting state or as otherwise provided in this Compact.

20 (a) The Commission as Receiver shall have all powers
21 and duties pursuant to the receivership laws of the
22 domiciliary state.

23 (b) The Commission shall maintain accounts of receipts
24 and disbursements of the estates for which it is acting as
25 Receiver, consistent with the accounting practices and

1 procedures set forth in the by-laws.

2 (c) The Commission shall cause an annual audit of each
3 estate for which it is acting as Receiver, to be conducted
4 by an independent certified public accountant. The costs
5 and expenses of such audit shall be paid as administrative
6 expenses from the assets of the estate. The Commission
7 shall not cause an audit to be conducted of any estate that
8 lacks sufficient assets to conduct such audit.

9 (d) The Commission as Receiver is authorized to
10 delegate its receivership duties and functions and to
11 effectuate such delegation through contracts with others.

12 (2) The Commission shall act as Receiver of any insurer
13 domiciled or doing business in a compacting state in the event
14 that the member acting as Receiver in that compacting state
15 fails to comply with duly promulgated Commission rules or
16 operating procedures. The Commission shall notify such member
17 in writing of noncompliance with Commission rules or operating
18 procedures. If the member acting as Receiver fails to remedy
19 such noncompliance within 10 days after receipt of such
20 notification, the Commission may petition the supervising
21 court before which such receivership is pending for an order
22 substituting and appointing the Commission as Receiver of the
23 estate.

24 (3) The Commission shall not act as Receiver of an estate
25 which appears to lack sufficient assets to fund such
26 receivership unless the compacting state makes provisions for

1 the payment of the estate's administrative expenses
2 satisfactory to the Commission.

3 (4) The Commission may act as Deputy Receiver for any
4 insurer domiciled or doing business in a non-compacting state
5 in accordance with such state's laws upon request of that
6 non-compacting state's Commissioner and approval of the
7 Commission.

8 (5) With respect to receiverships pending in a compacting
9 state on the effective date of the enactment of this Compact by
10 the compacting state:

11 (a) the Commission may act as Receiver of an insurer
12 upon the request of that compacting state's member and
13 approval of the Commission; and

14 (b) the Commission shall oversee, monitor, and
15 coordinate the activities of all receiverships pending in
16 that compacting state regardless whether the Commission is
17 acting as Receiver of estates in such state.

18 ARTICLE X. FINANCE

19 (1) The Commission shall pay or provide for the payment of
20 the reasonable expenses of its establishment and organization.

21 (2) Except as otherwise provided in this Compact or by act
22 of the Commission, the costs and expenses of each compacting
23 state shall be the sole and exclusive responsibility of the
24 respective compacting state. The Commission may pay or provide
25 for actual and necessary costs and expenses for attendance of

1 its members at official meetings of the Commission or its
2 designated committees.

3 (3) The Commission shall levy on and collect an annual
4 assessment from each compacting state and each insurer
5 authorized to do business in a compacting state, and writing
6 direct insurance, to cover the cost of the internal operations
7 and activities of the Commission and its staff in a total
8 amount sufficient to cover the Commission's annual budget.

9 (a) The aggregate annual assessment amount shall be
10 allocated 75% to insurers, hereinafter referred to as the
11 "insurers' portion", and 25% to compacting states,
12 hereinafter referred to as the "compacting states'
13 portion". The insurer portion shall be allocated to each
14 insurer by the percentage derived from a fraction, the
15 numerator of which shall be the gross direct written
16 premium received on that insurer's business in all
17 compacting states and the denominator of which shall be the
18 gross direct written premium received by all insurers on
19 business in all compacting states. The compacting states'
20 portion shall be allocated to each compacting state by the
21 percentage derived from a fraction, the numerator of which
22 shall be the gross direct written premium received by all
23 insurers on business in that compacting state and the
24 denominator shall be the gross direct written premium
25 received on all insurers on business in all compacting
26 states. A compacting state's portion shall be funded as

1 designated by that state's legislature. In no event shall
2 an insurer's assessment be less than \$50 or more than
3 \$25,000; provided, that affiliated insurers' combined
4 assessments shall not exceed \$50,000. Upon the request of
5 an insurer, the Commission may exempt or defer the
6 assessment of any insurer if such assessment would cause
7 the insurer's financial impairment.

8 (b) These assessments shall not be used to pay any
9 costs or expenses incurred by the Commission and its staff
10 acting as Receiver of estates. Such costs and expenses
11 shall be paid as administrative expenses from the assets of
12 the estates as provided by law, except as otherwise
13 provided in this Compact.

14 (c) An insurer authorized to do business in a
15 compacting state shall timely pay assessments to the
16 Commission. Failure to pay such assessments shall not be
17 grounds for the revocation, suspension, or denial of an
18 insurer's authority to do business, but shall subject the
19 insurer to suit by the Commission for recovery of any
20 assessment due, attorneys' fees, and costs, together with
21 interest from the date the assessment is due at a rate of
22 10% per annum, and to civil forfeiture in an amount to be
23 determined by the Commissioner of that compacting state in
24 which the insurer received the greatest premium in the year
25 next preceding the first year for which the insurer shall
26 be delinquent in payment of assessments.

1 (4) The Commission shall be reimbursed in the following
2 manner for the costs and expenses incurred by the Commission
3 and its staff acting as Receiver of estates to the extent that
4 an insurer's assets may be insufficient for the effective
5 administration of its estate:

6 (a) if the insurer is domiciled in a compacting state,
7 the estate shall be closed unless that compacting state
8 makes provisions for reimbursing the Commission; and

9 (b) if the insurer is unauthorized to do business in a
10 compacting state or if the insurer is domiciled in a
11 non-compacting state and subject to ancillary
12 receivership, then the Commission and such state shall make
13 provisions for reimbursing the Commission prior to the
14 Commission becoming Receiver of such insurer.

15 (5) To fund the cost of the initial operations of the
16 Commission until its first annual budget is adopted and related
17 assessments have been made, contributions from compacting
18 states and others may be accepted and a one time assessment on
19 insurers doing a direct insurance business in the compacting
20 states may be made not to exceed \$450 per insurer.

21 (6) The Commission's adopted budget for a fiscal year shall
22 not be approved until it has been subject to notice and comment
23 as set forth in Article VII of this Compact. The budget shall
24 determine the amount of the annual assessment. The Commission
25 may accumulate a net worth not to exceed 30% of its then annual
26 cost of operation to provide for contingencies and events not

1 contemplated. These accumulated funds shall be held separately
2 and shall not be used for any other purpose. The Commission's
3 budget may include a provision for a contribution to the
4 Commission's net worth.

5 (7) The Commission shall be exempt from all taxation in and
6 by the compacting states.

7 (8) The Commission shall not pledge the credit of any
8 compacting state, except by and with the appropriate legal
9 authority of that compacting state.

10 (9) The Commission shall keep complete and accurate
11 accounts of all its internal receipts (including grants and
12 donations) and disbursements of all funds, other than
13 receivership assets, under its control. The internal financial
14 accounts of the Commission shall be subject to the accounting
15 procedures established under its by-laws. The financial
16 accounts and reports including the system of internal controls
17 and procedures of the Commission shall be audited annually by
18 an independent certified public accountant. Upon the
19 determination of the Commission, but no less frequently than
20 every 3 years, the review of such independent auditor shall
21 include a management and performance audit of the Commission.
22 The report of such independent audit shall be made available to
23 the public and shall be included in and become part of the
24 annual report of the Commission to the Governors and
25 legislatures of the compacting states. The Commission's
26 internal accounts, any workpapers related to any internal

1 audit, and any workpapers related to the independent audit,
2 shall be confidential; provided, that such materials shall be
3 made available: (i) in compliance with the order of any court
4 of competent jurisdiction; (ii) pursuant to such reasonable
5 rules as the Commission shall promulgate; and (iii) to any
6 Commissioner, Governor of a compacting state, or their duly
7 authorized representatives.

8 (10) No compacting state shall have any claim to or
9 ownership of any property held by or vested in the Commission
10 or the Commission acting as Receiver or to any other Commission
11 funds held pursuant to the provisions of this Compact.

12 ARTICLE XI. COMPACTING STATES, EFFECTIVE DATE, AND AMENDMENT

13 (1) Any state is eligible to become a compacting state.

14 (2) The Compact shall become effective and binding upon
15 legislative enactment of the Compact into law by 2 compacting
16 states. Thereafter, it shall become effective and binding as to
17 any other compacting state upon enactment of the Compact into
18 law by that state.

19 (3) Amendments to the Compact may be proposed by the
20 Commission for enactment by the compacting states. No amendment
21 shall become effective and binding upon the Commission and the
22 compacting states unless and until it is enacted into law by
23 unanimous consent of the compacting states.

24 ARTICLE XII. WITHDRAWAL, DEFAULT, AND TERMINATION

1 Section A. Withdrawal.

2 (1) Once effective, the Compact shall continue in force and
3 remain binding upon each and every compacting state; provided,
4 that a compacting state may withdraw from the Compact
5 ("withdrawing state") by enacting a statute specifically
6 repealing the statute which enacted the Compact into law.

7 (2) The effective date of withdrawal is the effective date
8 of the repeal; provided, that the repeal shall not apply to any
9 receiverships, for which the Commission is acting as Receiver,
10 pending on the date of the repeal except by mutual agreement of
11 the Commission and the withdrawing state.

12 (3) The withdrawing state shall immediately notify the
13 Chairperson of the Commission in writing upon the introduction
14 of legislation repealing this Compact in the withdrawing state.

15 (4) The Commission shall notify the other compacting states
16 of the withdrawing state's intent to withdraw within 60 days of
17 its receipt thereof.

18 (5) The withdrawing state is responsible for all
19 assessments, obligations, and liabilities incurred through the
20 effective date of withdrawal, including any obligations, the
21 performance of which extend beyond the effective date of
22 withdrawal, except to the extent those obligations may have
23 been released or relinquished by mutual agreement of the
24 Commission and the withdrawing state. Notwithstanding the
25 foregoing, the withdrawing state is responsible for the costs

1 and expenses of its estates subject to this Compact pending on
2 the date of repeal; the Commission and the other estates
3 subject to this Compact shall not bear any costs and expenses
4 related to the withdrawing state's estates unless otherwise
5 mutually agreed upon between the Commission and the withdrawing
6 state.

7 (6) Reinstatement following withdrawal of any compacting
8 state shall occur upon the withdrawing state reenacting the
9 Compact or upon such later date as determined by the
10 Commission.

11 Section B. Default.

12 (1) If the Commission determines that any compacting state
13 has at any time defaulted ("defaulting state") in the
14 performance of any of its obligations or responsibilities under
15 this Compact, the by-laws, or duly promulgated rules, all
16 rights, privileges, and benefits conferred by this Compact and
17 any agreements entered into pursuant to this Compact shall be
18 suspended from the effective date of default as fixed by the
19 Commission. The grounds for default include, but are not
20 limited to, failure of a compacting state to perform such
21 obligations or responsibilities and any other grounds
22 designated in Commission rules. The Commission shall
23 immediately notify the defaulting state in writing of the
24 defaulting state's suspension pending a cure of the default.
25 The Commission shall stipulate the conditions and the time

1 period within which the defaulting state must cure its default.
2 If the defaulting state fails to cure the default within the
3 time period specified by the Commission, the defaulting state
4 shall be terminated from the Compact upon an affirmative vote
5 of a majority of the compacting states and all rights,
6 privileges, and benefits conferred by this Compact shall be
7 terminated from the effective date of termination.

8 (2) Within 60 days of the effective date of termination of
9 a defaulting state, the Commission shall notify the Governor
10 and the Majority and Minority Leaders of the defaulting state's
11 legislature of such termination.

12 (3) The termination of a defaulting state shall apply to
13 all receiverships, for which the Commission is acting as
14 Receiver, pending on the effective date of termination except
15 by mutual agreement of the Commission and the defaulting state.

16 (4) The defaulting state is responsible for all
17 assessments, obligations, and liabilities incurred through the
18 effective date of termination and is responsible for the costs
19 and expenses relating to its estates subject to this Compact
20 pending on the date of the termination. The Commission and the
21 other estates subject to this Compact shall not bear any costs
22 or expenses relating the defaulting state's estates unless
23 otherwise mutually agreed upon between the Commission and the
24 defaulting state.

25 (5) Reinstatement following termination of any compacting
26 state requires both a reenactment of the Compact by the

1 defaulting state and the approval of the Commission pursuant to
2 the rules.

3 Section C. Dissolution of Compact.

4 (1) The Compact dissolves effective upon the date of the
5 withdrawal or the termination by default of the compacting
6 state which reduces membership in the Compact to one compacting
7 state.

8 (2) Upon the dissolution of this Compact, the Compact
9 becomes null and void and shall be of no further force or
10 effect, and the business and affairs of the Commission shall be
11 wound up and any surplus funds shall be distributed in
12 accordance with the by-laws.

13 ARTICLE XIII. SEVERABILITY AND CONSTRUCTION

14 (1) The provisions of this Compact shall be severable, and
15 if any phrase, clause, sentence, or provision is deemed
16 unenforceable, the remaining provisions of the Compact shall be
17 enforceable.

18 (2) The provisions of this Compact shall be liberally
19 construed to effectuate its purposes.

20 ARTICLE XIV. BINDING EFFECT OF COMPACT AND OTHER LAWS

21 Section A. Other laws.

22 (1) Nothing herein prevents the enforcement of any other

1 law of a compacting state that is not inconsistent with this
2 Compact.

3 (2) All compacting states' laws conflicting with this
4 Compact are superseded to the extent of the conflict.

5 Section B. Binding effect of this Compact.

6 (1) All lawful actions of the Commission, including all
7 rules and operating procedures promulgated by the Commission,
8 are binding upon the compacting states.

9 (2) All agreements between the Commission and the
10 compacting states are binding in accordance with their terms.

11 (3) Upon the request of a party to a conflict over meaning
12 or interpretation of Commission actions, and upon a majority
13 vote of the compacting states, the Commission may issue
14 advisory opinions regarding such meaning or interpretation.

15 (4) In the event any provision of this Compact exceeds the
16 constitutional limits imposed on the legislature of any
17 compacting state, the obligations, duties, powers, or
18 jurisdiction sought to be conferred by such provision upon the
19 Commission shall be ineffective and such obligations, duties,
20 powers or jurisdiction shall remain in the compacting state and
21 shall be exercised by the agency thereof to which such
22 obligations, duties, powers, or jurisdiction are delegated by
23 law in effect at the time this Compact becomes effective.

24 (Source: P.A. 89-247, eff. 1-1-96; revised 10-13-05.)

1 Section 445. The Interstate Compact for Adult Offender
2 Supervision is amended by setting forth and renumbering
3 multiple versions of Section 110 as follows:

4 (45 ILCS 170/110)

5 Sec. 110. (Amendatory provisions; text omitted.)

6 (Source: P.A. 92-571, eff. 6-26-02; text omitted.)

7 (45 ILCS 170/115)

8 Sec. 115. ~~110.~~ The Unified Code of Corrections is amended
9 by repealing Section 3-3-11.

10 (Source: P.A. 92-571, eff. 6-26-02; revised 7-15-02.)

11 Section 450. The Public Building Commission Act is amended
12 by changing Section 19.1 as follows:

13 (50 ILCS 20/19.1)

14 Sec. 19.1. Public Building Commission in municipality over
15 500,000. On or before December 1, 1995 and on or before the
16 first day of May and first day of December of each subsequent
17 calendar year, the Public Building Commission created and
18 organized under this Act in and for a municipality with over
19 500,000 population shall prepare and file with the General
20 Assembly, the board of education of the school district located
21 in that municipality, and the local school council of each
22 attendance center in that school district for which there is

1 pending or under construction but not completed a project for
2 the construction, renovation, or rehabilitation of a school
3 building or other school facility that is to be used by that
4 attendance center, a status report that sets forth: (1) the
5 date when work on the project began, (2) whether work on the
6 project at the time the report is filed is progressing ahead
7 of, on, or behind the schedule established for work on the
8 project to be performed, (3) the projected completion date of
9 the project, and (4) whether the labor and materials furnished
10 for the project as of the time the report is filed were
11 furnished at the project cost budgeted for such labor and
12 materials, and if not, the amount by which the labor and
13 materials so furnished exceed or are less than the project cost
14 budgeted for such labor and materials.

15 (Source: P.A. 89-384, eff. 8-18-95; revised 9-25-06.)

16 Section 455. The Special Assessment Supplemental Bond and
17 Procedures Act is amended by changing Section 55 as follows:

18 (50 ILCS 460/55)

19 Sec. 55. County clerk may collect. Pursuant to the Illinois
20 constitutional and statutory provisions relating to
21 intergovernmental cooperation, the county clerk of any county
22 in which property subject to a special assessment is located
23 may, but shall not be required to, agree to mail bills for a
24 special assessment with the regular tax bills of the county, or

1 otherwise as may be provided by a special assessment law. If
2 the clerk agrees to mail such bills with the regular tax bills,
3 then the annual amount due as of January 2 shall become due
4 instead in even installments with each tax bill made during the
5 year in which such January 2 date occurs, thus deferring to
6 later date in the year the obligation to pay the assessments.

7 If ~~In the event that~~ the county clerk does not agree to
8 mail the ~~such~~ bills, or if ~~in the event that~~ the municipality
9 declines to request the county clerk to mail the ~~said~~ bills,
10 the municipality still may bill the annual amount due, as of
11 January 2 ~~2nd~~, in 2 even installments to become due on or about
12 the due dates ~~date~~ for the real estate tax bills issued by the
13 county clerk during the year in which the January 2 ~~2nd~~ date
14 occurs, thus ~~thereby deferring to later dates in said year~~ the
15 obligation to pay the assessment installment to later dates in
16 that year.

17 If ~~In the event that~~ the county clerk agrees to mail the
18 ~~such~~ bills on behalf of a municipality, the county may charge a
19 fee for such services to be paid from the special assessment.
20 The ~~Such~~ fee shall be considered as a cost of making, levying,
21 and collecting the assessment provided for in Section 9-2-139
22 of the Illinois Municipal Code.

23 (Source: P.A. 93-196, eff. 7-14-03; 93-222, eff. 1-1-04;
24 revised 9-11-03.)

25 Section 460. The Emergency Telephone System Act is amended

1 by changing Section 15.3 as follows:

2 (50 ILCS 750/15.3) (from Ch. 134, par. 45.3)

3 Sec. 15.3. Surcharge.

4 (a) The corporate authorities of any municipality or any
5 county may, subject to the limitations of subsections (c), (d),
6 and (h), and in addition to any tax levied pursuant to the
7 Simplified Municipal Telecommunications Tax Act, impose a
8 monthly surcharge on billed subscribers of network connection
9 provided by telecommunication carriers engaged in the business
10 of transmitting messages by means of electricity originating
11 within the corporate limits of the municipality or county
12 imposing the surcharge at a rate per network connection
13 determined in accordance with subsection (c). Provided,
14 however, that where multiple voice grade communications
15 channels are connected between the subscriber's premises and a
16 public switched network through private branch exchange (PBX)
17 or centrex type service, a municipality imposing a surcharge at
18 a rate per network connection, as determined in accordance with
19 this Act, shall impose 5 such surcharges per network
20 connection, as determined in accordance with subsections (a)
21 and (d) of Section 2.12 of this Act. For mobile
22 telecommunications services, if a surcharge is imposed it shall
23 be imposed based upon the municipality or county that
24 encompasses the customer's place of primary use as defined in
25 the Mobile Telecommunications Sourcing Conformity Act. A

1 municipality may enter into an intergovernmental agreement
2 with any county in which it is partially located, when the
3 county has adopted an ordinance to impose a surcharge as
4 provided in subsection (c), to include that portion of the
5 municipality lying outside the county in that county's
6 surcharge referendum. If the county's surcharge referendum is
7 approved, the portion of the municipality identified in the
8 intergovernmental agreement shall automatically be
9 disconnected from the county in which it lies and connected to
10 the county which approved the referendum for purposes of a
11 surcharge on telecommunications carriers.

12 (b) For purposes of computing the surcharge imposed by
13 subsection (a), the network connections to which the surcharge
14 shall apply shall be those in-service network connections,
15 other than those network connections assigned to the
16 municipality or county, where the service address for each such
17 network connection or connections is located within the
18 corporate limits of the municipality or county levying the
19 surcharge. Except for mobile telecommunication services, the
20 "service address" shall mean the location of the primary use of
21 the network connection or connections. For mobile
22 telecommunication services, "service address" means the
23 customer's place of primary use as defined in the Mobile
24 Telecommunications Sourcing Conformity Act. With respect to
25 network connections provided for use with pay telephone
26 services for which there is no billed subscriber, the

1 telecommunications carrier providing the network connection
2 shall be deemed to be its own billed subscriber for purposes of
3 applying the surcharge.

4 (c) Upon the passage of an ordinance to impose a surcharge
5 under this Section the clerk of the municipality or county
6 shall certify the question of whether the surcharge may be
7 imposed to the proper election authority who shall submit the
8 public question to the electors of the municipality or county
9 in accordance with the general election law; provided that such
10 question shall not be submitted at a consolidated primary
11 election. The public question shall be in substantially the
12 following form:

13 -----
14 Shall the county (or city, village
15 or incorporated town) of impose YES
16 a surcharge of up to ...¢ per month per
17 network connection, which surcharge will
18 be added to the monthly bill you receive -----
19 for telephone or telecommunications
20 charges, for the purpose of installing
21 (or improving) a 9-1-1 Emergency NO
22 Telephone System?

23 -----
24 If a majority of the votes cast upon the public question
25 are in favor thereof, the surcharge shall be imposed.

26 However, if a Joint Emergency Telephone System Board is to

1 be created pursuant to an intergovernmental agreement under
2 Section 15.4, the ordinance to impose the surcharge shall be
3 subject to the approval of a majority of the total number of
4 votes cast upon the public question by the electors of all of
5 the municipalities or counties, or combination thereof, that
6 are parties to the intergovernmental agreement.

7 The referendum requirement of this subsection (c) shall not
8 apply to any municipality with a population over 500,000 or to
9 any county in which a proposition as to whether a sophisticated
10 9-1-1 Emergency Telephone System should be installed in the
11 county, at a cost not to exceed a specified monthly amount per
12 network connection, has previously been approved by a majority
13 of the electors of the county voting on the proposition at an
14 election conducted before the effective date of this amendatory
15 Act of 1987.

16 (d) A county may not impose a surcharge, unless requested
17 by a municipality, in any incorporated area which has
18 previously approved a surcharge as provided in subsection (c)
19 or in any incorporated area where the corporate authorities of
20 the municipality have previously entered into a binding
21 contract or letter of intent with a telecommunications carrier
22 to provide sophisticated 9-1-1 service through municipal
23 funds.

24 (e) A municipality or county may at any time by ordinance
25 change the rate of the surcharge imposed under this Section if
26 the new rate does not exceed the rate specified in the

1 referendum held pursuant to subsection (c).

2 (f) The surcharge authorized by this Section shall be
3 collected from the subscriber by the telecommunications
4 carrier providing the subscriber the network connection as a
5 separately stated item on the subscriber's bill.

6 (g) The amount of surcharge collected by the
7 telecommunications carrier shall be paid to the particular
8 municipality or county or Joint Emergency Telephone System
9 Board not later than 30 days after the surcharge is collected,
10 net of any network or other 9-1-1 or sophisticated 9-1-1 system
11 charges then due the particular telecommunications carrier, as
12 shown on an itemized bill. The telecommunications carrier
13 collecting the surcharge shall also be entitled to deduct 3% of
14 the gross amount of surcharge collected to reimburse the
15 telecommunications carrier for the expense of accounting and
16 collecting the surcharge.

17 (h) Except as expressly provided in subsection (a) of this
18 Section, a municipality with a population over 500,000 may not
19 impose a monthly surcharge in excess of \$1.25 per network
20 connection.

21 (i) Any municipality or county or joint emergency telephone
22 system board that has imposed a surcharge pursuant to this
23 Section prior to the effective date of this amendatory Act of
24 1990 shall hereafter impose the surcharge in accordance with
25 subsection (b) of this Section.

26 (j) The corporate authorities of any municipality or county

1 may issue, in accordance with Illinois law, bonds, notes or
2 other obligations secured in whole or in part by the proceeds
3 of the surcharge described in this Section. Notwithstanding any
4 change in law subsequent to the issuance of any bonds, notes or
5 other obligations secured by the surcharge, every municipality
6 or county issuing such bonds, notes or other obligations shall
7 be authorized to impose the surcharge as though the laws
8 relating to the imposition of the surcharge in effect at the
9 time of issuance of the bonds, notes or other obligations were
10 in full force and effect until the bonds, notes or other
11 obligations are paid in full. The State of Illinois pledges and
12 agrees that it will not limit or alter the rights and powers
13 vested in municipalities and counties by this Section to impose
14 the surcharge so as to impair the terms of or affect the
15 security for bonds, notes or other obligations secured in whole
16 or in part with the proceeds of the surcharge described in this
17 Section.

18 (k) Any surcharge collected by or imposed on a
19 telecommunications carrier pursuant to this Section shall be
20 held to be a special fund in trust for the municipality, county
21 or Joint Emergency Telephone Board imposing the surcharge.
22 Except for the 3% deduction provided in subsection (g) above,
23 the special fund shall not be subject to the claims of
24 creditors of the telecommunication carrier.

25 (Source: P.A. 92-474, eff. 8-1-02; 92-526, eff. 1-1-03; 92-557,
26 eff. 1-1-03; revised 10-2-02.)

1 Section 465. The Counties Code is amended by changing
2 Sections 3-5036.5, 4-2002, 4-2002.1, 4-5001, 5-1022, 5-1101,
3 5-21009, and 5-37006 as follows:

4 (55 ILCS 5/3-5036.5)

5 Sec. 3-5036.5. Exchange of information for child support
6 enforcement.

7 (a) The Recorder shall exchange with the ~~Illinois~~
8 Department of Healthcare and Family Services ~~Public Aid~~
9 information that may be necessary for the enforcement of child
10 support orders entered pursuant to the Illinois Public Aid
11 Code, the Illinois Marriage and Dissolution of Marriage Act,
12 the Non-Support of Spouse and Children Act, the Non-Support
13 Punishment Act, the Revised Uniform Reciprocal Enforcement of
14 Support Act, the Uniform Interstate Family Support Act, or the
15 Illinois Parentage Act of 1984.

16 (b) Notwithstanding any provisions in this Code to the
17 contrary, the Recorder shall not be liable to any person for
18 any disclosure of information to the Department of Healthcare
19 and Family Services (formerly Illinois Department of Public
20 Aid) under subsection (a) or for any other action taken in good
21 faith to comply with the requirements of subsection (a).

22 (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 10-1-99; revised
23 12-15-05.)

1 (55 ILCS 5/4-2002) (from Ch. 34, par. 4-2002)

2 Sec. 4-2002. State's attorney fees in counties under
3 3,000,000 population. This Section applies only to counties
4 with fewer than 3,000,000 inhabitants.

5 (a) State's attorneys shall be entitled to the following
6 fees, however, the fee requirement of this subsection does not
7 apply to county boards:

8 For each conviction in prosecutions on indictments for
9 first degree murder, second degree murder, involuntary
10 manslaughter, criminal sexual assault, aggravated criminal
11 sexual assault, aggravated criminal sexual abuse, kidnapping,
12 arson and forgery, \$30. All other cases punishable by
13 imprisonment in the penitentiary, \$30.

14 For each conviction in other cases tried before judges of
15 the circuit court, \$15; except that if the conviction is in a
16 case which may be assigned to an associate judge, whether or
17 not it is in fact assigned to an associate judge, the fee shall
18 be \$10.

19 For preliminary examinations for each defendant held to
20 bail or recognizance, \$10.

21 For each examination of a party bound over to keep the
22 peace, \$10.

23 For each defendant held to answer in a circuit court on a
24 charge of paternity, \$10.

25 For each trial on a charge of paternity, \$30.

26 For each case of appeal taken from his county or from the

1 county to which a change of venue is taken to his county to the
2 Supreme or Appellate Court when prosecuted or defended by him,
3 \$50.

4 For each day actually employed in the trial of a case, \$25;
5 in which case the court before whom the case is tried shall
6 make an order specifying the number of days for which a per
7 diem shall be allowed.

8 For each day actually employed in the trial of cases of
9 felony arising in their respective counties and taken by change
10 of venue to another county, \$25; and the court before whom the
11 case is tried shall make an order specifying the number of days
12 for which said per diem shall be allowed; and it is hereby made
13 the duty of each State's attorney to prepare and try each case
14 of felony arising when so taken by change of venue.

15 For assisting in a trial of each case on an indictment for
16 felony brought by change of venue to their respective counties,
17 the same fees they would be entitled to if such indictment had
18 been found for an offense committed in his county, and it shall
19 be the duty of the State's attorney of the county to which such
20 cause is taken by change of venue to assist in the trial
21 thereof.

22 For each case of forfeited recognizance where the
23 forfeiture is set aside at the instance of the defense, in
24 addition to the ordinary costs, \$10 for each defendant.

25 For each proceeding in a circuit court to inquire into the
26 alleged mental illness of any person, \$10 for each defendant.

1 For each proceeding in a circuit court to inquire into the
2 alleged dependency or delinquency of any child, \$10.

3 For each day actually employed in the hearing of a case of
4 habeas corpus in which the people are interested, \$25.

5 All the foregoing fees shall be taxed as costs to be
6 collected from the defendant, if possible, upon conviction. But
7 in cases of inquiry into the mental illness of any person
8 alleged to be mentally ill, in cases on a charge of paternity
9 and in cases of appeal in the Supreme or Appellate Court, where
10 judgment is in favor of the accused, the fees allowed the
11 State's attorney therein shall be retained out of the fines and
12 forfeitures collected by them in other cases.

13 Ten per cent of all moneys except revenue, collected by
14 them and paid over to the authorities entitled thereto, which
15 per cent together with the fees provided for herein that are
16 not collected from the parties tried or examined, shall be paid
17 out of any fines and forfeited recognizances collected by them,
18 provided however, that in proceedings to foreclose the lien of
19 delinquent real estate taxes State's attorneys shall receive a
20 fee, to be credited to the earnings of their office, of 10% of
21 the total amount realized from the sale of real estate sold in
22 such proceedings. Such fees shall be paid from the total amount
23 realized from the sale of the real estate sold in such
24 proceedings.

25 State's attorneys shall have a lien for their fees on all
26 judgments for fines or forfeitures procured by them and on

1 moneys except revenue received by them until such fees and
2 earnings are fully paid.

3 No fees shall be charged on more than 10 counts in any one
4 indictment or information on trial and conviction; nor on more
5 than 10 counts against any one defendant on pleas of guilty.

6 The Circuit Court may direct that of all monies received,
7 by restitution or otherwise, which monies are ordered paid to
8 the Department of Healthcare and Family Services (formerly
9 Department of Public Aid) or the Department of Human Services
10 (acting as successor to the Department of Public Aid under the
11 Department of Human Services Act) as a direct result of the
12 efforts of the State's attorney and which payments arise from
13 Civil or Criminal prosecutions involving the Illinois Public
14 Aid Code or the Criminal Code, the following amounts shall be
15 paid quarterly by the Department of Healthcare and Family
16 Services ~~Public Aid~~ or the Department of Human Services to the
17 General Corporate Fund of the County in which the prosecution
18 or cause of action took place:

19 (1) where the monies result from child support
20 obligations, not more than 25% of the federal share of the
21 monies received,

22 (2) where the monies result from other than child
23 support obligations, not more than 25% of the State's share
24 of the monies received.

25 (b) A municipality shall be entitled to a \$10 prosecution
26 fee for each conviction for a violation of The Illinois Vehicle

1 Code prosecuted by the municipal attorney pursuant to Section
2 16-102 of that Code which is tried before a circuit or
3 associate judge and shall be entitled to a \$10 prosecution fee
4 for each conviction for a violation of a municipal vehicle
5 ordinance or nontraffic ordinance prosecuted by the municipal
6 attorney which is tried before a circuit or associate judge.
7 Such fee shall be taxed as costs to be collected from the
8 defendant, if possible, upon conviction. A municipality shall
9 have a lien for such prosecution fees on all judgments or fines
10 procured by the municipal attorney from prosecutions for
11 violations of The Illinois Vehicle Code and municipal vehicle
12 ordinances or nontraffic ordinances.

13 For the purposes of this subsection (b), "municipal vehicle
14 ordinance" means any ordinance enacted pursuant to Sections
15 11-40-1, 11-40-2, 11-40-2a and 11-40-3 of the Illinois
16 Municipal Code or any ordinance enacted by a municipality which
17 is similar to a provision of Chapter 11 of The Illinois Vehicle
18 Code.

19 (Source: P.A. 88-572, eff. 8-11-94; 89-507, eff. 7-1-97;
20 revised 12-15-05.)

21 (55 ILCS 5/4-2002.1) (from Ch. 34, par. 4-2002.1)

22 Sec. 4-2002.1. State's attorney fees in counties of
23 3,000,000 or more population. This Section applies only to
24 counties with 3,000,000 or more inhabitants.

25 (a) State's attorneys shall be entitled to the following

1 fees:

2 For each conviction in prosecutions on indictments for
3 first degree murder, second degree murder, involuntary
4 manslaughter, criminal sexual assault, aggravated criminal
5 sexual assault, aggravated criminal sexual abuse, kidnapping,
6 arson and forgery, \$60. All other cases punishable by
7 imprisonment in the penitentiary, \$60.

8 For each conviction in other cases tried before judges of
9 the circuit court, \$30; except that if the conviction is in a
10 case which may be assigned to an associate judge, whether or
11 not it is in fact assigned to an associate judge, the fee shall
12 be \$20.

13 For preliminary examinations for each defendant held to
14 bail or recognizance, \$20.

15 For each examination of a party bound over to keep the
16 peace, \$20.

17 For each defendant held to answer in a circuit court on a
18 charge of paternity, \$20.

19 For each trial on a charge of paternity, \$60.

20 For each case of appeal taken from his county or from the
21 county to which a change of venue is taken to his county to the
22 Supreme or Appellate Court when prosecuted or defended by him,
23 \$100.

24 For each day actually employed in the trial of a case, \$50;
25 in which case the court before whom the case is tried shall
26 make an order specifying the number of days for which a per

1 diem shall be allowed.

2 For each day actually employed in the trial of cases of
3 felony arising in their respective counties and taken by change
4 of venue to another county, \$50; and the court before whom the
5 case is tried shall make an order specifying the number of days
6 for which said per diem shall be allowed; and it is hereby made
7 the duty of each State's attorney to prepare and try each case
8 of felony arising when so taken by change of venue.

9 For assisting in a trial of each case on an indictment for
10 felony brought by change of venue to their respective counties,
11 the same fees they would be entitled to if such indictment had
12 been found for an offense committed in his county, and it shall
13 be the duty of the State's attorney of the county to which such
14 cause is taken by change of venue to assist in the trial
15 thereof.

16 For each case of forfeited recognizance where the
17 forfeiture is set aside at the instance of the defense, in
18 addition to the ordinary costs, \$20 for each defendant.

19 For each proceeding in a circuit court to inquire into the
20 alleged mental illness of any person, \$20 for each defendant.

21 For each proceeding in a circuit court to inquire into the
22 alleged dependency or delinquency of any child, \$20.

23 For each day actually employed in the hearing of a case of
24 habeas corpus in which the people are interested, \$50.

25 All the foregoing fees shall be taxed as costs to be
26 collected from the defendant, if possible, upon conviction. But

1 in cases of inquiry into the mental illness of any person
2 alleged to be mentally ill, in cases on a charge of paternity
3 and in cases of appeal in the Supreme or Appellate Court, where
4 judgment is in favor of the accused, the fees allowed the
5 State's attorney therein shall be retained out of the fines and
6 forfeitures collected by them in other cases.

7 Ten per cent of all moneys except revenue, collected by
8 them and paid over to the authorities entitled thereto, which
9 per cent together with the fees provided for herein that are
10 not collected from the parties tried or examined, shall be paid
11 out of any fines and forfeited recognizances collected by them,
12 provided however, that in proceedings to foreclose the lien of
13 delinquent real estate taxes State's attorneys shall receive a
14 fee, to be credited to the earnings of their office, of 10% of
15 the total amount realized from the sale of real estate sold in
16 such proceedings. Such fees shall be paid from the total amount
17 realized from the sale of the real estate sold in such
18 proceedings.

19 State's attorneys shall have a lien for their fees on all
20 judgments for fines or forfeitures procured by them and on
21 moneys except revenue received by them until such fees and
22 earnings are fully paid.

23 No fees shall be charged on more than 10 counts in any one
24 indictment or information on trial and conviction; nor on more
25 than 10 counts against any one defendant on pleas of guilty.

26 The Circuit Court may direct that of all monies received,

1 by restitution or otherwise, which monies are ordered paid to
2 the Department of Healthcare and Family Services (formerly
3 Department of Public Aid) or the Department of Human Services
4 (acting as successor to the Department of Public Aid under the
5 Department of Human Services Act) as a direct result of the
6 efforts of the State's attorney and which payments arise from
7 Civil or Criminal prosecutions involving the Illinois Public
8 Aid Code or the Criminal Code, the following amounts shall be
9 paid quarterly by the Department of Healthcare and Family
10 Services ~~Public Aid~~ or the Department of Human Services to the
11 General Corporate Fund of the County in which the prosecution
12 or cause of action took place:

13 (1) where the monies result from child support
14 obligations, not less than 25% of the federal share of the
15 monies received,

16 (2) where the monies result from other than child
17 support obligations, not less than 25% of the State's share
18 of the monies received.

19 (b) A municipality shall be entitled to a \$10 prosecution
20 fee for each conviction for a violation of the Illinois Vehicle
21 Code prosecuted by the municipal attorney pursuant to Section
22 16-102 of that Code which is tried before a circuit or
23 associate judge and shall be entitled to a \$10 prosecution fee
24 for each conviction for a violation of a municipal vehicle
25 ordinance prosecuted by the municipal attorney which is tried
26 before a circuit or associate judge. Such fee shall be taxed as

1 costs to be collected from the defendant, if possible, upon
2 conviction. A municipality shall have a lien for such
3 prosecution fees on all judgments or fines procured by the
4 municipal attorney from prosecutions for violations of the
5 Illinois Vehicle Code and municipal vehicle ordinances.

6 For the purposes of this subsection (b), "municipal vehicle
7 ordinance" means any ordinance enacted pursuant to Sections
8 11-40-1, 11-40-2, 11-40-2a and 11-40-3 of the Illinois
9 Municipal Code or any ordinance enacted by a municipality which
10 is similar to a provision of Chapter 11 of the Illinois Vehicle
11 Code.

12 (Source: P.A. 89-507, eff. 7-1-97; revised 12-15-05.)

13 (55 ILCS 5/4-5001) (from Ch. 34, par. 4-5001)

14 Sec. 4-5001. Sheriffs; counties of first and second class.
15 The fees of sheriffs in counties of the first and second class,
16 except when increased by county ordinance under this Section,
17 shall be as follows:

18 For serving or attempting to serve summons on each
19 defendant in each county, \$10.

20 For serving or attempting to serve an order or judgment
21 granting injunctive relief in each county, \$10.

22 For serving or attempting to serve each garnishee in each
23 county, \$10.

24 For serving or attempting to serve an order for replevin in
25 each county, \$10.

1 For serving or attempting to serve an order for attachment
2 on each defendant in each county, \$10.

3 For serving or attempting to serve a warrant of arrest, \$8,
4 to be paid upon conviction.

5 For returning a defendant from outside the State of
6 Illinois, upon conviction, the court shall assess, as court
7 costs, the cost of returning a defendant to the jurisdiction.

8 For taking special bail, \$1 in each county.

9 For serving or attempting to serve a subpoena on each
10 witness, in each county, \$10.

11 For advertising property for sale, \$5.

12 For returning each process, in each county, \$5.

13 Mileage for each mile of necessary travel to serve any such
14 process as Stated above, calculating from the place of holding
15 court to the place of residence of the defendant, or witness,
16 50¢ each way.

17 For summoning each juror, \$3 with 30¢ mileage each way in
18 all counties.

19 For serving or attempting to serve notice of judgments or
20 levying to enforce a judgment, \$3 with 50¢ mileage each way in
21 all counties.

22 For taking possession of and removing property levied on,
23 the officer shall be allowed to tax the actual cost of such
24 possession or removal.

25 For feeding each prisoner, such compensation to cover the
26 actual cost as may be fixed by the county board, but such

1 compensation shall not be considered a part of the fees of the
2 office.

3 For attending before a court with prisoner, on an order for
4 habeas corpus, in each county, \$10 per day.

5 For attending before a court with a prisoner in any
6 criminal proceeding, in each county, \$10 per day.

7 For each mile of necessary travel in taking such prisoner
8 before the court as Stated above, 15¢ a mile each way.

9 For serving or attempting to serve an order or judgment for
10 the possession of real estate in an action of ejectment or in
11 any other action, or for restitution in an action of forcible
12 entry and detainer without aid, \$10 and when aid is necessary,
13 the sheriff shall be allowed to tax in addition the actual
14 costs thereof, and for each mile of necessary travel, 50¢ each
15 way.

16 For executing and acknowledging a deed of sale of real
17 estate, in counties of first class, \$4; second class, \$4.

18 For preparing, executing and acknowledging a deed on
19 redemption from a court sale of real estate in counties of
20 first class, \$5; second class, \$5.

21 For making certificates of sale, and making and filing
22 duplicate, in counties of first class, \$3; in counties of the
23 second class, \$3.

24 For making certificate of redemption, \$3.

25 For certificate of levy and filing, \$3, and the fee for
26 recording shall be advanced by the judgment creditor and

1 charged as costs.

2 For taking all bonds on legal process, civil and criminal,
3 in counties of first class, \$1; in second class, \$1.

4 For executing copies in criminal cases, \$4 and mileage for
5 each mile of necessary travel, 20¢ each way.

6 For executing requisitions from other States, \$5.

7 For conveying each prisoner from the prisoner's own county
8 to the jail of another county, or from another county to the
9 jail of the prisoner's county, per mile, for going, only, 30¢.

10 For conveying persons to the penitentiary, reformatories,
11 Illinois State Training School for Boys, Illinois State
12 Training School for Girls and Reception Centers, the following
13 fees, payable out of the State Treasury. For each person who is
14 conveyed, 35¢ per mile in going only to the penitentiary,
15 reformatory, Illinois State Training School for Boys, Illinois
16 State Training School for Girls and Reception Centers, from the
17 place of conviction.

18 The fees provided for transporting persons to the
19 penitentiary, reformatories, Illinois State Training School
20 for Boys, Illinois State Training School for Girls and
21 Reception Centers shall be paid for each trip so made. Mileage
22 as used in this Section means the shortest practical route,
23 between the place from which the person is to be transported,
24 to the penitentiary, reformatories, Illinois State Training
25 School for Boys, Illinois State Training School for Girls and
26 Reception Centers and all fees per mile shall be computed on

1 such basis.

2 For conveying any person to or from any of the charitable
3 institutions of the State, when properly committed by competent
4 authority, when one person is conveyed, 35¢ per mile; when two
5 persons are conveyed at the same time, 35¢ per mile for the
6 first person and 20¢ per mile for the second person; and 10¢
7 per mile for each additional person.

8 For conveying a person from the penitentiary to the county
9 jail when required by law, 35¢ per mile.

10 For attending Supreme Court, \$10 per day.

11 In addition to the above fees there shall be allowed to the
12 sheriff a fee of \$600 for the sale of real estate which is made
13 by virtue of any judgment of a court, except that in the case
14 of a sale of unimproved real estate which sells for \$10,000 or
15 less, the fee shall be \$150. In addition to this fee and all
16 other fees provided by this Section, there shall be allowed to
17 the sheriff a fee in accordance with the following schedule for
18 the sale of personal estate which is made by virtue of any
19 judgment of a court:

20 For judgments up to \$1,000, \$75;

21 For judgments from \$1,001 to \$15,000, \$150;

22 For judgments over \$15,000, \$300.

23 The foregoing fees allowed by this Section are the maximum
24 fees that may be collected from any officer, agency, department
25 or other instrumentality of the State. The county board may,
26 however, by ordinance, increase the fees allowed by this

1 Section and collect those increased fees from all persons and
2 entities other than officers, agencies, departments and other
3 instrumentalities of the State if the increase is justified by
4 an acceptable cost study showing that the fees allowed by this
5 Section are not sufficient to cover the costs of providing the
6 service. A statement of the costs of providing each service,
7 program and activity shall be prepared by the county board. All
8 supporting documents shall be public records and subject to
9 public examination and audit. All direct and indirect costs, as
10 defined in the United States Office of Management and Budget
11 Circular A-87, may be included in the determination of the
12 costs of each service, program and activity.

13 In all cases where the judgment is settled by the parties,
14 replevied, stopped by injunction or paid, or where the property
15 levied upon is not actually sold, the sheriff shall be allowed
16 his fee for levying and mileage, together with half the fee for
17 all money collected by him which he would be entitled to if the
18 same was made by sale to enforce the judgment. In no case shall
19 the fee exceed the amount of money arising from the sale.

20 The fee requirements of this Section do not apply to police
21 departments or other law enforcement agencies. For the purposes
22 of this Section, "law enforcement agency" means an agency of
23 the State or unit of local government which is vested by law or
24 ordinance with the duty to maintain public order and ~~and~~ to
25 enforce criminal laws.

26 (Source: P.A. 91-94, eff. 1-1-00; revised 9-15-06.)

1 (55 ILCS 5/5-1022) (from Ch. 34, par. 5-1022)

2 Sec. 5-1022. Competitive bids.

3 (a) Any purchase by a county with fewer than 2,000,000
4 inhabitants of services, materials, equipment or supplies in
5 excess of \$20,000, other than professional services, shall be
6 contracted for in one of the following ways:

7 (1) by a contract let to the lowest responsible bidder
8 after advertising for bids in a newspaper published within
9 the county or, if no newspaper is published within the
10 county, then a newspaper having general circulation within
11 the county; or

12 (2) by a contract let without advertising for bids in
13 the case of an emergency if authorized by the county board.

14 (b) In determining the lowest responsible bidder, the
15 county board shall take into consideration the qualities of the
16 articles supplied; their conformity with the specifications;
17 their suitability to the requirements of the county,
18 availability of support services; uniqueness of the service,
19 materials, equipment, or supplies as it applies to networked,
20 integrated computer systems; compatibility to existing
21 equipment; and the delivery terms. The county board also may
22 take into consideration whether a bidder is a private
23 enterprise or a State-controlled enterprise and,
24 notwithstanding any other provision of this Section or a lower
25 bid by a State-controlled enterprise, may let a contract to the

1 lowest responsible bidder that is a private enterprise.

2 (c) This Section does not apply to contracts by a county
3 with the federal government or to purchases of used equipment,
4 purchases at auction or similar transactions which by their
5 very nature are not suitable to competitive bids, pursuant to
6 an ordinance adopted by the county board.

7 (d) Notwithstanding the provisions of this Section, a
8 county may let without advertising for bids in the case of
9 purchases and contracts, when individual orders do not exceed
10 \$25,000, for the use, purchase, delivery, movement, or
11 installation of data processing equipment, software, or
12 services and telecommunications and inter-connect equipment,
13 software, and services.

14 (e) A county may require, as a condition of any contract
15 for goods and services, that persons awarded a contract with
16 the county and all affiliates of the person collect and remit
17 Illinois Use Tax on all sales of tangible personal property
18 into the State of Illinois in accordance with the provisions of
19 the Illinois Use Tax Act regardless of whether the person or
20 affiliate is a "retailer maintaining a place of business within
21 this State" as defined in Section 2 of the Use Tax Act. For
22 purposes of this subsection (e), the term "affiliate" means any
23 entity that (1) directly, indirectly, or constructively
24 controls another entity, (2) is directly, indirectly, or
25 constructively controlled by another entity, or (3) is subject
26 to the control of a common entity. For purposes of this

1 subsection (e), an entity controls another entity if it owns,
2 directly or individually, more than 10% of the voting
3 securities of that entity. As used in this subsection (e), the
4 term "voting security" means a security that (1) confers upon
5 the holder the right to vote for the election of members of the
6 board of directors or similar governing body of the business or
7 (2) is convertible into, or entitles the holder to receive upon
8 its exercise, a security that confers such a right to vote. A
9 general partnership interest is a voting security.

10 (f) Bids submitted to, and contracts executed by, the
11 county may require a certification by the bidder or contractor
12 that the bidder or contractor is not barred from bidding for or
13 entering into a contract under this Section and that the bidder
14 or contractor acknowledges that the county may declare the
15 contract void if the certification completed pursuant to this
16 subsection (f) is false.

17 (Source: P.A. 93-25, eff. 6-20-03; 93-157, eff. 1-1-04; revised
18 8-12-03.)

19 (55 ILCS 5/5-1101) (from Ch. 34, par. 5-1101)

20 Sec. 5-1101. Additional fees to finance court system. A
21 county board may enact by ordinance or resolution the following
22 fees:

23 (a) A \$5 fee to be paid by the defendant on a judgment of
24 guilty or a grant of supervision for violation of the Illinois
25 Vehicle Code other than Section 11-501 or violations of similar

1 provisions contained in county or municipal ordinances
2 committed in the county, and up to a \$30 fee to be paid by the
3 defendant on a judgment of guilty or a grant of supervision for
4 violation of Section 11-501 of the Illinois Vehicle Code or a
5 violation of a similar provision contained in county or
6 municipal ordinances committed in the county.

7 (b) In the case of a county having a population of
8 1,000,000 or less, a \$5 fee to be collected in all civil cases
9 by the clerk of the circuit court.

10 (c) A fee to be paid by the defendant on a judgment of
11 guilty or a grant of supervision under Section 5-9-1 of the
12 Unified Code of Corrections, as follows:

13 (1) for a felony, \$50;

14 (2) for a class A misdemeanor, \$25;

15 (3) for a class B or class C misdemeanor, \$15;

16 (4) for a petty offense, \$10;

17 (5) for a business offense, \$10.

18 (d) A \$100 fee for the second and subsequent violations of
19 Section 11-501 of the Illinois Vehicle Code or violations of
20 similar provisions contained in county or municipal ordinances
21 committed in the county. The proceeds of this fee shall be
22 placed in the county general fund and used to finance education
23 programs related to driving under the influence of alcohol or
24 drugs.

25 (d-5) A \$10 fee to be paid by the defendant on a judgment
26 of guilty or a grant of supervision under Section 5-9-1 of the

1 Unified Code of Corrections to be placed in the county general
2 fund and used to finance the county mental health court, the
3 county drug court, or both.

4 (e) In each county in which a teen court, peer court, peer
5 jury, youth court, or other youth diversion program has been
6 created, a county may adopt a mandatory fee of up to \$5 to be
7 assessed as provided in this subsection. Assessments collected
8 by the clerk of the circuit court pursuant to this subsection
9 must be deposited into an account specifically for the
10 operation and administration of a teen court, peer court, peer
11 jury, youth court, or other youth diversion program. The clerk
12 of the circuit court shall collect the fees established in this
13 subsection and must remit the fees to the teen court, peer
14 court, peer jury, youth court, or other youth diversion program
15 monthly, less 5%, which is to be retained as fee income to the
16 office of the clerk of the circuit court. The fees are to be
17 paid as follows:

18 (1) a fee of up to \$5 paid by the defendant on a
19 judgment of guilty or grant of supervision for violation of
20 the Illinois Vehicle Code or violations of similar
21 provisions contained in county or municipal ordinances
22 committed in the county;

23 (2) a fee of up to \$5 paid by the defendant on a
24 judgment of guilty or grant of supervision under Section
25 5-9-1 of the Unified Code of Corrections for a felony; for
26 a Class A, Class B, or Class C misdemeanor; for a petty

1 offense; and for a business offense.

2 (f) In each county in which a drug court has been created,
3 the county may adopt a mandatory fee of up to \$5 to be assessed
4 as provided in this subsection. Assessments collected by the
5 clerk of the circuit court pursuant to this subsection must be
6 deposited into an account specifically for the operation and
7 administration of the drug court. The clerk of the circuit
8 court shall collect the fees established in this subsection and
9 must remit the fees to the drug court, less 5%, which is to be
10 retained as fee income to the office of the clerk of the
11 circuit court. The fees are to be paid as follows:

12 (1) a fee of up to \$5 paid by the defendant on a
13 judgment of guilty or grant of supervision for a violation
14 of the Illinois Vehicle Code or a violation of a similar
15 provision contained in a county or municipal ordinance
16 committed in the county; or

17 (2) a fee of up to \$5 paid by the defendant on a
18 judgment of guilty or a grant of supervision under Section
19 5-9-1 of the Unified Code of Corrections for a felony; for
20 a Class A, Class B, or Class C misdemeanor; for a petty
21 offense; and for a business offense.

22 The clerk of the circuit court shall deposit the 5%
23 retained under this subsection into the Circuit Court Clerk
24 Operation and Administrative Fund to be used to defray the
25 costs of collection and disbursement of the drug court fee.

26 (g) The proceeds of all fees enacted under this Section

1 must, except as provided in subsections (d), (d-5), (e), and
2 (f), be placed in the county general fund and used to finance
3 the court system in the county, unless the fee is subject to
4 disbursement by the circuit clerk as provided under Section
5 27.5 of the Clerks of Courts Act.

6 (Source: P.A. 93-892, eff. 1-1-05; 93-992, eff. 1-1-05; 94-862,
7 eff. 6-16-06; 94-980, eff. 6-30-06; revised 8-3-06.)

8 (55 ILCS 5/5-21009) (from Ch. 34, par. 5-21009)

9 Sec. 5-21009. Purchase of care. Any infirm or chronically
10 ill resident of the county, or resident of participating
11 counties in the case of a joint home, who desires to purchase
12 care and maintenance in the county home with his own funds or
13 with a public aid grant awarded to him under "The Illinois
14 Public Aid Code" may be received and cared for in the home.

15 Upon authorization of the County Board, or the County
16 Boards in the case of a joint home, infirm or chronically ill
17 residents of other counties who desire to purchase care and
18 maintenance in the home from their own funds or from public aid
19 grants may also be admitted to the home.

20 The ~~Illinois~~ Department of Healthcare and Family Services
21 ~~Public Aid~~, any local Supervisor of General Assistance, and any
22 other State or local agency may also purchase care in the home
23 for persons under their charge by paying the rates established
24 by the County Board.

25 (Source: P.A. 86-962; revised 12-15-05.)

1 (55 ILCS 5/5-37006) (from Ch. 34, par. 5-37006)

2 Sec. 5-37006. Reimbursement for cost of services. In
3 relation to inpatient hospital services provided at any health
4 care facility maintained by the Commission to any person under
5 the legal custody of the Sheriff of Cook County pending trial
6 the Commission may obtain reimbursement from the confined
7 person to whom the services were provided for the cost of such
8 services to the extent that such person is reasonably able to
9 pay for such care, including reimbursement from any insurance
10 program or from other medical benefit programs available to
11 such person. If such person has already been determined
12 eligible for medical assistance under the Illinois Public Aid
13 Code at the time the person is initially detained pending
14 trial, the cost of such services, to the extent such cost
15 exceeds \$2,500, shall be reimbursed by the Department of
16 Healthcare and Family Services ~~Public Aid~~ under that Act. A
17 reimbursement under any public or private program authorized by
18 this Section shall be paid to the Commission to the same extent
19 as would obtain had the services been rendered in a
20 non-custodial environment.

21 This Section does not apply to services provided to any
22 person who has been convicted of or has pleaded guilty to an
23 offense and is held in custody pending sentencing or under
24 sentence of the court.

25 (Source: P.A. 86-962; revised 12-15-05.)

1 Section 470. The Township Code is amended by setting forth
2 and renumbering multiple versions of Sections 30-166 and 85-50
3 and by changing Sections 35-50.2 and 235-20 as follows:

4 (60 ILCS 1/30-166)

5 Sec. 30-166. Civil penalties for false fire alarms. The
6 township board of any township providing fire protection
7 services may impose reasonable civil penalties on individuals
8 who repeatedly cause false fire alarms.

9 (Source: P.A. 93-302, eff. 1-1-04.)

10 (60 ILCS 1/30-167)

11 Sec. 30-167 ~~30-166~~. Charge against non-residents.

12 (a) The township board of each township may fix, charge,
13 and collect fees not exceeding the reasonable cost of the
14 service for all services rendered by the township against
15 persons, businesses, and other entities who are not residents
16 of the township.

17 (b) The charge may not be assessed against residents of the
18 township or persons who request fire protection coverage for an
19 unprotected area and who pay to the township an amount equal to
20 the township's fire protection tax under Article 200 of this
21 Code.

22 (c) The charge for such services shall be computed at a
23 rate not to exceed \$125 per hour per vehicle and not to exceed

1 \$35 per hour per firefighter responding to a call for
2 assistance. An additional charge may be levied to reimburse the
3 township for extraordinary expenses of materials used in
4 rendering such services. No charge shall be made for services
5 for which the total charge would be less than \$50.

6 (d) All revenue from the charges assessed pursuant to this
7 Section shall be deposited into the general fund of the
8 township.

9 (Source: P.A. 93-304, eff. 7-23-03; revised 9-24-03.)

10 (60 ILCS 1/35-50.2)

11 Sec. 35-50.2. Construction of senior citizens' housing;
12 revenue bonds.

13 (a) For the purpose of defraying the cost of the
14 construction, purchase, improvement, extension, or equipping
15 from time to time of senior citizens' housing, including
16 feasibility, engineering, legal, and other expenses, together
17 with interest on its revenue bonds, to the fullest extent
18 permitted by the provisions of Section 9 of the Local
19 Government Debt Reform Act, the township board, when authorized
20 by a majority of the votes cast on the proposition submitted in
21 accordance with the general election law under Section 35-50.3,
22 may issue and sell revenue bonds of the township payable solely
23 from the net income and revenue derived from the operation of
24 the senior citizens' housing, after payment of the costs of
25 operation and maintenance of the senior citizens' housing and

1 provision for an adequate depreciation fund (if a depreciation
2 fund is deemed necessary by the township board). The township
3 board may also from time to time issue revenue bonds to refund
4 any such revenue bonds, at the redemption price authorized, at
5 maturity or at any time before maturity, all as authorized in
6 the ordinance of the township board authorizing the refunded
7 bonds. The bonds shall bear interest at a rate or rates not to
8 exceed the maximum rate authorized by the Bond Authorization
9 Act, as amended at the time of the making of the contract for
10 the sale of the bonds, the interest shall be payable
11 semi-annually, and the bonds shall mature within the period of
12 usefulness of the project involved, as determined in the sole
13 discretion of the township board and in any event not more than
14 40 years from the dated date of the bonds.

15 (b) The bonds shall be sold in the manner determined by the
16 township board and, whenever the bonds are sold at a price less
17 than par, they shall be sold at a price and bear interest at a
18 rate or rates such that either the true interest cost (yield)
19 or the net interest rate, as selected by the township board,
20 received on the sale of the bonds, does not exceed the maximum
21 rate otherwise authorized by the Bond Authorization Act. If any
22 officer whose signature appears on the bonds or coupons
23 attached to the bonds ceases to be an officer before the
24 delivery of the bonds to the purchaser, his or her signature
25 shall nevertheless be valid and sufficient for all purposes to
26 the same effect as if he or she had remained in office until

1 the delivery of the bonds.

2 (c) Notwithstanding the form or tenor of the bonds, and in
3 the absence of expressed recitals on the face of the bonds that
4 the bonds are non-negotiable, all bonds issued under this
5 Section shall have all the qualities of negotiable instruments
6 under the law of this State.

7 (d) With respect to instruments for the payment of money
8 issued under Sections 35-50.1 through 35-50.6, including,
9 without limitation, revenue bonds of a township, it is the
10 intention of the General Assembly (i) that the Omnibus Bond
11 Acts are supplementary grants of power to issue those
12 instruments in accordance with the Omnibus Bond Acts,
13 regardless of any provision of Sections 35-50.1 through 35-50.6
14 that may appear to be more restrictive than those Acts, (ii)
15 that the provisions of Sections 35-50.1 through 35-50.6 are not
16 a limitation on the supplementary authority granted by the
17 Omnibus Bond Acts, and (iii) that instruments issued under
18 Sections 35-50.1 through 35-50.6 within the supplementary
19 authority granted by the Omnibus Bond Acts are not invalid
20 because of any provision of Sections 35-50.1 through 35-50.6
21 that may appear to be more restrictive than those Acts.

22 (e) Revenue bonds issued under Sections 35-50.1 through
23 35-50.6 shall be payable solely from the net revenue derived
24 from the operation of the senior citizens' housing on account
25 of which the revenue bonds are issued. The revenue bonds shall
26 not in any event constitute an indebtedness of the township

1 within the meaning of any constitutional or statutory
2 limitation, and it shall be so stated on the face of each bond.

3 (f) Not less than 30 days before the making of a contract
4 for the sale of bonds to be issued under Sections 35-50.1
5 through 35-50.6, the township board shall give written notice
6 to the Executive Director of the Illinois Housing Development
7 Authority. Within 30 days after receiving the notice the
8 Executive Director of the Illinois Housing Development
9 Authority shall give written notice to the township board
10 stating whether it will finance the senior citizens' housing.
11 If the Illinois Housing Development Authority notifies the
12 township board that it will not finance the senior citizens'
13 housing, the township may finance the senior citizens' housing
14 or seek alternative financing from any other available source.

15 (Source: P.A. 87-922; 88-62; revised 9-21-06.)

16 (60 ILCS 1/85-50)

17 Sec. 85-50. Demolition, repair, or enclosure of buildings.

18 (a) The township board of any township may formally request
19 the county board to commence specified proceedings with respect
20 to property located within the township but outside the
21 territory of any municipality as provided in Section 5-1121 of
22 the Counties Code. If the county board declines the request as
23 provided in Section 5-1121 of the Counties Code, the township
24 may exercise its powers under this Section.

25 (b) The township board of each township may demolish,

1 repair, or enclose or cause the demolition, repair, or
2 enclosure of dangerous and unsafe buildings or uncompleted and
3 abandoned buildings within the territory of the township and
4 may remove or cause the removal of garbage, debris, and other
5 hazardous, noxious, or unhealthy substances or materials from
6 those buildings.

7 The township board shall apply to the circuit court of the
8 county in which the building is located (i) for an order
9 authorizing action to be taken with respect to a building if
10 the owner or owners of the building, including the lien holders
11 of record, after at least 15 days' written notice by mail to do
12 so, have failed to commence proceedings to put the building in
13 a safe condition or to demolish it or (ii) for an order
14 requiring the owner or owners of record to demolish, repair, or
15 enclose the building or to remove garbage, debris, and other
16 hazardous, noxious, or unhealthy substances or materials from
17 the building. It is not a defense to the cause of action that
18 the building is boarded up or otherwise enclosed, although the
19 court may order the defendant to have the building boarded up
20 or otherwise enclosed. Where, upon diligent search, the
21 identity or whereabouts of the owner or owners of the building,
22 including the lien holders of record, is not ascertainable,
23 notice mailed to the person or persons in whose name the real
24 estate was last assessed and the posting of the notice upon the
25 premises sought to be demolished or repaired is sufficient
26 notice under this Section.

1 The hearing upon the application to the circuit court shall
2 be expedited by the court and shall be given precedence over
3 all other suits.

4 The cost of the demolition, repair, enclosure, or removal
5 incurred by the township, by an intervenor, or by a lien holder
6 of record, including court costs, attorney's fees, and other
7 costs related to the enforcement of this Section, is
8 recoverable from the owner or owners of the real estate or the
9 previous owner or both if the property was transferred during
10 the 15-day notice period and is a lien on the real estate if,
11 within 180 days after the repair, demolition, enclosure, or
12 removal, the township, the lien holder of record, or the
13 intervenor who incurred the cost and expense shall file a
14 notice of lien for the cost and expense incurred in the office
15 of the recorder in the county in which the real estate is
16 located or in the office of the registrar of titles of the
17 county if the real estate affected is registered under the
18 Registered Titles (Torrens) Act. The lien becomes effective at
19 the time of filing.

20 The notice must consist of a sworn statement setting out
21 (1) a description of the real estate sufficient for its
22 identification, (2) the amount of money representing the cost
23 and expense incurred, and (3) the date or dates when the cost
24 and expense was incurred by the township, the lien holder of
25 record, or the intervenor. Upon payment of the cost and expense
26 by the owner of or persons interested in the property after the

1 notice of lien has been filed, the lien shall be released by
2 the township, the person in whose name the lien has been filed,
3 or the assignee of the lien, and the release may be filed of
4 record as in the case of filing notice of lien. Unless the lien
5 is enforced under subsection (c), the lien may be enforced by
6 foreclosure proceedings as in the case of mortgage foreclosures
7 under Article XV of the Code of Civil Procedure or mechanics'
8 lien foreclosures. An action to foreclose this lien may be
9 commenced at any time after the date of filing of the notice of
10 lien. The costs of foreclosure incurred by the township,
11 including court costs, reasonable attorney's fees, advances to
12 preserve the property, and other costs related to the
13 enforcement of this subsection, plus statutory interest, are a
14 lien on the real estate and are recoverable by the township
15 from the owner or owners of the real estate.

16 All liens arising under this subsection (b) shall be
17 assignable. The assignee of the lien shall have the same power
18 to enforce the lien as the assigning party, except that the
19 lien may not be enforced under subsection (c).

20 (c) In any case where a township has obtained a lien under
21 subsection (b), the township may enforce the lien under this
22 subsection (c) in the same proceeding in which the lien is
23 authorized.

24 A township desiring to enforce a lien under this subsection
25 (c) shall petition the court to retain jurisdiction for
26 foreclosure proceedings under this subsection. Notice of the

1 petition shall be served, by certified or registered mail, on
2 all persons who were served notice under subsection (b). The
3 court shall conduct a hearing on the petition not less than 15
4 days after the notice is served. If the court determines that
5 the requirements of this subsection (c) have been satisfied, it
6 shall grant the petition and retain jurisdiction over the
7 matter until the foreclosure proceeding is completed. The costs
8 of foreclosure incurred by the township, including court costs,
9 reasonable attorneys' fees, advances to preserve the property,
10 and other costs related to the enforcement of this subsection,
11 plus statutory interest, are a lien on the real estate and are
12 recoverable by the township from the owner or owners of the
13 real estate. If the court denies the petition, the township may
14 enforce the lien in a separate action as provided in subsection
15 (b).

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

1 subsection, however, the redemption period described in
2 subsection (c) of Section 15-1603 of the Code of Civil
3 Procedure shall end 60 days after the date of entry of the
4 order of foreclosure.

5 (d) In addition to any other remedy provided by law, the
6 township board of any township may petition the circuit court
7 to have property declared abandoned under this subsection (d)
8 if:

9 (1) the property has been tax delinquent for 2 or more
10 years or bills for water service for the property have been
11 outstanding for 2 or more years;

12 (2) the property is unoccupied by persons legally in
13 possession; and

14 (3) the property contains a dangerous or unsafe
15 building.

16 All persons having an interest of record in the property,
17 including tax purchasers and beneficial owners of any Illinois
18 land trust having title to the property, shall be named as
19 defendants in the petition and shall be served with process. In
20 addition, service shall be had under Section 2-206 of the Code
21 of Civil Procedure as in other cases affecting property.

22 The township, however, may proceed under this subsection in
23 a proceeding brought under subsection (b). Notice of the
24 petition shall be served by certified or registered mail on all
25 persons who were served notice under subsection (b).

26 If the township proves that the conditions described in

1 this subsection exist and the owner of record of the property
2 does not enter an appearance in the action, or, if title to the
3 property is held by an Illinois land trust, if neither the
4 owner of record nor the owner of the beneficial interest of the
5 trust enters an appearance, the court shall declare the
6 property abandoned.

7 If that determination is made, notice shall be sent by
8 certified or registered mail to all persons having an interest
9 of record in the property, including tax purchasers and
10 beneficial owners of any Illinois land trust having title to
11 the property, stating that title to the property will be
12 transferred to the township unless, within 30 days of the
13 notice, the owner of record enters an appearance in the action,
14 or unless any other person having an interest in the property
15 files with the court a request to demolish the dangerous or
16 unsafe building or to put the building in safe condition.

17 If the owner of record enters an appearance in the action
18 within the 30-day period, the court shall vacate its order
19 declaring the property abandoned. In that case, the township
20 may amend its complaint in order to initiate proceedings under
21 subsection (b).

22 If a request to demolish or repair the building is filed
23 within the 30-day period, the court shall grant permission to
24 the requesting party to demolish the building within 30 days or
25 to restore the building to safe condition within 60 days after
26 the request is granted. An extension of that period for up to

1 60 additional days may be given for good cause. If more than
2 one person with an interest in the property files a timely
3 request, preference shall be given to the person with the lien
4 or other interest of the highest priority.

5 If the requesting party proves to the court that the
6 building has been demolished or put in a safe condition within
7 the period of time granted by the court, the court shall issue
8 a quitclaim judicial deed for the property to the requesting
9 party, conveying only the interest of the owner of record, upon
10 proof of payment to the township of all costs incurred by the
11 township in connection with the action, including but not
12 limited to court costs, attorney's fees, administrative costs,
13 the costs, if any, associated with building enclosure or
14 removal, and receiver's certificates. The interest in the
15 property so conveyed shall be subject to all liens and
16 encumbrances on the property. In addition, if the interest is
17 conveyed to a person holding a certificate of purchase for the
18 property under the Property Tax Code, the conveyance shall be
19 subject to the rights of redemption of all persons entitled to
20 redeem under that Act, including the original owner of record.

21 If no person with an interest in the property files a
22 timely request or if the requesting party fails to demolish the
23 building or put the building in safe condition within the time
24 specified by the court, the township may petition the court to
25 issue a judicial deed for the property to the county. A
26 conveyance by judicial deed shall operate to extinguish all

1 existing ownership interests in, liens on, and other interest
2 in the property, including tax liens.

3 (Source: P.A. 94-841, eff. 6-7-06.)

4 (60 ILCS 1/85-55)

5 Sec. 85-55 ~~85-50~~. Horse-drawn vehicles. The township board
6 may, by ordinance, license and regulate horse-drawn vehicles
7 operating within the township. The ordinance may also (i)
8 prescribe regulations for the safe operation of horse-drawn
9 vehicles and (ii) require the examination of persons operating
10 a horse-drawn vehicle. Any annual fee charged for a license to
11 operate a horse-drawn vehicle may not exceed \$50. Any fees
12 charged for a license to operate a horse-drawn vehicle within
13 the township must be used for the improvement of township
14 roads.

15 For the purposes of this Section, "horse-drawn vehicle"
16 means any vehicle powered by any animal of the equine family.

17 (Source: P.A. 92-613, eff. 1-1-03; revised 8-26-02.)

18 (60 ILCS 1/235-20)

19 Sec. 235-20. General assistance tax.

20 (a) The township board may raise money by taxation deemed
21 necessary to be expended to provide general assistance in the
22 township to persons needing that assistance as provided in the
23 Illinois Public Aid Code, including persons eligible for
24 assistance under the Military Veterans Assistance Act, where

1 that duty is provided by law. The tax for each fiscal year
2 shall not be more than 0.10% of value, or more than an amount
3 approved at a referendum held under this Section, as equalized
4 or assessed by the Department of Revenue, and shall in no case
5 exceed the amount needed in the township for general
6 assistance. The board may decrease the maximum tax rate by
7 ordinance.

8 (b) Except as otherwise provided in this subsection, if the
9 board desires to increase the maximum tax rate, it shall order
10 a referendum on that proposition to be held at an election in
11 accordance with the general election law. The board shall
12 certify the proposition to the proper election officials, who
13 shall submit the proposition to the voters at an election in
14 accordance with the general election law. If a majority of the
15 votes cast on the proposition is in favor of the proposition,
16 the board may annually levy the tax at a rate not exceeding the
17 higher rate approved by the voters at the election. If,
18 however, the board has decreased the maximum tax rate under
19 subsection (a), then it may, at any time after the decrease,
20 increase the maximum tax rate, by ordinance, to a rate less
21 than or equal to the maximum tax rate immediately prior to the
22 board's ordinance to decrease the rate.

23 (c) If a city, village, or incorporated town having a
24 population of more than 500,000 is located within or partially
25 within a township, then the entire amount of the tax levied by
26 the township for the purpose of providing general assistance

1 under this Section on property lying within that city, village,
2 or incorporated town, less the amount allowed for collecting
3 the tax, shall be paid over by the treasurer of the township to
4 the treasurer of the city, village, or incorporated town to be
5 appropriated and used by the city, village, or incorporated
6 town for the relief and support of persons needing general
7 assistance residing in that portion of the city, village, or
8 incorporated town located within the township in accordance
9 with the Illinois Public Aid Code.

10 (d) Any taxes levied for general assistance before or after
11 this Section takes effect may also be used for the payment of
12 warrants issued against and in anticipation of those taxes and
13 accrued interest on those warrants and may also be used to pay
14 the cost of administering that assistance.

15 (e) In any township with a population of less than 500,000
16 that receives no State funding for the general assistance
17 program and that has not issued anticipation warrants or
18 otherwise borrowed monies for the administration of the general
19 assistance program during the township's previous 3 fiscal
20 years of operation, a one time transfer of monies from the
21 township's general assistance fund may be made to the general
22 township fund pursuant to action by the township board. This
23 transfer may occur only to the extent that the amount of monies
24 remaining in the general assistance fund after the transfer is
25 equal to the greater of (i) the amount of the township's
26 expenditures in the previous fiscal year for general assistance

1 or (ii) an amount equal to either 0.10% of the last known total
2 equalized value of all taxable property in the township, or
3 100% of the highest amount levied for general assistance
4 purposes in any of the three previous fiscal years. The
5 transfer shall be completed no later than one year after the
6 effective date of this amendatory Act of the 92nd General
7 Assembly. No township that has certified a new levy or an
8 increase in the levy under this Section during calendar year
9 2002 may transfer monies under this subsection. No action on
10 the transfer of monies under this subsection shall be taken by
11 the township board except at a township board meeting. No
12 monies transferred under this subsection shall be considered in
13 determining whether the township qualifies for State funds to
14 supplement local funds for public aid purposes under Section
15 12-21.13 of the Illinois Public Aid Code.

16 (Source: P.A. 92-558, eff. 6-24-02; 92-718, eff. 7-25-02;
17 revised 9-9-02.)

18 Section 475. The Illinois Municipal Code is amended by
19 changing Sections 8-11-1.2, 11-31-1, 11-74.4-3, 11-74.4-6,
20 11-74.4-7, and 11-124-1 and by renumbering Section 19.2-5 as
21 follows:

22 (65 ILCS 5/8-11-1.2) (from Ch. 24, par. 8-11-1.2)

23 Sec. 8-11-1.2. Definition. As used in Sections 8-11-1.3,
24 8-11-1.4 and 8-11-1.5 of this Act:

1 (a) "Public infrastructure" means municipal roads and
2 streets, access roads, bridges, and sidewalks; waste disposal
3 systems; and water and sewer line extensions, water
4 distribution and purification facilities, storm water drainage
5 and retention facilities, and sewage treatment facilities. For
6 purposes of referenda authorizing the imposition of taxes by
7 the City of DuQuoin under Sections 8-11-1.3, 8-11-1.4, and
8 8-11-1.5 of this Act that are approved in November, 2002,
9 "public infrastructure" shall also include public schools.

10 (b) "Property tax relief" means the action of a
11 municipality to reduce the levy for real estate taxes or avoid
12 an increase in the levy for real estate taxes that would
13 otherwise have been required. Property tax relief or the
14 avoidance of property tax must uniformly apply to all classes
15 of property.

16 (Source: P.A. 91-51, eff. 6-30-99; 92-739, eff. 1-1-03; 92-815,
17 eff. 8-21-02; revised 9-10-02.)

18 (65 ILCS 5/11-19.2-5) (was 65 ILCS 5/19.2-5)

19 Sec. 11-19.2-5 ~~19.2-5~~. Subpoenas - Defaults. At any time
20 prior to the hearing date the hearing officer assigned to hear
21 the case may, at the request of the sanitation inspector or the
22 attorney for the municipality, or the respondent or his
23 attorney, issue subpoenas directing witnesses to appear and
24 give testimony at the hearing. If on the date set for hearing
25 the respondent or his attorney fails to appear, the hearing

1 officer may find the respondent in default and shall proceed
2 with the hearing and accept evidence relating to the existence
3 of a code violation.

4 (Source: P.A. 86-1364; revised 10-19-05.)

5 (65 ILCS 5/11-31-1) (from Ch. 24, par. 11-31-1)

6 Sec. 11-31-1. Demolition, repair, enclosure, or
7 remediation.

8 (a) The corporate authorities of each municipality may
9 demolish, repair, or enclose or cause the demolition, repair,
10 or enclosure of dangerous and unsafe buildings or uncompleted
11 and abandoned buildings within the territory of the
12 municipality and may remove or cause the removal of garbage,
13 debris, and other hazardous, noxious, or unhealthy substances
14 or materials from those buildings. In any county having adopted
15 by referendum or otherwise a county health department as
16 provided by Division 5-25 of the Counties Code or its
17 predecessor, the county board of that county may exercise those
18 powers with regard to dangerous and unsafe buildings or
19 uncompleted and abandoned buildings within the territory of any
20 city, village, or incorporated town having less than 50,000
21 population.

22 The corporate authorities shall apply to the circuit court
23 of the county in which the building is located (i) for an order
24 authorizing action to be taken with respect to a building if
25 the owner or owners of the building, including the lien holders

1 of record, after at least 15 days' written notice by mail so to
2 do, have failed to put the building in a safe condition or to
3 demolish it or (ii) for an order requiring the owner or owners
4 of record to demolish, repair, or enclose the building or to
5 remove garbage, debris, and other hazardous, noxious, or
6 unhealthy substances or materials from the building. It is not
7 a defense to the cause of action that the building is boarded
8 up or otherwise enclosed, although the court may order the
9 defendant to have the building boarded up or otherwise
10 enclosed. Where, upon diligent search, the identity or
11 whereabouts of the owner or owners of the building, including
12 the lien holders of record, is not ascertainable, notice mailed
13 to the person or persons in whose name the real estate was last
14 assessed is sufficient notice under this Section.

15 The hearing upon the application to the circuit court shall
16 be expedited by the court and shall be given precedence over
17 all other suits. Any person entitled to bring an action under
18 subsection (b) shall have the right to intervene in an action
19 brought under this Section.

20 The cost of the demolition, repair, enclosure, or removal
21 incurred by the municipality, by an intervenor, or by a lien
22 holder of record, including court costs, attorney's fees, and
23 other costs related to the enforcement of this Section, is
24 recoverable from the owner or owners of the real estate or the
25 previous owner or both if the property was transferred during
26 the 15 day notice period and is a lien on the real estate; the

1 lien is superior to all prior existing liens and encumbrances,
2 except taxes, if, within 180 days after the repair, demolition,
3 enclosure, or removal, the municipality, the lien holder of
4 record, or the intervenor who incurred the cost and expense
5 shall file a notice of lien for the cost and expense incurred
6 in the office of the recorder in the county in which the real
7 estate is located or in the office of the registrar of titles
8 of the county if the real estate affected is registered under
9 the Registered Titles (Torrens) Act.

10 The notice must consist of a sworn statement setting out
11 (1) a description of the real estate sufficient for its
12 identification, (2) the amount of money representing the cost
13 and expense incurred, and (3) the date or dates when the cost
14 and expense was incurred by the municipality, the lien holder
15 of record, or the intervenor. Upon payment of the cost and
16 expense by the owner of or persons interested in the property
17 after the notice of lien has been filed, the lien shall be
18 released by the municipality, the person in whose name the lien
19 has been filed, or the assignee of the lien, and the release
20 may be filed of record as in the case of filing notice of lien.
21 Unless the lien is enforced under subsection (c), the lien may
22 be enforced by foreclosure proceedings as in the case of
23 mortgage foreclosures under Article XV of the Code of Civil
24 Procedure or mechanics' lien foreclosures. An action to
25 foreclose this lien may be commenced at any time after the date
26 of filing of the notice of lien. The costs of foreclosure

1 incurred by the municipality, including court costs,
2 reasonable attorney's fees, advances to preserve the property,
3 and other costs related to the enforcement of this subsection,
4 plus statutory interest, are a lien on the real estate and are
5 recoverable by the municipality from the owner or owners of the
6 real estate.

7 All liens arising under this subsection (a) shall be
8 assignable. The assignee of the lien shall have the same power
9 to enforce the lien as the assigning party, except that the
10 lien may not be enforced under subsection (c).

11 If the appropriate official of any municipality determines
12 that any dangerous and unsafe building or uncompleted and
13 abandoned building within its territory fulfills the
14 requirements for an action by the municipality under the
15 Abandoned Housing Rehabilitation Act, the municipality may
16 petition under that Act in a proceeding brought under this
17 subsection.

18 (b) Any owner or tenant of real property within 1200 feet
19 in any direction of any dangerous or unsafe building located
20 within the territory of a municipality with a population of
21 500,000 or more may file with the appropriate municipal
22 authority a request that the municipality apply to the circuit
23 court of the county in which the building is located for an
24 order permitting the demolition, removal of garbage, debris,
25 and other noxious or unhealthy substances and materials from,
26 or repair or enclosure of the building in the manner prescribed

1 in subsection (a) of this Section. If the municipality fails to
2 institute an action in circuit court within 90 days after the
3 filing of the request, the owner or tenant of real property
4 within 1200 feet in any direction of the building may institute
5 an action in circuit court seeking an order compelling the
6 owner or owners of record to demolish, remove garbage, debris,
7 and other noxious or unhealthy substances and materials from,
8 repair or enclose or to cause to be demolished, have garbage,
9 debris, and other noxious or unhealthy substances and materials
10 removed from, repaired, or enclosed the building in question. A
11 private owner or tenant who institutes an action under the
12 preceding sentence shall not be required to pay any fee to the
13 clerk of the circuit court. The cost of repair, removal,
14 demolition, or enclosure shall be borne by the owner or owners
15 of record of the building. In the event the owner or owners of
16 record fail to demolish, remove garbage, debris, and other
17 noxious or unhealthy substances and materials from, repair, or
18 enclose the building within 90 days of the date the court
19 entered its order, the owner or tenant who instituted the
20 action may request that the court join the municipality as a
21 party to the action. The court may order the municipality to
22 demolish, remove materials from, repair, or enclose the
23 building, or cause that action to be taken upon the request of
24 any owner or tenant who instituted the action or upon the
25 municipality's request. The municipality may file, and the
26 court may approve, a plan for rehabilitating the building in

1 question. A court order authorizing the municipality to
2 demolish, remove materials from, repair, or enclose a building,
3 or cause that action to be taken, shall not preclude the court
4 from adjudging the owner or owners of record of the building in
5 contempt of court due to the failure to comply with the order
6 to demolish, remove garbage, debris, and other noxious or
7 unhealthy substances and materials from, repair, or enclose the
8 building.

9 If a municipality or a person or persons other than the
10 owner or owners of record pay the cost of demolition, removal
11 of garbage, debris, and other noxious or unhealthy substances
12 and materials, repair, or enclosure pursuant to a court order,
13 the cost, including court costs, attorney's fees, and other
14 costs related to the enforcement of this subsection, is
15 recoverable from the owner or owners of the real estate and is
16 a lien on the real estate; the lien is superior to all prior
17 existing liens and encumbrances, except taxes, if, within 180
18 days after the repair, removal, demolition, or enclosure, the
19 municipality or the person or persons who paid the costs of
20 demolition, removal, repair, or enclosure shall file a notice
21 of lien of the cost and expense incurred in the office of the
22 recorder in the county in which the real estate is located or
23 in the office of the registrar of the county if the real estate
24 affected is registered under the Registered Titles (Torrens)
25 Act. The notice shall be in a form as is provided in subsection
26 (a). An owner or tenant who institutes an action in circuit

1 court seeking an order to compel the owner or owners of record
2 to demolish, remove materials from, repair, or enclose any
3 dangerous or unsafe building, or to cause that action to be
4 taken under this subsection may recover court costs and
5 reasonable attorney's fees for instituting the action from the
6 owner or owners of record of the building. Upon payment of the
7 costs and expenses by the owner or a person interested in
8 the property after the notice of lien has been filed, the lien
9 shall be released by the municipality or the person in whose
10 name the lien has been filed or his or her assignee, and the
11 release may be filed of record as in the case of filing a
12 notice of lien. Unless the lien is enforced under subsection
13 (c), the lien may be enforced by foreclosure proceedings as in
14 the case of mortgage foreclosures under Article XV of the Code
15 of Civil Procedure or mechanics' lien foreclosures. An action
16 to foreclose this lien may be commenced at any time after the
17 date of filing of the notice of lien. The costs of foreclosure
18 incurred by the municipality, including court costs,
19 reasonable attorneys' fees, advances to preserve the property,
20 and other costs related to the enforcement of this subsection,
21 plus statutory interest, are a lien on the real estate and are
22 recoverable by the municipality from the owner or owners of the
23 real estate.

24 All liens arising under the terms of this subsection (b)
25 shall be assignable. The assignee of the lien shall have the
26 same power to enforce the lien as the assigning party, except

1 that the lien may not be enforced under subsection (c).

2 (c) In any case where a municipality has obtained a lien
3 under subsection (a), (b), or (f), the municipality may enforce
4 the lien under this subsection (c) in the same proceeding in
5 which the lien is authorized.

6 A municipality desiring to enforce a lien under this
7 subsection (c) shall petition the court to retain jurisdiction
8 for foreclosure proceedings under this subsection. Notice of
9 the petition shall be served, by certified or registered mail,
10 on all persons who were served notice under subsection (a),
11 (b), or (f). The court shall conduct a hearing on the petition
12 not less than 15 days after the notice is served. If the court
13 determines that the requirements of this subsection (c) have
14 been satisfied, it shall grant the petition and retain
15 jurisdiction over the matter until the foreclosure proceeding
16 is completed. The costs of foreclosure incurred by the
17 municipality, including court costs, reasonable attorneys'
18 fees, advances to preserve the property, and other costs
19 related to the enforcement of this subsection, plus statutory
20 interest, are a lien on the real estate and are recoverable by
21 the municipality from the owner or owners of the real estate.
22 If the court denies the petition, the municipality may enforce
23 the lien in a separate action as provided in subsection (a),
24 (b), or (f).

25 All persons designated in Section 15-1501 of the Code of
26 Civil Procedure as necessary parties in a mortgage foreclosure

1 action shall be joined as parties before issuance of an order
2 of foreclosure. Persons designated in Section 15-1501 of the
3 Code of Civil Procedure as permissible parties may also be
4 joined as parties in the action.

5 The provisions of Article XV of the Code of Civil Procedure
6 applicable to mortgage foreclosures shall apply to the
7 foreclosure of a lien under this subsection (c), except to the
8 extent that those provisions are inconsistent with this
9 subsection. For purposes of foreclosures of liens under this
10 subsection, however, the redemption period described in
11 subsection (b) of Section 15-1603 of the Code of Civil
12 Procedure shall end 60 days after the date of entry of the
13 order of foreclosure.

14 (d) In addition to any other remedy provided by law, the
15 corporate authorities of any municipality may petition the
16 circuit court to have property declared abandoned under this
17 subsection (d) if:

18 (1) the property has been tax delinquent for 2 or more
19 years or bills for water service for the property have been
20 outstanding for 2 or more years;

21 (2) the property is unoccupied by persons legally in
22 possession; and

23 (3) the property contains a dangerous or unsafe
24 building.

25 All persons having an interest of record in the property,
26 including tax purchasers and beneficial owners of any Illinois

1 land trust having title to the property, shall be named as
2 defendants in the petition and shall be served with process. In
3 addition, service shall be had under Section 2-206 of the Code
4 of Civil Procedure as in other cases affecting property.

5 The municipality, however, may proceed under this
6 subsection in a proceeding brought under subsection (a) or (b).
7 Notice of the petition shall be served by certified or
8 registered mail on all persons who were served notice under
9 subsection (a) or (b).

10 If the municipality proves that the conditions described in
11 this subsection exist and the owner of record of the property
12 does not enter an appearance in the action, or, if title to the
13 property is held by an Illinois land trust, if neither the
14 owner of record nor the owner of the beneficial interest of the
15 trust enters an appearance, the court shall declare the
16 property abandoned.

17 If that determination is made, notice shall be sent by
18 certified or registered mail to all persons having an interest
19 of record in the property, including tax purchasers and
20 beneficial owners of any Illinois land trust having title to
21 the property, stating that title to the property will be
22 transferred to the municipality unless, within 30 days of the
23 notice, the owner of record enters an appearance in the action,
24 or unless any other person having an interest in the property
25 files with the court a request to demolish the dangerous or
26 unsafe building or to put the building in safe condition.

1 If the owner of record enters an appearance in the action
2 within the 30 day period, the court shall vacate its order
3 declaring the property abandoned. In that case, the
4 municipality may amend its complaint in order to initiate
5 proceedings under subsection (a).

6 If a request to demolish or repair the building is filed
7 within the 30 day period, the court shall grant permission to
8 the requesting party to demolish the building within 30 days or
9 to restore the building to safe condition within 60 days after
10 the request is granted. An extension of that period for up to
11 60 additional days may be given for good cause. If more than
12 one person with an interest in the property files a timely
13 request, preference shall be given to the person with the lien
14 or other interest of the highest priority.

15 If the requesting party proves to the court that the
16 building has been demolished or put in a safe condition within
17 the period of time granted by the court, the court shall issue
18 a quitclaim judicial deed for the property to the requesting
19 party, conveying only the interest of the owner of record, upon
20 proof of payment to the municipality of all costs incurred by
21 the municipality in connection with the action, including but
22 not limited to court costs, attorney's fees, administrative
23 costs, the costs, if any, associated with building enclosure or
24 removal, and receiver's certificates. The interest in the
25 property so conveyed shall be subject to all liens and
26 encumbrances on the property. In addition, if the interest is

1 conveyed to a person holding a certificate of purchase for the
2 property under the Property Tax Code, the conveyance shall be
3 subject to the rights of redemption of all persons entitled to
4 redeem under that Act, including the original owner of record.

5 If no person with an interest in the property files a
6 timely request or if the requesting party fails to demolish the
7 building or put the building in safe condition within the time
8 specified by the court, the municipality may petition the court
9 to issue a judicial deed for the property to the municipality.

10 A conveyance by judicial deed shall operate to extinguish all
11 existing ownership interests in, liens on, and other interest
12 in the property, including tax liens, and shall extinguish the
13 rights and interests of any and all holders of a bona fide
14 certificate of purchase of the property for delinquent taxes.
15 Any such bona fide certificate of purchase holder shall be
16 entitled to a sale in error as prescribed under Section 21-310
17 of the Property Tax Code.

18 (e) Each municipality may use the provisions of this
19 subsection to expedite the removal of certain buildings that
20 are a continuing hazard to the community in which they are
21 located.

22 If a residential or commercial building is 3 stories or
23 less in height as defined by the municipality's building code,
24 and the corporate official designated to be in charge of
25 enforcing the municipality's building code determines that the
26 building is open and vacant and an immediate and continuing

1 hazard to the community in which the building is located, then
2 the official shall be authorized to post a notice not less than
3 2 feet by 2 feet in size on the front of the building. The
4 notice shall be dated as of the date of the posting and shall
5 state that unless the building is demolished, repaired, or
6 enclosed, and unless any garbage, debris, and other hazardous,
7 noxious, or unhealthy substances or materials are removed so
8 that an immediate and continuing hazard to the community no
9 longer exists, then the building may be demolished, repaired,
10 or enclosed, or any garbage, debris, and other hazardous,
11 noxious, or unhealthy substances or materials may be removed,
12 by the municipality.

13 Not later than 30 days following the posting of the notice,
14 the municipality shall do all of the following:

15 (1) Cause to be sent, by certified mail, return receipt
16 requested, a Notice to Remediate to all owners of record of
17 the property, the beneficial owners of any Illinois land
18 trust having title to the property, and all lienholders of
19 record in the property, stating the intent of the
20 municipality to demolish, repair, or enclose the building
21 or remove any garbage, debris, or other hazardous, noxious,
22 or unhealthy substances or materials if that action is not
23 taken by the owner or owners.

24 (2) Cause to be published, in a newspaper published or
25 circulated in the municipality where the building is
26 located, a notice setting forth (i) the permanent tax index

1 number and the address of the building, (ii) a statement
2 that the property is open and vacant and constitutes an
3 immediate and continuing hazard to the community, and (iii)
4 a statement that the municipality intends to demolish,
5 repair, or enclose the building or remove any garbage,
6 debris, or other hazardous, noxious, or unhealthy
7 substances or materials if the owner or owners or
8 lienholders of record fail to do so. This notice shall be
9 published for 3 consecutive days.

10 (3) Cause to be recorded the Notice to Remediate mailed
11 under paragraph (1) in the office of the recorder in the
12 county in which the real estate is located or in the office
13 of the registrar of titles of the county if the real estate
14 is registered under the Registered Title (Torrens) Act.

15 Any person or persons with a current legal or equitable
16 interest in the property objecting to the proposed actions of
17 the corporate authorities may file his or her objection in an
18 appropriate form in a court of competent jurisdiction.

19 If the building is not demolished, repaired, or enclosed,
20 or the garbage, debris, or other hazardous, noxious, or
21 unhealthy substances or materials are not removed, within 30
22 days of mailing the notice to the owners of record, the
23 beneficial owners of any Illinois land trust having title to
24 the property, and all lienholders of record in the property, or
25 within 30 days of the last day of publication of the notice,
26 whichever is later, the corporate authorities shall have the

1 power to demolish, repair, or enclose the building or to remove
2 any garbage, debris, or other hazardous, noxious, or unhealthy
3 substances or materials.

4 The municipality may proceed to demolish, repair, or
5 enclose a building or remove any garbage, debris, or other
6 hazardous, noxious, or unhealthy substances or materials under
7 this subsection within a 120-day period following the date of
8 the mailing of the notice if the appropriate official
9 determines that the demolition, repair, enclosure, or removal
10 of any garbage, debris, or other hazardous, noxious, or
11 unhealthy substances or materials is necessary to remedy the
12 immediate and continuing hazard. If, however, before the
13 municipality proceeds with any of the actions authorized by
14 this subsection, any person with a legal or equitable interest
15 in the property has sought a hearing under this subsection
16 before a court and has served a copy of the complaint on the
17 chief executive officer of the municipality, then the
18 municipality shall not proceed with the demolition, repair,
19 enclosure, or removal of garbage, debris, or other substances
20 until the court determines that that action is necessary to
21 remedy the hazard and issues an order authorizing the
22 municipality to do so. If the court dismisses the action for
23 want of prosecution, the municipality must send the objector a
24 copy of the dismissal order and a letter stating that the
25 demolition, repair, enclosure, or removal of garbage, debris,
26 or other substances will proceed unless, within 30 days after

1 the copy of the order and the letter are mailed, the objector
2 moves to vacate the dismissal and serves a copy of the motion
3 on the chief executive officer of the municipality.
4 Notwithstanding any other law to the contrary, if the objector
5 does not file a motion and give the required notice, if the
6 motion is denied by the court, or if the action is again
7 dismissed for want of prosecution, then the dismissal is with
8 prejudice and the demolition, repair, enclosure, or removal may
9 proceed forthwith.

10 Following the demolition, repair, or enclosure of a
11 building, or the removal of garbage, debris, or other
12 hazardous, noxious, or unhealthy substances or materials under
13 this subsection, the municipality may file a notice of lien
14 against the real estate for the cost of the demolition, repair,
15 enclosure, or removal within 180 days after the repair,
16 demolition, enclosure, or removal occurred, for the cost and
17 expense incurred, in the office of the recorder in the county
18 in which the real estate is located or in the office of the
19 registrar of titles of the county if the real estate affected
20 is registered under the Registered Titles (Torrens) Act; this
21 lien has priority over the interests of those parties named in
22 the Notice to Remediate mailed under paragraph (1), but not
23 over the interests of third party purchasers or encumbrancers
24 for value who obtained their interests in the property before
25 obtaining actual or constructive notice of the lien. The notice
26 of lien shall consist of a sworn statement setting forth (i) a

1 description of the real estate, such as the address or other
2 description of the property, sufficient for its
3 identification; (ii) the expenses incurred by the municipality
4 in undertaking the remedial actions authorized under this
5 subsection; (iii) the date or dates the expenses were incurred
6 by the municipality; (iv) a statement by the corporate official
7 responsible for enforcing the building code that the building
8 was open and vacant and constituted an immediate and continuing
9 hazard to the community; (v) a statement by the corporate
10 official that the required sign was posted on the building,
11 that notice was sent by certified mail to the owners of record,
12 and that notice was published in accordance with this
13 subsection; and (vi) a statement as to when and where the
14 notice was published. The lien authorized by this subsection
15 may thereafter be released or enforced by the municipality as
16 provided in subsection (a).

17 (f) The corporate authorities of each municipality may
18 remove or cause the removal of, or otherwise environmentally
19 remediate hazardous substances and petroleum products on, in,
20 or under any abandoned and unsafe property within the territory
21 of a municipality. In addition, where preliminary evidence
22 indicates the presence or likely presence of a hazardous
23 substance or a petroleum product or a release or a substantial
24 threat of a release of a hazardous substance or a petroleum
25 product on, in, or under the property, the corporate
26 authorities of the municipality may inspect the property and

1 test for the presence or release of hazardous substances and
2 petroleum products. In any county having adopted by referendum
3 or otherwise a county health department as provided by Division
4 5-25 of the Counties Code or its predecessor, the county board
5 of that county may exercise the above-described powers with
6 regard to property within the territory of any city, village,
7 or incorporated town having less than 50,000 population.

8 For purposes of this subsection (f):

9 (1) "property" or "real estate" means all real
10 property, whether or not improved by a structure;

11 (2) "abandoned" means;

12 (A) the property has been tax delinquent for 2 or
13 more years;

14 (B) the property is unoccupied by persons legally
15 in possession; and

16 (3) "unsafe" means property that presents an actual or
17 imminent threat to public health and safety caused by the
18 release of hazardous substances; and

19 (4) "hazardous substances" means the same as in Section
20 3.215 of the Environmental Protection Act.

21 The corporate authorities shall apply to the circuit court
22 of the county in which the property is located (i) for an order
23 allowing the municipality to enter the property and inspect and
24 test substances on, in, or under the property; or (ii) for an
25 order authorizing the corporate authorities to take action with
26 respect to remediation of the property if conditions on the

1 property, based on the inspection and testing authorized in
2 paragraph (i), indicate the presence of hazardous substances or
3 petroleum products. Remediation shall be deemed complete for
4 purposes of paragraph (ii) above when the property satisfies
5 Tier I, II, or III remediation objectives for the property's
6 most recent usage, as established by the Environmental
7 Protection Act, and the rules and regulations promulgated
8 thereunder. Where, upon diligent search, the identity or
9 whereabouts of the owner or owners of the property, including
10 the lien holders of record, is not ascertainable, notice mailed
11 to the person or persons in whose name the real estate was last
12 assessed is sufficient notice under this Section.

13 The court shall grant an order authorizing testing under
14 paragraph (i) above upon a showing of preliminary evidence
15 indicating the presence or likely presence of a hazardous
16 substance or a petroleum product or a release of or a
17 substantial threat of a release of a hazardous substance or a
18 petroleum product on, in, or under abandoned property. The
19 preliminary evidence may include, but is not limited to,
20 evidence of prior use, visual site inspection, or records of
21 prior environmental investigations. The testing authorized by
22 paragraph (i) above shall include any type of investigation
23 which is necessary for an environmental professional to
24 determine the environmental condition of the property,
25 including but not limited to performance of soil borings and
26 groundwater monitoring. The court shall grant a remediation

1 order under paragraph (ii) above where testing of the property
2 indicates that it fails to meet the applicable remediation
3 objectives. The hearing upon the application to the circuit
4 court shall be expedited by the court and shall be given
5 precedence over all other suits.

6 The cost of the inspection, testing, or remediation
7 incurred by the municipality or by a lien holder of record,
8 including court costs, attorney's fees, and other costs related
9 to the enforcement of this Section, is a lien on the real
10 estate; except that in any instances where a municipality
11 incurs costs of inspection and testing but finds no hazardous
12 substances or petroleum products on the property that present
13 an actual or imminent threat to public health and safety, such
14 costs are not recoverable from the owners nor are such costs a
15 lien on the real estate. The lien is superior to all prior
16 existing liens and encumbrances, except taxes and any lien
17 obtained under subsection (a) or (e), if, within 180 days after
18 the completion of the inspection, testing, or remediation, the
19 municipality or the lien holder of record who incurred the cost
20 and expense shall file a notice of lien for the cost and
21 expense incurred in the office of the recorder in the county in
22 which the real estate is located or in the office of the
23 registrar of titles of the county if the real estate affected
24 is registered under the Registered Titles (Torrens) Act.

25 The notice must consist of a sworn statement setting out
26 (i) a description of the real estate sufficient for its

1 identification, (ii) the amount of money representing the cost
2 and expense incurred, and (iii) the date or dates when the cost
3 and expense was incurred by the municipality or the lien holder
4 of record. Upon payment of the lien amount by the owner of or
5 persons interested in the property after the notice of lien has
6 been filed, a release of lien shall be issued by the
7 municipality, the person in whose name the lien has been filed,
8 or the assignee of the lien, and the release may be filed of
9 record as in the case of filing notice of lien.

10 The lien may be enforced under subsection (c) or by
11 foreclosure proceedings as in the case of mortgage foreclosures
12 under Article XV of the Code of Civil Procedure or mechanics'
13 lien foreclosures; provided that where the lien is enforced by
14 foreclosure under subsection (c) or under either statute, the
15 municipality may not proceed against the other assets of the
16 owner or owners of the real estate for any costs that otherwise
17 would be recoverable under this Section but that remain
18 unsatisfied after foreclosure except where such additional
19 recovery is authorized by separate environmental laws. An
20 action to foreclose this lien may be commenced at any time
21 after the date of filing of the notice of lien. The costs of
22 foreclosure incurred by the municipality, including court
23 costs, reasonable attorney's fees, advances to preserve the
24 property, and other costs related to the enforcement of this
25 subsection, plus statutory interest, are a lien on the real
26 estate.

1 All liens arising under this subsection (f) shall be
2 assignable. The assignee of the lien shall have the same power
3 to enforce the lien as the assigning party, except that the
4 lien may not be enforced under subsection (c).

5 (g) In any case where a municipality has obtained a lien
6 under subsection (a), the municipality may also bring an action
7 for a money judgment against the owner or owners of the real
8 estate in the amount of the lien in the same manner as provided
9 for bringing causes of action in Article II of the Code of
10 Civil Procedure and, upon obtaining a judgment, file a judgment
11 lien against all of the real estate of the owner or owners and
12 enforce that lien as provided for in Article XII of the Code of
13 Civil Procedure.

14 (Source: P.A. 91-162, eff. 7-16-99; 91-177, eff. 1-1-00;
15 91-357, eff. 7-29-99; 91-542, eff. 1-1-00; 91-561, eff. 1-1-00;
16 92-16, eff. 6-28-01; 92-574, eff. 6-26-02; 92-681, eff. 1-1-03;
17 revised 2-18-03.)

18 (65 ILCS 5/11-74.4-3) (from Ch. 24, par. 11-74.4-3)

19 Sec. 11-74.4-3. Definitions. The following terms, wherever
20 used or referred to in this Division 74.4 shall have the
21 following respective meanings, unless in any case a different
22 meaning clearly appears from the context.

23 (a) For any redevelopment project area that has been
24 designated pursuant to this Section by an ordinance adopted
25 prior to November 1, 1999 (the effective date of Public Act

1 91-478), "blighted area" shall have the meaning set forth in
2 this Section prior to that date.

3 On and after November 1, 1999, "blighted area" means any
4 improved or vacant area within the boundaries of a
5 redevelopment project area located within the territorial
6 limits of the municipality where:

7 (1) If improved, industrial, commercial, and
8 residential buildings or improvements are detrimental to
9 the public safety, health, or welfare because of a
10 combination of 5 or more of the following factors, each of
11 which is (i) present, with that presence documented, to a
12 meaningful extent so that a municipality may reasonably
13 find that the factor is clearly present within the intent
14 of the Act and (ii) reasonably distributed throughout the
15 improved part of the redevelopment project area:

16 (A) Dilapidation. An advanced state of disrepair
17 or neglect of necessary repairs to the primary
18 structural components of buildings or improvements in
19 such a combination that a documented building
20 condition analysis determines that major repair is
21 required or the defects are so serious and so extensive
22 that the buildings must be removed.

23 (B) Obsolescence. The condition or process of
24 falling into disuse. Structures have become ill-suited
25 for the original use.

26 (C) Deterioration. With respect to buildings,

1 defects including, but not limited to, major defects in
2 the secondary building components such as doors,
3 windows, porches, gutters and downspouts, and fascia.
4 With respect to surface improvements, that the
5 condition of roadways, alleys, curbs, gutters,
6 sidewalks, off-street parking, and surface storage
7 areas evidence deterioration, including, but not
8 limited to, surface cracking, crumbling, potholes,
9 depressions, loose paving material, and weeds
10 protruding through paved surfaces.

11 (D) Presence of structures below minimum code
12 standards. All structures that do not meet the
13 standards of zoning, subdivision, building, fire, and
14 other governmental codes applicable to property, but
15 not including housing and property maintenance codes.

16 (E) Illegal use of individual structures. The use
17 of structures in violation of applicable federal,
18 State, or local laws, exclusive of those applicable to
19 the presence of structures below minimum code
20 standards.

21 (F) Excessive vacancies. The presence of buildings
22 that are unoccupied or under-utilized and that
23 represent an adverse influence on the area because of
24 the frequency, extent, or duration of the vacancies.

25 (G) Lack of ventilation, light, or sanitary
26 facilities. The absence of adequate ventilation for

1 light or air circulation in spaces or rooms without
2 windows, or that require the removal of dust, odor,
3 gas, smoke, or other noxious airborne materials.
4 Inadequate natural light and ventilation means the
5 absence of skylights or windows for interior spaces or
6 rooms and improper window sizes and amounts by room
7 area to window area ratios. Inadequate sanitary
8 facilities refers to the absence or inadequacy of
9 garbage storage and enclosure, bathroom facilities,
10 hot water and kitchens, and structural inadequacies
11 preventing ingress and egress to and from all rooms and
12 units within a building.

13 (H) Inadequate utilities. Underground and overhead
14 utilities such as storm sewers and storm drainage,
15 sanitary sewers, water lines, and gas, telephone, and
16 electrical services that are shown to be inadequate.
17 Inadequate utilities are those that are: (i) of
18 insufficient capacity to serve the uses in the
19 redevelopment project area, (ii) deteriorated,
20 antiquated, obsolete, or in disrepair, or (iii)
21 lacking within the redevelopment project area.

22 (I) Excessive land coverage and overcrowding of
23 structures and community facilities. The
24 over-intensive use of property and the crowding of
25 buildings and accessory facilities onto a site.
26 Examples of problem conditions warranting the

1 designation of an area as one exhibiting excessive land
2 coverage are: (i) the presence of buildings either
3 improperly situated on parcels or located on parcels of
4 inadequate size and shape in relation to present-day
5 standards of development for health and safety and (ii)
6 the presence of multiple buildings on a single parcel.
7 For there to be a finding of excessive land coverage,
8 these parcels must exhibit one or more of the following
9 conditions: insufficient provision for light and air
10 within or around buildings, increased threat of spread
11 of fire due to the close proximity of buildings, lack
12 of adequate or proper access to a public right-of-way,
13 lack of reasonably required off-street parking, or
14 inadequate provision for loading and service.

15 (J) Deleterious land use or layout. The existence
16 of incompatible land-use relationships, buildings
17 occupied by inappropriate mixed-uses, or uses
18 considered to be noxious, offensive, or unsuitable for
19 the surrounding area.

20 (K) Environmental clean-up. The proposed
21 redevelopment project area has incurred Illinois
22 Environmental Protection Agency or United States
23 Environmental Protection Agency remediation costs for,
24 or a study conducted by an independent consultant
25 recognized as having expertise in environmental
26 remediation has determined a need for, the clean-up of

1 hazardous waste, hazardous substances, or underground
2 storage tanks required by State or federal law,
3 provided that the remediation costs constitute a
4 material impediment to the development or
5 redevelopment of the redevelopment project area.

6 (L) Lack of community planning. The proposed
7 redevelopment project area was developed prior to or
8 without the benefit or guidance of a community plan.
9 This means that the development occurred prior to the
10 adoption by the municipality of a comprehensive or
11 other community plan or that the plan was not followed
12 at the time of the area's development. This factor must
13 be documented by evidence of adverse or incompatible
14 land-use relationships, inadequate street layout,
15 improper subdivision, parcels of inadequate shape and
16 size to meet contemporary development standards, or
17 other evidence demonstrating an absence of effective
18 community planning.

19 (M) The total equalized assessed value of the
20 proposed redevelopment project area has declined for 3
21 of the last 5 calendar years prior to the year in which
22 the redevelopment project area is designated or is
23 increasing at an annual rate that is less than the
24 balance of the municipality for 3 of the last 5
25 calendar years for which information is available or is
26 increasing at an annual rate that is less than the

1 Consumer Price Index for All Urban Consumers published
2 by the United States Department of Labor or successor
3 agency for 3 of the last 5 calendar years prior to the
4 year in which the redevelopment project area is
5 designated.

6 (2) If vacant, the sound growth of the redevelopment
7 project area is impaired by a combination of 2 or more of
8 the following factors, each of which is (i) present, with
9 that presence documented, to a meaningful extent so that a
10 municipality may reasonably find that the factor is clearly
11 present within the intent of the Act and (ii) reasonably
12 distributed throughout the vacant part of the
13 redevelopment project area to which it pertains:

14 (A) Obsolete platting of vacant land that results
15 in parcels of limited or narrow size or configurations
16 of parcels of irregular size or shape that would be
17 difficult to develop on a planned basis and in a manner
18 compatible with contemporary standards and
19 requirements, or platting that failed to create
20 rights-of-ways for streets or alleys or that created
21 inadequate right-of-way widths for streets, alleys, or
22 other public rights-of-way or that omitted easements
23 for public utilities.

24 (B) Diversity of ownership of parcels of vacant
25 land sufficient in number to retard or impede the
26 ability to assemble the land for development.

1 (C) Tax and special assessment delinquencies exist
2 or the property has been the subject of tax sales under
3 the Property Tax Code within the last 5 years.

4 (D) Deterioration of structures or site
5 improvements in neighboring areas adjacent to the
6 vacant land.

7 (E) The area has incurred Illinois Environmental
8 Protection Agency or United States Environmental
9 Protection Agency remediation costs for, or a study
10 conducted by an independent consultant recognized as
11 having expertise in environmental remediation has
12 determined a need for, the clean-up of hazardous waste,
13 hazardous substances, or underground storage tanks
14 required by State or federal law, provided that the
15 remediation costs constitute a material impediment to
16 the development or redevelopment of the redevelopment
17 project area.

18 (F) The total equalized assessed value of the
19 proposed redevelopment project area has declined for 3
20 of the last 5 calendar years prior to the year in which
21 the redevelopment project area is designated or is
22 increasing at an annual rate that is less than the
23 balance of the municipality for 3 of the last 5
24 calendar years for which information is available or is
25 increasing at an annual rate that is less than the
26 Consumer Price Index for All Urban Consumers published

1 by the United States Department of Labor or successor
2 agency for 3 of the last 5 calendar years prior to the
3 year in which the redevelopment project area is
4 designated.

5 (3) If vacant, the sound growth of the redevelopment
6 project area is impaired by one of the following factors
7 that (i) is present, with that presence documented, to a
8 meaningful extent so that a municipality may reasonably
9 find that the factor is clearly present within the intent
10 of the Act and (ii) is reasonably distributed throughout
11 the vacant part of the redevelopment project area to which
12 it pertains:

13 (A) The area consists of one or more unused
14 quarries, mines, or strip mine ponds.

15 (B) The area consists of unused rail yards, rail
16 tracks, or railroad rights-of-way.

17 (C) The area, prior to its designation, is subject
18 to (i) chronic flooding that adversely impacts on real
19 property in the area as certified by a registered
20 professional engineer or appropriate regulatory agency
21 or (ii) surface water that discharges from all or a
22 part of the area and contributes to flooding within the
23 same watershed, but only if the redevelopment project
24 provides for facilities or improvements to contribute
25 to the alleviation of all or part of the flooding.

26 (D) The area consists of an unused or illegal

1 disposal site containing earth, stone, building
2 debris, or similar materials that were removed from
3 construction, demolition, excavation, or dredge sites.

4 (E) Prior to November 1, 1999, the area is not less
5 than 50 nor more than 100 acres and 75% of which is
6 vacant (notwithstanding that the area has been used for
7 commercial agricultural purposes within 5 years prior
8 to the designation of the redevelopment project area),
9 and the area meets at least one of the factors itemized
10 in paragraph (1) of this subsection, the area has been
11 designated as a town or village center by ordinance or
12 comprehensive plan adopted prior to January 1, 1982,
13 and the area has not been developed for that designated
14 purpose.

15 (F) The area qualified as a blighted improved area
16 immediately prior to becoming vacant, unless there has
17 been substantial private investment in the immediately
18 surrounding area.

19 (b) For any redevelopment project area that has been
20 designated pursuant to this Section by an ordinance adopted
21 prior to November 1, 1999 (the effective date of Public Act
22 91-478), "conservation area" shall have the meaning set forth
23 in this Section prior to that date.

24 On and after November 1, 1999, "conservation area" means
25 any improved area within the boundaries of a redevelopment
26 project area located within the territorial limits of the

1 municipality in which 50% or more of the structures in the area
2 have an age of 35 years or more. Such an area is not yet a
3 blighted area but because of a combination of 3 or more of the
4 following factors is detrimental to the public safety, health,
5 morals or welfare and such an area may become a blighted area:

6 (1) Dilapidation. An advanced state of disrepair or
7 neglect of necessary repairs to the primary structural
8 components of buildings or improvements in such a
9 combination that a documented building condition analysis
10 determines that major repair is required or the defects are
11 so serious and so extensive that the buildings must be
12 removed.

13 (2) Obsolescence. The condition or process of falling
14 into disuse. Structures have become ill-suited for the
15 original use.

16 (3) Deterioration. With respect to buildings, defects
17 including, but not limited to, major defects in the
18 secondary building components such as doors, windows,
19 porches, gutters and downspouts, and fascia. With respect
20 to surface improvements, that the condition of roadways,
21 alleys, curbs, gutters, sidewalks, off-street parking, and
22 surface storage areas evidence deterioration, including,
23 but not limited to, surface cracking, crumbling, potholes,
24 depressions, loose paving material, and weeds protruding
25 through paved surfaces.

26 (4) Presence of structures below minimum code

1 standards. All structures that do not meet the standards of
2 zoning, subdivision, building, fire, and other
3 governmental codes applicable to property, but not
4 including housing and property maintenance codes.

5 (5) Illegal use of individual structures. The use of
6 structures in violation of applicable federal, State, or
7 local laws, exclusive of those applicable to the presence
8 of structures below minimum code standards.

9 (6) Excessive vacancies. The presence of buildings
10 that are unoccupied or under-utilized and that represent an
11 adverse influence on the area because of the frequency,
12 extent, or duration of the vacancies.

13 (7) Lack of ventilation, light, or sanitary
14 facilities. The absence of adequate ventilation for light
15 or air circulation in spaces or rooms without windows, or
16 that require the removal of dust, odor, gas, smoke, or
17 other noxious airborne materials. Inadequate natural light
18 and ventilation means the absence or inadequacy of
19 skylights or windows for interior spaces or rooms and
20 improper window sizes and amounts by room area to window
21 area ratios. Inadequate sanitary facilities refers to the
22 absence or inadequacy of garbage storage and enclosure,
23 bathroom facilities, hot water and kitchens, and
24 structural inadequacies preventing ingress and egress to
25 and from all rooms and units within a building.

26 (8) Inadequate utilities. Underground and overhead

1 utilities such as storm sewers and storm drainage, sanitary
2 sewers, water lines, and gas, telephone, and electrical
3 services that are shown to be inadequate. Inadequate
4 utilities are those that are: (i) of insufficient capacity
5 to serve the uses in the redevelopment project area, (ii)
6 deteriorated, antiquated, obsolete, or in disrepair, or
7 (iii) lacking within the redevelopment project area.

8 (9) Excessive land coverage and overcrowding of
9 structures and community facilities. The over-intensive
10 use of property and the crowding of buildings and accessory
11 facilities onto a site. Examples of problem conditions
12 warranting the designation of an area as one exhibiting
13 excessive land coverage are: the presence of buildings
14 either improperly situated on parcels or located on parcels
15 of inadequate size and shape in relation to present-day
16 standards of development for health and safety and the
17 presence of multiple buildings on a single parcel. For
18 there to be a finding of excessive land coverage, these
19 parcels must exhibit one or more of the following
20 conditions: insufficient provision for light and air
21 within or around buildings, increased threat of spread of
22 fire due to the close proximity of buildings, lack of
23 adequate or proper access to a public right-of-way, lack of
24 reasonably required off-street parking, or inadequate
25 provision for loading and service.

26 (10) Deleterious land use or layout. The existence of

1 incompatible land-use relationships, buildings occupied by
2 inappropriate mixed-uses, or uses considered to be
3 noxious, offensive, or unsuitable for the surrounding
4 area.

5 (11) Lack of community planning. The proposed
6 redevelopment project area was developed prior to or
7 without the benefit or guidance of a community plan. This
8 means that the development occurred prior to the adoption
9 by the municipality of a comprehensive or other community
10 plan or that the plan was not followed at the time of the
11 area's development. This factor must be documented by
12 evidence of adverse or incompatible land-use
13 relationships, inadequate street layout, improper
14 subdivision, parcels of inadequate shape and size to meet
15 contemporary development standards, or other evidence
16 demonstrating an absence of effective community planning.

17 (12) The area has incurred Illinois Environmental
18 Protection Agency or United States Environmental
19 Protection Agency remediation costs for, or a study
20 conducted by an independent consultant recognized as
21 having expertise in environmental remediation has
22 determined a need for, the clean-up of hazardous waste,
23 hazardous substances, or underground storage tanks
24 required by State or federal law, provided that the
25 remediation costs constitute a material impediment to the
26 development or redevelopment of the redevelopment project

1 area.

2 (13) The total equalized assessed value of the proposed
3 redevelopment project area has declined for 3 of the last 5
4 calendar years for which information is available or is
5 increasing at an annual rate that is less than the balance
6 of the municipality for 3 of the last 5 calendar years for
7 which information is available or is increasing at an
8 annual rate that is less than the Consumer Price Index for
9 All Urban Consumers published by the United States
10 Department of Labor or successor agency for 3 of the last 5
11 calendar years for which information is available.

12 (c) "Industrial park" means an area in a blighted or
13 conservation area suitable for use by any manufacturing,
14 industrial, research or transportation enterprise, of
15 facilities to include but not be limited to factories, mills,
16 processing plants, assembly plants, packing plants,
17 fabricating plants, industrial distribution centers,
18 warehouses, repair overhaul or service facilities, freight
19 terminals, research facilities, test facilities or railroad
20 facilities.

21 (d) "Industrial park conservation area" means an area
22 within the boundaries of a redevelopment project area located
23 within the territorial limits of a municipality that is a labor
24 surplus municipality or within 1 1/2 miles of the territorial
25 limits of a municipality that is a labor surplus municipality
26 if the area is annexed to the municipality; which area is zoned

1 as industrial no later than at the time the municipality by
2 ordinance designates the redevelopment project area, and which
3 area includes both vacant land suitable for use as an
4 industrial park and a blighted area or conservation area
5 contiguous to such vacant land.

6 (e) "Labor surplus municipality" means a municipality in
7 which, at any time during the 6 months before the municipality
8 by ordinance designates an industrial park conservation area,
9 the unemployment rate was over 6% and was also 100% or more of
10 the national average unemployment rate for that same time as
11 published in the United States Department of Labor Bureau of
12 Labor Statistics publication entitled "The Employment
13 Situation" or its successor publication. For the purpose of
14 this subsection, if unemployment rate statistics for the
15 municipality are not available, the unemployment rate in the
16 municipality shall be deemed to be the same as the unemployment
17 rate in the principal county in which the municipality is
18 located.

19 (f) "Municipality" shall mean a city, village,
20 incorporated town, or a township that is located in the
21 unincorporated portion of a county with 3 million or more
22 inhabitants, if the county adopted an ordinance that approved
23 the township's redevelopment plan.

24 (g) "Initial Sales Tax Amounts" means the amount of taxes
25 paid under the Retailers' Occupation Tax Act, Use Tax Act,
26 Service Use Tax Act, the Service Occupation Tax Act, the

1 Municipal Retailers' Occupation Tax Act, and the Municipal
2 Service Occupation Tax Act by retailers and servicemen on
3 transactions at places located in a State Sales Tax Boundary
4 during the calendar year 1985.

5 (g-1) "Revised Initial Sales Tax Amounts" means the amount
6 of taxes paid under the Retailers' Occupation Tax Act, Use Tax
7 Act, Service Use Tax Act, the Service Occupation Tax Act, the
8 Municipal Retailers' Occupation Tax Act, and the Municipal
9 Service Occupation Tax Act by retailers and servicemen on
10 transactions at places located within the State Sales Tax
11 Boundary revised pursuant to Section 11-74.4-8a(9) of this Act.

12 (h) "Municipal Sales Tax Increment" means an amount equal
13 to the increase in the aggregate amount of taxes paid to a
14 municipality from the Local Government Tax Fund arising from
15 sales by retailers and servicemen within the redevelopment
16 project area or State Sales Tax Boundary, as the case may be,
17 for as long as the redevelopment project area or State Sales
18 Tax Boundary, as the case may be, exist over and above the
19 aggregate amount of taxes as certified by the Illinois
20 Department of Revenue and paid under the Municipal Retailers'
21 Occupation Tax Act and the Municipal Service Occupation Tax Act
22 by retailers and servicemen, on transactions at places of
23 business located in the redevelopment project area or State
24 Sales Tax Boundary, as the case may be, during the base year
25 which shall be the calendar year immediately prior to the year
26 in which the municipality adopted tax increment allocation

1 financing. For purposes of computing the aggregate amount of
2 such taxes for base years occurring prior to 1985, the
3 Department of Revenue shall determine the Initial Sales Tax
4 Amounts for such taxes and deduct therefrom an amount equal to
5 4% of the aggregate amount of taxes per year for each year the
6 base year is prior to 1985, but not to exceed a total deduction
7 of 12%. The amount so determined shall be known as the
8 "Adjusted Initial Sales Tax Amounts". For purposes of
9 determining the Municipal Sales Tax Increment, the Department
10 of Revenue shall for each period subtract from the amount paid
11 to the municipality from the Local Government Tax Fund arising
12 from sales by retailers and servicemen on transactions located
13 in the redevelopment project area or the State Sales Tax
14 Boundary, as the case may be, the certified Initial Sales Tax
15 Amounts, the Adjusted Initial Sales Tax Amounts or the Revised
16 Initial Sales Tax Amounts for the Municipal Retailers'
17 Occupation Tax Act and the Municipal Service Occupation Tax
18 Act. For the State Fiscal Year 1989, this calculation shall be
19 made by utilizing the calendar year 1987 to determine the tax
20 amounts received. For the State Fiscal Year 1990, this
21 calculation shall be made by utilizing the period from January
22 1, 1988, until September 30, 1988, to determine the tax amounts
23 received from retailers and servicemen pursuant to the
24 Municipal Retailers' Occupation Tax and the Municipal Service
25 Occupation Tax Act, which shall have deducted therefrom
26 nine-twelfths of the certified Initial Sales Tax Amounts, the

1 Adjusted Initial Sales Tax Amounts or the Revised Initial Sales
2 Tax Amounts as appropriate. For the State Fiscal Year 1991,
3 this calculation shall be made by utilizing the period from
4 October 1, 1988, to June 30, 1989, to determine the tax amounts
5 received from retailers and servicemen pursuant to the
6 Municipal Retailers' Occupation Tax and the Municipal Service
7 Occupation Tax Act which shall have deducted therefrom
8 nine-twelfths of the certified Initial Sales Tax Amounts,
9 Adjusted Initial Sales Tax Amounts or the Revised Initial Sales
10 Tax Amounts as appropriate. For every State Fiscal Year
11 thereafter, the applicable period shall be the 12 months
12 beginning July 1 and ending June 30 to determine the tax
13 amounts received which shall have deducted therefrom the
14 certified Initial Sales Tax Amounts, the Adjusted Initial Sales
15 Tax Amounts or the Revised Initial Sales Tax Amounts, as the
16 case may be.

17 (i) "Net State Sales Tax Increment" means the sum of the
18 following: (a) 80% of the first \$100,000 of State Sales Tax
19 Increment annually generated within a State Sales Tax Boundary;
20 (b) 60% of the amount in excess of \$100,000 but not exceeding
21 \$500,000 of State Sales Tax Increment annually generated within
22 a State Sales Tax Boundary; and (c) 40% of all amounts in
23 excess of \$500,000 of State Sales Tax Increment annually
24 generated within a State Sales Tax Boundary. If, however, a
25 municipality established a tax increment financing district in
26 a county with a population in excess of 3,000,000 before

1 January 1, 1986, and the municipality entered into a contract
2 or issued bonds after January 1, 1986, but before December 31,
3 1986, to finance redevelopment project costs within a State
4 Sales Tax Boundary, then the Net State Sales Tax Increment
5 means, for the fiscal years beginning July 1, 1990, and July 1,
6 1991, 100% of the State Sales Tax Increment annually generated
7 within a State Sales Tax Boundary; and notwithstanding any
8 other provision of this Act, for those fiscal years the
9 Department of Revenue shall distribute to those municipalities
10 100% of their Net State Sales Tax Increment before any
11 distribution to any other municipality and regardless of
12 whether or not those other municipalities will receive 100% of
13 their Net State Sales Tax Increment. For Fiscal Year 1999, and
14 every year thereafter until the year 2007, for any municipality
15 that has not entered into a contract or has not issued bonds
16 prior to June 1, 1988 to finance redevelopment project costs
17 within a State Sales Tax Boundary, the Net State Sales Tax
18 Increment shall be calculated as follows: By multiplying the
19 Net State Sales Tax Increment by 90% in the State Fiscal Year
20 1999; 80% in the State Fiscal Year 2000; 70% in the State
21 Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the
22 State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30%
23 in the State Fiscal Year 2005; 20% in the State Fiscal Year
24 2006; and 10% in the State Fiscal Year 2007. No payment shall
25 be made for State Fiscal Year 2008 and thereafter.

26 Municipalities that issued bonds in connection with a

1 redevelopment project in a redevelopment project area within
2 the State Sales Tax Boundary prior to July 29, 1991, or that
3 entered into contracts in connection with a redevelopment
4 project in a redevelopment project area before June 1, 1988,
5 shall continue to receive their proportional share of the
6 Illinois Tax Increment Fund distribution until the date on
7 which the redevelopment project is completed or terminated. If,
8 however, a municipality 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 retires the
11 bonds prior to June 30, 2007 or a municipality that entered
12 into contracts in connection with a redevelopment project in a
13 redevelopment project area before June 1, 1988 completes the
14 contracts prior to June 30, 2007, then so long as the
15 redevelopment project is not completed or is not terminated,
16 the Net State Sales Tax Increment shall be calculated,
17 beginning on the date on which the bonds are retired or the
18 contracts are completed, as follows: By multiplying the Net
19 State Sales Tax Increment by 60% in the State Fiscal Year 2002;
20 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year
21 2004; 30% in the State Fiscal Year 2005; 20% in the State
22 Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No
23 payment shall be made for State Fiscal Year 2008 and
24 thereafter. Refunding of any bonds issued prior to July 29,
25 1991, shall not alter the Net State Sales Tax Increment.

26 (j) "State Utility Tax Increment Amount" means an amount

1 equal to the aggregate increase in State electric and gas tax
2 charges imposed on owners and tenants, other than residential
3 customers, of properties located within the redevelopment
4 project area under Section 9-222 of the Public Utilities Act,
5 over and above the aggregate of such charges as certified by
6 the Department of Revenue and paid by owners and tenants, other
7 than residential customers, of properties within the
8 redevelopment project area during the base year, which shall be
9 the calendar year immediately prior to the year of the adoption
10 of the ordinance authorizing tax increment allocation
11 financing.

12 (k) "Net State Utility Tax Increment" means the sum of the
13 following: (a) 80% of the first \$100,000 of State Utility Tax
14 Increment annually generated by a redevelopment project area;
15 (b) 60% of the amount in excess of \$100,000 but not exceeding
16 \$500,000 of the State Utility Tax Increment annually generated
17 by a redevelopment project area; and (c) 40% of all amounts in
18 excess of \$500,000 of State Utility Tax Increment annually
19 generated by a redevelopment project area. For the State Fiscal
20 Year 1999, and every year thereafter until the year 2007, for
21 any municipality that has not entered into a contract or has
22 not issued bonds prior to June 1, 1988 to finance redevelopment
23 project costs within a redevelopment project area, the Net
24 State Utility Tax Increment shall be calculated as follows: By
25 multiplying the Net State Utility Tax Increment by 90% in the
26 State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70%

1 in the State Fiscal Year 2001; 60% in the State Fiscal Year
2 2002; 50% in the State Fiscal Year 2003; 40% in the State
3 Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the
4 State Fiscal Year 2006; and 10% in the State Fiscal Year 2007.
5 No payment shall be made for the State Fiscal Year 2008 and
6 thereafter.

7 Municipalities that issue bonds in connection with the
8 redevelopment project during the period from June 1, 1988 until
9 3 years after the effective date of this Amendatory Act of 1988
10 shall receive the Net State Utility Tax Increment, subject to
11 appropriation, for 15 State Fiscal Years after the issuance of
12 such bonds. For the 16th through the 20th State Fiscal Years
13 after issuance of the bonds, the Net State Utility Tax
14 Increment shall be calculated as follows: By multiplying the
15 Net State Utility Tax Increment by 90% in year 16; 80% in year
16 17; 70% in year 18; 60% in year 19; and 50% in year 20.
17 Refunding of any bonds issued prior to June 1, 1988, shall not
18 alter the revised Net State Utility Tax Increment payments set
19 forth above.

20 (l) "Obligations" mean bonds, loans, debentures, notes,
21 special certificates or other evidence of indebtedness issued
22 by the municipality to carry out a redevelopment project or to
23 refund outstanding obligations.

24 (m) "Payment in lieu of taxes" means those estimated tax
25 revenues from real property in a redevelopment project area
26 derived from real property that has been acquired by a

1 municipality which according to the redevelopment project or
2 plan is to be used for a private use which taxing districts
3 would have received had a municipality not acquired the real
4 property and adopted tax increment allocation financing and
5 which would result from levies made after the time of the
6 adoption of tax increment allocation financing to the time the
7 current equalized value of real property in the redevelopment
8 project area exceeds the total initial equalized value of real
9 property in said area.

10 (n) "Redevelopment plan" means the comprehensive program
11 of the municipality for development or redevelopment intended
12 by the payment of redevelopment project costs to reduce or
13 eliminate those conditions the existence of which qualified the
14 redevelopment project area as a "blighted area" or
15 "conservation area" or combination thereof or "industrial park
16 conservation area," and thereby to enhance the tax bases of the
17 taxing districts which extend into the redevelopment project
18 area. On and after November 1, 1999 (the effective date of
19 Public Act 91-478), no redevelopment plan may be approved or
20 amended that includes the development of vacant land (i) with a
21 golf course and related clubhouse and other facilities or (ii)
22 designated by federal, State, county, or municipal government
23 as public land for outdoor recreational activities or for
24 nature preserves and used for that purpose within 5 years prior
25 to the adoption of the redevelopment plan. For the purpose of
26 this subsection, "recreational activities" is limited to mean

1 camping and hunting. Each redevelopment plan shall set forth in
2 writing the program to be undertaken to accomplish the
3 objectives and shall include but not be limited to:

4 (A) an itemized list of estimated redevelopment
5 project costs;

6 (B) evidence indicating that the redevelopment project
7 area on the whole has not been subject to growth and
8 development through investment by private enterprise;

9 (C) an assessment of any financial impact of the
10 redevelopment project area on or any increased demand for
11 services from any taxing district affected by the plan and
12 any program to address such financial impact or increased
13 demand;

14 (D) the sources of funds to pay costs;

15 (E) the nature and term of the obligations to be
16 issued;

17 (F) the most recent equalized assessed valuation of the
18 redevelopment project area;

19 (G) an estimate as to the equalized assessed valuation
20 after redevelopment and the general land uses to apply in
21 the redevelopment project area;

22 (H) a commitment to fair employment practices and an
23 affirmative action plan;

24 (I) if it concerns an industrial park conservation
25 area, the plan shall also include a general description of
26 any proposed developer, user and tenant of any property, a

1 description of the type, structure and general character of
2 the facilities to be developed, a description of the type,
3 class and number of new employees to be employed in the
4 operation of the facilities to be developed; and

5 (J) if property is to be annexed to the municipality,
6 the plan shall include the terms of the annexation
7 agreement.

8 The provisions of items (B) and (C) of this subsection (n)
9 shall not apply to a municipality that before March 14, 1994
10 (the effective date of Public Act 88-537) had fixed, either by
11 its corporate authorities or by a commission designated under
12 subsection (k) of Section 11-74.4-4, a time and place for a
13 public hearing as required by subsection (a) of Section
14 11-74.4-5. No redevelopment plan shall be adopted unless a
15 municipality complies with all of the following requirements:

16 (1) The municipality finds that the redevelopment
17 project area on the whole has not been subject to growth
18 and development through investment by private enterprise
19 and would not reasonably be anticipated to be developed
20 without the adoption of the redevelopment plan.

21 (2) The municipality finds that the redevelopment plan
22 and project conform to the comprehensive plan for the
23 development of the municipality as a whole, or, for
24 municipalities with a population of 100,000 or more,
25 regardless of when the redevelopment plan and project was
26 adopted, the redevelopment plan and project either: (i)

1 conforms to the strategic economic development or
2 redevelopment plan issued by the designated planning
3 authority of the municipality, or (ii) includes land uses
4 that have been approved by the planning commission of the
5 municipality.

6 (3) The redevelopment plan establishes the estimated
7 dates of completion of the redevelopment project and
8 retirement of obligations issued to finance redevelopment
9 project costs. Those dates: shall not be later than
10 December 31 of the year in which the payment to the
11 municipal treasurer as provided in subsection (b) of
12 Section 11-74.4-8 of this Act is to be made with respect to
13 ad valorem taxes levied in the twenty-third calendar year
14 after the year in which the ordinance approving the
15 redevelopment project area is adopted if the ordinance was
16 adopted on or after January 15, 1981; shall not be later
17 than December 31 of the year in which the payment to the
18 municipal treasurer as provided in subsection (b) of
19 Section 11-74.4-8 of this Act is to be made with respect to
20 ad valorem taxes levied in the thirty-third calendar year
21 after the year in which the ordinance approving the
22 redevelopment project area if the ordinance was adopted on
23 May 20, 1985 by the Village of Wheeling; and shall not be
24 later than December 31 of the year in which the payment to
25 the municipal treasurer as provided in subsection (b) of
26 Section 11-74.4-8 of this Act is to be made with respect to

1 ad valorem taxes levied in the thirty-fifth calendar year
2 after the year in which the ordinance approving the
3 redevelopment project area is adopted:

4 (A) if the ordinance was adopted before January 15,
5 1981, or

6 (B) if the ordinance was adopted in December 1983,
7 April 1984, July 1985, or December 1989, or

8 (C) if the ordinance was adopted in December 1987
9 and the redevelopment project is located within one
10 mile of Midway Airport, or

11 (D) if the ordinance was adopted before January 1,
12 1987 by a municipality in Mason County, or

13 (E) if the municipality is subject to the Local
14 Government Financial Planning and Supervision Act or
15 the Financially Distressed City Law, or

16 (F) if the ordinance was adopted in December 1984
17 by the Village of Rosemont, or

18 (G) if the ordinance was adopted on December 31,
19 1986 by a municipality located in Clinton County for
20 which at least \$250,000 of tax increment bonds were
21 authorized on June 17, 1997, or if the ordinance was
22 adopted on December 31, 1986 by a municipality with a
23 population in 1990 of less than 3,600 that is located
24 in a county with a population in 1990 of less than
25 34,000 and for which at least \$250,000 of tax increment
26 bonds were authorized on June 17, 1997, or

1 (H) if the ordinance was adopted on October 5, 1982
2 by the City of Kankakee, or if the ordinance was
3 adopted on December 29, 1986 by East St. Louis, or

4 (I) if the ordinance was adopted on November 12,
5 1991 by the Village of Sauget, or

6 (J) if the ordinance was adopted on February 11,
7 1985 by the City of Rock Island, or

8 (K) if the ordinance was adopted before December
9 18, 1986 by the City of Moline, or

10 (L) if the ordinance was adopted in September 1988
11 by Sauk Village, or

12 (M) if the ordinance was adopted in October 1993 by
13 Sauk Village, or

14 (N) if the ordinance was adopted on December 29,
15 1986 by the City of Galva, or

16 (O) if the ordinance was adopted in March 1991 by
17 the City of Centreville, or

18 (P) if the ordinance was adopted on January 23,
19 1991 by the City of East St. Louis, or

20 (Q) if the ordinance was adopted on December 22,
21 1986 by the City of Aledo, or

22 (R) if the ordinance was adopted on February 5,
23 1990 by the City of Clinton, or

24 (S) if the ordinance was adopted on September 6,
25 1994 by the City of Freeport, or

26 (T) if the ordinance was adopted on December 22,

1 1986 by the City of Tuscola, or

2 (U) if the ordinance was adopted on December 23,

3 1986 by the City of Sparta, or

4 (V) if the ordinance was adopted on December 23,

5 1986 by the City of Beardstown, or

6 (W) if the ordinance was adopted on April 27, 1981,

7 October 21, 1985, or December 30, 1986 by the City of

8 Belleville, or

9 (X) if the ordinance was adopted on December 29,

10 1986 by the City of Collinsville, or

11 (Y) if the ordinance was adopted on September 14,

12 1994 by the City of Alton, or

13 (Z) if the ordinance was adopted on November 11,

14 1996 by the City of Lexington, or

15 (AA) if the ordinance was adopted on November 5,

16 1984 by the City of LeRoy, or

17 (BB) if the ordinance was adopted on April 3, 1991

18 or June 3, 1992 by the City of Markham, or

19 (CC) if the ordinance was adopted on November 11,

20 1986 by the City of Pekin, or

21 (DD) if the ordinance was adopted on December 15,

22 1981 by the City of Champaign, or

23 (EE) if the ordinance was adopted on December 15,

24 1986 by the City of Urbana, or

25 (FF) if the ordinance was adopted on December 15,

26 1986 by the Village of Heyworth, or

1 (GG) if the ordinance was adopted on February 24,
2 1992 by the Village of Heyworth, or

3 (HH) if the ordinance was adopted on March 16, 1995
4 by the Village of Heyworth, or

5 (II) if the ordinance was adopted on December 23,
6 1986 by the Town of Cicero, or

7 (JJ) if the ordinance was adopted on December 30,
8 1986 by the City of Effingham, or

9 (KK) if the ordinance was adopted on May 9, 1991 by
10 the Village of Tilton, or

11 (LL) if the ordinance was adopted on October 20,
12 1986 by the City of Elmhurst, or

13 (MM) if the ordinance was adopted on January 19,
14 1988 by the City of Waukegan, or

15 (NN) if the ordinance was adopted on September 21,
16 1998 by the City of Waukegan, or

17 (OO) if the ordinance was adopted on December 31,
18 1986 by the City of Sullivan, or

19 (PP) if the ordinance was adopted on December 23,
20 1991 by the City of Sullivan, or

21 (QQ) if the ordinance was adopted on December 31,
22 1986 by the City of Oglesby, or

23 (RR) if the ordinance was adopted on July 28, 1987
24 by the City of Marion, or

25 (SS) if the ordinance was adopted on April 23, 1990
26 by the City of Marion, or

1 (TT) if the ordinance was adopted on August 20,
2 1985 by the Village of Mount Prospect, or

3 (UU) if the ordinance was adopted on February 2,
4 1998 by the Village of Woodhull, or

5 (VV) if the ordinance was adopted on April 20, 1993
6 by the Village of Princeville, or.

7 (WW) ~~(VV)~~ if the ordinance was adopted on July 1,
8 1986 by the City of Granite City, or.

9 (XX) ~~(RR)~~ if the ordinance was adopted on February
10 2, 1989 by the Village of Lombard, or

11 (YY) ~~(VV)~~ if the ordinance was adopted on December
12 29, 1986 by the Village of Gardner, or

13 (ZZ) ~~(VV)~~ if the ordinance was adopted on July 14,
14 1999 by the Village of Paw Paw.

15 However, for redevelopment project areas for which
16 bonds were issued before July 29, 1991, or for which
17 contracts were entered into before June 1, 1988, in
18 connection with a redevelopment project in the area within
19 the State Sales Tax Boundary, the estimated dates of
20 completion of the redevelopment project and retirement of
21 obligations to finance redevelopment project costs may be
22 extended by municipal ordinance to December 31, 2013. The
23 termination procedures of subsection (b) of Section
24 11-74.4-8 are not required for these redevelopment project
25 areas in 2009 but are required in 2013. The extension
26 allowed by this amendatory Act of 1993 shall not apply to

1 real property tax increment allocation financing under
2 Section 11-74.4-8.

3 A municipality may by municipal ordinance amend an
4 existing redevelopment plan to conform to this paragraph
5 (3) as amended by Public Act 91-478, which municipal
6 ordinance may be adopted without further hearing or notice
7 and without complying with the procedures provided in this
8 Act pertaining to an amendment to or the initial approval
9 of a redevelopment plan and project and designation of a
10 redevelopment project area.

11 Those dates, for purposes of real property tax
12 increment allocation financing pursuant to Section
13 11-74.4-8 only, shall be not more than 35 years for
14 redevelopment project areas that were adopted on or after
15 December 16, 1986 and for which at least \$8 million worth
16 of municipal bonds were authorized on or after December 19,
17 1989 but before January 1, 1990; provided that the
18 municipality elects to extend the life of the redevelopment
19 project area to 35 years by the adoption of an ordinance
20 after at least 14 but not more than 30 days' written notice
21 to the taxing bodies, that would otherwise constitute the
22 joint review board for the redevelopment project area,
23 before the adoption of the ordinance.

24 Those dates, for purposes of real property tax
25 increment allocation financing pursuant to Section
26 11-74.4-8 only, shall be not more than 35 years for

1 redevelopment project areas that were established on or
2 after December 1, 1981 but before January 1, 1982 and for
3 which at least \$1,500,000 worth of tax increment revenue
4 bonds were authorized on or after September 30, 1990 but
5 before July 1, 1991; provided that the municipality elects
6 to extend the life of the redevelopment project area to 35
7 years by the adoption of an ordinance after at least 14 but
8 not more than 30 days' written notice to the taxing bodies,
9 that would otherwise constitute the joint review board for
10 the redevelopment project area, before the adoption of the
11 ordinance.

12 (3.5) The municipality finds, in the case of an
13 industrial park conservation area, also that the
14 municipality is a labor surplus municipality and that the
15 implementation of the redevelopment plan will reduce
16 unemployment, create new jobs and by the provision of new
17 facilities enhance the tax base of the taxing districts
18 that extend into the redevelopment project area.

19 (4) If any incremental revenues are being utilized
20 under Section 8(a)(1) or 8(a)(2) of this Act in
21 redevelopment project areas approved by ordinance after
22 January 1, 1986, the municipality finds: (a) that the
23 redevelopment project area would not reasonably be
24 developed without the use of such incremental revenues, and
25 (b) that such incremental revenues will be exclusively
26 utilized for the development of the redevelopment project

1 area.

2 (5) If the redevelopment plan will not result in
3 displacement of residents from 10 or more inhabited
4 residential units, and the municipality certifies in the
5 plan that such displacement will not result from the plan,
6 a housing impact study need not be performed. If, however,
7 the redevelopment plan would result in the displacement of
8 residents from 10 or more inhabited residential units, or
9 if the redevelopment project area contains 75 or more
10 inhabited residential units and no certification is made,
11 then the municipality shall prepare, as part of the
12 separate feasibility report required by subsection (a) of
13 Section 11-74.4-5, a housing impact study.

14 Part I of the housing impact study shall include (i)
15 data as to whether the residential units are single family
16 or multi-family units, (ii) the number and type of rooms
17 within the units, if that information is available, (iii)
18 whether the units are inhabited or uninhabited, as
19 determined not less than 45 days before the date that the
20 ordinance or resolution required by subsection (a) of
21 Section 11-74.4-5 is passed, and (iv) data as to the racial
22 and ethnic composition of the residents in the inhabited
23 residential units. The data requirement as to the racial
24 and ethnic composition of the residents in the inhabited
25 residential units shall be deemed to be fully satisfied by
26 data from the most recent federal census.

1 Part II of the housing impact study shall identify the
2 inhabited residential units in the proposed redevelopment
3 project area that are to be or may be removed. If inhabited
4 residential units are to be removed, then the housing
5 impact study shall identify (i) the number and location of
6 those units that will or may be removed, (ii) the
7 municipality's plans for relocation assistance for those
8 residents in the proposed redevelopment project area whose
9 residences are to be removed, (iii) the availability of
10 replacement housing for those residents whose residences
11 are to be removed, and shall identify the type, location,
12 and cost of the housing, and (iv) the type and extent of
13 relocation assistance to be provided.

14 (6) On and after November 1, 1999, the housing impact
15 study required by paragraph (5) shall be incorporated in
16 the redevelopment plan for the redevelopment project area.

17 (7) On and after November 1, 1999, no redevelopment
18 plan shall be adopted, nor an existing plan amended, nor
19 shall residential housing that is occupied by households of
20 low-income and very low-income persons in currently
21 existing redevelopment project areas be removed after
22 November 1, 1999 unless the redevelopment plan provides,
23 with respect to inhabited housing units that are to be
24 removed for households of low-income and very low-income
25 persons, affordable housing and relocation assistance not
26 less than that which would be provided under the federal

1 Uniform Relocation Assistance and Real Property
2 Acquisition Policies Act of 1970 and the regulations under
3 that Act, including the eligibility criteria. Affordable
4 housing may be either existing or newly constructed
5 housing. For purposes of this paragraph (7), "low-income
6 households", "very low-income households", and "affordable
7 housing" have the meanings set forth in the Illinois
8 Affordable Housing Act. The municipality shall make a good
9 faith effort to ensure that this affordable housing is
10 located in or near the redevelopment project area within
11 the municipality.

12 (8) On and after November 1, 1999, if, after the
13 adoption of the redevelopment plan for the redevelopment
14 project area, any municipality desires to amend its
15 redevelopment plan to remove more inhabited residential
16 units than specified in its original redevelopment plan,
17 that change shall be made in accordance with the procedures
18 in subsection (c) of Section 11-74.4-5.

19 (9) For redevelopment project areas designated prior
20 to November 1, 1999, the redevelopment plan may be amended
21 without further joint review board meeting or hearing,
22 provided that the municipality shall give notice of any
23 such changes by mail to each affected taxing district and
24 registrant on the interested party registry, to authorize
25 the municipality to expend tax increment revenues for
26 redevelopment project costs defined by paragraphs (5) and

1 (7.5), subparagraphs (E) and (F) of paragraph (11), and
2 paragraph (11.5) of subsection (q) of Section 11-74.4-3, so
3 long as the changes do not increase the total estimated
4 redevelopment project costs set out in the redevelopment
5 plan by more than 5% after adjustment for inflation from
6 the date the plan was adopted.

7 (o) "Redevelopment project" means any public and private
8 development project in furtherance of the objectives of a
9 redevelopment plan. On and after November 1, 1999 (the
10 effective date of Public Act 91-478), no redevelopment plan may
11 be approved or amended that includes the development of vacant
12 land (i) with a golf course and related clubhouse and other
13 facilities or (ii) designated by federal, State, county, or
14 municipal government as public land for outdoor recreational
15 activities or for nature preserves and used for that purpose
16 within 5 years prior to the adoption of the redevelopment plan.
17 For the purpose of this subsection, "recreational activities"
18 is limited to mean camping and hunting.

19 (p) "Redevelopment project area" means an area designated
20 by the municipality, which is not less in the aggregate than 1
21 1/2 acres and in respect to which the municipality has made a
22 finding that there exist conditions which cause the area to be
23 classified as an industrial park conservation area or a
24 blighted area or a conservation area, or a combination of both
25 blighted areas and conservation areas.

26 (q) "Redevelopment project costs" mean and include the sum

1 total of all reasonable or necessary costs incurred or
2 estimated to be incurred, and any such costs incidental to a
3 redevelopment plan and a redevelopment project. Such costs
4 include, without limitation, the following:

5 (1) Costs of studies, surveys, development of plans,
6 and specifications, implementation and administration of
7 the redevelopment plan including but not limited to staff
8 and professional service costs for architectural,
9 engineering, legal, financial, planning or other services,
10 provided however that no charges for professional services
11 may be based on a percentage of the tax increment
12 collected; except that on and after November 1, 1999 (the
13 effective date of Public Act 91-478), no contracts for
14 professional services, excluding architectural and
15 engineering services, may be entered into if the terms of
16 the contract extend beyond a period of 3 years. In
17 addition, "redevelopment project costs" shall not include
18 lobbying expenses. After consultation with the
19 municipality, each tax increment consultant or advisor to a
20 municipality that plans to designate or has designated a
21 redevelopment project area shall inform the municipality
22 in writing of any contracts that the consultant or advisor
23 has entered into with entities or individuals that have
24 received, or are receiving, payments financed by tax
25 increment revenues produced by the redevelopment project
26 area with respect to which the consultant or advisor has

1 performed, or will be performing, service for the
2 municipality. This requirement shall be satisfied by the
3 consultant or advisor before the commencement of services
4 for the municipality and thereafter whenever any other
5 contracts with those individuals or entities are executed
6 by the consultant or advisor;

7 (1.5) After July 1, 1999, annual administrative costs
8 shall not include general overhead or administrative costs
9 of the municipality that would still have been incurred by
10 the municipality if the municipality had not designated a
11 redevelopment project area or approved a redevelopment
12 plan;

13 (1.6) The cost of marketing sites within the
14 redevelopment project area to prospective businesses,
15 developers, and investors;

16 (2) Property assembly costs, including but not limited
17 to acquisition of land and other property, real or
18 personal, or rights or interests therein, demolition of
19 buildings, site preparation, site improvements that serve
20 as an engineered barrier addressing ground level or below
21 ground environmental contamination, including, but not
22 limited to parking lots and other concrete or asphalt
23 barriers, and the clearing and grading of land;

24 (3) Costs of rehabilitation, reconstruction or repair
25 or remodeling of existing public or private buildings,
26 fixtures, and leasehold improvements; and the cost of

1 replacing an existing public building if pursuant to the
2 implementation of a redevelopment project the existing
3 public building is to be demolished to use the site for
4 private investment or devoted to a different use requiring
5 private investment;

6 (4) Costs of the construction of public works or
7 improvements, except that on and after November 1, 1999,
8 redevelopment project costs shall not include the cost of
9 constructing a new municipal public building principally
10 used to provide offices, storage space, or conference
11 facilities or vehicle storage, maintenance, or repair for
12 administrative, public safety, or public works personnel
13 and that is not intended to replace an existing public
14 building as provided under paragraph (3) of subsection (q)
15 of Section 11-74.4-3 unless either (i) the construction of
16 the new municipal building implements a redevelopment
17 project that was included in a redevelopment plan that was
18 adopted by the municipality prior to November 1, 1999 or
19 (ii) the municipality makes a reasonable determination in
20 the redevelopment plan, supported by information that
21 provides the basis for that determination, that the new
22 municipal building is required to meet an increase in the
23 need for public safety purposes anticipated to result from
24 the implementation of the redevelopment plan;

25 (5) Costs of job training and retraining projects,
26 including the cost of "welfare to work" programs

1 implemented by businesses located within the redevelopment
2 project area;

3 (6) Financing costs, including but not limited to all
4 necessary and incidental expenses related to the issuance
5 of obligations and which may include payment of interest on
6 any obligations issued hereunder including interest
7 accruing during the estimated period of construction of any
8 redevelopment project for which such obligations are
9 issued and for not exceeding 36 months thereafter and
10 including reasonable reserves related thereto;

11 (7) To the extent the municipality by written agreement
12 accepts and approves the same, all or a portion of a taxing
13 district's capital costs resulting from the redevelopment
14 project necessarily incurred or to be incurred within a
15 taxing district in furtherance of the objectives of the
16 redevelopment plan and project.

17 (7.5) For redevelopment project areas designated (or
18 redevelopment project areas amended to add or increase the
19 number of tax-increment-financing assisted housing units)
20 on or after November 1, 1999, an elementary, secondary, or
21 unit school district's increased costs attributable to
22 assisted housing units located within the redevelopment
23 project area for which the developer or redeveloper
24 receives financial assistance through an agreement with
25 the municipality or because the municipality incurs the
26 cost of necessary infrastructure improvements within the

1 boundaries of the assisted housing sites necessary for the
2 completion of that housing as authorized by this Act, and
3 which costs shall be paid by the municipality from the
4 Special Tax Allocation Fund when the tax increment revenue
5 is received as a result of the assisted housing units and
6 shall be calculated annually as follows:

7 (A) for foundation districts, excluding any school
8 district in a municipality with a population in excess
9 of 1,000,000, by multiplying the district's increase
10 in attendance resulting from the net increase in new
11 students enrolled in that school district who reside in
12 housing units within the redevelopment project area
13 that have received financial assistance through an
14 agreement with the municipality or because the
15 municipality incurs the cost of necessary
16 infrastructure improvements within the boundaries of
17 the housing sites necessary for the completion of that
18 housing as authorized by this Act since the designation
19 of the redevelopment project area by the most recently
20 available per capita tuition cost as defined in Section
21 10-20.12a of the School Code less any increase in
22 general State aid as defined in Section 18-8.05 of the
23 School Code attributable to these added new students
24 subject to the following annual limitations:

25 (i) for unit school districts with a district
26 average 1995-96 Per Capita Tuition Charge of less

1 than \$5,900, no more than 25% of the total amount
2 of property tax increment revenue produced by
3 those housing units that have received tax
4 increment finance assistance under this Act;

5 (ii) for elementary school districts with a
6 district average 1995-96 Per Capita Tuition Charge
7 of less than \$5,900, no more than 17% of the total
8 amount of property tax increment revenue produced
9 by those housing units that have received tax
10 increment finance assistance under this Act; and

11 (iii) for secondary school districts with a
12 district average 1995-96 Per Capita Tuition Charge
13 of less than \$5,900, no more than 8% of the total
14 amount of property tax increment revenue produced
15 by those housing units that have received tax
16 increment finance assistance under this Act.

17 (B) For alternate method districts, flat grant
18 districts, and foundation districts with a district
19 average 1995-96 Per Capita Tuition Charge equal to or
20 more than \$5,900, excluding any school district with a
21 population in excess of 1,000,000, by multiplying the
22 district's increase in attendance resulting from the
23 net increase in new students enrolled in that school
24 district who reside in housing units within the
25 redevelopment project area that have received
26 financial assistance through an agreement with the

1 municipality or because the municipality incurs the
2 cost of necessary infrastructure improvements within
3 the boundaries of the housing sites necessary for the
4 completion of that housing as authorized by this Act
5 since the designation of the redevelopment project
6 area by the most recently available per capita tuition
7 cost as defined in Section 10-20.12a of the School Code
8 less any increase in general state aid as defined in
9 Section 18-8.05 of the School Code attributable to
10 these added new students subject to the following
11 annual limitations:

12 (i) for unit school districts, no more than 40%
13 of the total amount of property tax increment
14 revenue produced by those housing units that have
15 received tax increment finance assistance under
16 this Act;

17 (ii) for elementary school districts, no more
18 than 27% of the total amount of property tax
19 increment revenue produced by those housing units
20 that have received tax increment finance
21 assistance under this Act; and

22 (iii) for secondary school districts, no more
23 than 13% of the total amount of property tax
24 increment revenue produced by those housing units
25 that have received tax increment finance
26 assistance under this Act.

1 (C) For any school district in a municipality with
2 a population in excess of 1,000,000, the following
3 restrictions shall apply to the reimbursement of
4 increased costs under this paragraph (7.5):

5 (i) no increased costs shall be reimbursed
6 unless the school district certifies that each of
7 the schools affected by the assisted housing
8 project is at or over its student capacity;

9 (ii) the amount reimbursable shall be reduced
10 by the value of any land donated to the school
11 district by the municipality or developer, and by
12 the value of any physical improvements made to the
13 schools by the municipality or developer; and

14 (iii) the amount reimbursed may not affect
15 amounts otherwise obligated by the terms of any
16 bonds, notes, or other funding instruments, or the
17 terms of any redevelopment agreement.

18 Any school district seeking payment under this
19 paragraph (7.5) shall, after July 1 and before
20 September 30 of each year, provide the municipality
21 with reasonable evidence to support its claim for
22 reimbursement before the municipality shall be
23 required to approve or make the payment to the school
24 district. If the school district fails to provide the
25 information during this period in any year, it shall
26 forfeit any claim to reimbursement for that year.

1 School districts may adopt a resolution waiving the
2 right to all or a portion of the reimbursement
3 otherwise required by this paragraph (7.5). By
4 acceptance of this reimbursement the school district
5 waives the right to directly or indirectly set aside,
6 modify, or contest in any manner the establishment of
7 the redevelopment project area or projects;

8 (7.7) For redevelopment project areas designated (or
9 redevelopment project areas amended to add or increase the
10 number of tax-increment-financing assisted housing units)
11 on or after January 1, 2005 (the effective date of Public
12 Act 93-961), a public library district's increased costs
13 attributable to assisted housing units located within the
14 redevelopment project area for which the developer or
15 redeveloper receives financial assistance through an
16 agreement with the municipality or because the
17 municipality incurs the cost of necessary infrastructure
18 improvements within the boundaries of the assisted housing
19 sites necessary for the completion of that housing as
20 authorized by this Act shall be paid to the library
21 district by the municipality from the Special Tax
22 Allocation Fund when the tax increment revenue is received
23 as a result of the assisted housing units. This paragraph
24 (7.7) applies only if (i) the library district is located
25 in a county that is subject to the Property Tax Extension
26 Limitation Law or (ii) the library district is not located

1 in a county that is subject to the Property Tax Extension
2 Limitation Law but the district is prohibited by any other
3 law from increasing its tax levy rate without a prior voter
4 referendum.

5 The amount paid to a library district under this
6 paragraph (7.7) shall be calculated by multiplying (i) the
7 net increase in the number of persons eligible to obtain a
8 library card in that district who reside in housing units
9 within the redevelopment project area that have received
10 financial assistance through an agreement with the
11 municipality or because the municipality incurs the cost of
12 necessary infrastructure improvements within the
13 boundaries of the housing sites necessary for the
14 completion of that housing as authorized by this Act since
15 the designation of the redevelopment project area by (ii)
16 the per-patron cost of providing library services so long
17 as it does not exceed \$120. The per-patron cost shall be
18 the Total Operating Expenditures Per Capita as stated in
19 the most recent Illinois Public Library Statistics
20 produced by the Library Research Center at the University
21 of Illinois. The municipality may deduct from the amount
22 that it must pay to a library district under this paragraph
23 any amount that it has voluntarily paid to the library
24 district from the tax increment revenue. The amount paid to
25 a library district under this paragraph (7.7) shall be no
26 more than 2% of the amount produced by the assisted housing

1 units and deposited into the Special Tax Allocation Fund.

2 A library district is not eligible for any payment
3 under this paragraph (7.7) unless the library district has
4 experienced an increase in the number of patrons from the
5 municipality that created the tax-increment-financing
6 district since the designation of the redevelopment
7 project area.

8 Any library district seeking payment under this
9 paragraph (7.7) shall, after July 1 and before September 30
10 of each year, provide the municipality with convincing
11 evidence to support its claim for reimbursement before the
12 municipality shall be required to approve or make the
13 payment to the library district. If the library district
14 fails to provide the information during this period in any
15 year, it shall forfeit any claim to reimbursement for that
16 year. Library districts may adopt a resolution waiving the
17 right to all or a portion of the reimbursement otherwise
18 required by this paragraph (7.7). By acceptance of such
19 reimbursement, the library district shall forfeit any
20 right to directly or indirectly set aside, modify, or
21 contest in any manner whatsoever the establishment of the
22 redevelopment project area or projects;

23 (8) Relocation costs to the extent that a municipality
24 determines that relocation costs shall be paid or is
25 required to make payment of relocation costs by federal or
26 State law or in order to satisfy subparagraph (7) of

1 subsection (n);

2 (9) Payment in lieu of taxes;

3 (10) Costs of job training, retraining, advanced
4 vocational education or career education, including but
5 not limited to courses in occupational, semi-technical or
6 technical fields leading directly to employment, incurred
7 by one or more taxing districts, provided that such costs
8 (i) are related to the establishment and maintenance of
9 additional job training, advanced vocational education or
10 career education programs for persons employed or to be
11 employed by employers located in a redevelopment project
12 area; and (ii) when incurred by a taxing district or taxing
13 districts other than the municipality, are set forth in a
14 written agreement by or among the municipality and the
15 taxing district or taxing districts, which agreement
16 describes the program to be undertaken, including but not
17 limited to the number of employees to be trained, a
18 description of the training and services to be provided,
19 the number and type of positions available or to be
20 available, itemized costs of the program and sources of
21 funds to pay for the same, and the term of the agreement.
22 Such costs include, specifically, the payment by community
23 college districts of costs pursuant to Sections 3-37, 3-38,
24 3-40 and 3-40.1 of the Public Community College Act and by
25 school districts of costs pursuant to Sections 10-22.20a
26 and 10-23.3a of The School Code;

1 (11) Interest cost incurred by a redeveloper related to
2 the construction, renovation or rehabilitation of a
3 redevelopment project provided that:

4 (A) such costs are to be paid directly from the
5 special tax allocation fund established pursuant to
6 this Act;

7 (B) such payments in any one year may not exceed
8 30% of the annual interest costs incurred by the
9 redeveloper with regard to the redevelopment project
10 during that year;

11 (C) if there are not sufficient funds available in
12 the special tax allocation fund to make the payment
13 pursuant to this paragraph (11) then the amounts so due
14 shall accrue and be payable when sufficient funds are
15 available in the special tax allocation fund;

16 (D) the total of such interest payments paid
17 pursuant to this Act may not exceed 30% of the total
18 (i) cost paid or incurred by the redeveloper for the
19 redevelopment project plus (ii) redevelopment project
20 costs excluding any property assembly costs and any
21 relocation costs incurred by a municipality pursuant
22 to this Act; and

23 (E) the cost limits set forth in subparagraphs (B)
24 and (D) of paragraph (11) shall be modified for the
25 financing of rehabilitated or new housing units for
26 low-income households and very low-income households,

1 as defined in Section 3 of the Illinois Affordable
2 Housing Act. The percentage of 75% shall be substituted
3 for 30% in subparagraphs (B) and (D) of paragraph (11).

4 (F) Instead of the eligible costs provided by
5 subparagraphs (B) and (D) of paragraph (11), as
6 modified by this subparagraph, and notwithstanding any
7 other provisions of this Act to the contrary, the
8 municipality may pay from tax increment revenues up to
9 50% of the cost of construction of new housing units to
10 be occupied by low-income households and very
11 low-income households as defined in Section 3 of the
12 Illinois Affordable Housing Act. The cost of
13 construction of those units may be derived from the
14 proceeds of bonds issued by the municipality under this
15 Act or other constitutional or statutory authority or
16 from other sources of municipal revenue that may be
17 reimbursed from tax increment revenues or the proceeds
18 of bonds issued to finance the construction of that
19 housing.

20 The eligible costs provided under this
21 subparagraph (F) of paragraph (11) shall be an eligible
22 cost for the construction, renovation, and
23 rehabilitation of all low and very low-income housing
24 units, as defined in Section 3 of the Illinois
25 Affordable Housing Act, within the redevelopment
26 project area. If the low and very low-income units are

1 part of a residential redevelopment project that
2 includes units not affordable to low and very
3 low-income households, only the low and very
4 low-income units shall be eligible for benefits under
5 subparagraph (F) of paragraph (11). The standards for
6 maintaining the occupancy by low-income households and
7 very low-income households, as defined in Section 3 of
8 the Illinois Affordable Housing Act, of those units
9 constructed with eligible costs made available under
10 the provisions of this subparagraph (F) of paragraph
11 (11) shall be established by guidelines adopted by the
12 municipality. The responsibility for annually
13 documenting the initial occupancy of the units by
14 low-income households and very low-income households,
15 as defined in Section 3 of the Illinois Affordable
16 Housing Act, shall be that of the then current owner of
17 the property. For ownership units, the guidelines will
18 provide, at a minimum, for a reasonable recapture of
19 funds, or other appropriate methods designed to
20 preserve the original affordability of the ownership
21 units. For rental units, the guidelines will provide,
22 at a minimum, for the affordability of rent to low and
23 very low-income households. As units become available,
24 they shall be rented to income-eligible tenants. The
25 municipality may modify these guidelines from time to
26 time; the guidelines, however, shall be in effect for

1 as long as tax increment revenue is being used to pay
2 for costs associated with the units or for the
3 retirement of bonds issued to finance the units or for
4 the life of the redevelopment project area, whichever
5 is later.

6 (11.5) If the redevelopment project area is located
7 within a municipality with a population of more than
8 100,000, the cost of day care services for children of
9 employees from low-income families working for businesses
10 located within the redevelopment project area and all or a
11 portion of the cost of operation of day care centers
12 established by redevelopment project area businesses to
13 serve employees from low-income families working in
14 businesses located in the redevelopment project area. For
15 the purposes of this paragraph, "low-income families"
16 means families whose annual income does not exceed 80% of
17 the municipal, county, or regional median income, adjusted
18 for family size, as the annual income and municipal,
19 county, or regional median income are determined from time
20 to time by the United States Department of Housing and
21 Urban Development.

22 (12) Unless explicitly stated herein the cost of
23 construction of new privately-owned buildings shall not be
24 an eligible redevelopment project cost.

25 (13) After November 1, 1999 (the effective date of
26 Public Act 91-478), none of the redevelopment project costs

1 enumerated in this subsection shall be eligible
2 redevelopment project costs if those costs would provide
3 direct financial support to a retail entity initiating
4 operations in the redevelopment project area while
5 terminating operations at another Illinois location within
6 10 miles of the redevelopment project area but outside the
7 boundaries of the redevelopment project area municipality.
8 For purposes of this paragraph, termination means a closing
9 of a retail operation that is directly related to the
10 opening of the same operation or like retail entity owned
11 or operated by more than 50% of the original ownership in a
12 redevelopment project area, but it does not mean closing an
13 operation for reasons beyond the control of the retail
14 entity, as documented by the retail entity, subject to a
15 reasonable finding by the municipality that the current
16 location contained inadequate space, had become
17 economically obsolete, or was no longer a viable location
18 for the retailer or serviceman.

19 If a special service area has been established pursuant to
20 the Special Service Area Tax Act or Special Service Area Tax
21 Law, then any tax increment revenues derived from the tax
22 imposed pursuant to the Special Service Area Tax Act or Special
23 Service Area Tax Law may be used within the redevelopment
24 project area for the purposes permitted by that Act or Law as
25 well as the purposes permitted by this Act.

26 (r) "State Sales Tax Boundary" means the redevelopment

1 project area or the amended redevelopment project area
2 boundaries which are determined pursuant to subsection (9) of
3 Section 11-74.4-8a of this Act. The Department of Revenue shall
4 certify pursuant to subsection (9) of Section 11-74.4-8a the
5 appropriate boundaries eligible for the determination of State
6 Sales Tax Increment.

7 (s) "State Sales Tax Increment" means an amount equal to
8 the increase in the aggregate amount of taxes paid by retailers
9 and servicemen, other than retailers and servicemen subject to
10 the Public Utilities Act, on transactions at places of business
11 located within a State Sales Tax Boundary pursuant to the
12 Retailers' Occupation Tax Act, the Use Tax Act, the Service Use
13 Tax Act, and the Service Occupation Tax Act, except such
14 portion of such increase that is paid into the State and Local
15 Sales Tax Reform Fund, the Local Government Distributive Fund,
16 the Local Government Tax Fund and the County and Mass Transit
17 District Fund, for as long as State participation exists, over
18 and above the Initial Sales Tax Amounts, Adjusted Initial Sales
19 Tax Amounts or the Revised Initial Sales Tax Amounts for such
20 taxes as certified by the Department of Revenue and paid under
21 those Acts by retailers and servicemen on transactions at
22 places of business located within the State Sales Tax Boundary
23 during the base year which shall be the calendar year
24 immediately prior to the year in which the municipality adopted
25 tax increment allocation financing, less 3.0% of such amounts
26 generated under the Retailers' Occupation Tax Act, Use Tax Act

1 and Service Use Tax Act and the Service Occupation Tax Act,
2 which sum shall be appropriated to the Department of Revenue to
3 cover its costs of administering and enforcing this Section.
4 For purposes of computing the aggregate amount of such taxes
5 for base years occurring prior to 1985, the Department of
6 Revenue shall compute the Initial Sales Tax Amount for such
7 taxes and deduct therefrom an amount equal to 4% of the
8 aggregate amount of taxes per year for each year the base year
9 is prior to 1985, but not to exceed a total deduction of 12%.
10 The amount so determined shall be known as the "Adjusted
11 Initial Sales Tax Amount". For purposes of determining the
12 State Sales Tax Increment the Department of Revenue shall for
13 each period subtract from the tax amounts received from
14 retailers and servicemen on transactions located in the State
15 Sales Tax Boundary, the certified Initial Sales Tax Amounts,
16 Adjusted Initial Sales Tax Amounts or Revised Initial Sales Tax
17 Amounts for the Retailers' Occupation Tax Act, the Use Tax Act,
18 the Service Use Tax Act and the Service Occupation Tax Act. For
19 the State Fiscal Year 1989 this calculation shall be made by
20 utilizing the calendar year 1987 to determine the tax amounts
21 received. For the State Fiscal Year 1990, this calculation
22 shall be made by utilizing the period from January 1, 1988,
23 until September 30, 1988, to determine the tax amounts received
24 from retailers and servicemen, which shall have deducted
25 therefrom nine-twelfths of the certified Initial Sales Tax
26 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.

1 (v) As used in subsection (a) of Section 11-74.4-3 of this
2 Act, "vacant land" means any parcel or combination of parcels
3 of real property without industrial, commercial, and
4 residential buildings which has not been used for commercial
5 agricultural purposes within 5 years prior to the designation
6 of the redevelopment project area, unless the parcel is
7 included in an industrial park conservation area or the parcel
8 has been subdivided; provided that if the parcel was part of a
9 larger tract that has been divided into 3 or more smaller
10 tracts that were accepted for recording during the period from
11 1950 to 1990, then the parcel shall be deemed to have been
12 subdivided, and all proceedings and actions of the municipality
13 taken in that connection with respect to any previously
14 approved or designated redevelopment project area or amended
15 redevelopment project area are hereby validated and hereby
16 declared to be legally sufficient for all purposes of this Act.
17 For purposes of this Section and only for land subject to the
18 subdivision requirements of the Plat Act, land is subdivided
19 when the original plat of the proposed Redevelopment Project
20 Area or relevant portion thereof has been properly certified,
21 acknowledged, approved, and recorded or filed in accordance
22 with the Plat Act and a preliminary plat, if any, for any
23 subsequent phases of the proposed Redevelopment Project Area or
24 relevant portion thereof has been properly approved and filed
25 in accordance with the applicable ordinance of the
26 municipality.

1 (w) "Annual Total Increment" means the sum of each
2 municipality's annual Net Sales Tax Increment and each
3 municipality's annual Net Utility Tax Increment. The ratio of
4 the Annual Total Increment of each municipality to the Annual
5 Total Increment for all municipalities, as most recently
6 calculated by the Department, shall determine the proportional
7 shares of the Illinois Tax Increment Fund to be distributed to
8 each municipality.

9 (Source: P.A. 93-298, eff. 7-23-03; 93-708, eff. 1-1-05;
10 93-747, eff. 7-15-04; 93-924, eff. 8-12-04; 93-961, eff.
11 1-1-05; 93-983, eff. 8-23-04; 93-984, eff. 8-23-04; 93-985,
12 eff. 8-23-04; 93-986, eff. 8-23-04; 93-987, eff. 8-23-04;
13 93-995, eff. 8-23-04; 93-1024, eff. 8-25-04; 93-1076, eff.
14 1-18-05; 94-260, eff. 7-19-05; 94-268, eff. 7-19-05; 94-297,
15 eff. 7-21-05; 94-302, eff. 7-21-05; 94-702, eff. 6-1-06;
16 94-704, eff. 12-5-05; 94-711, eff. 6-1-06; 94-778, eff.
17 5-19-06; 94-782, eff. 5-19-06; 94-783, eff. 5-19-06; 94-810,
18 eff. 5-26-06; 94-903, eff. 6-22-06; revised 8-3-06.)

19 (65 ILCS 5/11-74.4-6) (from Ch. 24, par. 11-74.4-6)

20 Sec. 11-74.4-6. (a) Except as provided herein, notice of
21 the public hearing shall be given by publication and mailing.
22 Notice by publication shall be given by publication at least
23 twice, the first publication to be not more than 30 nor less
24 than 10 days prior to the hearing in a newspaper of general
25 circulation within the taxing districts having property in the

1 proposed redevelopment project area. Notice by mailing shall be
2 given by depositing such notice in the United States mails by
3 certified mail addressed to the person or persons in whose name
4 the general taxes for the last preceding year were paid on each
5 lot, block, tract, or parcel of land lying within the project
6 redevelopment area. Said notice shall be mailed not less than
7 10 days prior to the date set for the public hearing. In the
8 event taxes for the last preceding year were not paid, the
9 notice shall also be sent to the persons last listed on the tax
10 rolls within the preceding 3 years as the owners of such
11 property. For redevelopment project areas with redevelopment
12 plans or proposed redevelopment plans that would require
13 removal of 10 or more inhabited residential units or that
14 contain 75 or more inhabited residential units, the
15 municipality shall make a good faith effort to notify by mail
16 all residents of the redevelopment project area. At a minimum,
17 the municipality shall mail a notice to each residential
18 address located within the redevelopment project area. The
19 municipality shall endeavor to ensure that all such notices are
20 effectively communicated and shall include (in addition to
21 notice in English) notice in the predominant language other
22 than English when appropriate.

23 (b) The notices issued pursuant to this Section shall
24 include the following:

25 (1) The time and place of public hearing.†

26 (2) The boundaries of the proposed redevelopment

1 project area by legal description and by street location
2 where possible.†

3 (3) A notification that all interested persons will be
4 given an opportunity to be heard at the public hearing.†

5 (4) A description of the redevelopment plan or
6 redevelopment project for the proposed redevelopment
7 project area if a plan or project is the subject matter of
8 the hearing.

9 (5) Such other matters as the municipality may deem
10 appropriate.

11 (c) Not less than 45 days prior to the date set for
12 hearing, the municipality shall give notice by mail as provided
13 in subsection (a) to all taxing districts of which taxable
14 property is included in the redevelopment project area, project
15 or plan and to the Department of Commerce and Economic
16 Opportunity, and in addition to the other requirements under
17 subsection (b) the notice shall include an invitation to the
18 Department of Commerce and Economic Opportunity and each taxing
19 district to submit comments to the municipality concerning the
20 subject matter of the hearing prior to the date of hearing.

21 (d) In the event that any municipality has by ordinance
22 adopted tax increment financing prior to 1987, and has complied
23 with the notice requirements of this Section, except that the
24 notice has not included the requirements of subsection (b),
25 paragraphs (2), (3) and (4), and within 90 days of the
26 effective date of this amendatory Act of 1991, that

1 municipality passes an ordinance which contains findings that:
2 (1) all taxing districts prior to the time of the hearing
3 required by Section 11-74.4-5 were furnished with copies of a
4 map incorporated into the redevelopment plan and project
5 substantially showing the legal boundaries of the
6 redevelopment project area; (2) the redevelopment plan and
7 project, or a draft thereof, contained a map substantially
8 showing the legal boundaries of the redevelopment project area
9 and was available to the public at the time of the hearing; and
10 (3) since the adoption of any form of tax increment financing
11 authorized by this Act, and prior to June 1, 1991, no objection
12 or challenge has been made in writing to the municipality in
13 respect to the notices required by this Section, then the
14 municipality shall be deemed to have met the notice
15 requirements of this Act and all actions of the municipality
16 taken in connection with such notices as were given are hereby
17 validated and hereby declared to be legally sufficient for all
18 purposes of this Act.

19 (e) If a municipality desires to propose a redevelopment
20 plan for a redevelopment project area that would result in the
21 displacement of residents from 10 or more inhabited residential
22 units or for a redevelopment project area that contains 75 or
23 more inhabited residential units, the municipality shall hold a
24 public meeting before the mailing of the notices of public
25 hearing as provided in subsection (c) of this Section. The
26 meeting shall be for the purpose of enabling the municipality

1 to advise the public, taxing districts having real property in
2 the redevelopment project area, taxpayers who own property in
3 the proposed redevelopment project area, and residents in the
4 area as to the municipality's possible intent to prepare a
5 redevelopment plan and designate a redevelopment project area
6 and to receive public comment. The time and place for the
7 meeting shall be set by the head of the municipality's
8 Department of Planning or other department official designated
9 by the mayor or city or village manager without the necessity
10 of a resolution or ordinance of the municipality and may be
11 held by a member of the staff of the Department of Planning of
12 the municipality or by any other person, body, or commission
13 designated by the corporate authorities. The meeting shall be
14 held at least 14 business days before the mailing of the notice
15 of public hearing provided for in subsection (c) of this
16 Section.

17 Notice of the public meeting shall be given by mail. Notice
18 by mail shall be not less than 15 days before the date of the
19 meeting and shall be sent by certified mail to all taxing
20 districts having real property in the proposed redevelopment
21 project area and to all entities requesting that information
22 that have registered with a person and department designated by
23 the municipality in accordance with registration guidelines
24 established by the municipality pursuant to Section
25 11-74.4-4.2. The municipality shall make a good faith effort to
26 notify all residents and the last known persons who paid

1 property taxes on real estate in a redevelopment project area.
2 This requirement shall be deemed to be satisfied if the
3 municipality mails, by regular mail, a notice to each
4 residential address and the person or persons in whose name
5 property taxes were paid on real property for the last
6 preceding year located within the redevelopment project area.
7 Notice shall be in languages other than English when
8 appropriate. The notices issued under this subsection shall
9 include the following:

10 (1) The time and place of the meeting.

11 (2) The boundaries of the area to be studied for
12 possible designation as a redevelopment project area by
13 street and location.

14 (3) The purpose or purposes of establishing a
15 redevelopment project area.

16 (4) A brief description of tax increment financing.

17 (5) The name, telephone number, and address of the
18 person who can be contacted for additional information
19 about the proposed redevelopment project area and who
20 should receive all comments and suggestions regarding the
21 development of the area to be studied.

22 (6) Notification that all interested persons will be
23 given an opportunity to be heard at the public meeting.

24 (7) Such other matters as the municipality deems
25 appropriate.

26 At the public meeting, any interested person or

1 representative of an affected taxing district may be heard
2 orally and may file, with the person conducting the meeting,
3 statements that pertain to the subject matter of the meeting.
4 (Source: P.A. 94-793, eff. 5-19-06; revised 8-3-06.)

5 (65 ILCS 5/11-74.4-7) (from Ch. 24, par. 11-74.4-7)

6 Sec. 11-74.4-7. Obligations secured by the special tax
7 allocation fund set forth in Section 11-74.4-8 for the
8 redevelopment project area may be issued to provide for
9 redevelopment project costs. Such obligations, when so issued,
10 shall be retired in the manner provided in the ordinance
11 authorizing the issuance of such obligations by the receipts of
12 taxes levied as specified in Section 11-74.4-9 against the
13 taxable property included in the area, by revenues as specified
14 by Section 11-74.4-8a and other revenue designated by the
15 municipality. A municipality may in the ordinance pledge all or
16 any part of the funds in and to be deposited in the special tax
17 allocation fund created pursuant to Section 11-74.4-8 to the
18 payment of the redevelopment project costs and obligations. Any
19 pledge of funds in the special tax allocation fund shall
20 provide for distribution to the taxing districts and to the
21 Illinois Department of Revenue of moneys not required, pledged,
22 earmarked, or otherwise designated for payment and securing of
23 the obligations and anticipated redevelopment project costs
24 and such excess funds shall be calculated annually and deemed
25 to be "surplus" funds. In the event a municipality only applies

1 or pledges a portion of the funds in the special tax allocation
2 fund for the payment or securing of anticipated redevelopment
3 project costs or of obligations, any such funds remaining in
4 the special tax allocation fund after complying with the
5 requirements of the application or pledge, shall also be
6 calculated annually and deemed "surplus" funds. All surplus
7 funds in the special tax allocation fund shall be distributed
8 annually within 180 days after the close of the municipality's
9 fiscal year by being paid by the municipal treasurer to the
10 County Collector, to the Department of Revenue and to the
11 municipality in direct proportion to the tax incremental
12 revenue received as a result of an increase in the equalized
13 assessed value of property in the redevelopment project area,
14 tax incremental revenue received from the State and tax
15 incremental revenue received from the municipality, but not to
16 exceed as to each such source the total incremental revenue
17 received from that source. The County Collector shall
18 thereafter make distribution to the respective taxing
19 districts in the same manner and proportion as the most recent
20 distribution by the county collector to the affected districts
21 of real property taxes from real property in the redevelopment
22 project area.

23 Without limiting the foregoing in this Section, the
24 municipality may in addition to obligations secured by the
25 special tax allocation fund pledge for a period not greater
26 than the term of the obligations towards payment of such

1 obligations any part or any combination of the following: (a)
2 net revenues of all or part of any redevelopment project; (b)
3 taxes levied and collected on any or all property in the
4 municipality; (c) the full faith and credit of the
5 municipality; (d) a mortgage on part or all of the
6 redevelopment project; or (e) any other taxes or anticipated
7 receipts that the municipality may lawfully pledge.

8 Such obligations may be issued in one or more series
9 bearing interest at such rate or rates as the corporate
10 authorities of the municipality shall determine by ordinance.
11 Such obligations shall bear such date or dates, mature at such
12 time or times not exceeding 20 years from their respective
13 dates, be in such denomination, carry such registration
14 privileges, be executed in such manner, be payable in such
15 medium of payment at such place or places, contain such
16 covenants, terms and conditions, and be subject to redemption
17 as such ordinance shall provide. Obligations issued pursuant to
18 this Act may be sold at public or private sale at such price as
19 shall be determined by the corporate authorities of the
20 municipalities. No referendum approval of the electors shall be
21 required as a condition to the issuance of obligations pursuant
22 to this Division except as provided in this Section.

23 In the event the municipality authorizes issuance of
24 obligations pursuant to the authority of this Division secured
25 by the full faith and credit of the municipality, which
26 obligations are other than obligations which may be issued

1 under home rule powers provided by Article VII, Section 6 of
2 the Illinois Constitution, or pledges taxes pursuant to (b) or
3 (c) of the second paragraph of this section, the ordinance
4 authorizing the issuance of such obligations or pledging such
5 taxes shall be published within 10 days after such ordinance
6 has been passed in one or more newspapers, with general
7 circulation within such municipality. The publication of the
8 ordinance shall be accompanied by a notice of (1) the specific
9 number of voters required to sign a petition requesting the
10 question of the issuance of such obligations or pledging taxes
11 to be submitted to the electors; (2) the time in which such
12 petition must be filed; and (3) the date of the prospective
13 referendum. The municipal clerk shall provide a petition form
14 to any individual requesting one.

15 If no petition is filed with the municipal clerk, as
16 hereinafter provided in this Section, within 30 days after the
17 publication of the ordinance, the ordinance shall be in effect.
18 But, if within that 30 day period a petition is filed with the
19 municipal clerk, signed by electors in the municipality
20 numbering 10% or more of the number of registered voters in the
21 municipality, asking that the question of issuing obligations
22 using full faith and credit of the municipality as security for
23 the cost of paying for redevelopment project costs, or of
24 pledging taxes for the payment of such obligations, or both, be
25 submitted to the electors of the municipality, the corporate
26 authorities of the municipality shall call a special election

1 in the manner provided by law to vote upon that question, or,
2 if a general, State or municipal election is to be held within
3 a period of not less than 30 or more than 90 days from the date
4 such petition is filed, shall submit the question at the next
5 general, State or municipal election. If it appears upon the
6 canvass of the election by the corporate authorities that a
7 majority of electors voting upon the question voted in favor
8 thereof, the ordinance shall be in effect, but if a majority of
9 the electors voting upon the question are not in favor thereof,
10 the ordinance shall not take effect.

11 The ordinance authorizing the obligations may provide that
12 the obligations shall contain a recital that they are issued
13 pursuant to this Division, which recital shall be conclusive
14 evidence of their validity and of the regularity of their
15 issuance.

16 In the event the municipality authorizes issuance of
17 obligations pursuant to this Section secured by the full faith
18 and credit of the municipality, the ordinance authorizing the
19 obligations may provide for the levy and collection of a direct
20 annual tax upon all taxable property within the municipality
21 sufficient to pay the principal thereof and interest thereon as
22 it matures, which levy may be in addition to and exclusive of
23 the maximum of all other taxes authorized to be levied by the
24 municipality, which levy, however, shall be abated to the
25 extent that monies from other sources are available for payment
26 of the obligations and the municipality certifies the amount of

1 said monies available to the county clerk.

2 A certified copy of such ordinance shall be filed with the
3 county clerk of each county in which any portion of the
4 municipality is situated, and shall constitute the authority
5 for the extension and collection of the taxes to be deposited
6 in the special tax allocation fund.

7 A municipality may also issue its obligations to refund in
8 whole or in part, obligations theretofore issued by such
9 municipality under the authority of this Act, whether at or
10 prior to maturity, provided however, that the last maturity of
11 the refunding obligations shall not be expressed to mature
12 later than December 31 of the year in which the payment to the
13 municipal treasurer as provided in subsection (b) of Section
14 11-74.4-8 of this Act is to be made with respect to ad valorem
15 taxes levied in the twenty-third calendar year after the year
16 in which the ordinance approving the redevelopment project area
17 is adopted if the ordinance was adopted on or after January 15,
18 1981, not later than December 31 of the year in which the
19 payment to the municipal treasurer as provided in subsection
20 (b) of Section 11-74.4-8 of this Act is to be made with respect
21 to ad valorem taxes levied in the thirty-third calendar year
22 after the year in which the ordinance approving the
23 redevelopment project area if the ordinance was adopted on May
24 20, 1985 by the Village of Wheeling, and not later than
25 December 31 of the year in which the payment to the municipal
26 treasurer as provided in subsection (b) of Section 11-74.4-8 of

1 this Act is to be made with respect to ad valorem taxes levied
2 in the thirty-fifth calendar year after the year in which the
3 ordinance approving the redevelopment project area is adopted
4 (A) if the ordinance was adopted before January 15, 1981, or
5 (B) if the ordinance was adopted in December 1983, April 1984,
6 July 1985, or December 1989, or (C) if the ordinance was
7 adopted in December, 1987 and the redevelopment project is
8 located within one mile of Midway Airport, or (D) if the
9 ordinance was adopted before January 1, 1987 by a municipality
10 in Mason County, or (E) if the municipality is subject to the
11 Local Government Financial Planning and Supervision Act or the
12 Financially Distressed City Law, or (F) if the ordinance was
13 adopted in December 1984 by the Village of Rosemont, or (G) if
14 the ordinance was adopted on December 31, 1986 by a
15 municipality located in Clinton County for which at least
16 \$250,000 of tax increment bonds were authorized on June 17,
17 1997, or if the ordinance was adopted on December 31, 1986 by a
18 municipality with a population in 1990 of less than 3,600 that
19 is located in a county with a population in 1990 of less than
20 34,000 and for which at least \$250,000 of tax increment bonds
21 were authorized on June 17, 1997, or (H) if the ordinance was
22 adopted on October 5, 1982 by the City of Kankakee, or (I) if
23 the ordinance was adopted on December 29, 1986 by East St.
24 Louis, or if the ordinance was adopted on November 12, 1991 by
25 the Village of Sauget, or (J) if the ordinance was adopted on
26 February 11, 1985 by the City of Rock Island, or (K) if the

1 ordinance was adopted before December 18, 1986 by the City of
2 Moline, or (L) if the ordinance was adopted in September 1988
3 by Sauk Village, or (M) if the ordinance was adopted in October
4 1993 by Sauk Village, or (N) if the ordinance was adopted on
5 December 29, 1986 by the City of Galva, or (O) if the ordinance
6 was adopted in March 1991 by the City of Centreville, or (P) if
7 the ordinance was adopted on January 23, 1991 by the City of
8 East St. Louis, or (Q) if the ordinance was adopted on December
9 22, 1986 by the City of Aledo, or (R) if the ordinance was
10 adopted on February 5, 1990 by the City of Clinton, or (S) if
11 the ordinance was adopted on September 6, 1994 by the City of
12 Freeport, or (T) if the ordinance was adopted on December 22,
13 1986 by the City of Tuscola, or (U) if the ordinance was
14 adopted on December 23, 1986 by the City of Sparta, or (V) if
15 the ordinance was adopted on December 23, 1986 by the City of
16 Beardstown, or (W) if the ordinance was adopted on April 27,
17 1981, October 21, 1985, or December 30, 1986 by the City of
18 Belleville, or (X) if the ordinance was adopted on December 29,
19 1986 by the City of Collinsville, or (Y) if the ordinance was
20 adopted on September 14, 1994 by the City of Alton, or (Z) if
21 the ordinance was adopted on November 11, 1996 by the City of
22 Lexington, or (AA) if the ordinance was adopted on November 5,
23 1984 by the City of LeRoy, or (BB) if the ordinance was adopted
24 on April 3, 1991 or June 3, 1992 by the City of Markham, or (CC)
25 if the ordinance was adopted on November 11, 1986 by the City
26 of Pekin, or (DD) if the ordinance was adopted on December 15,

1 1981 by the City of Champaign, or (EE) if the ordinance was
2 adopted on December 15, 1986 by the City of Urbana, or (FF) if
3 the ordinance was adopted on December 15, 1986 by the Village
4 of Heyworth, or (GG) if the ordinance was adopted on February
5 24, 1992 by the Village of Heyworth, or (HH) if the ordinance
6 was adopted on March 16, 1995 by the Village of Heyworth, or
7 (II) if the ordinance was adopted on December 23, 1986 by the
8 Town of Cicero, or (JJ) if the ordinance was adopted on
9 December 30, 1986 by the City of Effingham, or (KK) if the
10 ordinance was adopted on May 9, 1991 by the Village of Tilton,
11 or (LL) if the ordinance was adopted on October 20, 1986 by the
12 City of Elmhurst, or (MM) if the ordinance was adopted on
13 January 19, 1988 by the City of Waukegan, or (NN) if the
14 ordinance was adopted on September 21, 1998 by the City of
15 Waukegan, or (OO) if the ordinance was adopted on December 31,
16 1986 by the City of Sullivan, or (PP) if the ordinance was
17 adopted on December 23, 1991 by the City of Sullivan, or (QQ)
18 if the ordinance was adopted on December 31, 1986 by the City
19 of Oglesby, or (RR) if the ordinance was adopted on July 28,
20 1987 by the City of Marion, or (SS) if the ordinance was
21 adopted on April 23, 1990 by the City of Marion, or (TT) if the
22 ordinance was adopted on August 20, 1985 by the Village of
23 Mount Prospect, or (UU) if the ordinance was adopted on
24 February 2, 1998 by the Village of Woodhull, or (VV) if the
25 ordinance was adopted on April 20, 1993 by the Village of
26 Princeville, or (WW) ~~(VV)~~ if the ordinance was adopted on July

1 1, 1986 by the City of Granite City, or (XX) ~~(RR)~~ if the
2 ordinance was adopted on February 2, 1989 by the Village of
3 Lombard, or (YY) ~~(VV)~~ if the ordinance was adopted on December
4 29, 1986 by the Village of Gardner, or (ZZ) ~~(VV)~~ if the
5 ordinance was adopted on July 14, 1999 by the Village of Paw
6 Paw and, for redevelopment project areas for which bonds were
7 issued before July 29, 1991, in connection with a redevelopment
8 project in the area within the State Sales Tax Boundary and
9 which were extended by municipal ordinance under subsection (n)
10 of Section 11-74.4-3, the last maturity of the refunding
11 obligations shall not be expressed to mature later than the
12 date on which the redevelopment project area is terminated or
13 December 31, 2013, whichever date occurs first.

14 In the event a municipality issues obligations under home
15 rule powers or other legislative authority the proceeds of
16 which are pledged to pay for redevelopment project costs, the
17 municipality may, if it has followed the procedures in
18 conformance with this division, retire said obligations from
19 funds in the special tax allocation fund in amounts and in such
20 manner as if such obligations had been issued pursuant to the
21 provisions of this division.

22 All obligations heretofore or hereafter issued pursuant to
23 this Act shall not be regarded as indebtedness of the
24 municipality issuing such obligations or any other taxing
25 district for the purpose of any limitation imposed by law.

26 (Source: P.A. 93-298, eff. 7-23-03; 93-708, eff. 1-1-05;

1 93-747, eff. 7-15-04; 93-924, eff. 8-12-04; 93-983, eff.
2 8-23-04; 93-984, eff. 8-23-04; 93-985, eff. 8-23-04; 93-986,
3 eff. 8-23-04; 93-987, eff. 8-23-04; 93-995, eff. 8-23-04;
4 93-1024, eff. 8-25-04; 93-1076, eff. 1-18-05; 94-260, eff.
5 7-19-05; 94-297, eff. 7-21-05; 94-302, eff. 7-21-05; 94-702,
6 eff. 6-1-06; 94-704, eff. 12-5-05; 94-711, eff. 6-1-06; 94-778,
7 eff. 5-19-06; 94-782, eff. 5-19-06; 94-783, eff. 5-19-06;
8 94-810, eff. 5-26-06; 94-903, eff. 6-22-06; revised 8-3-06.)

9 (65 ILCS 5/11-124-1) (from Ch. 24, par. 11-124-1)

10 Sec. 11-124-1. Contracts for supply of water.

11 (a) The corporate authorities of each municipality may
12 contract with any person, corporation, municipal corporation,
13 political subdivision, public water district or any other
14 agency for a supply of water. Any such contract entered into by
15 a municipality shall provide that payments to be made
16 thereunder shall be solely from the revenues to be derived from
17 the operation of the waterworks system of the municipality, and
18 the contract shall be a continuing valid and binding obligation
19 of the municipality payable from the revenues derived from the
20 operation of the waterworks system of the municipality for the
21 period of years, not to exceed 40, as may be provided in such
22 contract. Any such contract shall not be a debt within the
23 meaning of any constitutional or statutory limitation. No prior
24 appropriation shall be required before entering into such a
25 contract and no appropriation shall be required to authorize

1 payments to be made under the terms of any such contract
2 notwithstanding any provision in this Code to the contrary.

3 (b) ~~(a)~~ Payments to be made under any such contract shall
4 be an operation and maintenance expense of the waterworks
5 system of the municipality. Any such contract made by a
6 municipality for a supply of water may contain provisions
7 whereby the municipality is obligated to pay for such supply of
8 water without setoff or counterclaim and irrespective of
9 whether such supply of water is ever furnished, made available
10 or delivered to the municipality or whether any project for the
11 supply of water contemplated by any such contract is completed,
12 operable or operating and notwithstanding any suspension,
13 interruption, interference, reduction or curtailment of the
14 supply of water from such project. Any such contract may
15 provide that if one or more of the other purchasers of water
16 defaults in the payment of its obligations under such contract
17 or a similar contract made with the supplier of the water, one
18 or more of the remaining purchasers party to such contract or
19 such similar contract shall be required to pay for all or a
20 portion of the obligations of the defaulting purchasers.

21 (c) ~~(b)~~ Payments to be made under any such contract with a
22 municipal joint action water agency under the
23 Intergovernmental Cooperation Act shall be an operation and
24 maintenance expense of the waterworks system of the
25 municipality. Any such contract made by a municipality for a
26 supply of water with a municipal joint action water agency

1 under the provisions of the Intergovernmental Cooperation Act
2 may contain provisions whereby the municipality is obligated to
3 pay for such supply of water without setoff or counterclaim and
4 irrespective of whether such supply of water is ever furnished,
5 made available or delivered to the municipality or whether any
6 project for the supply of water contemplated by any such
7 contract is completed, operable or operating and
8 notwithstanding any suspension, interruption, interference,
9 reduction or curtailment of the supply of water from such
10 project. Any such contract with a municipal joint action water
11 agency may provide that if one or more of the other purchasers
12 of water defaults in the payment of its obligations under such
13 contract or a similar contract made with the supplier of the
14 water, one or more of the remaining purchasers party to such
15 contract or such similar contract shall be required to pay for
16 all or a portion of the obligations of the defaulting
17 purchasers.

18 The changes in this Section made by these amendatory Acts
19 of 1984 are intended to be declarative of existing law.

20 (d) ~~(b)~~ A municipality with a water supply contract with a
21 county water commission organized pursuant to the Water
22 Commission Act of 1985 shall provide water to unincorporated
23 areas of that home county in accordance with the terms of this
24 subsection. The provision of water by the municipality shall be
25 in accordance with a mandate of the home county as provided in
26 Section 0.01 of the Water Commission Act of 1985. A home rule

1 unit may not provide water in a manner that is inconsistent
2 with the provisions of this amendatory Act of the 93rd General
3 Assembly. This subsection is a limitation under subsection (i)
4 of Section 6 of Article VII of the Illinois Constitution on the
5 concurrent exercise by home rule units of powers and functions
6 exercised by the State.

7 (Source: P.A. 93-226, eff. 7-22-03; revised 10-9-03.)

8 Section 480. The Civic Center Code is amended by changing
9 Sections 2-20 and 280-20 as follows:

10 (70 ILCS 200/2-20)

11 Sec. 2-20. Rights and powers, including eminent domain. The
12 Authority shall have the following rights and powers:

13 (a) To acquire, purchase, own, construct, lease as lessee
14 or in any other way acquire, improve, extend, repair,
15 reconstruct, regulate, operate, equip and maintain exhibition
16 centers, civic auditoriums, cultural facilities and office
17 buildings, including sites and parking areas and commercial
18 facilities therefor located within the metropolitan area;

19 (b) To plan for such grounds, centers and auditoriums and
20 to plan, sponsor, hold, arrange and finance fairs, industrial,
21 cultural, educational, trade and scientific exhibits, shows
22 and events and to use or allow the use of such grounds,
23 centers, and auditoriums for the holding of fairs, exhibits,
24 shows and events whether conducted by the Authority or some

1 other person or governmental agency;

2 (c) To exercise the right of eminent domain to acquire
3 sites for such grounds, centers, buildings and auditoriums, and
4 parking areas and facilities in the manner provided for the
5 exercise of the right of eminent domain under the Eminent
6 Domain Act;

7 (d) To fix and collect just, reasonable and
8 nondiscriminatory charges and rents for the use of such parking
9 areas and facilities, grounds, centers, buildings and
10 auditoriums and admission charges to fairs, shows, exhibits and
11 events sponsored or held by the Authority. The charges
12 collected may be made available to defray the reasonable
13 expenses of the Authority and to pay the principal of and the
14 interest on any bonds issued by the Authority;

15 (e) To enter into contracts treating in any manner with the
16 objects and purposes of this Article.

17 ~~(f)~~ Notwithstanding any other provision of this Article,
18 any power granted under this Article to acquire property by
19 condemnation or eminent domain is subject to, and shall be
20 exercised in accordance with, the Eminent Domain Act.

21 (Source: P.A. 94-1055, eff. 1-1-07; revised 10-6-06.)

22 (70 ILCS 200/280-20)

23 Sec. 280-20. Rights and powers. The Authority shall have
24 the following rights and powers:

25 (a) To purchase, own, construct, lease as lessee or in any

1 other way acquire, improve, extend, repair, reconstruct,
2 regulate, operate, equip and maintain fair and expositions
3 grounds, convention or exhibition centers, civic auditoriums,
4 including sites and parking areas and facilities therefor
5 located within the metropolitan area and office buildings, if
6 such buildings are acquired as part of the main auditorium
7 complex;

8 (b) To plan for such grounds, centers and auditoriums and
9 to plan, sponsor, hold, arrange and finance fairs, industrial,
10 cultural, educational, theatrical, sports, trade and
11 scientific exhibits, shows and events and to use or allow the
12 use of such grounds, centers and auditoriums for the holding of
13 fairs, exhibits, shows and events whether conducted by the
14 Authority or some other person or governmental agency;

15 (c) To exercise the right of eminent domain to acquire
16 sites for such grounds, centers and auditoriums, and parking
17 areas and facilities in the manner provided for the exercise of
18 the right of eminent domain under the Eminent Domain Act;

19 (d) To fix and collect just, reasonable and
20 nondiscriminatory charges for the use of such parking areas and
21 facilities, grounds, centers and auditoriums and admission
22 charges to fairs, shows, exhibits and events sponsored or held
23 by the Authority. The charges collected may be made available
24 to defray the reasonable expenses of the Authority and to pay
25 the principal of and the interest on any bonds issued by the
26 Authority;

1 (d-5) To sell the following real property and retain the
2 proceeds from the sale: the 2 Rialto Square Building at the
3 southeast corner of Chicago Street and Clinton Street, legally
4 described as follows: Lot 1 and Lot 2 in Block 3 in East Juliet
5 (now Joliet) in the City of Joliet in Will County, Illinois;
6 and

7 (e) To enter into contracts treating any manner with the
8 objects and purposes of this Article.

9 (Source: P.A. 94-790, eff. 5-19-06; 94-1055, eff. 1-1-07;
10 revised 8-3-06.)

11 Section 485. The Eastern Illinois Economic Development
12 Authority Act is amended by changing Section 40 as follows:

13 (70 ILCS 506/40)

14 Sec. 40. Bonds and notes; exemption from taxation. The
15 creation of the Authority is in all respects for the benefit of
16 the people of Illinois and for the improvement of their health,
17 safety, welfare, comfort, and security, and its purposes are
18 public purposes. In consideration thereof, the notes and bonds
19 of the Authority issued pursuant to this Act and the income
20 from these notes and bonds may be free from all taxation by the
21 State or its political subdivisions, except for ~~exempt from~~
22 estate, transfer, and inheritance taxes. The exemption from
23 taxation provided by the preceding sentence shall apply to the
24 income on any notes or bonds of the Authority only if the

1 Authority in its sole judgment determines that the exemption
2 enhances the marketability of the bonds or notes or reduces the
3 interest rates that would otherwise be borne by the bonds or
4 notes. For purposes of Section 250 of the Illinois Income Tax
5 Act, the exemption of the Authority shall terminate after all
6 of the bonds have been paid. The amount of such income that
7 shall be added and then subtracted on the Illinois income tax
8 return of a taxpayer, subject to Section 203 of the Illinois
9 Income Tax Act, from federal adjusted gross income or federal
10 taxable income in computing Illinois base income shall be the
11 interest net of any bond premium amortization.

12 (Source: P.A. 94-203, eff. 7-13-05; revised 9-18-06.)

13 Section 490. The Joliet Arsenal Development Authority Act
14 is amended by changing Section 40 as follows:

15 (70 ILCS 508/40)

16 Sec. 40. Acquisition.

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

19 (b) The Authority shall have power to acquire by purchase,
20 lease, gift, or otherwise any property or rights therein from
21 any person, the State of Illinois, any municipal corporation,
22 any local unit of government, the government of the United
23 States, any agency or instrumentality of the United States, any
24 body politic, or any county useful for its purposes, whether

1 improved for the purposes of any prospective project or
2 unimproved. The Authority may also accept any donation of funds
3 for its purposes from any of those sources.

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

12 (d) The Authority shall have the power to enter into
13 intergovernmental agreements with the State of Illinois, the
14 county of Will, the Illinois Finance Authority, the
15 Metropolitan Pier and Exposition Authority, the United States
16 government, any agency or instrumentality of the United States,
17 any unit of local government located within the territory of
18 the Authority, or any other unit of government to the extent
19 allowed by Article VII, Section 10 of the Illinois Constitution
20 and the Intergovernmental Cooperation Act.

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

25 (f) Subject to subsection (i) of Section 35 of this Act,
26 the Authority shall have the power to exercise powers and issue

1 revenue bonds as if it were a municipality so authorized in
2 Divisions 12.1, 74, 74.1, 74.3, and 74.5 of Article 11 of the
3 Illinois Municipal Code.

4 (g) All property owned by the Joliet Arsenal Development
5 Authority is exempt from property taxes. Any property owned by
6 the Joliet Arsenal Development Authority and leased to an
7 entity that is not exempt shall remain exempt. The leasehold
8 interest of the lessee shall be assessed under Section 9-195 of
9 the Property Tax Code.

10 (Source: P.A. 93-205, eff. 1-1-04; 93-421, eff. 8-5-03; revised
11 9-11-03.)

12 Section 495. The Southeastern Illinois Economic
13 Development Authority Act is amended by changing Section 40 as
14 follows:

15 (70 ILCS 518/40)

16 Sec. 40. Bonds and notes; exemption from taxation. The
17 creation of the Authority is in all respects for the benefit of
18 the people of Illinois and for the improvement of their health,
19 safety, welfare, comfort, and security, and its purposes are
20 public purposes. In consideration thereof, the notes and bonds
21 of the Authority issued pursuant to this Act and the income
22 from these notes and bonds may be free from all taxation by the
23 State or its political subdivisions, except ~~exempt~~ for estate,
24 transfer, and inheritance taxes. The exemption from taxation

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

14 (Source: P.A. 93-968, eff. 8-20-04; revised 10-11-05.)

15 Section 500. The Western Illinois Economic Development
16 Authority Act is amended by changing Section 45 as follows:

17 (70 ILCS 532/45)

18 Sec. 45. Bonds and notes; exemption from taxation. The
19 creation of the Authority is in all respects for the benefit of
20 the people of Illinois and for the improvement of their health,
21 safety, welfare, comfort, and security, and its purposes are
22 public purposes. In consideration thereof, the notes and bonds
23 of the Authority issued pursuant to this Act and the income
24 from these notes and bonds may be free from all taxation by the

1 State or its political subdivisions, except ~~exempt~~ for estate,
2 transfer, and inheritance taxes. The exemption from taxation
3 provided by the preceding sentence shall apply to the income on
4 any notes or bonds of the Authority only if the Authority in
5 its sole judgment determines that the exemption enhances the
6 marketability of the bonds or notes or reduces the interest
7 rates that would otherwise be borne by the bonds or notes. For
8 purposes of Section 250 of the Illinois Income Tax Act, the
9 exemption of the Authority shall terminate after all of the
10 bonds have been paid. The amount of such income that shall be
11 added and then subtracted on the Illinois income tax return of
12 a taxpayer, subject to Section 203 of the Illinois Income Tax
13 Act, from federal adjusted gross income or federal taxable
14 income in computing Illinois base income shall be the interest
15 net of any bond premium amortization.

16 (Source: P.A. 93-874, eff. 8-6-04; revised 9-18-06.)

17 Section 505. The Fire Protection District Act is amended by
18 changing Sections 4a and 6 as follows:

19 (70 ILCS 705/4a) (from Ch. 127 1/2, par. 24.1)

20 Sec. 4a. Change to elected board of trustees; petition;
21 election; ballot; nomination and election of trustees. Any fire
22 protection district organized under this Act may determine, in
23 either manner provided in the following items (1) and (2) of
24 this Section, to have an elected, rather than an appointed,

1 board of trustees.

2 (1) If the district lies wholly within a single
3 township but does not also lie wholly within a
4 municipality, the township board of trustees may
5 determine, by ordinance, to have an elected board of
6 trustees.

7 (2) Upon presentation to the board of trustees of a
8 petition, signed by not less than 10% of the electors of
9 the district, requesting that a proposition for the
10 election of trustees be submitted to the electors of the
11 district, the secretary of the board of trustees shall
12 certify the proposition to the appropriate election
13 authorities who shall submit the proposition at a regular
14 election in accordance with the general election law. The
15 general election law shall apply to and govern such
16 election. The proposition shall be in substantially the
17 following form:

18 -----
19 Shall the trustees of..... YES
20 Fire Protection District be -----
21 elected, rather than appointed? NO
22 -----

23 If a majority of the votes cast on such proposition are
24 in the affirmative, the trustees of the district shall
25 thereafter be elected as provided by this Section.

26 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.

1 Nominations for members of the board of trustees shall be
2 made by a petition signed by at least 25 voters or 5% of the
3 voters, whichever is less, residing within the district and
4 shall be filed with the secretary of the board. In addition to
5 the requirements of general election law, the form of the
6 petition shall be as follows:

7 NOMINATING PETITIONS

8 To the Secretary of the Board of Trustees of (name of fire
9 protection district):

10 We, the undersigned, being (number of signatories or 5% or
11 more) of the voters residing within the district, hereby
12 petition that (name of candidate) who resides at (address of
13 candidate) in this district shall be a candidate for the office
14 of (office) of the Board of Trustees (full-term or vacancy) to
15 be voted for at the election to be held (date of election).

16 The secretary of the board shall notify each candidate for
17 whom a petition for nomination has been filed of their
18 obligations under the Campaign Financing Act, as required by
19 the general election law. The notice shall be given on a form
20 prescribed by the State Board of Elections and in accordance
21 with the requirements of the general election law.

22 The secretary shall, within 7 days of filing or on the last
23 day for filing, whichever is earlier, acknowledge to the
24 petitioner in writing his acceptance of the petition.

25 The provisions of Section 4 relating to eligibility, powers
26 and disabilities of trustees shall apply equally to elected

1 trustees.

2 Whenever a fire protection district determines to elect
3 trustees as provided in this Section, the trustees appointed
4 pursuant to Section 4 shall continue to constitute the board of
5 trustees until the third Monday of the month following the
6 month of the first election of trustees. If the term of office
7 of any appointed trustees expires before the first election of
8 trustees, the authority which appointed that trustee under
9 Section 4 of this Act shall appoint a successor to serve until
10 a successor is elected and has qualified. The terms of all
11 appointed trustees in such district shall expire on the third
12 Monday of the month following the month of the first election
13 of trustees under this Section or when successors have been
14 elected and have qualified, whichever occurs later.

15 (Source: P.A. 93-847, eff. 7-30-04; 93-952, eff. 1-1-05;
16 revised 10-14-04.)

17 (70 ILCS 705/6) (from Ch. 127 1/2, par. 26)

18 Sec. 6. Board of trustees; powers.

19 (a) The trustees shall constitute a board of trustees for
20 the district for which they are appointed, which board of
21 trustees is declared to be the corporate authority of the fire
22 protection district, and shall exercise all of the powers and
23 control all the affairs and property of such district.

24 The board of trustees at their initial meeting and at their
25 first meeting following the commencement of the term of any

1 trustee shall elect one of their number as president and one of
2 their number as secretary and shall elect a treasurer for the
3 district, who may be one of the trustees or may be any other
4 citizen of the district and who shall hold office during the
5 pleasure of the board and who shall give such bond as may be
6 required by the board.

7 (b) Except as otherwise provided in Sections 16.01 through
8 16.18, the board may appoint and enter into a multi-year
9 contract not exceeding 3 years with a fire chief and may
10 appoint any firemen that may be necessary for the district, who
11 shall hold office during the pleasure of the board and who
12 shall give any bond that the board may require. The board may
13 prescribe the duties and fix the compensation of all the
14 officers and employees of the fire protection district.

15 (c) A member of the board of trustees of a fire protection
16 district may be compensated as follows: in a district having
17 fewer than 4 full time paid firemen, a sum not to exceed \$1,000
18 per annum; in a district having more than 3 but less than 10
19 full time paid firemen, a sum not to exceed \$1,500 per annum;
20 in a district having either 10 or more full time paid firemen,
21 a sum not to exceed \$2,000 per annum. In addition, fire
22 districts that operate an ambulance service pursuant to
23 authorization by referendum, as provided in Section 22, may pay
24 trustees an additional annual compensation not to exceed 50% of
25 the amount otherwise authorized herein. The additional
26 compensation shall be an administrative expense of the

1 ambulance service and shall be paid from revenues raised by the
2 ambulance tax levy.

3 (d) The trustees also have the express power to execute a
4 note or notes and to execute a mortgage or trust deed to secure
5 the payment of such note or notes; such trust deed or mortgage
6 shall cover real estate, or some part thereof, or personal
7 property owned by the district and the lien of the mortgage
8 shall apply to the real estate or personal property so
9 mortgaged by the district, and the proceeds of the note or
10 notes may be used in the acquisition of personal property or of
11 real estate or in the erection of improvements on such real
12 estate.

13 The trustees have express power to purchase either real
14 estate or personal property to be used for the purposes of the
15 fire protection district through contracts which provide for
16 the consideration for such purchase to be paid through
17 installments to be made at stated intervals during a certain
18 period of time, but, in no case, shall such contracts provide
19 for the consideration to be paid during a period of time in
20 excess of 25 years.

21 (e) The trustees have express power to provide for the
22 benefit of its employees, volunteer firemen and paid firemen,
23 group life, health, accident, hospital and medical insurance,
24 or any combination thereof; and to pay for all or any portion
25 of the premiums on such insurance. Such insurance may include
26 provisions for employees who rely on treatment by spiritual

1 means alone through prayer for healing in accord with the
2 tenets and practice of a well recognized religious
3 denomination.

4 (f) To encourage continued service with the district, the
5 board of trustees has the express power to award monetary
6 incentives, not to exceed \$240 per year, to volunteer
7 firefighters of the district based on the length of service. To
8 be eligible for the incentives, the volunteer firefighters must
9 have at least 5 years of service with the district. The amount
10 of the incentives may not be greater than 2% of the annual levy
11 amount when all incentive awards are combined.

12 (g) The board of trustees has express power to change the
13 corporate name of the fire protection district by ordinance,
14 provided that notification of any change is given to the
15 circuit clerk and the Office of the State Fire Marshal.

16 (h) The board of trustees may impose reasonable civil
17 penalties on individuals who repeatedly cause false fire
18 alarms.

19 (i) The board of trustees has full power to pass all
20 necessary ordinances, and rules and regulations for the proper
21 management and conduct of the business of the board of trustees
22 of the fire protection district for carrying into effect the
23 objects for which the district was formed.

24 (Source: P.A. 93-302, eff. 1-1-04; 93-589, eff. 1-1-04; revised
25 10-3-03.)

1 Section 510. The Park District Code is amended by changing
2 Section 5-1 as follows:

3 (70 ILCS 1205/5-1) (from Ch. 105, par. 5-1)

4 Sec. 5-1. Each Park District has the power to levy and
5 collect taxes on all the taxable property in the district for
6 all corporate purposes. The commissioners may accumulate funds
7 for the purposes of building repairs and improvements and may
8 annually levy taxes for such purposes in excess of current
9 requirements for its other purposes but subject to the tax rate
10 limitation as herein provided.

11 All general taxes proposed by the board to be levied upon
12 the taxable property within the district shall be levied by
13 ordinance. A certified copy of such levy ordinance shall be
14 filed with the county clerk of the county in which the same is
15 to be collected not later than the last Tuesday in December in
16 each year. The county clerk shall extend such tax; provided,
17 the aggregate amount of taxes levied for any one year,
18 exclusive of the amount levied for the payment of the principal
19 and interest on bonded indebtedness of the district and taxes
20 authorized by special referenda, shall not exceed, except as
21 otherwise provided in this Section, the rate of .10%, or the
22 rate limitation in effect on July 1, 1967, whichever is
23 greater, of the value, as equalized or assessed by the
24 Department of Revenue.

25 Notwithstanding any other provision of this Section, a park

1 district board of a park district lying wholly within one
2 county is authorized to increase property taxes under this
3 Section for corporate purposes for any one year so long as the
4 increase is offset by a like property tax levy reduction in one
5 or more of the park district's funds. At the time that such
6 park district files its levy with the county clerk, it shall
7 also certify to the county clerk that the park district has
8 complied with and is authorized to act under this Section 5-1
9 of the Park District Code. In no instance shall the increase
10 either exceed or result in a reduction to the extension
11 limitation to which any park district is subject under Section
12 18-195 of the Property Tax Code.

13 Any funds on hand at the end of the fiscal year that are
14 not pledged for or allocated to a particular purpose may, by
15 action of the board of commissioners, be transferred to a
16 capital improvement fund and accumulated therein, but the total
17 amount accumulated in the fund may not exceed 1.5% of the
18 aggregate assessed valuation of all taxable property in the
19 park district.

20 The foregoing limitations upon tax rates may be decreased
21 under the referendum provisions of the General Revenue Law of
22 the State of Illinois.

23 (Source: P.A. 93-434, eff. 8-5-03; 93-625, eff. 12-19-03;
24 revised 1-13-04.)

25 Section 515. The West Cook Railroad Relocation and

1 Development Authority Act is amended by changing Section 15 as
2 follows:

3 (70 ILCS 1920/15)

4 Sec. 15. Acquisition of property. The Authority shall have
5 the power to acquire by gift, purchase, or legacy the fee
6 simple title to real property located within the boundaries of
7 the Authority, including temporary and permanent easements, as
8 well as reversionary interests in the streets, alleys and other
9 public places and personal property, required for its purposes,
10 and title thereto shall be taken in the corporate name of the
11 Authority. Any such property which is already devoted to a
12 public use may nevertheless be acquired, provided that no
13 property belonging to the United States of America or the State
14 of Illinois may be acquired without the consent of such
15 governmental unit. No property devoted to a public use
16 belonging to a corporation subject to the jurisdiction of the
17 Illinois Commerce Commission may be acquired without a prior
18 finding by the Illinois Commerce Commission that the taking
19 would not result in the imposition of an undue burden on
20 intrastate ~~intrastate~~ commerce. All land and appurtenances
21 thereto, acquired or owned by the Authority, are to be deemed
22 acquired or owned for a public use or public purpose.

23 (Source: P.A. 91-562, eff. 8-14-99; revised 10-12-05.)

24 Section 520. The Dixon Railroad Relocation Authority Law is

1 amended by changing Section 5-15 as follows:

2 (70 ILCS 1925/5-15)

3 Sec. 5-15. Acquisition of property. The Authority shall
4 have the power to acquire by gift, purchase, or legacy the fee
5 simple title to real property located within the boundaries of
6 the Authority, including temporary and permanent easements, as
7 well as reversionary interests in the streets, alleys and other
8 public places and personal property, required for its purposes,
9 and title thereto shall be taken in the corporate name of the
10 Authority. Any such property that is already devoted to a
11 public use may nevertheless be acquired, provided that no
12 property belonging to the United States of America or the State
13 of Illinois may be acquired without the consent of such
14 governmental unit. No property devoted to a public use
15 belonging to a corporation subject to the jurisdiction of the
16 Illinois Commerce Commission may be acquired without a prior
17 finding by the Illinois Commerce Commission that the taking
18 would not result in the imposition of an undue burden on
19 intrastate ~~intrastate~~ commerce. All land and appurtenances
20 thereto, acquired or owned by the Authority, are to be deemed
21 acquired or owned for a public use or public purpose.

22 (Source: P.A. 92-352, eff. 8-15-01; revised 10-12-05.)

23 Section 525. The Metropolitan Water Reclamation District
24 Act is amended by setting forth, renumbering, and changing

1 multiple versions of Section 288 as follows:

2 (70 ILCS 2605/288)

3 Sec. 288. District enlarged. On March 7, 2002 ~~Upon the~~
4 ~~effective date of this amendatory Act of the 92nd General~~
5 ~~Assembly,~~ the corporate limits of the Metropolitan Water
6 Reclamation District Act are extended to include within those
7 limits the following described tracts of land, and those tracts
8 are annexed to the District.

9 (1) Parcel 1 (Canter Parcel)

10 THAT PART OF SECTION 21 TOWNSHIP 41 NORTH, RANGE 9, EAST OF
11 THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:
12 COMMENCING AT NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE
13 NORTHWEST 1/4 OF SAID SECTION 21; THENCE SOUTH 00 DEGREES
14 12 MINUTES 00 SECONDS WEST (DEED BEING SOUTH), ALONG THE
15 WEST LINE OF SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4, A
16 DISTANCE OF 574.20 FEET; THENCE SOUTH 69 DEGREES 48 MINUTES
17 00 SECONDS EAST, A DISTANCE OF 181.20 FEET; THENCE SOUTH 28
18 DEGREES 49 MINUTES 00 SECONDS EAST, A DISTANCE OF 720.45
19 FEET; THENCE SOUTH 38 DEGREES 25 MINUTES 33 SECONDS WEST, A
20 DISTANCE OF 222.79 FEET (DEED BEING SOUTH 33 DEGREES 37
21 MINUTES 00 SECONDS WEST, 238.50 FEET) TO AN IRON STAKE;
22 THENCE SOUTH 60 DEGREES 26 MINUTES 25 SECONDS EAST (DEED
23 BEING SOUTH 59 DEGREES 41 MINUTES 00 SECONDS EAST), ALONG A
24 LINE THAT WOULD INTERSECT THE EAST LINE OF SAID NORTHWEST

1 1/4 OF SECTION 21 AT A POINT THAT IS 669.25 FEET NORTHERLY
2 OF (AS MEASURED ALONG SAID EAST LINE) THE CENTER OF SAID
3 SECTION 21, A DISTANCE OF 24.03 FEET FOR THE POINT OF
4 BEGINNING; THENCE CONTINUING SOUTH 60 DEGREES 26 MINUTES 25
5 SECONDS EAST, ALONG SAID LINE, A DISTANCE OF 629.56 FEET TO
6 THE INTERSECTION WITH THE NORTHEASTERLY EXTENSION OF A LINE
7 PREVIOUSLY SURVEYED AND MONUMENTED; THENCE SOUTH 38
8 DEGREES 40 MINUTES 02 SECONDS WEST, ALONG SAID LINE, A
9 DISTANCE OF 1100.29 FEET (DEED BEING SOUTH 39 DEGREES 55
10 MINUTES 00 SECONDS WEST, 1098.70 FEET) TO THE CENTER LINE
11 OF THE CHICAGO-ELGIN ROAD, (NOW KNOWN AS IRVING PARK
12 BOULEVARD AND STATE ROUTE NO. 19) AS SHOWN ON THE PLAT OF
13 DEDICATION RECORDED JUNE 9, 1933 AS DOCUMENT NO. 11245764
14 AND AS SHOWN ON A PLAT OF SURVEY DATED SEPTEMBER 22, 1932
15 APPROVED BY THE SUPERINTENDENT OF HIGHWAYS OF COOK COUNTY,
16 ILLINOIS ON DECEMBER 17, 1933; THENCE SOUTH 51 DEGREES 24
17 MINUTES 19 SECONDS EAST, ALONG SAID CENTER LINE, A DISTANCE
18 OF 597.60 FEET (DEED BEING SOUTHEASTERLY ALONG CENTER LINE,
19 620.50 FEET) TO A POINT OF CURVE IN SAID CENTER LINE,
20 ACCORDING TO THE PLAT OF DEDICATION RECORDED FEBRUARY 16,
21 1933 AS DOCUMENT NO. 11200330 AND AFORESAID PLAT OF SURVEY;
22 THENCE SOUTHEASTERLY, ALONG THE SAID CENTER LINE, BEING
23 ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 4645.69 FEET
24 AND BEING TANGENT TO THE LAST DESCRIBED COURSE AT THE LAST
25 DESCRIBED POINT, A DISTANCE OF 341.66 FEET (DEED BEING
26 ALONG SAID CURVE, 338.30 FEET) TO THE INTERSECTION WITH A

1 PREVIOUSLY SURVEYED AND MONUMENTED LINE; THENCE SOUTH 42
2 DEGREES 46 MINUTES 09 SECONDS WEST, ALONG SAID LINE, A
3 DISTANCE OF 65.95 FEET (DEED BEING SOUTH 44 DEGREES 41
4 MINUTES 00 SECONDS WEST, 65 FEET) TO THE CENTER LINE OF THE
5 OLD CHICAGO-ELGIN ROAD, ACCORDING TO THE AFORESAID PLAT OF
6 SURVEY; THENCE NORTH 56 DEGREES 45 MINUTES 03 SECONDS WEST,
7 ALONG THE CENTER LINE OF THE SAID OLD CHICAGO-ELGIN ROAD, A
8 DISTANCE OF 685.80 FEET (DEED BEING NORTH 54 DEGREES 52
9 MINUTES 00 SECONDS WEST, 635.0 FEET) TO AN ANGLE IN SAID
10 CENTER LINE; THENCE NORTH 44 DEGREES 23 MINUTES 58 SECONDS
11 WEST, ALONG SAID CENTER LINE, A DISTANCE OF 878.23 FEET
12 (DEED BEING NORTH 44 DEGREES 23 MINUTES 00 SECONDS WEST) TO
13 A LINE THAT IS DRAWN SOUTH 38 DEGREES 35 MINUTES 41 SECONDS
14 WEST FROM THE POINT OF BEGINNING AND BEING PERPENDICULAR TO
15 THE NORTHERLY RIGHT OF WAY LINE OF THE CHICAGO-ELGIN ROAD,
16 AS DESCRIBED ON THE AFORESAID PLAT OF DEDICATION PER
17 DOCUMENT NO. 11245764 AND SHOWN ON THE AFORESAID PLAT OF
18 SURVEY; THENCE NORTH 38 DEGREES 35 MINUTES 41 SECONDS EAST,
19 ALONG SAID PERPENDICULAR LINE, A DISTANCE OF 1011.41 FEET
20 TO THE POINT OF BEGINNING, (EXCEPTING THEREFROM SUCH
21 PORTIONS THEREOF AS MAY HAVE BEEN HERETOFORE CONVEYED OR
22 DEDICATED FOR HIGHWAY PURPOSES) IN COOK COUNTY, ILLINOIS.

23 P.I.N.: 06-21-101-024-0000

24 (2) Parcel 2 (T Bar J Ranch Parcel)

25 PARCEL 1:

1 THAT PART OF SECTION 21, TOWNSHIP 41 NORTH; RANGE 9 EAST OF
2 THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

3 COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF
4 THE NORTHWEST 1/4 OF SAID SECTION 21; THENCE SOUTH ALONG
5 THE WEST LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF
6 SAID SECTION, 574.20 FEET; THENCE SOUTH 69 DEGREES 48
7 MINUTES EAST, 181.20 FEET; THENCE SOUTH 28 DEGREES 49
8 MINUTES EAST, 720.45 FEET; THENCE SOUTH 33 DEGREES 37
9 MINUTES WEST, 238.50 FEET; THENCE SOUTH 75 DEGREES 29
10 MINUTES WEST, ALONG A FENCE LINE 510.8 FEET; THENCE SOUTH
11 29 DEGREES 48 MINUTES WEST, ALONG A FENCE LINE, 275.05 FEET
12 TO THE POINT OF BEGINNING; THENCE NORTH 67 DEGREES 40
13 MINUTES WEST, 277.64 FEET; THENCE SOUTH 19 DEGREES 47
14 MINUTES WEST, ALONG A FENCE LINE, 175.5 FEET TO THE
15 NORTHERLY RIGHT OF WAY LINE OF A PUBLIC HIGHWAY KNOWN AS
16 IRVING PARK BOULEVARD; THENCE SOUTH 50 DEGREES 21 MINUTES
17 EAST ALONG SAID NORTHERLY RIGHT OF WAY LINE OF PUBLIC
18 HIGHWAY, A DISTANCE OF 248.3 FEET TO A POINT THAT IS SOUTH
19 29 DEGREES 48 MINUTES WEST, 251.15 FEET FROM THE POINT OF
20 BEGINNING; THENCE NORTH 29 DEGREES 48 MINUTES, EAST ALONG A
21 FENCE LINE 251.15 FEET TO A POINT OF BEGINNING, IN COOK
22 COUNTY, ILLINOIS.

23 P.I.N.: 06-21-101-018-0000

24 PARCEL 2:

25 THAT PART OF SECTION 21, TOWNSHIP 41 NORTH, RANGE 9 EAST OF
26 THE THIRD PRINCIPAL MERIDIAN, DESCRIBED AS FOLLOWS:

1 COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF
2 THE NORTHWEST 1/4 OF SECTION 21 AFORESAID; THENCE SOUTH
3 ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF THE NORTHWEST
4 1/4 OF SAID SECTION, 574.2 FEET; THENCE SOUTH 69 DEGREES 48
5 MINUTES EAST, 181.2 FEET; THENCE SOUTH 28 DEGREES 49
6 MINUTES EAST, 720.45 FEET; THENCE SOUTH 33 DEGREES 37
7 MINUTES WEST, 238.5 FEET; THENCE SOUTH 75 DEGREES 29
8 MINUTES WEST, 203.4 FEET TO THE POINT OF BEGINNING; THENCE
9 CONTINUING SOUTH 75 DEGREES 29 MINUTES WEST, 307.4 FEET;
10 THENCE SOUTH 29 DEGREES 48 MINUTES WEST, 275.05 FEET;
11 THENCE NORTH 67 DEGREES 40 MINUTES WEST, 277.64 FEET;
12 THENCE SOUTH 19 DEGREES 47 MINUTES WEST ALONG A FENCE LINE,
13 175.5 FEET TO NORTHERLY RIGHT OF WAY LINE OF PUBLIC HIGHWAY
14 KNOWN AS IRVING PARK BOULEVARD; THENCE NORTH 50 DEGREES 21
15 MINUTES WEST ALONG SAID NORTHERLY RIGHT OF WAY LINE OF
16 HIGHWAY 566.2 FEET; THENCE NORTH 17 DEGREES 17 MINUTES EAST
17 ALONG A FENCE LINE 193.07 FEET; THENCE NORTH 84 DEGREES 47
18 MINUTES EAST 988.44 FEET TO A FENCE LINE; THENCE SOUTH 31
19 DEGREES 51 MINUTES EAST ALONG SAID FENCE LINE, A DISTANCE
20 OF 282.19 FEET TO THE POINT OF BEGINNING IN HANOVER
21 TOWNSHIP IN COOK COUNTY, ILLINOIS.

22 P.I.N.: 06-21-101-022-0000

23 (3) Parcel 3 (Gibas parcel)

24 A PARCEL OF LAND IN SECTION 21, TOWNSHIP 41 NORTH, RANGE 9
25 EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY,

1 ILLINOIS, 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 SAID NORTHEAST 1/4 OF THE NORTHWEST 1/4,
5 574.20 FEET; THENCE SOUTH 69 DEGREES 48 MINUTES EAST,
6 181.20 FEET FOR A POINT OF BEGINNING, THENCE SOUTH 28
7 DEGREES 49 MINUTES EAST, 720.45 FEET; THENCE SOUTH 33
8 DEGREES 37 MINUTES WEST, 238.5 FEET; THENCE SOUTH 75
9 DEGREES 29 MINUTES WEST, 203.4 FEET TO A FENCE CORNER;
10 THENCE NORTH 31 DEGREES 51 MINUTES WEST ALONG A FENCE LINE,
11 512.8 FEET; THENCE NORTH 3 DEGREES 29 MINUTES WEST ALONG
12 SAID FENCE LINE 263.6 FEET TO A POINT ON THE SOUTHERLY
13 RIGHT OF WAY LINE OF NEW SCHAUMBURG ROAD THAT IS 311.0 FEET
14 MORE OR LESS SOUTHWESTERLY OF THE POINT OF BEGINNING;
15 THENCE NORTHEASTERLY ALONG THE SAID SOUTHERLY RIGHT OF WAY
16 LINE OF ROAD 311.0 FEET MORE OR LESS TO THE POINT OF
17 BEGINNING, (EXCEPTING SUCH PORTIONS THEREOF AS MAY FALL
18 WITHIN LOTS 10 OR 26 OF COUNTY CLERK'S DIVISION OF SECTION
19 21 ACCORDING TO THE PLAT THEREOF RECORDED, MAY 31, 1895 IN
20 BOOK 65 OF PLATS PAGE 35) IN COOK COUNTY, ILLINOIS.
21 P.I.N.: 06-21-101-015-0000

22 (4) Parcel 4 (Blake parcel)

23 THAT PART OF SECTIONS 20 AND 21 IN TOWNSHIP 41 NORTH, RANGE
24 9 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS
25 FOLLOWS:

1 COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER
2 OF THE NORTHWEST QUARTER OF SECTION 21 AFORESAID; THENCE
3 SOUTH ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE
4 NORTHWEST QUARTER OF SAID SECTION, 574.2 FEET; THENCE SOUTH
5 69 DEGREES 48 MINUTES EAST, 181.2 FEET; THENCE SOUTH 28
6 DEGREES 49 MINUTES EAST, 720.45 FEET; THENCE SOUTH 33
7 DEGREES 37 MINUTES WEST, 238.5 FEET; THENCE SOUTH 75
8 DEGREES 29 MINUTES WEST, 203.4 FEET; THENCE NORTH 31
9 DEGREES 51 MINUTES WEST ALONG A FENCE LINE, 282.19 FEET TO
10 A POINT OF BEGINNING; THENCE SOUTH 84 DEGREES 47 MINUTES
11 WEST, 988.44 FEET TO A POINT ON A FENCE LINE THAT LIES
12 NORTH 17 DEGREES 17 MINUTES EAST, 193.07 FEET FROM A POINT
13 ON THE NORTHERLY RIGHT OF WAY LINE OF IRVING PARK
14 BOULEVARD; THENCE NORTH 17 DEGREES 17 MINUTES EAST ALONG
15 SAID FENCE LINE, 276.03 FEET TO THE SOUTHERLY RIGHT OF WAY
16 LINE OF SCHAUMBURG ROAD (AS NOW DEDICATED); THENCE EASTERLY
17 AND NORTHEASTERLY ALONG SAID SOUTHERLY RIGHT OF WAY LINE ON
18 A CURVE TO LEFT HAVING A RADIUS OF 1425.4 FEET A DISTANCE
19 OF 829.0 FEET; THENCE SOUTH 3 DEGREES 29 MINUTES EAST ALONG
20 A FENCE LINE 263.6 FEET; THENCE SOUTH 31 DEGREES 51 MINUTES
21 EAST ALONG A FENCE LINE A DISTANCE OF 230.61 FEET TO THE
22 POINT OF BEGINNING, IN HANOVER TOWNSHIP, COOK COUNTY,
23 ILLINOIS.

24 P.I.N. ~~PI.N.~~: 06-21-101-021-0000.

25 (Source: P.A. 92-532, eff. 3-7-02; revised 1-27-03.)

1 (70 ILCS 2605/289)

2 Sec. 289 ~~288~~. District enlarged. On August 22, 2002 ~~Upon~~
3 ~~the effective date of this amendatory Act of the 92nd General~~
4 ~~Assembly~~, the corporate limits of the Metropolitan Water
5 Reclamation District are extended to include within those
6 limits the following described tract of land, and that tract is
7 annexed to the District.

8 LEGAL DESCRIPTION

9 5.425 ACRES

10 THAT PART OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP
11 42 NORTH, RANGE 9, EAST OF THE THIRD PRINCIPAL MERIDIAN,
12 DESCRIBED AS FOLLOWS:

13 COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER
14 OF SAID SECTION 25; THENCE NORTH 00°00'00" EAST ALONG THE
15 EAST LINE OF SAID NORTHWEST QUARTER OF SECTION 25, A
16 DISTANCE OF 1314.40 FEET TO THE NORTH LINE OF THE SOUTH
17 HALF OF SAID NORTHWEST QUARTER OF SECTION 25; THENCE SOUTH
18 89°15'17" WEST ALONG THE NORTH LINE OF SAID SOUTH HALF OF
19 THE NORTHWEST QUARTER OF SECTION 25, A DISTANCE OF 170.00
20 FEET; THENCE SOUTH 44°22'03" WEST, 410.93 FEET TO THE POINT
21 OF BEGINNING; THENCE SOUTH 89°15'17" WEST PARALLEL WITH THE
22 NORTH LINE OF SAID SOUTH HALF OF THE NORTHWEST QUARTER OF
23 SECTION 25, A DISTANCE OF 420.04 FEET TO A LINE 1755.25
24 FEET EAST OF, MEASURED AT RIGHT ANGLES, AND PARALLEL WITH
25 THE WEST LINE OF SAID NORTHWEST QUARTER OF SECTION 25;
26 THENCE NORTH 00°02'28" WEST ALONG SAID PARALLEL LINE,

1 105.23 FEET; THENCE SOUTH 89°15'17" WEST PARALLEL WITH THE
2 NORTH LINE OF SAID SOUTH HALF OF THE NORTHWEST QUARTER OF
3 SECTION 25, A DISTANCE OF 300.13 FEET; THENCE SOUTH
4 00°02'28" EAST, 150.68 FEET; THENCE NORTH 89°57'32" EAST
5 120.37 FEET; THENCE SOUTH 00°02'28" EAST PARALLEL WITH THE
6 WEST LINE OF SAID NORTHWEST QUARTER OF SECTION 25, A
7 DISTANCE OF 353.10 FEET; THENCE NORTH 89°15'17" EAST
8 PARALLEL WITH THE NORTH LINE OF SAID SOUTH HALF OF THE
9 NORTHWEST QUARTER OF SECTION 25, A DISTANCE OF 479.77 FEET;
10 THENCE NORTH 00°02'28" WEST, 278.99 FEET; THENCE NORTH
11 44°22'03" EAST, 171.50 FEET TO THE PLACE OF BEGINNING, IN
12 COOK COUNTY, ILLINOIS.

13 (Source: P.A. 92-843, eff. 8-22-02; revised 2-18-03.)

14 Section 530. The Local Mass Transit District Act is amended
15 by changing Sections 2 and 5.01 as follows:

16 (70 ILCS 3610/2) (from Ch. 111 2/3, par. 352)

17 Sec. 2. For the purposes of this Act:

18 (a) "Mass transit facility" means any local public
19 transportation facility, whether buses, trolley-buses, or
20 railway systems, utilized by a substantial number of persons
21 for their daily transportation, and includes not only the local
22 public transportation facility itself but ancillary and
23 supporting facilities such as, for example, motor vehicle
24 parking facilities, as well.

1 (b) "Participating municipality and county" means the
2 municipality or municipalities, county or counties creating
3 the local Mass Transit District pursuant to Section 3 of this
4 Act.

5 (c) "Municipality" means a city, village, township, or
6 incorporated town.

7 (d) "Corporate authorities" means (1) the city council or
8 similar body of a city, (2) the board of trustees or similar
9 body of a village or incorporated town, (3) the council of a
10 municipality under the commission form of municipal
11 government, and (4) the board of trustees in a township.

12 (e) "County board" means the governing board of a county.

13 (f) "District" means a local Mass Transit District created
14 pursuant to Section 3 of this Act.

15 (g) "Board" means the Board of Trustees of a local Mass
16 Transit District created pursuant to Section 3 of this Act.

17 (h) "Interstate transportation authority" shall mean any
18 political subdivision created by compact between this State and
19 another state, which is a body corporate and politic and a
20 political subdivision of both contracting states, and which
21 operates a public mass transportation system.

22 (i) "Metro East Mass Transit District" means one or more
23 local mass transit districts created pursuant to this Act,
24 composed only of Madison, St. Clair or Monroe Counties, or any
25 combination thereof or any territory annexed to such district.

26 (j) "Public mass transportation system" shall mean a

1 transportation system or systems owned and operated by an
2 interstate transportation authority, a municipality, District,
3 or other public or private authority, employing motor busses,
4 rails or any other means of conveyance, by whatsoever type or
5 power, operated for public use in the conveyance of persons,
6 mainly providing local transportation service within an
7 interstate transportation district, municipality, or county.

8 (Source: P.A. 93-590, eff. 1-1-04; revised 10-9-03.)

9 (70 ILCS 3610/5.01) (from Ch. 111 2/3, par. 355.01)

10 Sec. 5.01. Metro East Mass Transit District; use and
11 occupation taxes.

12 (a) The Board of Trustees of any Metro East Mass Transit
13 District may, by ordinance adopted with the concurrence of
14 two-thirds of the then trustees, impose throughout the District
15 any or all of the taxes and fees provided in this Section. All
16 taxes and fees imposed under this Section shall be used only
17 for public mass transportation systems, and the amount used to
18 provide mass transit service to unserved areas of the District
19 shall be in the same proportion to the total proceeds as the
20 number of persons residing in the unserved areas is to the
21 total population of the District. Except as otherwise provided
22 in this Act, taxes imposed under this Section and civil
23 penalties imposed incident thereto shall be collected and
24 enforced by the State Department of Revenue. The Department
25 shall have the power to administer and enforce the taxes and to

1 determine all rights for refunds for erroneous payments of the
2 taxes.

3 (b) The Board may impose a Metro East Mass Transit District
4 Retailers' Occupation Tax upon all persons engaged in the
5 business of selling tangible personal property at retail in the
6 district at a rate of 1/4 of 1%, or as authorized under
7 subsection (d-5) of this Section, of the gross receipts from
8 the sales made in the course of such business within the
9 district. The tax imposed under this Section and all civil
10 penalties that may be assessed as an incident thereof shall be
11 collected and enforced by the State Department of Revenue. The
12 Department shall have full power to administer and enforce this
13 Section; to collect all taxes and penalties so collected in the
14 manner hereinafter provided; and to determine all rights to
15 credit memoranda arising on account of the erroneous payment of
16 tax or penalty hereunder. In the administration of, and
17 compliance with, this Section, the Department and persons who
18 are subject to this Section shall have the same rights,
19 remedies, privileges, immunities, powers and duties, and be
20 subject to the same conditions, restrictions, limitations,
21 penalties, exclusions, exemptions and definitions of terms and
22 employ the same modes of procedure, as are prescribed in
23 Sections 1, 1a, 1a-1, 1c, 1d, 1e, 1f, 1i, 1j, 2 through 2-65
24 (in respect to all provisions therein other than the State rate
25 of tax), 2c, 3 (except as to the disposition of taxes and
26 penalties collected), 4, 5, 5a, 5c, 5d, 5e, 5f, 5g, 5h, 5i, 5j,

1 5k, 5l, 6, 6a, 6b, 6c, 7, 8, 9, 10, 11, 12, 13, and 14 of the
2 Retailers' Occupation Tax Act and Section 3-7 of the Uniform
3 Penalty and Interest Act, as fully as if those provisions were
4 set forth herein.

5 Persons subject to any tax imposed under the Section may
6 reimburse themselves for their seller's tax liability
7 hereunder by separately stating the tax as an additional
8 charge, which charge may be stated in combination, in a single
9 amount, with State taxes that sellers are required to collect
10 under the Use Tax Act, in accordance with such bracket
11 schedules as the Department may prescribe.

12 Whenever the Department determines that a refund should be
13 made under this Section to a claimant instead of issuing a
14 credit memorandum, the Department shall notify the State
15 Comptroller, who shall cause the warrant to be drawn for the
16 amount specified, and to the person named, in the notification
17 from the Department. The refund shall be paid by the State
18 Treasurer out of the Metro East Mass Transit District tax fund
19 established under paragraph (g) of this Section.

20 If a tax is imposed under this subsection (b), a tax shall
21 also be imposed under subsections (c) and (d) of this Section.

22 For the purpose of determining whether a tax authorized
23 under this Section is applicable, a retail sale, by a producer
24 of coal or other mineral mined in Illinois, is a sale at retail
25 at the place where the coal or other mineral mined in Illinois
26 is extracted from the earth. This paragraph does not apply to

1 coal or other mineral when it is delivered or shipped by the
2 seller to the purchaser at a point outside Illinois so that the
3 sale is exempt under the Federal Constitution as a sale in
4 interstate or foreign commerce.

5 No tax shall be imposed or collected under this subsection
6 on the sale of a motor vehicle in this State to a resident of
7 another state if that motor vehicle will not be titled in this
8 State.

9 Nothing in this Section shall be construed to authorize the
10 Metro East Mass Transit District to impose a tax upon the
11 privilege of engaging in any business which under the
12 Constitution of the United States may not be made the subject
13 of taxation by this State.

14 (c) If a tax has been imposed under subsection (b), a Metro
15 East Mass Transit District Service Occupation Tax shall also be
16 imposed upon all persons engaged, in the district, in the
17 business of making sales of service, who, as an incident to
18 making those sales of service, transfer tangible personal
19 property within the District, either in the form of tangible
20 personal property or in the form of real estate as an incident
21 to a sale of service. The tax rate shall be 1/4%, or as
22 authorized under subsection (d-5) of this Section, of the
23 selling price of tangible personal property so transferred
24 within the district. The tax imposed under this paragraph and
25 all civil penalties that may be assessed as an incident thereof
26 shall be collected and enforced by the State Department of

1 Revenue. The Department shall have full power to administer and
2 enforce this paragraph; to collect all taxes and penalties due
3 hereunder; to dispose of taxes and penalties so collected in
4 the manner hereinafter provided; and to determine all rights to
5 credit memoranda arising on account of the erroneous payment of
6 tax or penalty hereunder. In the administration of, and
7 compliance with this paragraph, the Department and persons who
8 are subject to this paragraph shall have the same rights,
9 remedies, privileges, immunities, powers and duties, and be
10 subject to the same conditions, restrictions, limitations,
11 penalties, exclusions, exemptions and definitions of terms and
12 employ the same modes of procedure as are prescribed in
13 Sections 1a-1, 2 (except that the reference to State in the
14 definition of supplier maintaining a place of business in this
15 State shall mean the Authority), 2a, 3 through 3-50 (in respect
16 to all provisions therein other than the State rate of tax), 4
17 (except that the reference to the State shall be to the
18 Authority), 5, 7, 8 (except that the jurisdiction to which the
19 tax shall be a debt to the extent indicated in that Section 8
20 shall be the District), 9 (except as to the disposition of
21 taxes and penalties collected, and except that the returned
22 merchandise credit for this tax may not be taken against any
23 State tax), 10, 11, 12 (except the reference therein to Section
24 2b of the Retailers' Occupation Tax Act), 13 (except that any
25 reference to the State shall mean the District), the first
26 paragraph of Section 15, 16, 17, 18, 19 and 20 of the Service

1 Occupation Tax Act and Section 3-7 of the Uniform Penalty and
2 Interest Act, as fully as if those provisions were set forth
3 herein.

4 Persons subject to any tax imposed under the authority
5 granted in this paragraph may reimburse themselves for their
6 serviceman's tax liability hereunder by separately stating the
7 tax as an additional charge, which charge may be stated in
8 combination, in a single amount, with State tax that servicemen
9 are authorized to collect under the Service Use Tax Act, in
10 accordance with such bracket schedules as the Department may
11 prescribe.

12 Whenever the Department determines that a refund should be
13 made under this paragraph to a claimant instead of issuing a
14 credit memorandum, the Department shall notify the State
15 Comptroller, who shall cause the warrant to be drawn for the
16 amount specified, and to the person named, in the notification
17 from the Department. The refund shall be paid by the State
18 Treasurer out of the Metro East Mass Transit District tax fund
19 established under paragraph (g) of this Section.

20 Nothing in this paragraph shall be construed to authorize
21 the District to impose a tax upon the privilege of engaging in
22 any business which under the Constitution of the United States
23 may not be made the subject of taxation by the State.

24 (d) If a tax has been imposed under subsection (b), a Metro
25 East Mass Transit District Use Tax shall also be imposed upon
26 the privilege of using, in the district, any item of tangible

1 personal property that is purchased outside the district at
2 retail from a retailer, and that is titled or registered with
3 an agency of this State's government, at a rate of 1/4%, or as
4 authorized under subsection (d-5) of this Section, of the
5 selling price of the tangible personal property within the
6 District, as "selling price" is defined in the Use Tax Act. The
7 tax shall be collected from persons whose Illinois address for
8 titling or registration purposes is given as being in the
9 District. The tax shall be collected by the Department of
10 Revenue for the Metro East Mass Transit District. The tax must
11 be paid to the State, or an exemption determination must be
12 obtained from the Department of Revenue, before the title or
13 certificate of registration for the property may be issued. The
14 tax or proof of exemption may be transmitted to the Department
15 by way of the State agency with which, or the State officer
16 with whom, the tangible personal property must be titled or
17 registered if the Department and the State agency or State
18 officer determine that this procedure will expedite the
19 processing of applications for title or registration.

20 The Department shall have full power to administer and
21 enforce this paragraph; to collect all taxes, penalties and
22 interest due hereunder; to dispose of taxes, penalties and
23 interest so collected in the manner hereinafter provided; and
24 to determine all rights to credit memoranda or refunds arising
25 on account of the erroneous payment of tax, penalty or interest
26 hereunder. In the administration of, and compliance with, this

1 paragraph, the Department and persons who are subject to this
2 paragraph shall have the same rights, remedies, privileges,
3 immunities, powers and duties, and be subject to the same
4 conditions, restrictions, limitations, penalties, exclusions,
5 exemptions and definitions of terms and employ the same modes
6 of procedure, as are prescribed in Sections 2 (except the
7 definition of "retailer maintaining a place of business in this
8 State"), 3 through 3-80 (except provisions pertaining to the
9 State rate of tax, and except provisions concerning collection
10 or refunding of the tax by retailers), 4, 11, 12, 12a, 14, 15,
11 19 (except the portions pertaining to claims by retailers and
12 except the last paragraph concerning refunds), 20, 21 and 22 of
13 the Use Tax Act and Section 3-7 of the Uniform Penalty and
14 Interest Act, that are not inconsistent with this paragraph, as
15 fully as if those provisions were set forth herein.

16 Whenever the Department determines that a refund should be
17 made under this paragraph to a claimant instead of issuing a
18 credit memorandum, the Department shall notify the State
19 Comptroller, who shall cause the order to be drawn for the
20 amount specified, and to the person named, in the notification
21 from the Department. The refund shall be paid by the State
22 Treasurer out of the Metro East Mass Transit District tax fund
23 established under paragraph (g) of this Section.

24 (d-5) (A) The county board of any county participating in
25 the Metro East Mass Transit District may authorize, by
26 ordinance, a referendum on the question of whether the tax

1 rates for the Metro East Mass Transit District Retailers'
2 Occupation Tax, the Metro East Mass Transit District Service
3 Occupation Tax, and the Metro East Mass Transit District Use
4 Tax for the District should be increased from 0.25% to 0.75%.
5 Upon adopting the ordinance, the county board shall certify the
6 proposition to the proper election officials who shall submit
7 the proposition to the voters of the District at the next
8 election, in accordance with the general election law.

9 The proposition shall be in substantially the following
10 form:

11 Shall the tax rates for the Metro East Mass Transit
12 District Retailers' Occupation Tax, the Metro East Mass
13 Transit District Service Occupation Tax, and the Metro East
14 Mass Transit District Use Tax be increased from 0.25% to
15 0.75%?

16 (B) Two thousand five hundred electors of any Metro East
17 Mass Transit District may petition the Chief Judge of the
18 Circuit Court, or any judge of that Circuit designated by the
19 Chief Judge, in which that District is located to cause to be
20 submitted to a vote of the electors the question whether the
21 tax rates for the Metro East Mass Transit District Retailers'
22 Occupation Tax, the Metro East Mass Transit District Service
23 Occupation Tax, and the Metro East Mass Transit District Use
24 Tax for the District should be increased from 0.25% to 0.75%.

25 Upon submission of such petition the court shall set a date
26 not less than 10 nor more than 30 days thereafter for a hearing

1 on the sufficiency thereof. Notice of the filing of such
2 petition and of such date shall be given in writing to the
3 District and the County Clerk at least 7 days before the date
4 of such hearing.

5 If such petition is found sufficient, the court shall enter
6 an order to submit that proposition at the next election, in
7 accordance with general election law.

8 The form of the petition shall be in substantially the
9 following form: To the Circuit Court of the County of (name of
10 county):

11 We, the undersigned electors of the (name of transit
12 district), respectfully petition your honor to submit to a
13 vote of the electors of (name of transit district) the
14 following proposition:

15 Shall the tax rates for the Metro East Mass Transit
16 District Retailers' Occupation Tax, the Metro East Mass
17 Transit District Service Occupation Tax, and the Metro East
18 Mass Transit District Use Tax be increased from 0.25% to
19 0.75%?

20 Name Address, with Street and Number.
21
22

23 (C) The votes shall be recorded as "YES" or "NO". If a
24 majority of all votes cast on the proposition are for the
25 increase in the tax rates, the Metro East Mass Transit District
26 shall begin imposing the increased rates in the District, and

1 the Department of Revenue shall begin collecting the increased
2 amounts, as provided under this Section. An ordinance imposing
3 or discontinuing a tax hereunder or effecting a change in the
4 rate thereof shall be adopted and a certified copy thereof
5 filed with the Department on or before the first day of
6 October, whereupon the Department shall proceed to administer
7 and enforce this Section as of the first day of January next
8 following the adoption and filing, or on or before the first
9 day of April, whereupon the Department shall proceed to
10 administer and enforce this Section as of the first day of July
11 next following the adoption and filing.

12 (D) If the voters have approved a referendum under this
13 subsection, before November 1, 1994, to increase the tax rate
14 under this subsection, the Metro East Mass Transit District
15 Board of Trustees may adopt by a majority vote an ordinance at
16 any time before January 1, 1995 that excludes from the rate
17 increase tangible personal property that is titled or
18 registered with an agency of this State's government. The
19 ordinance excluding titled or registered tangible personal
20 property from the rate increase must be filed with the
21 Department at least 15 days before its effective date. At any
22 time after adopting an ordinance excluding from the rate
23 increase tangible personal property that is titled or
24 registered with an agency of this State's government, the Metro
25 East Mass Transit District Board of Trustees may adopt an
26 ordinance applying the rate increase to that tangible personal

1 property. The ordinance shall be adopted, and a certified copy
2 of that ordinance shall be filed with the Department, on or
3 before October 1, whereupon the Department shall proceed to
4 administer and enforce the rate increase against tangible
5 personal property titled or registered with an agency of this
6 State's government as of the following January 1. After
7 December 31, 1995, any reimposed rate increase in effect under
8 this subsection shall no longer apply to tangible personal
9 property titled or registered with an agency of this State's
10 government. Beginning January 1, 1996, the Board of Trustees of
11 any Metro East Mass Transit District may never reimpose a
12 previously excluded tax rate increase on tangible personal
13 property titled or registered with an agency of this State's
14 government. After July 1, 2004, if the voters have approved a
15 referendum under this subsection to increase the tax rate under
16 this subsection, the Metro East Mass Transit District Board of
17 Trustees may adopt by a majority vote an ordinance that
18 excludes from the rate increase tangible personal property that
19 is titled or registered with an agency of this State's
20 government. The ordinance excluding titled or registered
21 tangible personal property from the rate increase shall be
22 adopted, and a certified copy of that ordinance shall be filed
23 with the Department on or before October 1, whereupon the
24 Department shall administer and enforce this exclusion from the
25 rate increase as of the following January 1, or on or before
26 April 1, whereupon the Department shall administer and enforce

1 this exclusion from the rate increase as of the following July
2 1. The Board of Trustees of any Metro East Mass Transit
3 District may never reimpose a previously excluded tax rate
4 increase on tangible personal property titled or registered
5 with an agency of this State's government.

6 (d-6) If the Board of Trustees of any Metro East Mass
7 Transit District has imposed a rate increase under subsection
8 (d-5) and filed an ordinance with the Department of Revenue
9 excluding titled property from the higher rate, then that Board
10 may, by ordinance adopted with the concurrence of two-thirds of
11 the then trustees, impose throughout the District a fee. The
12 fee on the excluded property shall not exceed \$20 per retail
13 transaction or an amount equal to the amount of tax excluded,
14 whichever is less, on tangible personal property that is titled
15 or registered with an agency of this State's government.
16 Beginning July 1, 2004, the fee shall apply only to titled
17 property that is subject to either the Metro East Mass Transit
18 District Retailers' Occupation Tax or the Metro East Mass
19 Transit District Service Occupation Tax. No fee shall be
20 imposed or collected under this subsection on the sale of a
21 motor vehicle in this State to a resident of another state if
22 that motor vehicle will not be titled in this State.

23 (d-7) Until June 30, 2004, if a fee has been imposed under
24 subsection (d-6), a fee shall also be imposed upon the
25 privilege of using, in the district, any item of tangible
26 personal property that is titled or registered with any agency

1 of this State's government, in an amount equal to the amount of
2 the fee imposed under subsection (d-6).

3 (d-7.1) Beginning July 1, 2004, any fee imposed by the
4 Board of Trustees of any Metro East Mass Transit District under
5 subsection (d-6) and all civil penalties that may be assessed
6 as an incident of the fees shall be collected and enforced by
7 the State Department of Revenue. Reference to "taxes" in this
8 Section shall be construed to apply to the administration,
9 payment, and remittance of all fees under this Section. For
10 purposes of any fee imposed under subsection (d-6), 4% of the
11 fee, penalty, and interest received by the Department in the
12 first 12 months that the fee is collected and enforced by the
13 Department and 2% of the fee, penalty, and interest following
14 the first 12 months shall be deposited into the Tax Compliance
15 and Administration Fund and shall be used by the Department,
16 subject to appropriation, to cover the costs of the Department.
17 No retailers' discount shall apply to any fee imposed under
18 subsection (d-6).

19 (d-8) No item of titled property shall be subject to both
20 the higher rate approved by referendum, as authorized under
21 subsection (d-5), and any fee imposed under subsection (d-6) or
22 (d-7).

23 (d-9) (Blank).

24 (d-10) (Blank).

25 (e) A certificate of registration issued by the State
26 Department of Revenue to a retailer under the Retailers'

1 Occupation Tax Act or under the Service Occupation Tax Act
2 shall permit the registrant to engage in a business that is
3 taxed under the tax imposed under paragraphs (b), (c) or (d) of
4 this Section and no additional registration shall be required
5 under the tax. A certificate issued under the Use Tax Act or
6 the Service Use Tax Act shall be applicable with regard to any
7 tax imposed under paragraph (c) of this Section.

8 (f) (Blank).

9 (g) Any ordinance imposing or discontinuing any tax under
10 this Section shall be adopted and a certified copy thereof
11 filed with the Department on or before June 1, whereupon the
12 Department of Revenue shall proceed to administer and enforce
13 this Section on behalf of the Metro East Mass Transit District
14 as of September 1 next following such adoption and filing.
15 Beginning January 1, 1992, an ordinance or resolution imposing
16 or discontinuing the tax hereunder shall be adopted and a
17 certified copy thereof filed with the Department on or before
18 the first day of July, whereupon the Department shall proceed
19 to administer and enforce this Section as of the first day of
20 October next following such adoption and filing. Beginning
21 January 1, 1993, except as provided in subsection (d-5) of this
22 Section, an ordinance or resolution imposing or discontinuing
23 the tax hereunder shall be adopted and a certified copy thereof
24 filed with the Department on or before the first day of
25 October, whereupon the Department shall proceed to administer
26 and enforce this Section as of the first day of January next

1 following such adoption and filing, or, beginning January 1,
2 2004, on or before the first day of April, whereupon the
3 Department shall proceed to administer and enforce this Section
4 as of the first day of July next following the adoption and
5 filing.

6 (h) Except as provided in subsection (d-7.1), the State
7 Department of Revenue shall, upon collecting any taxes as
8 provided in this Section, pay the taxes over to the State
9 Treasurer as trustee for the District. The taxes shall be held
10 in a trust fund outside the State Treasury. On or before the
11 25th day of each calendar month, the State Department of
12 Revenue shall prepare and certify to the Comptroller of the
13 State of Illinois the amount to be paid to the District, which
14 shall be the then balance in the fund, less any amount
15 determined by the Department to be necessary for the payment of
16 refunds. Within 10 days after receipt by the Comptroller of the
17 certification of the amount to be paid to the District, the
18 Comptroller shall cause an order to be drawn for payment for
19 the amount in accordance with the direction in the
20 certification.

21 (Source: P.A. 93-590, eff. 1-1-04; 93-1068, eff. 1-15-05;
22 94-776, eff. 5-19-06; revised 8-3-06.)

23 Section 535. The Regional Transportation Authority Act is
24 amended by changing Section 4.02 as follows:

1 (70 ILCS 3615/4.02) (from Ch. 111 2/3, par. 704.02)

2 Sec. 4.02. Federal, State and Other Funds.

3 (a) The Authority shall have the power to apply for,
4 receive and expend grants, loans or other funds from the State
5 of Illinois or any department or agency thereof, from any unit
6 of local government, from the federal government or any
7 department or agency thereof, for use in connection with any of
8 the powers or purposes of the Authority as set forth in this
9 Act. The Authority shall have power to make such studies as may
10 be necessary and to enter into contracts or agreements with the
11 State of Illinois or any department or agency thereof, with any
12 unit of local government, or with the federal government or any
13 department or agency thereof, concerning such grants, loans or
14 other funds, or any conditions relating thereto, including
15 obligations to repay such funds. The Authority may make such
16 covenants concerning such grants, loans and funds as it deems
17 proper and necessary in carrying out its responsibilities,
18 purposes and powers as provided in this Act.

19 (b) The Authority shall be the primary public body in the
20 metropolitan region with authority to apply for and receive any
21 grants, loans or other funds relating to public transportation
22 programs from the State of Illinois or any department or agency
23 thereof, or from the federal government or any department or
24 agency thereof. Any unit of local government, Service Board or
25 transportation agency may apply for and receive any such
26 federal or state capital grants, loans or other funds,

1 provided, however that a Service Board may not apply for or
2 receive any grant or loan which is not identified in the
3 Five-Year Program. Any Service Board, unit of local government
4 or transportation agency shall notify the Authority prior to
5 making any such application and shall file a copy thereof with
6 the Authority. Nothing in this Section shall be construed to
7 impose any limitation on the ability of the State of Illinois
8 or any department or agency thereof, any unit of local
9 government or Service Board or transportation agency to make
10 any grants or to enter into any agreement or contract with the
11 National Rail Passenger Corporation. Nor shall anything in this
12 Section impose any limitation on the ability of any school
13 district to apply for or receive any grant, loan or other funds
14 for transportation of school children.

15 (c) The Authority shall provide to the Service Board any
16 monies received relating to public transportation services
17 under the jurisdiction of the Service Boards as follows:

18 (1) As soon as may be practicable after the Authority
19 receives payment, under Section 4.03(m) or Section
20 4.03.1(d), of the proceeds of those taxes levied by the
21 Authority, the Authority shall transfer to each Service
22 Board the amount to which it is entitled under Section
23 4.01(d).†

24 (2) The Authority by ordinance adopted by 9 of its then
25 Directors shall establish a formula apportioning any
26 federal funds for operating assistance purposes the

1 Authority receives to each Service Board. In establishing
2 the formula, the Board shall consider, among other factors:
3 ridership levels, the efficiency with which the service is
4 provided, the degree of transit dependence of the area
5 served and the cost of service. That portion of any federal
6 funds for operating assistance received by the Authority
7 shall be paid to each Service Board as soon as may be
8 practicable upon their receipt provided the Authority has
9 adopted a balanced budget as required by Section 4.01 and
10 further provided that the Service Boards are in compliance
11 with the requirements in Section 4.11.

12 (3) The Authority by ordinance adopted by 9 of its then
13 Directors shall apportion to the Service Boards funds
14 provided by the State of Illinois under Section 4.09 and
15 shall make payment of said funds to each Service Board as
16 soon as may be practicable upon their receipt provided the
17 Authority has adopted a balanced budget as required by
18 Section 4.01 and further provided the Service Board is in
19 compliance with the requirements in Section 4.11.

20 (4) Beginning January 1, 2009, before making any
21 payments, transfers, or expenditures under this subsection
22 to a Service Board, the Authority must first comply with
23 Section 4.02a or 4.02b of this Act, whichever may be
24 applicable.

25 (Source: P.A. 94-839, eff. 6-6-06; revised 8-3-06.)

1 Section 540. The School Code is amended by setting forth,
2 renumbering, and changing multiple versions of Sections
3 2-3.131, 2-3.137, 10-20.35, 10-20.37, 34-18.23, 34-18.26, and
4 34-18.30 and by changing Sections 3-14.29, 10-17a, 10-20.21a,
5 10-21.9, 10-22.20, 10-28, 11E-110, 11E-135, 14-7.04, 14-15.01,
6 14A-30, 14A-55, 18-8.05, 19-1, 21-1b, 21-12, 21-14, 22-35,
7 27-6, 27-8.1, 27-20.6, 27-23.5, 27-24.4, 34-8.1, and 34-18.5 as
8 follows:

9 (105 ILCS 5/2-3.131)

10 Sec. 2-3.131. Transitional assistance payments.

11 (a) If the amount that the State Board of Education will
12 pay to a school district from fiscal year 2004 appropriations,
13 as estimated by the State Board of Education on April 1, 2004,
14 is less than the amount that the State Board of Education paid
15 to the school district from fiscal year 2003 appropriations,
16 then, subject to appropriation, the State Board of Education
17 shall make a fiscal year 2004 transitional assistance payment
18 to the school district in an amount equal to the difference
19 between the estimated amount to be paid from fiscal year 2004
20 appropriations and the amount paid from fiscal year 2003
21 appropriations.

22 (b) If the amount that the State Board of Education will
23 pay to a school district from fiscal year 2005 appropriations,
24 as estimated by the State Board of Education on April 1, 2005,
25 is less than the amount that the State Board of Education paid

1 to the school district from fiscal year 2004 appropriations,
2 then the State Board of Education shall make a fiscal year 2005
3 transitional assistance payment to the school district in an
4 amount equal to the difference between the estimated amount to
5 be paid from fiscal year 2005 appropriations and the amount
6 paid from fiscal year 2004 appropriations.

7 (c) If the amount that the State Board of Education will
8 pay to a school district from fiscal year 2006 appropriations,
9 as estimated by the State Board of Education on April 1, 2006,
10 is less than the amount that the State Board of Education paid
11 to the school district from fiscal year 2005 appropriations,
12 then the State Board of Education shall make a fiscal year 2006
13 transitional assistance payment to the school district in an
14 amount equal to the difference between the estimated amount to
15 be paid from fiscal year 2006 appropriations and the amount
16 paid from fiscal year 2005 appropriations.

17 (d) If the amount that the State Board of Education will
18 pay to a school district from fiscal year 2007 appropriations,
19 as estimated by the State Board of Education on April 1, 2007,
20 is less than the amount that the State Board of Education paid
21 to the school district from fiscal year 2006 appropriations,
22 then the State Board of Education, subject to appropriation,
23 shall make a fiscal year 2007 transitional assistance payment
24 to the school district in an amount equal to the difference
25 between the estimated amount to be paid from fiscal year 2007
26 appropriations and the amount paid from fiscal year 2006

1 appropriations.

2 (Source: P.A. 93-21, eff. 7-1-03; 93-838, eff. 7-30-04; 94-69,
3 eff. 7-1-05; 94-835, eff. 6-6-06.)

4 (105 ILCS 5/2-3.132)

5 Sec. 2-3.132 ~~2-3.131~~. Sharing information on school lunch
6 applicants. The State Board of Education shall, whenever
7 requested by the Department of Healthcare and Family Services
8 (formerly Department of Public Aid), agree in writing with the
9 Department of Healthcare and Family Services ~~Public Aid~~ (as the
10 State agency that administers the State Medical Assistance
11 Program as provided in Title XIX of the federal Social Security
12 Act and the State Children's Health Insurance Program as
13 provided in Title XXI of the federal Social Security Act) to
14 share with the Department of Healthcare and Family Services
15 ~~Public Aid~~ information on applicants for free or reduced-price
16 lunches. This sharing of information shall be for the sole
17 purpose of helping the Department of Healthcare and Family
18 Services ~~Public Aid~~ identify and enroll children in the State
19 Medical Assistance Program or the State Children's Health
20 Insurance Program or both as allowed under 42 U.S.C. Sec.
21 1758(b)(2)(C)(iii)(IV) and under the restrictions set forth in
22 42 U.S.C. Sec. 1758(b)(2)(C)(vi) and (vii). The State Board of
23 Education may not adopt any rule that would prohibit a child
24 from receiving any form of subsidy or benefit due to his or her
25 parent or guardian withholding consent under Section 22-35 of

1 this Code.

2 (Source: P.A. 93-404, eff. 8-1-03; revised 12-15-05.)

3 (105 ILCS 5/2-3.133)

4 Sec. 2-3.133 ~~2-3.131~~. Homework assistance information for
5 parents. The State Board of Education shall provide information
6 on its Internet web site regarding strategies that parents can
7 use to assist their children in successfully completing
8 homework assignments. The State Board of Education shall notify
9 all school districts about this information's availability on
10 the State Board of Education's Internet web site.

11 (Source: P.A. 93-471, eff. 1-1-04; revised 9-24-03.)

12 (105 ILCS 5/2-3.134)

13 Sec. 2-3.134. ~~2-3.131~~. Persistently dangerous schools. The
14 State Board of Education shall maintain data and publish a list
15 of persistently dangerous schools on an annual basis.

16 (Source: P.A. 93-633, eff. 12-23-03; revised 1-12-04.)

17 (105 ILCS 5/2-3.137)

18 Sec. 2-3.137. Inspection and review of school facilities;
19 task force.

20 (a) The State Board of Education shall adopt rules for the
21 documentation of school plan reviews and inspections of school
22 facilities, including the responsible individual's signature.
23 Such documents shall be kept on file by the regional

1 superintendent of schools. The State Board of Education shall
2 also adopt rules for the qualifications of persons performing
3 the reviews and inspections, which must be consistent with the
4 recommendations in the task force's report issued to the
5 Governor and the General Assembly under subsection (b) of this
6 Section. Those qualifications shall include requirements for
7 training, education, and at least 2 years of relevant
8 experience.

9 (b) The State Board of Education shall convene a task force
10 for the purpose of reviewing the documents required under rules
11 adopted under subsection (a) of this Section and making
12 recommendations regarding training and accreditation of
13 individuals performing reviews or inspections required under
14 Section 2-3.12, 3-14.20, 3-14.21, or 3-14.22 of this Code,
15 including regional superintendents of schools and others
16 performing reviews or inspections under the authority of a
17 regional superintendent (such as consultants, municipalities,
18 and fire protection districts).

19 The task force shall consist of all of the following
20 members:

21 (1) The Executive Director of the Capital Development
22 Board or his or her designee and a staff representative of
23 the Division of Building Codes and Regulations.

24 (2) The State Superintendent of Education or his or her
25 designee.

26 (3) A person appointed by the State Board of Education.

1 (4) A person appointed by an organization representing
2 school administrators.

3 (5) A person appointed by an organization representing
4 suburban school administrators and school board members.

5 (6) A person appointed by an organization representing
6 architects.

7 (7) A person appointed by an organization representing
8 regional superintendents of schools.

9 (8) A person appointed by an organization representing
10 fire inspectors.

11 (9) A person appointed by an organization representing
12 Code administrators.

13 (10) A person appointed by an organization
14 representing plumbing inspectors.

15 (11) A person appointed by an organization that
16 represents both parents and teachers.

17 (12) A person appointed by an organization
18 representing municipal governments in the State.

19 (13) A person appointed by the State Fire Marshal from
20 his or her office.

21 (14) A person appointed by an organization
22 representing fire chiefs.

23 (15) The Director of Public Health or his or her
24 designee.

25 (16) A person appointed by an organization
26 representing structural engineers.

1 (17) A person appointed by an organization
2 representing professional engineers.

3 The task force shall issue a report of its findings to the
4 Governor and the General Assembly no later than January 1,
5 2006.

6 (Source: P.A. 94-225, eff. 7-14-05; 94-973, eff. 1-1-07.)

7 (105 ILCS 5/2-3.138)

8 Sec. 2-3.138 ~~2-3.137~~. School health recognition program.

9 The State Board of Education shall establish a school health
10 recognition program that:

11 (1) publicly identifies those schools that have
12 implemented programs to increase the level of physical
13 activity of their students;

14 (2) publicly identifies those schools that have
15 adopted policies or implemented programs to promote
16 healthy nutritional choices for their students; and

17 (3) allows recognized schools to share best practices
18 and model services with other schools throughout the State.

19 (Source: P.A. 94-190, eff. 7-12-05; revised 9-21-05.)

20 (105 ILCS 5/2-3.139)

21 Sec. 2-3.139 ~~2-3.137~~. School wellness policies; taskforce.

22 (a) The State Board of Education shall establish a State
23 goal that all school districts have a wellness policy that is
24 consistent with recommendations of the Centers for Disease

1 Control and Prevention (CDC), which recommendations include
2 the following:

3 (1) nutrition guidelines for all foods sold on school
4 campus during the school day;

5 (2) setting school goals for nutrition education and
6 physical activity;

7 (3) establishing community participation in creating
8 local wellness policies; and

9 (4) creating a plan for measuring implementation of
10 these wellness policies.

11 The Department of Public Health, the Department of Human
12 Services, and the State Board of Education shall form an
13 interagency working group to publish model wellness policies
14 and recommendations. Sample policies shall be based on CDC
15 recommendations for nutrition and physical activity. The State
16 Board of Education shall distribute the model wellness policies
17 to all school districts before June 1, 2006.

18 (b) There is created the School Wellness Policy Taskforce,
19 consisting of the following members:

20 (1) One member representing the State Board of
21 Education, appointed by the State Board of Education.

22 (2) One member representing the Department of Public
23 Health, appointed by the Director of Public Health.

24 (3) One member representing the Department of Human
25 Services, appointed by the Secretary of Human Services.

26 (4) One member of an organization representing the

1 interests of school nurses in this State, appointed by the
2 interagency working group.

3 (5) One member of an organization representing the
4 interests of school administrators in this State,
5 appointed by the interagency working group.

6 (6) One member of an organization representing the
7 interests of school boards in this State, appointed by the
8 interagency working group.

9 (7) One member of an organization representing the
10 interests of regional superintendents of schools in this
11 State, appointed by the interagency working group.

12 (8) One member of an organization representing the
13 interests of parent-teacher associations in this State,
14 appointed by the interagency working group.

15 (9) One member of an organization representing the
16 interests of pediatricians in this State, appointed by the
17 interagency working group.

18 (10) One member of an organization representing the
19 interests of dentists in this State, appointed by the
20 interagency working group.

21 (11) One member of an organization representing the
22 interests of dieticians in this State, appointed by the
23 interagency working group.

24 (12) One member of an organization that has an interest
25 and expertise in heart disease, appointed by the
26 interagency working group.

1 (13) One member of an organization that has an interest
2 and expertise in cancer, appointed by the interagency
3 working group.

4 (14) One member of an organization that has an interest
5 and expertise in childhood obesity, appointed by the
6 interagency working group.

7 (15) One member of an organization that has an interest
8 and expertise in the importance of physical education and
9 recreation in preventing disease, appointed by the
10 interagency working group.

11 (16) One member of an organization that has an interest
12 and expertise in school food service, appointed by the
13 interagency working group.

14 (17) One member of an organization that has an interest
15 and expertise in school health, appointed by the
16 interagency working group.

17 (18) One member of an organization that campaigns for
18 programs and policies for healthier school environments,
19 appointed by the interagency working group.

20 (19) One at-large member with a doctorate in nutrition,
21 appointed by the State Board of Education.

22 Members of the taskforce shall serve without compensation.
23 The taskforce shall meet at the call of the State Board of
24 Education. The taskforce shall report its identification of
25 barriers to implementing school wellness policies and its
26 recommendations to reduce those barriers to the General

1 Assembly and the Governor on or before January 1, 2006. The
2 taskforce shall report its recommendations on statewide school
3 nutrition standards to the General Assembly and the Governor on
4 or before January 1, 2007. The taskforce shall report its
5 evaluation of the effectiveness of school wellness policies to
6 the General Assembly and the Governor on or before January 1,
7 2008. The evaluation shall review a sample size of 5 to 10
8 school districts. Reports shall be made to the General Assembly
9 by filing copies of each report as provided in Section 3.1 of
10 the General Assembly Organization Act. Upon the filing of the
11 last report, the taskforce is dissolved.

12 (c) The State Board of Education may adopt any rules
13 necessary to implement this Section.

14 (d) Nothing in this Section may be construed as a
15 curricular mandate on any school district.

16 (Source: P.A. 94-199, eff. 7-12-05; revised 9-21-05.)

17 (105 ILCS 5/2-3.141)

18 (Section scheduled to be repealed on December 31, 2010)

19 Sec. 2-3.141 ~~2-3.137~~. Parental participation pilot
20 project.

21 (a) By the beginning of the 2006-2007 school year, the
22 State Board of Education shall by rule establish a parental
23 participation pilot project to provide grants to the lowest
24 performing school districts to help such districts improve
25 parental participation through activities, including, but not

1 limited to, parent-teacher conferences, open houses, family
2 nights, volunteer opportunities, and family outreach
3 materials.

4 (b) The pilot project shall be for a period of at least 4
5 school years. The State Board shall establish a procedure and
6 develop criteria for the administration of the pilot project.
7 In administering the pilot project, the State Board shall do
8 the following:

9 (1) select participating school districts or schools;

10 (2) define the conditions for the distribution and use
11 of grant funds;

12 (3) enter into contracts as necessary to implement the
13 pilot project; and

14 (4) monitor local pilot project implementation.

15 (c) The Parental Participation Pilot Project Fund is
16 created as a special fund in the State treasury. All money in
17 the Parental Participation Pilot Project Fund shall be used,
18 subject to appropriation, by the State Board for the pilot
19 project. To implement the pilot project, the State Board may
20 use any funds appropriated by the General Assembly for the
21 purposes of the pilot project as well as any gift, grant, or
22 donation given for the pilot project. The State Board may
23 solicit and accept a gift, grant, or donation of any kind from
24 any source, including from a foundation, private entity,
25 governmental entity, or institution of higher education, for
26 the implementation of the pilot project.

1 The State Board shall use pilot project funds for grants to
2 low-performing school districts to encourage parental
3 participation.

4 The State Board may not allocate more than \$250,000
5 annually for the pilot project. The pilot project may be
6 implemented only if sufficient funds are available under this
7 Section for that purpose.

8 (d) A school district may apply to the State Board for the
9 establishment of a parental participation pilot project for the
10 entire district or for a particular school or group of schools
11 in the district.

12 The State Board shall select 4 school districts to
13 participate in the pilot project. One school district shall be
14 located in the City of Chicago, one school district shall be
15 located in that portion of Cook County that is located outside
16 of the City of Chicago, one school district shall be located in
17 the area that makes up the counties of DuPage, Kane, Lake,
18 McHenry, and Will, and one school district shall be located in
19 the remainder of the State.

20 The State Board shall select the participating districts
21 and schools for the pilot project based on each district's or
22 school's need for the pilot project. In selecting participants,
23 the State Board shall consider the following criteria:

24 (1) whether the district or school has any of the
25 following problems and whether those problems can be
26 mitigated or addressed through enhanced parental

1 participation:

2 (A) low rates of satisfactory performance on
3 assessment instruments under Section 2-3.64 of this
4 Code;

5 (B) high rates of low-income students, limited
6 English proficient students, dropouts, chronically
7 truant students, and student mobility; or

8 (C) low student attendance rates; and

9 (2) the methods the district or school will use to
10 measure the progress of the pilot project in the district
11 or school in accordance with subsection (f) of this
12 Section.

13 (e) Each participating school district or school shall
14 establish a parental participation committee to assist in
15 developing and implementing the parental participation pilot
16 project.

17 The school board of a participating district or of a
18 district in which a participating school is located shall
19 appoint individuals to the committee. The committee may be
20 composed of any of the following:

21 (1) educators;

22 (2) district-level administrators;

23 (3) community leaders;

24 (4) parents of students who attend a participating
25 school; or

26 (5) any other individual the school board finds

1 appropriate.

2 The committee shall develop an academic improvement plan
3 that details how the pilot project should be implemented in the
4 participating district or school. In developing the academic
5 improvement plan, the committee shall consider the educational
6 problems in the district or school that could be mitigated
7 through the implementation of the pilot project.

8 The committee shall recommend to the school board how the
9 pilot project funds should be used to implement the academic
10 improvement plan. The committee may recommend annually any
11 necessary changes in the academic improvement plan to the
12 school board. The State Board must approve the academic
13 improvement plan or any changes in the academic improvement
14 plan before disbursing pilot project funds to the school board.

15 (f) The school board of each school district participating
16 in the pilot project shall send an annual progress report to
17 the State Board no later than August 1 of each year that the
18 district is participating in the pilot project. The report must
19 state in detail the type of plan being used in the district or
20 school and the effect of the pilot project on the district or
21 school, including the following:

22 (1) the academic progress of students who are
23 participating in the pilot project, as measured by
24 performance on assessment instruments;

25 (2) if applicable, a comparison of student progress in
26 a school or classroom that is participating in the pilot

1 project as compared with student progress in the schools or
2 classrooms in the district that are not participating in
3 the pilot project;

4 (3) any elements of the pilot project that contribute
5 to improved student performance on assessment instruments
6 administered under Section 2-3.64 of this Code or any other
7 assessment instrument required by the State Board;

8 (4) any cost savings and improved efficiency relating
9 to school personnel;

10 (5) any effect on student dropout and attendance rates;

11 (6) any effect on student enrollment in higher
12 education;

13 (7) any effect on teacher performance and retention;

14 (8) any improvement in communications among students,
15 teachers, parents, and administrators;

16 (9) any improvement in parental involvement in the
17 education of the parent's child; and

18 (10) any effect on community involvement and support
19 for the district or school.

20 (g) After the expiration of the 4-year pilot project, the
21 State Board shall review the pilot project, based on the annual
22 reports the State Board receives from the school boards of
23 participating school districts, conduct a final evaluation,
24 and report its findings to the General Assembly no later than
25 December 31, 2010.

26 (h) This Section is repealed on December 31, 2010.

1 (Source: P.A. 94-507, eff. 8-8-05; revised 9-21-05.)

2 (105 ILCS 5/3-14.29)

3 Sec. 3-14.29. Sharing information on school lunch
4 applicants. Whenever requested by the Department of Healthcare
5 and Family Services (formerly Department of Public Aid), to
6 agree in writing with the Department of Healthcare and Family
7 Services ~~Public Aid~~ (as the State agency that administers the
8 State Medical Assistance Program as provided in Title XIX of
9 the federal Social Security Act and the State Children's Health
10 Insurance Program as provided in Title XXI of the federal
11 Social Security Act) to share with the Department of Healthcare
12 and Family Services ~~Public Aid~~ information on applicants for
13 free or reduced-price lunches. This sharing of information
14 shall be for the sole purpose of helping the Department of
15 Healthcare and Family Services ~~Public Aid~~ identify and enroll
16 children in the State Medical Assistance Program or the State
17 Children's Health Insurance Program or both as allowed under 42
18 U.S.C. Sec. 1758(b)(2)(C)(iii)(IV) and under the restrictions
19 set forth in 42 U.S.C. Sec. 1758(b)(2)(C)(vi) and (vii).

20 (Source: P.A. 93-404, eff. 8-1-03; revised 12-15-05.)

21 (105 ILCS 5/10-17a) (from Ch. 122, par. 10-17a)

22 Sec. 10-17a. Better schools accountability.

23 (1) Policy and Purpose. It shall be the policy of the State
24 of Illinois that each school district in this State, including

1 special charter districts and districts subject to the
2 provisions of Article 34, shall submit to parents, taxpayers of
3 such district, the Governor, the General Assembly, and the
4 State Board of Education a school report card assessing the
5 performance of its schools and students. The report card shall
6 be an index of school performance measured against statewide
7 and local standards and will provide information to make prior
8 year comparisons and to set future year targets through the
9 school improvement plan.

10 (2) Reporting Requirements. Each school district shall
11 prepare a report card in accordance with the guidelines set
12 forth in this Section which describes the performance of its
13 students by school attendance centers and by district and the
14 district's financial resources and use of financial resources.
15 Such report card shall be presented at a regular school board
16 meeting subject to applicable notice requirements, posted on
17 the school district's Internet web site, if the district
18 maintains an Internet web site, made available to a newspaper
19 of general circulation serving the district, and, upon request,
20 sent home to a parent (unless the district does not maintain an
21 Internet web site, in which case the report card shall be sent
22 home to parents without request). If the district posts the
23 report card on its Internet web site, the district shall send a
24 written notice home to parents stating (i) that the report card
25 is available on the web site, (ii) the address of the web site,
26 (iii) that a printed copy of the report card will be sent to

1 parents upon request, and (iv) the telephone number that
2 parents may call to request a printed copy of the report card.
3 In addition, each school district shall submit the completed
4 report card to the office of the district's Regional
5 Superintendent which shall make copies available to any
6 individuals requesting them.

7 The report card shall be completed and disseminated prior
8 to October 31 in each school year. The report card shall
9 contain, but not be limited to, actual local school attendance
10 center, school district and statewide data indicating the
11 present performance of the school, the State norms and the
12 areas for planned improvement for the school and school
13 district.

14 (3) (a) The report card shall include the following
15 applicable indicators of attendance center, district, and
16 statewide student performance: percent of students who exceed,
17 meet, or do not meet standards established by the State Board
18 of Education pursuant to Section 2-3.25a; composite and subtest
19 means on nationally normed achievement tests for college bound
20 students; student attendance rates; chronic truancy rate;
21 dropout rate; graduation rate; and student mobility, turnover
22 shown as a percent of transfers out and a percent of transfers
23 in.

24 (b) The report card shall include the following
25 descriptions for the school, district, and State: average class
26 size; amount of time per day devoted to mathematics, science,

1 English and social science at primary, middle and junior high
2 school grade levels; number of students taking the Prairie
3 State Achievement Examination under subsection (c) of Section
4 2-3.64, the number of those students who received a score of
5 excellent, and the average score by school of students taking
6 the examination; pupil-teacher ratio; pupil-administrator
7 ratio; operating expenditure per pupil; district expenditure
8 by fund; average administrator salary; and average teacher
9 salary. The report card shall also specify the amount of money
10 that the district receives from all sources, including without
11 limitation subcategories specifying the amount from local
12 property taxes, the amount from general State aid, the amount
13 from other State funding, and the amount from other income.

14 (c) The report card shall include applicable indicators of
15 parental involvement in each attendance center. The parental
16 involvement component of the report card shall include the
17 percentage of students whose parents or guardians have had one
18 or more personal contacts with the students' teachers during
19 the school year concerning the students' education, and such
20 other information, commentary, and suggestions as the school
21 district desires. For the purposes of this paragraph, "personal
22 contact" includes, but is not limited to, parent-teacher
23 conferences, parental visits to school, school visits to home,
24 telephone conversations, and written correspondence. The
25 parental involvement component shall not single out or identify
26 individual students, parents, or guardians by name.

1 (d) The report card form shall be prepared by the State
2 Board of Education and provided to school districts by the most
3 efficient, economic, and appropriate means.

4 (Source: P.A. 92-604, eff. 7-1-02; 92-631, eff. 7-11-02;
5 revised 7-26-02.)

6 (105 ILCS 5/10-20.21a)

7 Sec. 10-20.21a. Contracts for charter bus services. To
8 award contracts for providing charter bus services for the sole
9 purpose of transporting students regularly enrolled in grade 12
10 or below to or from interscholastic athletic or interscholastic
11 or school sponsored activities.

12 All contracts for providing charter bus services for the
13 sole purpose of transporting students regularly enrolled in
14 grade 12 or below to or from interscholastic athletic or
15 interscholastic or school sponsored activities must contain
16 clause (A) as set forth below, except that a contract with an
17 out-of-state company may contain clause (B), as set forth
18 below, or clause (A). The clause must be set forth in the body
19 of the contract in typeface of at least 12 points and all upper
20 case letters:

21 (A) "ALL OF THE CHARTER BUS DRIVERS WHO WILL BE PROVIDING
22 SERVICES UNDER THIS CONTRACT HAVE, OR WILL HAVE BEFORE ANY
23 SERVICES ARE PROVIDED:

24 (1) SUBMITTED THEIR FINGERPRINTS TO THE DEPARTMENT OF
25 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 (B) "NOT ALL OF THE CHARTER BUS DRIVERS WHO WILL BE
16 PROVIDING SERVICES UNDER THIS CONTRACT HAVE, OR WILL HAVE
17 BEFORE ANY SERVICES ARE PROVIDED:

18 (1) SUBMITTED THEIR FINGERPRINTS TO THE DEPARTMENT OF
19 STATE POLICE IN THE FORM AND MANNER PRESCRIBED BY THE
20 DEPARTMENT OF STATE POLICE. THESE FINGERPRINTS SHALL BE
21 CHECKED AGAINST THE FINGERPRINT RECORDS NOW AND HEREAFTER
22 FILED IN THE DEPARTMENT OF STATE POLICE AND FEDERAL BUREAU
23 OF INVESTIGATION CRIMINAL HISTORY RECORDS DATABASES. THE
24 FINGERPRINT CHECK HAS RESULTED ~~A STATE POLICE AGENCY AND~~
25 ~~THE FEDERAL BUREAU OF INVESTIGATION FOR A CRIMINAL~~
26 ~~BACKGROUND CHECK, RESULTING~~ IN A DETERMINATION THAT THEY

1 HAVE NOT BEEN CONVICTED OF COMMITTING ANY OF THE OFFENSES
2 SET FORTH IN SUBDIVISION (C-1) (4) OF SECTION 6-508 OF THE
3 ILLINOIS VEHICLE CODE; AND

4 (2) DEMONSTRATED PHYSICAL FITNESS TO OPERATE SCHOOL
5 BUSES BY SUBMITTING THE RESULTS OF A MEDICAL EXAMINATION,
6 INCLUDING TESTS FOR DRUG USE, TO A STATE REGULATORY
7 AGENCY."

8 (Source: P.A. 93-476, eff. 1-1-04; 93-644, eff. 6-1-04; revised
9 12-6-04.)

10 (105 ILCS 5/10-20.35)

11 Sec. 10-20.35. Medical information form for bus drivers and
12 emergency medical technicians. School districts are encouraged
13 to create and use an emergency medical information form for bus
14 drivers and emergency medical technicians for those students
15 with special needs or medical conditions. The form may include
16 without limitation information to be provided by the student's
17 parent or legal guardian concerning the student's relevant
18 medical conditions, medications that the student is taking, the
19 student's communication skills, and how a bus driver or an
20 emergency medical technician is to respond to certain behaviors
21 of the student. If the form is used, the school district is
22 encouraged to notify parents and legal guardians of the
23 availability of the form. The parent or legal guardian of the
24 student may fill out the form and submit it to the school that
25 the student is attending. The school district is encouraged to

1 keep one copy of the form on file at the school and another
2 copy on the student's school bus in a secure location.

3 (Source: P.A. 92-580, eff. 7-1-02.)

4 (105 ILCS 5/10-20.36)

5 Sec. 10-20.36 ~~10-20.35~~. Psychotropic or psychostimulant
6 medication; disciplinary action.

7 (a) In this Section:

8 "Psychostimulant medication" means medication that
9 produces increased levels of mental and physical energy and
10 alertness and an elevated mood by stimulating the central
11 nervous system.

12 "Psychotropic medication" means psychotropic medication as
13 defined in Section 1-121.1 of the Mental Health and
14 Developmental Disabilities Code.

15 (b) Each school board must adopt and implement a policy
16 that prohibits any disciplinary action that is based totally or
17 in part on the refusal of a student's parent or guardian to
18 administer or consent to the administration of psychotropic or
19 psychostimulant medication to the student.

20 The policy must require that, at least once every 2 years,
21 the in-service training of certified school personnel and
22 administrators include training on current best practices
23 regarding the identification and treatment of attention
24 deficit disorder and attention deficit hyperactivity disorder,
25 the application of non-aversive behavioral interventions in

1 the school environment, and the use of psychotropic or
2 psychostimulant medication for school-age children.

3 (c) This Section does not prohibit school medical staff, an
4 individualized educational program team, or a professional
5 worker (as defined in Section 14-1.10 of this Code) from
6 recommending that a student be evaluated by an appropriate
7 medical practitioner or prohibit school personnel from
8 consulting with the practitioner with the consent of the
9 student's parents or guardian.

10 (Source: P.A. 92-663, eff. 1-1-03; revised 9-3-02.)

11 (105 ILCS 5/10-20.37)

12 Sec. 10-20.37. Summer kindergarten. A school board may
13 establish, maintain, and operate, in connection with the
14 kindergarten program of the school district, a summer
15 kindergarten program that begins 2 months before the beginning
16 of the regular school year and a summer kindergarten program
17 for grade one readiness for those pupils making unsatisfactory
18 progress during the regular kindergarten session that will
19 continue for 2 months after the regular school year. The summer
20 kindergarten program may be held within the school district or,
21 pursuant to a contract that must be approved by the State Board
22 of Education, may be operated by 2 or more adjacent school
23 districts or by a public or private university or college.
24 Transportation for students attending the summer kindergarten
25 program shall be the responsibility of the school district. The

1 expense of establishing, maintaining, and operating the summer
2 kindergarten program may be paid from funds contributed or
3 otherwise made available to the school district for that
4 purpose by federal or State appropriation.

5 (Source: P.A. 93-472, eff. 8-8-03.)

6 (105 ILCS 5/10-20.38)

7 Sec. 10-20.38 ~~10-20.37~~. Provision of student information
8 prohibited. A school district may not provide a student's name,
9 address, telephone number, social security number, e-mail
10 address, or other personal identifying information to a
11 business organization or financial institution that issues
12 credit or debit cards.

13 (Source: P.A. 93-549, eff. 8-19-03; revised 9-28-03.)

14 (105 ILCS 5/10-21.9) (from Ch. 122, par. 10-21.9)

15 Sec. 10-21.9. Criminal history records checks and checks of
16 the Statewide Sex Offender Database and Statewide Child
17 Murderer and Violent Offender Against Youth Database.

18 (a) Certified and noncertified applicants for employment
19 with a school district, except school bus driver applicants,
20 are required as a condition of employment to authorize a
21 fingerprint-based criminal history records check to determine
22 if such applicants have been convicted of any of the enumerated
23 criminal or drug offenses in subsection (c) of this Section or
24 have been convicted, within 7 years of the application for

1 employment with the school district, of any other felony under
2 the laws of this State or of any offense committed or attempted
3 in any other state or against the laws of the United States
4 that, if committed or attempted in this State, would have been
5 punishable as a felony under the laws of this State.
6 Authorization for the check shall be furnished by the applicant
7 to the school district, except that if the applicant is a
8 substitute teacher seeking employment in more than one school
9 district, a teacher seeking concurrent part-time employment
10 positions with more than one school district (as a reading
11 specialist, special education teacher or otherwise), or an
12 educational support personnel employee seeking employment
13 positions with more than one district, any such district may
14 require the applicant to furnish authorization for the check to
15 the regional superintendent of the educational service region
16 in which are located the school districts in which the
17 applicant is seeking employment as a substitute or concurrent
18 part-time teacher or concurrent educational support personnel
19 employee. Upon receipt of this authorization, the school
20 district or the appropriate regional superintendent, as the
21 case may be, shall submit the applicant's name, sex, race, date
22 of birth, social security number, fingerprint images, and other
23 identifiers, as prescribed by the Department of State Police,
24 to the Department. The regional superintendent submitting the
25 requisite information to the Department of State Police shall
26 promptly notify the school districts in which the applicant is

1 seeking employment as a substitute or concurrent part-time
2 teacher or concurrent educational support personnel employee
3 that the check of the applicant has been requested. The
4 Department of State Police and the Federal Bureau of
5 Investigation shall furnish, pursuant to a fingerprint-based
6 criminal history records check, records of convictions, until
7 expunged, to the president of the school board for the school
8 district that requested the check, or to the regional
9 superintendent who requested the check. The Department shall
10 charge the school district or the appropriate regional
11 superintendent a fee for conducting such check, which fee shall
12 be deposited in the State Police Services Fund and shall not
13 exceed the cost of the inquiry; and the applicant shall not be
14 charged a fee for such check by the school district or by the
15 regional superintendent. Subject to appropriations for these
16 purposes, the State Superintendent of Education shall
17 reimburse school districts and regional superintendents for
18 fees paid to obtain criminal history records checks under this
19 Section.

20 (a-5) The school district or regional superintendent shall
21 further perform a check of the Statewide Sex Offender Database,
22 as authorized by the Sex Offender Community Notification Law,
23 for each applicant.

24 (a-6) The school district or regional superintendent shall
25 further perform a check of the Statewide Child Murderer and
26 Violent Offender Against Youth Database, as authorized by the

1 Child Murderer and Violent Offender Against Youth Community
2 Notification Law, for each applicant.

3 (b) Any information concerning the record of convictions
4 obtained by the president of the school board or the regional
5 superintendent shall be confidential and may only be
6 transmitted to the superintendent of the school district or his
7 designee, the appropriate regional superintendent if the check
8 was requested by the school district, the presidents of the
9 appropriate school boards if the check was requested from the
10 Department of State Police by the regional superintendent, the
11 State Superintendent of Education, the State Teacher
12 Certification Board or any other person necessary to the
13 decision of hiring the applicant for employment. A copy of the
14 record of convictions obtained from the Department of State
15 Police shall be provided to the applicant for employment. Upon
16 the check of the Statewide Sex Offender Database, the school
17 district or regional superintendent shall notify an applicant
18 as to whether or not the applicant has been identified in the
19 Database as a sex offender. If a check of an applicant for
20 employment as a substitute or concurrent part-time teacher or
21 concurrent educational support personnel employee in more than
22 one school district was requested by the regional
23 superintendent, and the Department of State Police upon a check
24 ascertains that the applicant has not been convicted of any of
25 the enumerated criminal or drug offenses in subsection (c) or
26 has not been convicted, within 7 years of the application for

1 employment with the school district, of any other felony under
2 the laws of this State or of any offense committed or attempted
3 in any other state or against the laws of the United States
4 that, if committed or attempted in this State, would have been
5 punishable as a felony under the laws of this State and so
6 notifies the regional superintendent and if the regional
7 superintendent upon a check ascertains that the applicant has
8 not been identified in the Sex Offender Database as a sex
9 offender, then the regional superintendent shall issue to the
10 applicant a certificate evidencing that as of the date
11 specified by the Department of State Police the applicant has
12 not been convicted of any of the enumerated criminal or drug
13 offenses in subsection (c) or has not been convicted, within 7
14 years of the application for employment with the school
15 district, of any other felony under the laws of this State or
16 of any offense committed or attempted in any other state or
17 against the laws of the United States that, if committed or
18 attempted in this State, would have been punishable as a felony
19 under the laws of this State and evidencing that as of the date
20 that the regional superintendent conducted a check of the
21 Statewide Sex Offender Database, the applicant has not been
22 identified in the Database as a sex offender. The school board
23 of any school district may rely on the certificate issued by
24 any regional superintendent to that substitute teacher,
25 concurrent part-time teacher, or concurrent educational
26 support personnel employee or may initiate its own criminal

1 history records check of the applicant through the Department
2 of State Police and its own check of the Statewide Sex Offender
3 Database as provided in subsection (a). Any person who releases
4 any confidential information concerning any criminal
5 convictions of an applicant for employment shall be guilty of a
6 Class A misdemeanor, unless the release of such information is
7 authorized by this Section.

8 (c) No school board shall knowingly employ a person who has
9 been convicted for committing attempted first degree murder or
10 for committing or attempting to commit first degree murder or a
11 Class X felony or any one or more of the following offenses:

12 (i) those defined in Sections 11-6, 11-9, 11-14, 11-15,
13 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2, 11-20,
14 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15 and 12-16 of the
15 Criminal Code of 1961; (ii) those defined in the Cannabis
16 Control Act except those defined in Sections 4(a), 4(b) and
17 5(a) of that Act; (iii) those defined in the Illinois
18 Controlled Substances Act; (iv) those defined in the
19 Methamphetamine Control and Community Protection Act; and (v)
20 any offense committed or attempted in any other state or
21 against the laws of the United States, which if committed or
22 attempted in this State, would have been punishable as one or
23 more of the foregoing offenses. Further, no school board shall
24 knowingly employ a person who has been found to be the
25 perpetrator of sexual or physical abuse of any minor under 18
26 years of age pursuant to proceedings under Article II of the

1 Juvenile Court Act of 1987.

2 (d) No school board shall knowingly employ a person for
3 whom a criminal history records check and a Statewide Sex
4 Offender Database check has not been initiated.

5 (e) Upon receipt of the record of a conviction of or a
6 finding of child abuse by a holder of any certificate issued
7 pursuant to Article 21 or Section 34-8.1 or 34-83 of the School
8 Code, the appropriate regional superintendent of schools or the
9 State Superintendent of Education shall initiate the
10 certificate suspension and revocation proceedings authorized
11 by law.

12 (f) After January 1, 1990 the provisions of this Section
13 shall apply to all employees of persons or firms holding
14 contracts with any school district including, but not limited
15 to, food service workers, school bus drivers and other
16 transportation employees, who have direct, daily contact with
17 the pupils of any school in such district. For purposes of
18 criminal history records checks and checks of the Statewide Sex
19 Offender Database on employees of persons or firms holding
20 contracts with more than one school district and assigned to
21 more than one school district, the regional superintendent of
22 the educational service region in which the contracting school
23 districts are located may, at the request of any such school
24 district, be responsible for receiving the authorization for a
25 criminal history records check prepared by each such employee
26 and submitting the same to the Department of State Police and

1 for conducting a check of the Statewide Sex Offender Database
2 for each employee. Any information concerning the record of
3 conviction and identification as a sex offender of any such
4 employee obtained by the regional superintendent shall be
5 promptly reported to the president of the appropriate school
6 board or school boards.

7 (Source: P.A. 93-418, eff. 1-1-04; 93-909, eff. 8-12-04;
8 94-219, eff. 7-14-05; 94-556, eff. 9-11-05; 94-875, eff.
9 7-1-06; 94-945, eff. 6-27-06; revised 8-3-06.)

10 (105 ILCS 5/10-22.20) (from Ch. 122, par. 10-22.20)

11 Sec. 10-22.20. Classes for adults and youths whose
12 schooling has been interrupted; conditions for State
13 reimbursement; use of child care facilities.

14 (a) To establish special classes for the instruction (1) of
15 persons of age 21 years or over, and (2) of persons less than
16 age 21 and not otherwise in attendance in public school, for
17 the purpose of providing adults in the community, and youths
18 whose schooling has been interrupted, with such additional
19 basic education, vocational skill training, and other
20 instruction as may be necessary to increase their
21 qualifications for employment or other means of self-support
22 and their ability to meet their responsibilities as citizens
23 including courses of instruction regularly accepted for
24 graduation from elementary or high schools and for
25 Americanization and General Educational Development Review

1 classes.

2 The board shall pay the necessary expenses of such classes
3 out of school funds of the district, including costs of student
4 transportation and such facilities or provision for child-care
5 as may be necessary in the judgment of the board to permit
6 maximum utilization of the courses by students with children,
7 and other special needs of the students directly related to
8 such instruction. The expenses thus incurred shall be subject
9 to State reimbursement, as provided in this Section. The board
10 may make a tuition charge for persons taking instruction who
11 are not subject to State reimbursement, such tuition charge not
12 to exceed the per capita cost of such classes.

13 The cost of such instruction, including the additional
14 expenses herein authorized, incurred for recipients of
15 financial aid under the Illinois Public Aid Code, or for
16 persons for whom education and training aid has been authorized
17 under Section 9-8 of that Code, shall be assumed in its
18 entirety from funds appropriated by the State to the Illinois
19 Community College Board.

20 (b) The Illinois Community College Board shall establish
21 the standards for the courses of instruction reimbursed under
22 this Section. The Illinois Community College Board shall
23 supervise the administration of the programs. The Illinois
24 Community College Board shall determine the cost of instruction
25 in accordance with standards established by ~~the~~ the Illinois
26 Community College Board, including therein other incidental

1 costs as herein authorized, which shall serve as the basis of
2 State reimbursement in accordance with the provisions of this
3 Section. In the approval of programs and the determination of
4 the cost of instruction, the Illinois Community College Board
5 shall provide for the maximum utilization of federal funds for
6 such programs. The Illinois Community College Board shall also
7 provide for:

8 (1) the development of an index of need for program
9 planning and for area funding allocations, as defined by
10 the Illinois Community College Board;

11 (2) the method for calculating hours of instruction, as
12 defined by the Illinois Community College Board, claimable
13 for reimbursement and a method to phase in the calculation
14 and for adjusting the calculations in cases where the
15 services of a program are interrupted due to circumstances
16 beyond the control of the program provider;

17 (3) a plan for the reallocation of funds to increase
18 the amount allocated for grants based upon program
19 performance as set forth in subsection (d) below; and

20 (4) the development of standards for determining
21 grants based upon performance as set forth in subsection
22 (d) below and a plan for the phased-in implementation of
23 those standards.

24 For instruction provided by school districts and community
25 college districts beginning July 1, 1996 and thereafter,
26 reimbursement provided by the Illinois Community College Board

1 for classes authorized by this Section shall be provided from
2 funds appropriated for the reimbursement criteria set forth in
3 subsection (c) below.

4 (c) Upon the annual approval of the Illinois Community
5 College Board, reimbursement shall be first provided for
6 transportation, child care services, and other special needs of
7 the students directly related to instruction and then from the
8 funds remaining an amount equal to the product of the total
9 credit hours or units of instruction approved by the Illinois
10 Community College Board, multiplied by the following:

11 (1) For adult basic education, the maximum
12 reimbursement per credit hour or per unit of instruction
13 shall be equal to the general state aid per pupil
14 foundation level established in subsection (B) of Section
15 18-8.05, divided by 60;

16 (2) The maximum reimbursement per credit hour or per
17 unit of instruction in subparagraph (1) above shall be
18 weighted for students enrolled in classes defined as
19 vocational skills and approved by the Illinois Community
20 College Board by 1.25;

21 (3) The maximum reimbursement per credit hour or per
22 unit of instruction in subparagraph (1) above shall be
23 multiplied by .90 for students enrolled in classes defined
24 as adult secondary education programs and approved by the
25 Illinois Community College Board;

26 (4) (Blank); and

1 (5) Funding for program years after 1999-2000 shall be
2 determined by the Illinois Community College Board.

3 (d) Upon its annual approval, the Illinois Community
4 College Board shall provide grants to eligible programs for
5 supplemental activities to improve or expand services under the
6 Adult Education Act. Eligible programs shall be determined
7 based upon performance outcomes of students in the programs as
8 set by the Illinois Community College Board.

9 (e) Reimbursement under this Section shall not exceed the
10 actual costs of the approved program.

11 If the amount appropriated to the Illinois Community
12 College Board for reimbursement under this Section is less than
13 the amount required under this Act, the apportionment shall be
14 proportionately reduced.

15 School districts and community college districts may
16 assess students up to \$3.00 per credit hour, for classes other
17 than Adult Basic Education level programs, if needed to meet
18 program costs.

19 (f) An education plan shall be established for each adult
20 or youth whose schooling has been interrupted and who is
21 participating in the instructional programs provided under
22 this Section.

23 Each school board and community college shall keep an
24 accurate and detailed account of the students assigned to and
25 receiving instruction under this Section who are subject to
26 State reimbursement and shall submit reports of services

1 provided commencing with fiscal year 1997 as required by the
2 Illinois Community College Board.

3 For classes authorized under this Section, a credit hour or
4 unit of instruction is equal to 15 hours of direct instruction
5 for students enrolled in approved adult education programs at
6 midterm and making satisfactory progress, in accordance with
7 standards established by the Illinois Community College Board.

8 (g) Upon proof submitted to the Illinois Department of
9 Human Services of the payment of all claims submitted under
10 this Section, that Department shall apply for federal funds
11 made available therefor and any federal funds so received shall
12 be paid into the General Revenue Fund in the State Treasury.

13 School districts or community colleges providing classes
14 under this Section shall submit applications to the Illinois
15 Community College Board for preapproval in accordance with the
16 standards established by the Illinois Community College Board.
17 Payments shall be made by the Illinois Community College Board
18 based upon approved programs. Interim expenditure reports may
19 be required by the Illinois Community College Board. Final
20 claims for the school year shall be submitted to the regional
21 superintendents for transmittal to the Illinois Community
22 College Board. Final adjusted payments shall be made by
23 September 30.

24 If a school district or community college district fails to
25 provide, or is providing unsatisfactory or insufficient
26 classes under this Section, the Illinois Community College

1 Board may enter into agreements with public or private
2 educational or other agencies other than the public schools for
3 the establishment of such classes.

4 (h) If a school district or community college district
5 establishes child-care facilities for the children of
6 participants in classes established under this Section, it may
7 extend the use of these facilities to students who have
8 obtained employment and to other persons in the community whose
9 children require care and supervision while the parent or other
10 person in charge of the children is employed or otherwise
11 absent from the home during all or part of the day. It may make
12 the facilities available before and after as well as during
13 regular school hours to school age and preschool age children
14 who may benefit thereby, including children who require care
15 and supervision pending the return of their parent or other
16 person in charge of their care from employment or other
17 activity requiring absence from the home.

18 The Illinois Community College Board shall pay to the board
19 the cost of care in the facilities for any child who is a
20 recipient of financial aid under the Illinois Public Aid Code.

21 The board may charge for care of children for whom it
22 cannot make claim under the provisions of this Section. The
23 charge shall not exceed per capita cost, and to the extent
24 feasible, shall be fixed at a level which will permit
25 utilization by employed parents of low or moderate income. It
26 may also permit any other State or local governmental agency or

1 private agency providing care for children to purchase care.

2 After July 1, 1970 when the provisions of Section 10-20.20
3 become operative in the district, children in a child-care
4 facility shall be transferred to the kindergarten established
5 under that Section for such portion of the day as may be
6 required for the kindergarten program, and only the prorated
7 costs of care and training provided in the Center for the
8 remaining period shall be charged to the Illinois Department of
9 Human Services or other persons or agencies paying for such
10 care.

11 (i) The provisions of this Section shall also apply to
12 school districts having a population exceeding 500,000.

13 (j) In addition to claiming reimbursement under this
14 Section, a school district may claim general State aid under
15 Section 18-8.05 for any student under age 21 who is enrolled in
16 courses accepted for graduation from elementary or high school
17 and who otherwise meets the requirements of Section 18-8.05.

18 (Source: P.A. 93-21, eff. 7-1-03; revised 9-28-06.)

19 (105 ILCS 5/10-28)

20 Sec. 10-28. Sharing information on school lunch
21 applicants. A school board shall, whenever requested by the
22 Department of Healthcare and Family Services (formerly
23 Department of Public Aid), agree in writing with the Department
24 of Healthcare and Family Services ~~Public Aid~~ (as the State
25 agency that administers the State Medical Assistance Program as

1 provided in Title XIX of the federal Social Security Act and
2 the State Children's Health Insurance Program as provided in
3 Title XXI of the federal Social Security Act) to share with the
4 Department of Healthcare and Family Services ~~Public Aid~~
5 information on applicants for free or reduced-price lunches. A
6 school board shall, whenever requested by the Department of
7 Healthcare and Family Services (formerly Department of Public
8 Aid), require each of its schools to agree in writing with the
9 Department of Healthcare and Family Services ~~Public Aid~~ to
10 share with the Department of Healthcare and Family Services
11 ~~Public Aid~~ information on applicants for free or reduced-price
12 lunches. This sharing of information shall be for the sole
13 purpose of helping the Department of Healthcare and Family
14 Services ~~Public Aid~~ identify and enroll children in the State
15 Medical Assistance Program or the State Children's Health
16 Insurance Program or both as allowed under 42 U.S.C. Sec.
17 1758(b)(2)(C)(iii)(IV) and under the restrictions set forth in
18 42 U.S.C. Sec. 1758(b)(2)(C)(vi) and (vii).

19 (Source: P.A. 93-404, eff. 8-1-03; revised 12-15-05.)

20 (105 ILCS 5/11E-110)

21 Sec. 11E-110. Teachers in contractual continued service.

22 (a) When a school district conversion or multi-unit
23 conversion becomes effective for purposes of administration
24 and attendance, as determined pursuant to Section 11E-70 of
25 this Code, the provisions of Section 24-12 of this Code

1 relative to the contractual continued service status of
2 teachers having contractual continued service whose positions
3 are transferred from one school board to the control of a new
4 or different school board shall apply, and the positions held
5 by teachers, as that term is defined in Section 24-11 of this
6 Code, having contractual continued service with the unit
7 district at the time of its dissolution shall be transferred on
8 the following basis:

9 (1) positions of teachers in contractual continued
10 service that, during the 5 school years immediately
11 preceding the effective date of the change, as determined
12 under Section 11E-70 of this Code, were full-time positions
13 in which all of the time required of the position was spent
14 in one or more of grades 9 through 12 shall be transferred
15 to the control of the school board of the new high school
16 district or combined high school - unit district, as the
17 case may be;

18 (2) positions of teachers in contractual continued
19 service that, during the 5 school years immediately
20 preceding the effective date of the change, as determined
21 under Section 11E-70 of this Code, were full-time positions
22 in which all of the time required of the position was spent
23 in one or more of grades kindergarten through 8 shall be
24 transferred to the control of the school board of the newly
25 created successor elementary district; and

26 (3) positions of teachers in contractual continued

1 service that were full-time positions not required to be
2 transferred to the control of the school board of the new
3 high school district or combined high school - unit
4 district, as the case may be, or the school board of the
5 newly created successor elementary district under the
6 provisions of subdivision (1) or (2) of this subsection (a)
7 shall be transferred to the control of whichever of the
8 boards the teacher shall request.

9 ~~(4)~~ With respect to each position to be transferred under
10 the provisions of this subsection (a), the amount of time
11 required of each position to be spent in one or more of grades
12 kindergarten through 8 and 9 through 12 shall be determined
13 with reference to the applicable records of the unit district
14 being dissolved pursuant to stipulation of the school board of
15 the unit district prior to the effective date of its
16 dissolution or thereafter of the school board of the newly
17 created districts and with the approval in either case of the
18 regional superintendent of schools of the educational service
19 region in which the territory described in the petition filed
20 under this Article or the greater percentage of equalized
21 assessed evaluation of the territory is situated; however, if
22 no such stipulation can be agreed upon, the regional
23 superintendent of schools, after hearing any additional
24 relevant and material evidence that any school board desires to
25 submit, shall make the determination.

26 (b) When the creation of a unit district or a combined

1 school district becomes effective for purposes of
2 administration and attendance, as determined pursuant to
3 Section 11E-70 of this Code, the positions of teachers in
4 contractual continued service in the districts involved in the
5 creation of the new district are transferred to the newly
6 created district pursuant to the provisions of Section 24-12 of
7 this Code relative to teachers having contractual continued
8 service status whose positions are transferred from one board
9 to the control of a different board, and those provisions of
10 Section 24-12 shall apply to these transferred teachers. The
11 contractual continued service status of any teacher thereby
12 transferred to the newly created district is not lost and the
13 new school board is subject to this Code with respect to the
14 transferred teacher in the same manner as if the teacher was
15 that district's employee and had been its employee during the
16 time the teacher was actually employed by the school board of
17 the district from which the position was transferred.

18 (Source: P.A. 94-1019, eff. 7-10-06; revised 8-23-06.)

19 (105 ILCS 5/11E-135)

20 Sec. 11E-135. Incentives. For districts reorganizing under
21 this Article and for a district or districts that annex all of
22 the territory of one or more entire other school districts in
23 accordance with Article 7 of this Code, the following payments
24 shall be made from appropriations made for these purposes:

25 (a) (1) For a combined school district, as defined in

1 Section 11E-20 of this Code, or for a unit district, as defined
2 in Section 11E-25 of this Code, for its first year of
3 existence, the general State aid and supplemental general State
4 aid calculated under Section 18-8.05 of this Code shall be
5 computed for the new district and for the previously existing
6 districts for which property is totally included within the new
7 district. If the computation on the basis of the previously
8 existing districts is greater, a supplementary payment equal to
9 the difference shall be made for the first 4 years of existence
10 of the new district.

11 (2) For a school district that annexes all of the territory
12 of one or more entire other school districts as defined in
13 Article 7 of this Code, for the first year during which the
14 change of boundaries attributable to the annexation becomes
15 effective for all purposes, as determined under Section 7-9 of
16 this Code, the general State aid and supplemental general State
17 aid calculated under Section 18-8.05 of this Code shall be
18 computed for the annexing district as constituted after the
19 annexation and for the annexing and each annexed district as
20 constituted prior to the annexation; and if the computation on
21 the basis of the annexing and annexed districts as constituted
22 prior to the annexation is greater, then a supplementary
23 payment equal to the difference shall be made for the first 4
24 years of existence of the annexing school district as
25 constituted upon the annexation.

26 (3) For 2 or more school districts that annex all of the

1 territory of one or more entire other school districts, as
2 defined in Article 7 of this Code, for the first year during
3 which the change of boundaries attributable to the annexation
4 becomes effective for all purposes, as determined under Section
5 7-9 of this Code, the general State aid and supplemental
6 general State aid calculated under Section 18-8.05 of this Code
7 shall be computed for each annexing district as constituted
8 after the annexation and for each annexing and annexed district
9 as constituted prior to the annexation; and if the aggregate of
10 the general State aid and supplemental general State aid as so
11 computed for the annexing districts as constituted after the
12 annexation is less than the aggregate of the general State aid
13 and supplemental general State aid as so computed for the
14 annexing and annexed districts, as constituted prior to the
15 annexation, then a supplementary payment equal to the
16 difference shall be made and allocated between or among the
17 annexing districts, as constituted upon the annexation, for the
18 first 4 years of their existence. The total difference payment
19 shall be allocated between or among the annexing districts in
20 the same ratio as the pupil enrollment from that portion of the
21 annexed district or districts that is annexed to each annexing
22 district bears to the total pupil enrollment from the entire
23 annexed district or districts, as such pupil enrollment is
24 determined for the school year last ending prior to the date
25 when the change of boundaries attributable to the annexation
26 becomes effective for all purposes. The amount of the total

1 difference payment and the amount thereof to be allocated to
2 the annexing districts shall be computed by the State Board of
3 Education on the basis of pupil enrollment and other data that
4 shall be certified to the State Board of Education, on forms
5 that it shall provide for that purpose, by the regional
6 superintendent of schools for each educational service region
7 in which the annexing and annexed districts are located.

8 (4) For a school district conversion, as defined in Section
9 11E-15 of this Code, or a multi-unit conversion, as defined in
10 subsection (b) of Section 11E-30 of this Code, if in their
11 first year of existence the newly created elementary districts
12 and the newly created high school district, from a school
13 district conversion, or the newly created elementary district
14 or districts and newly created combined high school - unit
15 district, from a multi-unit conversion, qualify for less
16 general State aid under Section 18-8.05 of this Code than would
17 have been payable under Section 18-8.05 for that same year to
18 the previously existing districts, then a supplementary
19 payment equal to that difference shall be made for the first 4
20 years of existence of the newly created districts. The
21 aggregate amount of each supplementary payment shall be
22 allocated among the newly created districts in the proportion
23 that the deemed pupil enrollment in each district during its
24 first year of existence bears to the actual aggregate pupil
25 enrollment in all of the districts during their first year of
26 existence. For purposes of each allocation:

1 (A) the deemed pupil enrollment of the newly created
2 high school district from a school district conversion
3 shall be an amount equal to its actual pupil enrollment for
4 its first year of existence multiplied by 1.25;

5 (B) the deemed pupil enrollment of each newly created
6 elementary district from a school district conversion
7 shall be an amount equal to its actual pupil enrollment for
8 its first year of existence reduced by an amount equal to
9 the product obtained when the amount by which the newly
10 created high school district's deemed pupil enrollment
11 exceeds its actual pupil enrollment for its first year of
12 existence is multiplied by a fraction, the numerator of
13 which is the actual pupil enrollment of the newly created
14 elementary district for its first year of existence and the
15 denominator of which is the actual aggregate pupil
16 enrollment of all of the newly created elementary districts
17 for their first year of existence;

18 (C) the deemed high school pupil enrollment of the
19 newly created combined high school - unit district from a
20 multi-unit conversion shall be an amount equal to its
21 actual grades 9 through 12 pupil enrollment for its first
22 year of existence multiplied by 1.25; and

23 (D) the deemed elementary pupil enrollment of each
24 newly created district from a multi-unit conversion shall
25 be an amount equal to each district's actual grade K
26 through 8 pupil enrollment for its first year of existence,

1 reduced by an amount equal to the product obtained when the
2 amount by which the newly created combined high school -
3 unit district's deemed high school pupil enrollment
4 exceeds its actual grade 9 through 12 pupil enrollment for
5 its first year of existence is multiplied by a fraction,
6 the numerator of which is the actual grade K through 8
7 pupil enrollment of each newly created district for its
8 first year of existence and the denominator of which is the
9 actual aggregate grade K through 8 pupil enrollment of all
10 such newly created districts for their first year of
11 existence.

12 The aggregate amount of each supplementary payment under
13 this subdivision (4) and the amount thereof to be allocated to
14 the newly created districts shall be computed by the State
15 Board of Education on the basis of pupil enrollment and other
16 data, which shall be certified to the State Board of Education,
17 on forms that it shall provide for that purpose, by the
18 regional superintendent of schools for each educational
19 service region in which the newly created districts are
20 located.

21 (5) For a partial elementary unit district, as defined in
22 subsection (a) or (c) of Section 11E-30 of this Code, if, in
23 the first year of existence, the newly created partial
24 elementary unit district qualifies for less general State aid
25 and supplemental general State aid under Section 18-8.05 of
26 this Code than would have been payable under that Section for

1 that same year to the previously existing districts that formed
2 the partial elementary unit district, then a supplementary
3 payment equal to that difference shall be made to the partial
4 elementary unit district for the first 4 years of existence of
5 that newly created district.

6 (6) For an elementary opt-in, as described in subsection
7 (d) of Section 11E-30 of this Code, the general State aid
8 difference shall be computed in accordance with paragraph (5)
9 of this subsection (a) as if the elementary opt-in was included
10 in an optional elementary unit district at the optional
11 elementary unit district's original effective date. If the
12 calculation in this paragraph (6) is less than that calculated
13 in paragraph (5) of this subsection (a) at the optional
14 elementary unit district's original effective date, then no
15 adjustments may be made. If the calculation in this paragraph
16 (6) is more than that calculated in paragraph (5) of this
17 subsection (a) at the optional elementary unit district's
18 original effective date, then the excess must be paid as
19 follows:

20 (A) If the effective date for the elementary opt-in is
21 one year after the effective date for the optional
22 elementary unit district, 100% of the calculated excess
23 shall be paid to the optional elementary unit district in
24 each of the first 4 years after the effective date of the
25 elementary opt-in.

26 (B) If the effective date for the elementary opt-in is

1 2 years after the effective date for the optional
2 elementary unit district, 75% of the calculated excess
3 shall be paid to the optional elementary unit district in
4 each of the first 4 years after the effective date of the
5 elementary opt-in.

6 (C) If the effective date for the elementary opt-in is
7 3 years after the effective date for the optional
8 elementary unit district, 50% of the calculated excess
9 shall be paid to the optional elementary unit district in
10 each of the first 4 years after the effective date of the
11 elementary opt-in.

12 (D) If the effective date for the elementary opt-in is
13 4 years after the effective date for the optional
14 elementary unit district, 25% of the calculated excess
15 shall be paid to the optional elementary unit district in
16 each of the first 4 years after the effective date of the
17 elementary opt-in.

18 (E) If the effective date for the elementary opt-in is
19 5 years after the effective date for the optional
20 elementary unit district, the optional elementary unit
21 district is not eligible for any additional incentives due
22 to the elementary opt-in.

23 (7) Claims for financial assistance under this subsection
24 (a) may not be recomputed except as expressly provided under
25 Section 18-8.05 of this Code.

26 (8) Any supplementary payment made under this subsection

1 (a) must be treated as separate from all other payments made
2 pursuant to Section 18-8.05 of this Code.

3 (b) (1) After the formation of a combined school district,
4 as defined in Section 11E-20 of this Code, or a unit district,
5 as defined in Section 11E-25 of this Code, a computation shall
6 be made to determine the difference between the salaries
7 effective in each of the previously existing districts on June
8 30, prior to the creation of the new district. For the first 4
9 years after the formation of the new district, a supplementary
10 State aid reimbursement shall be paid to the new district equal
11 to the difference between the sum of the salaries earned by
12 each of the certificated members of the new district, while
13 employed in one of the previously existing districts during the
14 year immediately preceding the formation of the new district,
15 and the sum of the salaries those certificated members would
16 have been paid during the year immediately prior to the
17 formation of the new district if placed on the salary schedule
18 of the previously existing district with the highest salary
19 schedule.

20 (2) After the territory of one or more school districts is
21 annexed by one or more other school districts as defined in
22 Article 7 of this Code, a computation shall be made to
23 determine the difference between the salaries effective in each
24 annexed district and in the annexing district or districts as
25 they were each constituted on June 30 preceding the date when
26 the change of boundaries attributable to the annexation became

1 effective for all purposes, as determined under Section 7-9 of
2 this Code. For the first 4 years after the annexation, a
3 supplementary State aid reimbursement shall be paid to each
4 annexing district as constituted after the annexation equal to
5 the difference between the sum of the salaries earned by each
6 of the certificated members of the annexing district as
7 constituted after the annexation, while employed in an annexed
8 or annexing district during the year immediately preceding the
9 annexation, and the sum of the salaries those certificated
10 members would have been paid during the immediately preceding
11 year if placed on the salary schedule of whichever of the
12 annexing or annexed districts had the highest salary schedule
13 during the immediately preceding year.

14 (3) For each new high school district formed under a school
15 district conversion, as defined in Section 11E-15 of this Code,
16 the State shall make a supplementary payment for 4 years equal
17 to the difference between the sum of the salaries earned by
18 each certified member of the new high school district, while
19 employed in one of the previously existing districts, and the
20 sum of the salaries those certified members would have been
21 paid if placed on the salary schedule of the previously
22 existing district with the highest salary schedule.

23 (4) For each newly created partial elementary unit
24 district, the State shall make a supplementary payment for 4
25 years equal to the difference between the sum of the salaries
26 earned by each certified member of the newly created partial

1 elementary unit district, while employed in one of the
2 previously existing districts that formed the partial
3 elementary unit district, and the sum of the salaries those
4 certified members would have been paid if placed on the salary
5 schedule of the previously existing district with the highest
6 salary schedule. The salary schedules used in the calculation
7 shall be those in effect in the previously existing districts
8 for the school year prior to the creation of the new partial
9 elementary unit district.

10 (5) For an elementary district opt-in, as described in
11 subsection (d) of Section 11E-30 of this Code, the salary
12 difference incentive shall be computed in accordance with
13 paragraph (4) of this subsection (b) as if the opted-in
14 elementary district was included in the optional elementary
15 unit district at the optional elementary unit district's
16 original effective date. If the calculation in this paragraph
17 (5) is less than that calculated in paragraph (4) of this
18 subsection (b) at the optional elementary unit district's
19 original effective date, then no adjustments may be made. If
20 the calculation in this paragraph (5) is more than that
21 calculated in paragraph (4) of this subsection (b) at the
22 optional elementary unit district's original effective date,
23 then the excess must be paid as follows:

24 (A) If the effective date for the elementary opt-in is
25 one year after the effective date for the optional
26 elementary unit district, 100% of the calculated excess

1 shall be paid to the optional elementary unit district in
2 each of the first 4 years after the effective date of the
3 elementary opt-in.

4 (B) If the effective date for the elementary opt-in is
5 2 years after the effective date for the optional
6 elementary unit district, 75% of the calculated excess
7 shall be paid to the optional elementary unit district in
8 each of the first 4 years after the effective date of the
9 elementary opt-in.

10 (C) If the effective date for the elementary opt-in is
11 3 years after the effective date for the optional
12 elementary unit district, 50% of the calculated excess
13 shall be paid to the optional elementary unit district in
14 each of the first 4 years after the effective date of the
15 elementary opt-in.

16 (D) If the effective date for the elementary opt-in is
17 4 years after the effective date for the partial elementary
18 unit district, 25% of the calculated excess shall be paid
19 to the optional elementary unit district in each of the
20 first 4 years after the effective date of the elementary
21 opt-in.

22 (E) If the effective date for the elementary opt-in is
23 5 years after the effective date for the optional
24 elementary unit district, the optional elementary unit
25 district is not eligible for any additional incentives due
26 to the elementary opt-in.

1 (5.5) ~~(b-5)~~ After the formation of a cooperative high
2 school by 2 or more school districts under Section 10-22.22c of
3 this Code, a computation shall be made to determine the
4 difference between the salaries effective in each of the
5 previously existing high schools on June 30 prior to the
6 formation of the cooperative high school. For the first 4 years
7 after the formation of the cooperative high school, a
8 supplementary State aid reimbursement shall be paid to the
9 cooperative high school equal to the difference between the sum
10 of the salaries earned by each of the certificated members of
11 the cooperative high school while employed in one of the
12 previously existing high schools during the year immediately
13 preceding the formation of the cooperative high school and the
14 sum of the salaries those certificated members would have been
15 paid during the year immediately prior to the formation of the
16 cooperative high school if placed on the salary schedule of the
17 previously existing high school with the highest salary
18 schedule.

19 (6) The supplementary State aid reimbursement under this
20 subsection (b) shall be treated as separate from all other
21 payments made pursuant to Section 18-8.05 of this Code. In the
22 case of the formation of a new district or cooperative high
23 school, reimbursement shall begin during the first year of
24 operation of the new district or cooperative high school, and
25 in the case of an annexation of the territory of one or more
26 school districts by one or more other school districts,

1 reimbursement shall begin during the first year when the change
2 in boundaries attributable to the annexation or division
3 becomes effective for all purposes as determined pursuant to
4 Section 7-9 of this Code. Each year that the new, annexing, or
5 resulting district or cooperative high school, as the case may
6 be, is entitled to receive reimbursement, the number of
7 eligible certified members who are employed on October 1 in the
8 district or cooperative high school shall be certified to the
9 State Board of Education on prescribed forms by October 15 and
10 payment shall be made on or before November 15 of that year.

11 (c) (1) For the first year after the formation of a combined
12 school district, as defined in Section 11E-20 of this Code or a
13 unit district, as defined in Section 11E-25 of this Code, a
14 computation shall be made totaling each previously existing
15 district's audited fund balances in the educational fund,
16 working cash fund, operations and maintenance fund, and
17 transportation fund for the year ending June 30 prior to the
18 referendum for the creation of the new district. The new
19 district shall be paid supplementary State aid equal to the sum
20 of the differences between the deficit of the previously
21 existing district with the smallest deficit and the deficits of
22 each of the other previously existing districts.

23 (2) For the first year after the annexation of all of the
24 territory of one or more entire school districts by another
25 school district, as defined in Article 7 of this Code,
26 computations shall be made, for the year ending June 30 prior

1 to the date that the change of boundaries attributable to the
2 annexation is allowed by the affirmative decision issued by the
3 regional board of school trustees under Section 7-6 of this
4 Code, notwithstanding any effort to seek administrative review
5 of the decision, totaling the annexing district's and totaling
6 each annexed district's audited fund balances in their
7 respective educational, working cash, operations and
8 maintenance, and transportation funds. The annexing district
9 as constituted after the annexation shall be paid supplementary
10 State aid equal to the sum of the differences between the
11 deficit of whichever of the annexing or annexed districts as
12 constituted prior to the annexation had the smallest deficit
13 and the deficits of each of the other districts as constituted
14 prior to the annexation.

15 (3) For the first year after the annexation of all of the
16 territory of one or more entire school districts by 2 or more
17 other school districts, as defined by Article 7 of this Code,
18 computations shall be made, for the year ending June 30 prior
19 to the date that the change of boundaries attributable to the
20 annexation is allowed by the affirmative decision of the
21 regional board of school trustees under Section 7-6 of this
22 Code, notwithstanding any action for administrative review of
23 the decision, totaling each annexing and annexed district's
24 audited fund balances in their respective educational, working
25 cash, operations and maintenance, and transportation funds.
26 The annexing districts as constituted after the annexation

1 shall be paid supplementary State aid, allocated as provided in
2 this paragraph (3), in an aggregate amount equal to the sum of
3 the differences between the deficit of whichever of the
4 annexing or annexed districts as constituted prior to the
5 annexation had the smallest deficit and the deficits of each of
6 the other districts as constituted prior to the annexation. The
7 aggregate amount of the supplementary State aid payable under
8 this paragraph (3) shall be allocated between or among the
9 annexing districts as follows:

10 (A) the regional superintendent of schools for each
11 educational service region in which an annexed district is
12 located prior to the annexation shall certify to the State
13 Board of Education, on forms that it shall provide for that
14 purpose, the value of all taxable property in each annexed
15 district, as last equalized or assessed by the Department
16 of Revenue prior to the annexation, and the equalized
17 assessed value of each part of the annexed district that
18 was annexed to or included as a part of an annexing
19 district;

20 (B) using equalized assessed values as certified by the
21 regional superintendent of schools under clause (A) of this
22 paragraph (3), the combined audited fund balance deficit of
23 each annexed district as determined under this Section
24 shall be apportioned between or among the annexing
25 districts in the same ratio as the equalized assessed value
26 of that part of the annexed district that was annexed to or

1 included as a part of an annexing district bears to the
2 total equalized assessed value of the annexed district; and

3 (C) the aggregate supplementary State aid payment
4 under this paragraph (3) shall be allocated between or
5 among, and shall be paid to, the annexing districts in the
6 same ratio as the sum of the combined audited fund balance
7 deficit of each annexing district as constituted prior to
8 the annexation, plus all combined audited fund balance
9 deficit amounts apportioned to that annexing district
10 under clause (B) of this subsection, bears to the aggregate
11 of the combined audited fund balance deficits of all of the
12 annexing and annexed districts as constituted prior to the
13 annexation.

14 (4) For the new elementary districts and new high school
15 district formed through a school district conversion, as
16 defined in subsection (b) of Section 11E-15 of this Code or the
17 new elementary district or districts and new combined high
18 school - unit district formed through a multi-unit conversion,
19 as defined in subsection (b) of Section 11E-30 of this Code, a
20 computation shall be made totaling each previously existing
21 district's audited fund balances in the educational fund,
22 working cash fund, operations and maintenance fund, and
23 transportation fund for the year ending June 30 prior to the
24 referendum establishing the new districts. In the first year of
25 the new districts, the State shall make a one-time
26 supplementary payment equal to the sum of the differences

1 between the deficit of the previously existing district with
2 the smallest deficit and the deficits of each of the other
3 previously existing districts. A district with a combined
4 balance among the 4 funds that is positive shall be considered
5 to have a deficit of zero. The supplementary payment shall be
6 allocated among the newly formed high school and elementary
7 districts in the manner provided by the petition for the
8 formation of the districts, in the form in which the petition
9 is approved by the regional superintendent of schools or State
10 Superintendent of Education under Section 11E-50 of this Code.

11 (5) For each newly created partial elementary unit
12 district, as defined in subsection (a) or (c) of Section 11E-30
13 of this Code, a computation shall be made totaling the audited
14 fund balances of each previously existing district that formed
15 the new partial elementary unit district in the educational
16 fund, working cash fund, operations and maintenance fund, and
17 transportation fund for the year ending June 30 prior to the
18 referendum for the formation of the partial elementary unit
19 district. In the first year of the new partial elementary unit
20 district, the State shall make a one-time supplementary payment
21 to the new district equal to the sum of the differences between
22 the deficit of the previously existing district with the
23 smallest deficit and the deficits of each of the other
24 previously existing districts. A district with a combined
25 balance among the 4 funds that is positive shall be considered
26 to have a deficit of zero.

1 (6) For an elementary opt-in as defined in subsection (d)
2 of Section 11E-30 of this Code, the deficit fund balance
3 incentive shall be computed in accordance with paragraph (5) of
4 this subsection (c) as if the opted-in elementary was included
5 in the optional elementary unit district at the optional
6 elementary unit district's original effective date. If the
7 calculation in this paragraph (6) is less than that calculated
8 in paragraph (5) of this subsection (c) at the optional
9 elementary unit district's original effective date, then no
10 adjustments may be made. If the calculation in this paragraph
11 (6) is more than that calculated in paragraph (5) of this
12 subsection (c) at the optional elementary unit district's
13 original effective date, then the excess must be paid as
14 follows:

15 (A) If the effective date for the elementary opt-in is
16 one year after the effective date for the optional
17 elementary unit district, 100% of the calculated excess
18 shall be paid to the optional elementary unit district in
19 the first year after the effective date of the elementary
20 opt-in.

21 (B) If the effective date for the elementary opt-in is
22 2 years after the effective date for the optional
23 elementary unit district, 75% of the calculated excess
24 shall be paid to the optional elementary unit district in
25 the first year after the effective date of the elementary
26 opt-in.

1 (C) If the effective date for the elementary opt-in is
2 3 years after the effective date for the optional
3 elementary unit district, 50% of the calculated excess
4 shall be paid to the optional elementary unit district in
5 the first year after the effective date of the elementary
6 opt-in.

7 (D) If the effective date for the elementary opt-in is
8 4 years after the effective date for the optional
9 elementary unit district, 25% of the calculated excess
10 shall be paid to the optional elementary unit district in
11 the first year after the effective date of the elementary
12 opt-in.

13 (E) If the effective date for the elementary opt-in is
14 5 years after the effective date for the optional
15 elementary unit district, the optional elementary unit
16 district is not eligible for any additional incentives due
17 to the elementary opt-in.

18 (7) For purposes of any calculation required under
19 paragraph (1), (2), (3), (4), (5), or (6) of this subsection
20 (c), a district with a combined fund balance that is positive
21 shall be considered to have a deficit of zero. For purposes of
22 determining each district's audited fund balances in its
23 educational fund, working cash fund, operations and
24 maintenance fund, and transportation fund for the specified
25 year ending June 30, as provided in paragraphs (1), (2), (3),
26 (4), (5), and (6) of this subsection (c), the balance of each

1 fund shall be deemed decreased by an amount equal to the amount
2 of the annual property tax theretofore levied in the fund by
3 the district for collection and payment to the district during
4 the calendar year in which the June 30 fell, but only to the
5 extent that the tax so levied in the fund actually was received
6 by the district on or before or comprised a part of the fund on
7 such June 30. For purposes of determining each district's
8 audited fund balances, a calculation shall be made for each
9 fund to determine the average for the 3 years prior to the
10 specified year ending June 30, as provided in paragraphs (1),
11 (2), (3), (4), (5), and (6) of this subsection (c), of the
12 district's expenditures in the categories "purchased
13 services", "supplies and materials", and "capital outlay", as
14 those categories are defined in rules of the State Board of
15 Education. If this 3-year average is less than the district's
16 expenditures in these categories for the specified year ending
17 June 30, as provided in paragraphs (1), (2), (3), (4), (5), and
18 (6) of this subsection (c), then the 3-year average shall be
19 used in calculating the amounts payable under this Section in
20 place of the amounts shown in these categories for the
21 specified year ending June 30, as provided in paragraphs (1),
22 (2), (3), (4), (5), and (6) of this subsection (c). Any deficit
23 because of State aid not yet received may not be considered in
24 determining the June 30 deficits. The same basis of accounting
25 shall be used by all previously existing districts and by all
26 annexing or annexed districts, as constituted prior to the

1 annexation, in making any computation required under
 2 paragraphs (1), (2), (3), (4), (5), and (6) of this subsection
 3 (c).

4 (8) The supplementary State aid payments under this
 5 subsection (c) shall be treated as separate from all other
 6 payments made pursuant to Section 18-8.05 of this Code.

7 (d)(1) Following the formation of a combined school
 8 district, as defined in Section 11E-20 of this Code, a new
 9 elementary district or districts and a new high school district
 10 formed through a school district conversion, as defined in
 11 subsection (b) of Section 11E-15 of this Code, a new partial
 12 elementary unit district, as defined in Section 11E-30 of this
 13 Code, or a new elementary district or districts formed through
 14 a multi-unit conversion, as defined in subsection (b) of
 15 Section 11E-30 of this Code, or the annexation of all of the
 16 territory of one or more entire school districts by one or more
 17 other school districts, as defined in Article 7 of this Code, a
 18 supplementary State aid reimbursement shall be paid for the
 19 number of school years determined under the following table to
 20 each new or annexing district equal to the sum of \$4,000 for
 21 each certified employee who is employed by the district on a
 22 full-time basis for the regular term of the school year:

| | | |
|----|-----------------------------|-----------------------------|
| 23 | Reorganized District's Rank | Reorganized District's Rank |
| 24 | by type of district (unit, | in Average Daily Attendance |
| 25 | high school, elementary) | By Quintile |

| 1 | in Equalized Assessed Value | | | |
|----|-----------------------------|----------|----------|-----------|
| 2 | Per Pupil by Quintile | | | |
| 3 | | | | 3rd, 4th, |
| 4 | | 1st | 2nd | or 5th |
| 5 | | Quintile | Quintile | Quintile |
| 6 | 1st Quintile | 1 year | 1 year | 1 year |
| 7 | 2nd Quintile | 1 year | 2 years | 2 years |
| 8 | 3rd Quintile | 2 years | 3 years | 3 years |
| 9 | 4th Quintile | 2 years | 3 years | 3 years |
| 10 | 5th Quintile | 2 years | 3 years | 3 years |

11 The State Board of Education shall make a one-time calculation
 12 of a reorganized district's quintile ranks. The average daily
 13 attendance used in this calculation shall be the best 3 months'
 14 average daily attendance for the district's first year. The
 15 equalized assessed value per pupil shall be the district's real
 16 property equalized assessed value used in calculating the
 17 district's first-year general State aid claim, under Section
 18 18-8.05 of this Code, divided by the best 3 months' average
 19 daily attendance.

20 No annexing or resulting school district shall be entitled
 21 to supplementary State aid under this subsection (d) unless the
 22 district acquires at least 30% of the average daily attendance
 23 of the district from which the territory is being detached or
 24 divided.

25 If a district results from multiple reorganizations that

1 would otherwise qualify the district for multiple payments
2 under this subsection (d) in any year, then the district shall
3 receive a single payment only for that year based solely on the
4 most recent reorganization.

5 (2) For an elementary opt-in, as defined in subsection (d)
6 of Section 11E-30 of this Code, the full-time certified staff
7 incentive shall be computed in accordance with paragraph (1) of
8 this subsection (d), equal to the sum of \$4,000 for each
9 certified employee of the elementary district that opts-in who
10 is employed by the optional elementary unit district on a
11 full-time basis for the regular term of the school year. The
12 calculation from this paragraph (2) must be paid as follows:

13 (A) If the effective date for the elementary opt-in is
14 one year after the effective date for the optional
15 elementary unit district, 100% of the amount calculated in
16 this paragraph (2) shall be paid to the optional elementary
17 unit district for the number of years calculated in
18 paragraph (1) of this subsection (d) at the optional
19 elementary unit district's original effective date,
20 starting in the second year after the effective date of the
21 elementary opt-in.

22 (B) If the effective date for the elementary opt-in is
23 2 years after the effective date for the optional
24 elementary unit district, 75% of the amount calculated in
25 this paragraph (2) shall be paid to the optional elementary
26 unit district for the number of years calculated in

1 paragraph (1) of this subsection (d) at the optional
2 elementary unit district's original effective date,
3 starting in the second year after the effective date of the
4 elementary opt-in.

5 (C) If the effective date for the elementary opt-in is
6 3 years after the effective date for the optional
7 elementary unit district, 50% of the amount calculated in
8 this paragraph (2) shall be paid to the optional elementary
9 unit district for the number of years calculated in
10 paragraph (1) of this subsection (d) at the optional
11 elementary unit district's original effective date,
12 starting in the second year after the effective date of the
13 elementary opt-in.

14 (D) If the effective date for the elementary opt-in is
15 4 years after the effective date for the optional
16 elementary unit district, 25% of the amount calculated in
17 this paragraph (2) shall be paid to the optional elementary
18 unit district for the number of years calculated in
19 paragraph (1) of this subsection (d) at the optional
20 elementary unit district's original effective date,
21 starting in the second year after the effective date of the
22 elementary opt-in.

23 (E) If the effective date for the elementary opt-in is
24 5 years after the effective date for the optional
25 elementary unit district, the optional elementary unit
26 district is not eligible for any additional incentives due

1 to the elementary opt-in.

2 (2.5) ~~(a-5)~~ Following the formation of a cooperative high
3 school by 2 or more school districts under Section 10-22.22c of
4 this Code, a supplementary State aid reimbursement shall be
5 paid for 3 school years to the cooperative high school equal to
6 the sum of \$4,000 for each certified employee who is employed
7 by the cooperative high school on a full-time basis for the
8 regular term of any such school year. If a cooperative high
9 school results from multiple agreements that would otherwise
10 qualify the cooperative high school for multiple payments under
11 this Section in any year, the cooperative high school shall
12 receive a single payment for that year based solely on the most
13 recent agreement.

14 (3) The supplementary State aid reimbursement payable
15 under this subsection (d) shall be separate from and in
16 addition to all other payments made to the district pursuant to
17 any other Section of this Article.

18 (4) During May of each school year for which a
19 supplementary State aid reimbursement is to be paid to a new or
20 annexing school district or cooperative high school pursuant to
21 this subsection (d), the school board or governing board shall
22 certify to the State Board of Education, on forms furnished to
23 the school board or governing board by the State Board of
24 Education for purposes of this subsection (d), the number of
25 certified employees for which the district or cooperative high
26 school is entitled to reimbursement under this Section,

1 together with the names, certificate numbers, and positions
2 held by the certified employees.

3 (5) Upon certification by the State Board of Education to
4 the State Comptroller of the amount of the supplementary State
5 aid reimbursement to which a school district or cooperative
6 high school is entitled under this subsection (d), the State
7 Comptroller shall draw his or her warrant upon the State
8 Treasurer for the payment thereof to the school district or
9 cooperative high school and shall promptly transmit the payment
10 to the school district or cooperative high school through the
11 appropriate school treasurer.

12 (Source: P.A. 94-1019, eff. 7-10-06; incorporates P.A. 94-902,
13 eff. 7-1-06; revised 9-13-06.)

14 (105 ILCS 5/14-7.04) (from Ch. 122, par. 14-7.04)

15 Sec. 14-7.04. Health care reimbursement.

16 (a) Local educational agencies may utilize federally
17 funded health care programs to share in the costs of services
18 which are provided to children requiring special education and
19 related services and which are either listed on an
20 individualized education program established pursuant to the
21 federal Education for All Handicapped Children Act of 1975,
22 Public Law No. 94-142 or are provided under an individualized
23 family service plan established pursuant to the federal
24 Education of the Handicapped Act Amendments of 1986, Public Law
25 No. 99-457. Those federally funded health care programs shall

1 also share in the cost of all screenings and diagnostic
2 evaluations for children suspected of having or known to have a
3 disability. However, all such services shall continue to be
4 initially funded by the local educational agency and shall be
5 provided regardless of subsequent cost sharing with other
6 funding sources. Federally funded health care reimbursement
7 funds are supplemental and shall not be used to reduce any
8 other Federal payments, private payments or State Board of
9 Education funds for special education as provided in Article 14
10 of the School Code for which the local education agency is
11 eligible.

12 Local educational agencies providing early periodic
13 screening and diagnostic testing services on or after August 1,
14 1991, including screening and diagnostic services, health care
15 and treatment, preventive health care, and any other measure to
16 correct or improve health impairments of Medicaid-eligible
17 children, may also access federally funded health care
18 resources.

19 The State Board of Education and the Department of
20 Healthcare and Family Services ~~Public Aid~~ may enter into an
21 intergovernmental agreement whereby school districts or their
22 agents may claim medicaid matching funds for medicaid eligible
23 special education children as authorized by Section 1903 of the
24 Social Security Act. Under that intergovernmental agreement,
25 school districts or their agents may also claim federal funds
26 for the services provided to special education students

1 enrolled in the Children's Health Insurance Program.

2 (b) No employee or officer of a school district, special
3 education joint agreement, office of a regional superintendent
4 of schools or the State Board of Education may have a direct or
5 indirect financial interest in any agreement between the entity
6 of which the person is an employee or officer and any
7 corporation, organization or other entity that collects or
8 participates in the collection of payments from private health
9 care benefit plans or federally funded health care programs
10 authorized under this Section.

11 (Source: P.A. 91-24, eff. 7-1-99; revised 12-15-05.)

12 (105 ILCS 5/14-15.01) (from Ch. 122, par. 14-15.01)

13 Sec. 14-15.01. Community and Residential Services
14 Authority.

15 (a) (1) The Community and Residential Services Authority is
16 hereby created and shall consist of the following members:

17 A representative of the State Board of Education;

18 Four representatives of the Department of Human Services,
19 with one member from the Division of Community Health and
20 Prevention, one member from the Office of Developmental
21 Disabilities of the Division of Disability and Behavioral
22 Health Services, one member from the Office of Mental Health of
23 the Division of Disability and Behavioral Health Services, and
24 one member of the Office of Rehabilitation Services of the
25 Division of Disability and Behavioral Health Services;

1 A representative of the Department of Children and Family
2 Services;

3 A representative of the Department of Corrections;

4 A representative of the Department of Healthcare and Family
5 Services ~~Public Aid~~;

6 A representative of the Attorney General's Disability
7 Rights Advocacy Division;

8 The Chairperson and Minority Spokesperson of the House and
9 Senate Committees on Elementary and Secondary Education or
10 their designees; and

11 Six persons appointed by the Governor. Five of such
12 appointees shall be experienced or knowledgeable relative to
13 provision of services for individuals with a behavior disorder
14 or a severe emotional disturbance and shall include
15 representatives of both the private and public sectors, except
16 that no more than 2 of those 5 appointees may be from the
17 public sector and at least 2 must be or have been directly
18 involved in provision of services to such individuals. The
19 remaining member appointed by the Governor shall be or shall
20 have been a parent of an individual with a behavior disorder or
21 a severe emotional disturbance, and that appointee may be from
22 either the private or the public sector.

23 (2) Members appointed by the Governor shall be appointed
24 for terms of 4 years and shall continue to serve until their
25 respective successors are appointed; provided that the terms of
26 the original appointees shall expire on August 1, 1990, and the

1 term of the additional member appointed under this amendatory
2 Act of 1992 shall commence upon the appointment and expire
3 August 1, 1994. Any vacancy in the office of a member appointed
4 by the Governor shall be filled by appointment of the Governor
5 for the remainder of the term.

6 A vacancy in the office of a member appointed by the
7 Governor exists when one or more of the following events occur:

8 (i) An appointee dies;

9 (ii) An appointee files a written resignation with the
10 Governor;

11 (iii) An appointee ceases to be a legal resident of the
12 State of Illinois; or

13 (iv) An appointee fails to attend a majority of
14 regularly scheduled Authority meetings in a fiscal year.

15 Members who are representatives of an agency shall serve at
16 the will of the agency head. Membership on the Authority shall
17 cease immediately upon cessation of their affiliation with the
18 agency. If such a vacancy occurs, the appropriate agency head
19 shall appoint another person to represent the agency.

20 If a legislative member of the Authority ceases to be
21 Chairperson or Minority Spokesperson of the designated
22 Committees, they shall automatically be replaced on the
23 Authority by the person who assumes the position of Chairperson
24 or Minority Spokesperson.

25 (b) The Community and Residential Services Authority shall
26 have the following powers and duties:

1 (1) To conduct surveys to determine the extent of need,
2 the degree to which documented need is currently being met
3 and feasible alternatives for matching need with
4 resources.

5 (2) To develop policy statements for interagency
6 cooperation to cover all aspects of service delivery,
7 including laws, regulations and procedures, and clear
8 guidelines for determining responsibility at all times.

9 (3) To recommend policy statements and provide
10 information regarding effective programs for delivery of
11 services to all individuals under 22 years of age with a
12 behavior disorder or a severe emotional disturbance in
13 public or private situations.

14 (4) To review the criteria for service eligibility,
15 provision and availability established by the governmental
16 agencies represented on this Authority, and to recommend
17 changes, additions or deletions to such criteria.

18 (5) To develop and submit to the Governor, the General
19 Assembly, the Directors of the agencies represented on the
20 Authority, and the State Board of Education a master plan
21 for individuals under 22 years of age with a behavior
22 disorder or a severe emotional disturbance, including
23 detailed plans of service ranging from the least to the
24 most restrictive options; and to assist local communities,
25 upon request, in developing or strengthening collaborative
26 interagency networks.

1 (6) To develop a process for making determinations in
2 situations where there is a dispute relative to a plan of
3 service for individuals or funding for a plan of service.

4 (7) To provide technical assistance to parents,
5 service consumers, providers, and member agency personnel
6 regarding statutory responsibilities of human service and
7 educational agencies, and to provide such assistance as
8 deemed necessary to appropriately access needed services.

9 (c) (1) The members of the Authority shall receive no
10 compensation for their services but shall be entitled to
11 reimbursement of reasonable expenses incurred while performing
12 their duties.

13 (2) The Authority may appoint special study groups to
14 operate under the direction of the Authority and persons
15 appointed to such groups shall receive only reimbursement of
16 reasonable expenses incurred in the performance of their
17 duties.

18 (3) The Authority shall elect from its membership a
19 chairperson, vice-chairperson and secretary.

20 (4) The Authority may employ and fix the compensation of
21 such employees and technical assistants as it deems necessary
22 to carry out its powers and duties under this Act. Staff
23 assistance for the Authority shall be provided by the State
24 Board of Education.

25 (5) Funds for the ordinary and contingent expenses of the
26 Authority shall be appropriated to the State Board of Education

1 in a separate line item.

2 (d) (1) The Authority shall have power to promulgate rules
3 and regulations to carry out its powers and duties under this
4 Act.

5 (2) The Authority may accept monetary gifts or grants from
6 the federal government or any agency thereof, from any
7 charitable foundation or professional association or from any
8 other reputable source for implementation of any program
9 necessary or desirable to the carrying out of the general
10 purposes of the Authority. Such gifts and grants may be held in
11 trust by the Authority and expended in the exercise of its
12 powers and performance of its duties as prescribed by law.

13 (3) The Authority shall submit an annual report of its
14 activities and expenditures to the Governor, the General
15 Assembly, the directors of agencies represented on the
16 Authority, and the State Superintendent of Education.

17 (Source: P.A. 92-632, eff. 1-1-03; revised 12-15-05.)

18 (105 ILCS 5/14A-30)

19 Sec. 14A-30. Local programs; requirements. In order for a
20 local program for the education of gifted and talented children
21 to be approved by the State Board of Education in order to
22 qualify for State funding, if available, as of the beginning of
23 the 2006-2007 academic year, the local program must meet the
24 following minimum requirements and demonstrate the fulfillment
25 of these requirements in a written program description

1 submitted to the State Board of Education by the local
2 educational agency operating the program and modified if the
3 program is substantively altered:

4 (1) The use of a minimum of 3 assessment measures used
5 to identify gifted and talented children in each area in
6 which a program for gifted and talented children is
7 established, which may include without limitation scores
8 on standardized achievement tests, observation checklists,
9 portfolios, and currently-used district assessments.

10 (2) A priority emphasis on language arts and
11 mathematics.

12 (3) An identification method that uses the definition
13 of gifted and talented children as defined in Section
14 14A-20 of this Code.

15 (4) Assessment instruments sensitive to the inclusion
16 of underrepresented groups, including low-income students,
17 minority students, and English language learners.

18 (5) A process of identification of gifted and talented
19 children that is of equal rigor in each area of aptitude
20 addressed by the program.

21 (6) The use of identification procedures that
22 appropriately correspond with the planned programs,
23 curricula, and services.

24 (7) A fair and equitable decision-making process.

25 (8) The availability of a fair and impartial appeal
26 process within the school, school district, or cooperative

1 of school districts operating a program for parents or
2 guardians whose children are aggrieved by a decision of the
3 school, school district, or cooperative of school
4 districts regarding eligibility for participation in a
5 program.

6 (9) Procedures for annually informing the community
7 at-large, including parents, about the program and the
8 methods used for the identification of gifted and talented
9 children.

10 (10) Procedures for notifying parents or guardians of a
11 child of a decision affecting that child's participation in
12 a program.

13 (11) A description of how gifted and talented children
14 will be grouped and instructed in order to maximize the
15 educational benefits the children derive from
16 participation in the program, including curriculum
17 modifications and options that accelerate and add depth and
18 complexity to the curriculum content.

19 (12) An explanation of how the program emphasizes
20 higher-level skills attainment, including problem-solving,
21 critical thinking, creative thinking, and research skills,
22 as embedded within relevant content areas.

23 (13) A methodology for measuring academic growth for
24 gifted and talented children and a procedure for
25 communicating a child's progress to his or her parents or
26 guardian, including, but not limited to, a report card.

1 (14) The collection of data on growth in learning for
2 children in a program for gifted and talented children and
3 the reporting of the data to the State Board of Education.

4 (15) The designation of a supervisor responsible for
5 overseeing the educational program for gifted and talented
6 children.

7 (16) A showing that the certified teachers who are
8 assigned to teach gifted and talented children understand
9 the characteristics and educational needs of children and
10 are able to differentiate the curriculum and apply
11 instructional methods to meet the needs of the children.

12 (17) Plans for the continuation of professional
13 development for staff assigned to the program serving
14 gifted and talented children.

15 (Source: P.A. 94-151, eff. 7-8-05; 94-410, eff. 8-2-05; revised
16 8-31-05.)

17 (105 ILCS 5/14A-55)

18 Sec. 14A-55. Rulemaking. The State Board of Education shall
19 have the authority to adopt all rules necessary to implement
20 and regulate the provisions of ~~in~~ this Article.

21 (Source: P.A. 94-151, eff. 7-8-05; 94-410, eff. 8-2-05; revised
22 8-31-05.)

23 (105 ILCS 5/18-8.05)

24 Sec. 18-8.05. Basis for apportionment of general State

1 financial aid and supplemental general State aid to the common
2 schools for the 1998-1999 and subsequent school years.

3 (A) General Provisions.

4 (1) The provisions of this Section apply to the 1998-1999
5 and subsequent school years. The system of general State
6 financial aid provided for in this Section is designed to
7 assure that, through a combination of State financial aid and
8 required local resources, the financial support provided each
9 pupil in Average Daily Attendance equals or exceeds a
10 prescribed per pupil Foundation Level. This formula approach
11 imputes a level of per pupil Available Local Resources and
12 provides for the basis to calculate a per pupil level of
13 general State financial aid that, when added to Available Local
14 Resources, equals or exceeds the Foundation Level. The amount
15 of per pupil general State financial aid for school districts,
16 in general, varies in inverse relation to Available Local
17 Resources. Per pupil amounts are based upon each school
18 district's Average Daily Attendance as that term is defined in
19 this Section.

20 (2) In addition to general State financial aid, school
21 districts with specified levels or concentrations of pupils
22 from low income households are eligible to receive supplemental
23 general State financial aid grants as provided pursuant to
24 subsection (H). The supplemental State aid grants provided for
25 school districts under subsection (H) shall be appropriated for

1 distribution to school districts as part of the same line item
2 in which the general State financial aid of school districts is
3 appropriated under this Section.

4 (3) To receive financial assistance under this Section,
5 school districts are required to file claims with the State
6 Board of Education, subject to the following requirements:

7 (a) Any school district which fails for any given
8 school year to maintain school as required by law, or to
9 maintain a recognized school is not eligible to file for
10 such school year any claim upon the Common School Fund. In
11 case of nonrecognition of one or more attendance centers in
12 a school district otherwise operating recognized schools,
13 the claim of the district shall be reduced in the
14 proportion which the Average Daily Attendance in the
15 attendance center or centers bear to the Average Daily
16 Attendance in the school district. A "recognized school"
17 means any public school which meets the standards as
18 established for recognition by the State Board of
19 Education. A school district or attendance center not
20 having recognition status at the end of a school term is
21 entitled to receive State aid payments due upon a legal
22 claim which was filed while it was recognized.

23 (b) School district claims filed under this Section are
24 subject to Sections 18-9, 18-10, and 18-12, except as
25 otherwise provided in this Section.

26 (c) If a school district operates a full year school

1 under Section 10-19.1, the general State aid to the school
2 district shall be determined by the State Board of
3 Education in accordance with this Section as near as may be
4 applicable.

5 (d) (Blank).

6 (4) Except as provided in subsections (H) and (L), the
7 board of any district receiving any of the grants provided for
8 in this Section may apply those funds to any fund so received
9 for which that board is authorized to make expenditures by law.

10 School districts are not required to exert a minimum
11 Operating Tax Rate in order to qualify for assistance under
12 this Section.

13 (5) As used in this Section the following terms, when
14 capitalized, shall have the meaning ascribed herein:

15 (a) "Average Daily Attendance": A count of pupil
16 attendance in school, averaged as provided for in
17 subsection (C) and utilized in deriving per pupil financial
18 support levels.

19 (b) "Available Local Resources": A computation of
20 local financial support, calculated on the basis of Average
21 Daily Attendance and derived as provided pursuant to
22 subsection (D).

23 (c) "Corporate Personal Property Replacement Taxes":
24 Funds paid to local school districts pursuant to "An Act in
25 relation to the abolition of ad valorem personal property
26 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

1 Level of support is \$4,560. For the 2003-2004 school year, the
2 Foundation Level of support is \$4,810. For the 2004-2005 school
3 year, the Foundation Level of support is \$4,964. For the
4 2005-2006 school year, the Foundation Level of support is
5 \$5,164.

6 (3) For the 2006-2007 school year and each school year
7 thereafter, the Foundation Level of support is \$5,334 or such
8 greater amount as may be established by law by the General
9 Assembly.

10 (C) Average Daily Attendance.

11 (1) For purposes of calculating general State aid pursuant
12 to subsection (E), an Average Daily Attendance figure shall be
13 utilized. The Average Daily Attendance figure for formula
14 calculation purposes shall be the monthly average of the actual
15 number of pupils in attendance of each school district, as
16 further averaged for the best 3 months of pupil attendance for
17 each school district. In compiling the figures for the number
18 of pupils in attendance, school districts and the State Board
19 of Education shall, for purposes of general State aid funding,
20 conform attendance figures to the requirements of subsection
21 (F).

22 (2) The Average Daily Attendance figures utilized in
23 subsection (E) shall be the requisite attendance data for the
24 school year immediately preceding the school year for which
25 general State aid is being calculated or the average of the

1 attendance data for the 3 preceding school years, whichever is
2 greater. The Average Daily Attendance figures utilized in
3 subsection (H) shall be the requisite attendance data for the
4 school year immediately preceding the school year for which
5 general State aid is being calculated.

6 (D) Available Local Resources.

7 (1) For purposes of calculating general State aid pursuant
8 to subsection (E), a representation of Available Local
9 Resources per pupil, as that term is defined and determined in
10 this subsection, shall be utilized. Available Local Resources
11 per pupil shall include a calculated dollar amount representing
12 local school district revenues from local property taxes and
13 from Corporate Personal Property Replacement Taxes, expressed
14 on the basis of pupils in Average Daily Attendance. Calculation
15 of Available Local Resources shall exclude any tax amnesty
16 funds received as a result of Public Act 93-26.

17 (2) In determining a school district's revenue from local
18 property taxes, the State Board of Education shall utilize the
19 equalized assessed valuation of all taxable property of each
20 school district as of September 30 of the previous year. The
21 equalized assessed valuation utilized shall be obtained and
22 determined as provided in subsection (G).

23 (3) For school districts maintaining grades kindergarten
24 through 12, local property tax revenues per pupil shall be
25 calculated as the product of the applicable equalized assessed

1 valuation for the district multiplied by 3.00%, and divided by
2 the district's Average Daily Attendance figure. For school
3 districts maintaining grades kindergarten through 8, local
4 property tax revenues per pupil shall be calculated as the
5 product of the applicable equalized assessed valuation for the
6 district multiplied by 2.30%, and divided by the district's
7 Average Daily Attendance figure. For school districts
8 maintaining grades 9 through 12, local property tax revenues
9 per pupil shall be the applicable equalized assessed valuation
10 of the district multiplied by 1.05%, and divided by the
11 district's Average Daily Attendance figure.

12 For partial elementary unit districts created pursuant to
13 Article 11E of this Code, local property tax revenues per pupil
14 shall be calculated as the product of the equalized assessed
15 valuation for property within the elementary and high school
16 classification of the partial elementary unit district
17 multiplied by 2.06% and divided by the Average Daily Attendance
18 figure for grades kindergarten through 8, plus the product of
19 the equalized assessed valuation for property within the high
20 school only classification of the partial elementary unit
21 district multiplied by 0.94% and divided by the Average Daily
22 Attendance figure for grades 9 through 12.

23 (4) The Corporate Personal Property Replacement Taxes paid
24 to each school district during the calendar year 2 years before
25 the calendar year in which a school year begins, divided by the
26 Average Daily Attendance figure for that district, shall be

1 added to the local property tax revenues per pupil as derived
2 by the application of the immediately preceding paragraph (3).
3 The sum of these per pupil figures for each school district
4 shall constitute Available Local Resources as that term is
5 utilized in subsection (E) in the calculation of general State
6 aid.

7 (E) Computation of General State Aid.

8 (1) For each school year, the amount of general State aid
9 allotted to a school district shall be computed by the State
10 Board of Education as provided in this subsection.

11 (2) For any school district for which Available Local
12 Resources per pupil is less than the product of 0.93 times the
13 Foundation Level, general State aid for that district shall be
14 calculated as an amount equal to the Foundation Level minus
15 Available Local Resources, multiplied by the Average Daily
16 Attendance of the school district.

17 (3) For any school district for which Available Local
18 Resources per pupil is equal to or greater than the product of
19 0.93 times the Foundation Level and less than the product of
20 1.75 times the Foundation Level, the general State aid per
21 pupil shall be a decimal proportion of the Foundation Level
22 derived using a linear algorithm. Under this linear algorithm,
23 the calculated general State aid per pupil shall decline in
24 direct linear fashion from 0.07 times the Foundation Level for
25 a school district with Available Local Resources equal to the

1 product of 0.93 times the Foundation Level, to 0.05 times the
2 Foundation Level for a school district with Available Local
3 Resources equal to the product of 1.75 times the Foundation
4 Level. The allocation of general State aid for school districts
5 subject to this paragraph 3 shall be the calculated general
6 State aid per pupil figure multiplied by the Average Daily
7 Attendance of the school district.

8 (4) For any school district for which Available Local
9 Resources per pupil equals or exceeds the product of 1.75 times
10 the Foundation Level, the general State aid for the school
11 district shall be calculated as the product of \$218 multiplied
12 by the Average Daily Attendance of the school district.

13 (5) The amount of general State aid allocated to a school
14 district for the 1999-2000 school year meeting the requirements
15 set forth in paragraph (4) of subsection (G) shall be increased
16 by an amount equal to the general State aid that would have
17 been received by the district for the 1998-1999 school year by
18 utilizing the Extension Limitation Equalized Assessed
19 Valuation as calculated in paragraph (4) of subsection (G) less
20 the general State aid allotted for the 1998-1999 school year.
21 This amount shall be deemed a one time increase, and shall not
22 affect any future general State aid allocations.

23 (F) Compilation of Average Daily Attendance.

24 (1) Each school district shall, by July 1 of each year,
25 submit to the State Board of Education, on forms prescribed by

1 the State Board of Education, attendance figures for the school
2 year that began in the preceding calendar year. The attendance
3 information so transmitted shall identify the average daily
4 attendance figures for each month of the school year. Beginning
5 with the general State aid claim form for the 2002-2003 school
6 year, districts shall calculate Average Daily Attendance as
7 provided in subdivisions (a), (b), and (c) of this paragraph
8 (1).

9 (a) In districts that do not hold year-round classes,
10 days of attendance in August shall be added to the month of
11 September and any days of attendance in June shall be added
12 to the month of May.

13 (b) In districts in which all buildings hold year-round
14 classes, days of attendance in July and August shall be
15 added to the month of September and any days of attendance
16 in June shall be added to the month of May.

17 (c) In districts in which some buildings, but not all,
18 hold year-round classes, for the non-year-round buildings,
19 days of attendance in August shall be added to the month of
20 September and any days of attendance in June shall be added
21 to the month of May. The average daily attendance for the
22 year-round buildings shall be computed as provided in
23 subdivision (b) of this paragraph (1). To calculate the
24 Average Daily Attendance for the district, the average
25 daily attendance for the year-round buildings shall be
26 multiplied by the days in session for the non-year-round

1 buildings for each month and added to the monthly
2 attendance of the non-year-round buildings.

3 Except as otherwise provided in this Section, days of
4 attendance by pupils shall be counted only for sessions of not
5 less than 5 clock hours of school work per day under direct
6 supervision of: (i) teachers, or (ii) non-teaching personnel or
7 volunteer personnel when engaging in non-teaching duties and
8 supervising in those instances specified in subsection (a) of
9 Section 10-22.34 and paragraph 10 of Section 34-18, with pupils
10 of legal school age and in kindergarten and grades 1 through
11 12.

12 Days of attendance by tuition pupils shall be accredited
13 only to the districts that pay the tuition to a recognized
14 school.

15 (2) Days of attendance by pupils of less than 5 clock hours
16 of school shall be subject to the following provisions in the
17 compilation of Average Daily Attendance.

18 (a) Pupils regularly enrolled in a public school for
19 only a part of the school day may be counted on the basis
20 of 1/6 day for every class hour of instruction of 40
21 minutes or more attended pursuant to such enrollment,
22 unless a pupil is enrolled in a block-schedule format of 80
23 minutes or more of instruction, in which case the pupil may
24 be counted on the basis of the proportion of minutes of
25 school work completed each day to the minimum number of
26 minutes that school work is required to be held that day.

1 (b) Days of attendance may be less than 5 clock hours
2 on the opening and closing of the school term, and upon the
3 first day of pupil attendance, if preceded by a day or days
4 utilized as an institute or teachers' workshop.

5 (c) A session of 4 or more clock hours may be counted
6 as a day of attendance upon certification by the regional
7 superintendent, and approved by the State Superintendent
8 of Education to the extent that the district has been
9 forced to use daily multiple sessions.

10 (d) A session of 3 or more clock hours may be counted
11 as a day of attendance (1) when the remainder of the school
12 day or at least 2 hours in the evening of that day is
13 utilized for an in-service training program for teachers,
14 up to a maximum of 5 days per school year of which a
15 maximum of 4 days of such 5 days may be used for
16 parent-teacher conferences, provided a district conducts
17 an in-service training program for teachers which has been
18 approved by the State Superintendent of Education; or, in
19 lieu of 4 such days, 2 full days may be used, in which
20 event each such day may be counted as a day of attendance;
21 and (2) when days in addition to those provided in item (1)
22 are scheduled by a school pursuant to its school
23 improvement plan adopted under Article 34 or its revised or
24 amended school improvement plan adopted under Article 2,
25 provided that (i) such sessions of 3 or more clock hours
26 are scheduled to occur at regular intervals, (ii) the

1 remainder of the school days in which such sessions occur
2 are utilized for in-service training programs or other
3 staff development activities for teachers, and (iii) a
4 sufficient number of minutes of school work under the
5 direct supervision of teachers are added to the school days
6 between such regularly scheduled sessions to accumulate
7 not less than the number of minutes by which such sessions
8 of 3 or more clock hours fall short of 5 clock hours. Any
9 full days used for the purposes of this paragraph shall not
10 be considered for computing average daily attendance. Days
11 scheduled for in-service training programs, staff
12 development activities, or parent-teacher conferences may
13 be scheduled separately for different grade levels and
14 different attendance centers of the district.

15 (e) A session of not less than one clock hour of
16 teaching hospitalized or homebound pupils on-site or by
17 telephone to the classroom may be counted as 1/2 day of
18 attendance, however these pupils must receive 4 or more
19 clock hours of instruction to be counted for a full day of
20 attendance.

21 (f) A session of at least 4 clock hours may be counted
22 as a day of attendance for first grade pupils, and pupils
23 in full day kindergartens, and a session of 2 or more hours
24 may be counted as 1/2 day of attendance by pupils in
25 kindergartens which provide only 1/2 day of attendance.

26 (g) For children with disabilities who are below the

1 age of 6 years and who cannot attend 2 or more clock hours
2 because of their disability or immaturity, a session of not
3 less than one clock hour may be counted as 1/2 day of
4 attendance; however for such children whose educational
5 needs so require a session of 4 or more clock hours may be
6 counted as a full day of attendance.

7 (h) A recognized kindergarten which provides for only
8 1/2 day of attendance by each pupil shall not have more
9 than 1/2 day of attendance counted in any one day. However,
10 kindergartens may count 2 1/2 days of attendance in any 5
11 consecutive school days. When a pupil attends such a
12 kindergarten for 2 half days on any one school day, the
13 pupil shall have the following day as a day absent from
14 school, unless the school district obtains permission in
15 writing from the State Superintendent of Education.
16 Attendance at kindergartens which provide for a full day of
17 attendance by each pupil shall be counted the same as
18 attendance by first grade pupils. Only the first year of
19 attendance in one kindergarten shall be counted, except in
20 case of children who entered the kindergarten in their
21 fifth year whose educational development requires a second
22 year of kindergarten as determined under the rules and
23 regulations of the State Board of Education.

24 (i) On the days when the Prairie State Achievement
25 Examination is administered under subsection (c) of
26 Section 2-3.64 of this Code, the day of attendance for a

1 pupil whose school day must be shortened to accommodate
2 required testing procedures may be less than 5 clock hours
3 and shall be counted towards the 176 days of actual pupil
4 attendance required under Section 10-19 of this Code,
5 provided that a sufficient number of minutes of school work
6 in excess of 5 clock hours are first completed on other
7 school days to compensate for the loss of school work on
8 the examination days.

9 (G) Equalized Assessed Valuation Data.

10 (1) For purposes of the calculation of Available Local
11 Resources required pursuant to subsection (D), the State Board
12 of Education shall secure from the Department of Revenue the
13 value as equalized or assessed by the Department of Revenue of
14 all taxable property of every school district, together with
15 (i) the applicable tax rate used in extending taxes for the
16 funds of the district as of September 30 of the previous year
17 and (ii) the limiting rate for all school districts subject to
18 property tax extension limitations as imposed under the
19 Property Tax Extension Limitation Law.

20 The Department of Revenue shall add to the equalized
21 assessed value of all taxable property of each school district
22 situated entirely or partially within a county that is or was
23 subject to the alternative general homestead exemption
24 provisions of Section 15-176 of the Property Tax Code (a) an
25 amount equal to the total amount by which the homestead

1 exemption allowed under Section 15-176 of the Property Tax Code
2 for real property situated in that school district exceeds the
3 total amount that would have been allowed in that school
4 district if the maximum reduction under Section 15-176 was (i)
5 \$4,500 in Cook County or \$3,500 in all other counties in tax
6 year 2003 or (ii) \$5,000 in all counties in tax year 2004 and
7 thereafter and (b) an amount equal to the aggregate amount for
8 the taxable year of all additional exemptions under Section
9 15-175 of the Property Tax Code for owners with a household
10 income of \$30,000 or less. The county clerk of any county that
11 is or was subject to the alternative general homestead
12 exemption provisions of Section 15-176 of the Property Tax Code
13 shall annually calculate and certify to the Department of
14 Revenue for each school district all homestead exemption
15 amounts under Section 15-176 of the Property Tax Code and all
16 amounts of additional exemptions under Section 15-175 of the
17 Property Tax Code for owners with a household income of \$30,000
18 or less. It is the intent of this paragraph that if the general
19 homestead exemption for a parcel of property is determined
20 under Section 15-176 of the Property Tax Code rather than
21 Section 15-175, then the calculation of Available Local
22 Resources shall not be affected by the difference, if any,
23 between the amount of the general homestead exemption allowed
24 for that parcel of property under Section 15-176 of the
25 Property Tax Code and the amount that would have been allowed
26 had the general homestead exemption for that parcel of property

1 been determined under Section 15-175 of the Property Tax Code.
2 It is further the intent of this paragraph that if additional
3 exemptions are allowed under Section 15-175 of the Property Tax
4 Code for owners with a household income of less than \$30,000,
5 then the calculation of Available Local Resources shall not be
6 affected by the difference, if any, because of those additional
7 exemptions.

8 This equalized assessed valuation, as adjusted further by
9 the requirements of this subsection, shall be utilized in the
10 calculation of Available Local Resources.

11 (2) The equalized assessed valuation in paragraph (1) shall
12 be adjusted, as applicable, in the following manner:

13 (a) For the purposes of calculating State aid under
14 this Section, with respect to any part of a school district
15 within a redevelopment project area in respect to which a
16 municipality has adopted tax increment allocation
17 financing pursuant to the Tax Increment Allocation
18 Redevelopment Act, Sections 11-74.4-1 through 11-74.4-11
19 of the Illinois Municipal Code or the Industrial Jobs
20 Recovery Law, Sections 11-74.6-1 through 11-74.6-50 of the
21 Illinois Municipal Code, no part of the current equalized
22 assessed valuation of real property located in any such
23 project area which is attributable to an increase above the
24 total initial equalized assessed valuation of such
25 property shall be used as part of the equalized assessed
26 valuation of the district, until such time as all

1 redevelopment project costs have been paid, as provided in
2 Section 11-74.4-8 of the Tax Increment Allocation
3 Redevelopment Act or in Section 11-74.6-35 of the
4 Industrial Jobs Recovery Law. For the purpose of the
5 equalized assessed valuation of the district, the total
6 initial equalized assessed valuation or the current
7 equalized assessed valuation, whichever is lower, shall be
8 used until such time as all redevelopment project costs
9 have been paid.

10 (b) The real property equalized assessed valuation for
11 a school district shall be adjusted by subtracting from the
12 real property value as equalized or assessed by the
13 Department of Revenue for the district an amount computed
14 by dividing the amount of any abatement of taxes under
15 Section 18-170 of the Property Tax Code by 3.00% for a
16 district maintaining grades kindergarten through 12, by
17 2.30% for a district maintaining grades kindergarten
18 through 8, or by 1.05% for a district maintaining grades 9
19 through 12 and adjusted by an amount computed by dividing
20 the amount of any abatement of taxes under subsection (a)
21 of Section 18-165 of the Property Tax Code by the same
22 percentage rates for district type as specified in this
23 subparagraph (b).

24 (3) For the 1999-2000 school year and each school year
25 thereafter, if a school district meets all of the criteria of
26 this subsection (G) (3), the school district's Available Local

1 Resources shall be calculated under subsection (D) using the
2 district's Extension Limitation Equalized Assessed Valuation
3 as calculated under this subsection (G) (3).

4 For purposes of this subsection (G) (3) the following terms
5 shall have the following meanings:

6 "Budget Year": The school year for which general State
7 aid is calculated and awarded under subsection (E).

8 "Base Tax Year": The property tax levy year used to
9 calculate the Budget Year allocation of general State aid.

10 "Preceding Tax Year": The property tax levy year
11 immediately preceding the Base Tax Year.

12 "Base Tax Year's Tax Extension": The product of the
13 equalized assessed valuation utilized by the County Clerk
14 in the Base Tax Year multiplied by the limiting rate as
15 calculated by the County Clerk and defined in the Property
16 Tax Extension Limitation Law.

17 "Preceding Tax Year's Tax Extension": The product of
18 the equalized assessed valuation utilized by the County
19 Clerk in the Preceding Tax Year multiplied by the Operating
20 Tax Rate as defined in subsection (A).

21 "Extension Limitation Ratio": A numerical ratio,
22 certified by the County Clerk, in which the numerator is
23 the Base Tax Year's Tax Extension and the denominator is
24 the Preceding Tax Year's Tax Extension.

25 "Operating Tax Rate": The operating tax rate as defined
26 in subsection (A).

1 If a school district is subject to property tax extension
2 limitations as imposed under the Property Tax Extension
3 Limitation Law, the State Board of Education shall calculate
4 the Extension Limitation Equalized Assessed Valuation of that
5 district. For the 1999-2000 school year, the Extension
6 Limitation Equalized Assessed Valuation of a school district as
7 calculated by the State Board of Education shall be equal to
8 the product of the district's 1996 Equalized Assessed Valuation
9 and the district's Extension Limitation Ratio. For the
10 2000-2001 school year and each school year thereafter, the
11 Extension Limitation Equalized Assessed Valuation of a school
12 district as calculated by the State Board of Education shall be
13 equal to the product of the Equalized Assessed Valuation last
14 used in the calculation of general State aid and the district's
15 Extension Limitation Ratio. If the Extension Limitation
16 Equalized Assessed Valuation of a school district as calculated
17 under this subsection (G)(3) is less than the district's
18 equalized assessed valuation as calculated pursuant to
19 subsections (G)(1) and (G)(2), then for purposes of calculating
20 the district's general State aid for the Budget Year pursuant
21 to subsection (E), that Extension Limitation Equalized
22 Assessed Valuation shall be utilized to calculate the
23 district's Available Local Resources under subsection (D).

24 Partial elementary unit districts created in accordance
25 with Article 11E of this Code shall not be eligible for the
26 adjustment in this subsection (G)(3) until the fifth year

1 following the effective date of the reorganization.

2 (4) For the purposes of calculating general State aid for
3 the 1999-2000 school year only, if a school district
4 experienced a triennial reassessment on the equalized assessed
5 valuation used in calculating its general State financial aid
6 apportionment for the 1998-1999 school year, the State Board of
7 Education shall calculate the Extension Limitation Equalized
8 Assessed Valuation that would have been used to calculate the
9 district's 1998-1999 general State aid. This amount shall equal
10 the product of the equalized assessed valuation used to
11 calculate general State aid for the 1997-1998 school year and
12 the district's Extension Limitation Ratio. If the Extension
13 Limitation Equalized Assessed Valuation of the school district
14 as calculated under this paragraph (4) is less than the
15 district's equalized assessed valuation utilized in
16 calculating the district's 1998-1999 general State aid
17 allocation, then for purposes of calculating the district's
18 general State aid pursuant to paragraph (5) of subsection (E),
19 that Extension Limitation Equalized Assessed Valuation shall
20 be utilized to calculate the district's Available Local
21 Resources.

22 (5) For school districts having a majority of their
23 equalized assessed valuation in any county except Cook, DuPage,
24 Kane, Lake, McHenry, or Will, if the amount of general State
25 aid allocated to the school district for the 1999-2000 school
26 year under the provisions of subsection (E), (H), and (J) of

1 this Section is less than the amount of general State aid
2 allocated to the district for the 1998-1999 school year under
3 these subsections, then the general State aid of the district
4 for the 1999-2000 school year only shall be increased by the
5 difference between these amounts. The total payments made under
6 this paragraph (5) shall not exceed \$14,000,000. Claims shall
7 be prorated if they exceed \$14,000,000.

8 (H) Supplemental General State Aid.

9 (1) In addition to the general State aid a school district
10 is allotted pursuant to subsection (E), qualifying school
11 districts shall receive a grant, paid in conjunction with a
12 district's payments of general State aid, for supplemental
13 general State aid based upon the concentration level of
14 children from low-income households within the school
15 district. Supplemental State aid grants provided for school
16 districts under this subsection shall be appropriated for
17 distribution to school districts as part of the same line item
18 in which the general State financial aid of school districts is
19 appropriated under this Section. If the appropriation in any
20 fiscal year for general State aid and supplemental general
21 State aid is insufficient to pay the amounts required under the
22 general State aid and supplemental general State aid
23 calculations, then the State Board of Education shall ensure
24 that each school district receives the full amount due for
25 general State aid and the remainder of the appropriation shall

1 be used for supplemental general State aid, which the State
2 Board of Education shall calculate and pay to eligible
3 districts on a prorated basis.

4 (1.5) This paragraph (1.5) applies only to those school
5 years preceding the 2003-2004 school year. For purposes of this
6 subsection (H), the term "Low-Income Concentration Level"
7 shall be the low-income eligible pupil count from the most
8 recently available federal census divided by the Average Daily
9 Attendance of the school district. If, however, (i) the
10 percentage decrease from the 2 most recent federal censuses in
11 the low-income eligible pupil count of a high school district
12 with fewer than 400 students exceeds by 75% or more the
13 percentage change in the total low-income eligible pupil count
14 of contiguous elementary school districts, whose boundaries
15 are coterminous with the high school district, or (ii) a high
16 school district within 2 counties and serving 5 elementary
17 school districts, whose boundaries are coterminous with the
18 high school district, has a percentage decrease from the 2 most
19 recent federal censuses in the low-income eligible pupil count
20 and there is a percentage increase in the total low-income
21 eligible pupil count of a majority of the elementary school
22 districts in excess of 50% from the 2 most recent federal
23 censuses, then the high school district's low-income eligible
24 pupil count from the earlier federal census shall be the number
25 used as the low-income eligible pupil count for the high school
26 district, for purposes of this subsection (H). The changes made

1 to this paragraph (1) by Public Act 92-28 shall apply to
2 supplemental general State aid grants for school years
3 preceding the 2003-2004 school year that are paid in fiscal
4 year 1999 or thereafter and to any State aid payments made in
5 fiscal year 1994 through fiscal year 1998 pursuant to
6 subsection 1(n) of Section 18-8 of this Code (which was
7 repealed on July 1, 1998), and any high school district that is
8 affected by Public Act 92-28 is entitled to a recomputation of
9 its supplemental general State aid grant or State aid paid in
10 any of those fiscal years. This recomputation shall not be
11 affected by any other funding.

12 (1.10) This paragraph (1.10) applies to the 2003-2004
13 school year and each school year thereafter. For purposes of
14 this subsection (H), the term "Low-Income Concentration Level"
15 shall, for each fiscal year, be the low-income eligible pupil
16 count as of July 1 of the immediately preceding fiscal year (as
17 determined by the Department of Human Services based on the
18 number of pupils who are eligible for at least one of the
19 following low income programs: Medicaid, KidCare, TANF, or Food
20 Stamps, excluding pupils who are eligible for services provided
21 by the Department of Children and Family Services, averaged
22 over the 2 immediately preceding fiscal years for fiscal year
23 2004 and over the 3 immediately preceding fiscal years for each
24 fiscal year thereafter) divided by the Average Daily Attendance
25 of the school district.

26 (2) Supplemental general State aid pursuant to this

1 subsection (H) shall be provided as follows for the 1998-1999,
2 1999-2000, and 2000-2001 school years only:

3 (a) For any school district with a Low Income
4 Concentration Level of at least 20% and less than 35%, the
5 grant for any school year shall be \$800 multiplied by the
6 low income eligible pupil count.

7 (b) For any school district with a Low Income
8 Concentration Level of at least 35% and less than 50%, the
9 grant for the 1998-1999 school year shall be \$1,100
10 multiplied by the low income eligible pupil count.

11 (c) For any school district with a Low Income
12 Concentration Level of at least 50% and less than 60%, the
13 grant for the 1998-99 school year shall be \$1,500
14 multiplied by the low income eligible pupil count.

15 (d) For any school district with a Low Income
16 Concentration Level of 60% or more, the grant for the
17 1998-99 school year shall be \$1,900 multiplied by the low
18 income eligible pupil count.

19 (e) For the 1999-2000 school year, the per pupil amount
20 specified in subparagraphs (b), (c), and (d) immediately
21 above shall be increased to \$1,243, \$1,600, and \$2,000,
22 respectively.

23 (f) For the 2000-2001 school year, the per pupil
24 amounts specified in subparagraphs (b), (c), and (d)
25 immediately above shall be \$1,273, \$1,640, and \$2,050,
26 respectively.

1 (2.5) Supplemental general State aid pursuant to this
2 subsection (H) shall be provided as follows for the 2002-2003
3 school year:

4 (a) For any school district with a Low Income
5 Concentration Level of less than 10%, the grant for each
6 school year shall be \$355 multiplied by the low income
7 eligible pupil count.

8 (b) For any school district with a Low Income
9 Concentration Level of at least 10% and less than 20%, the
10 grant for each school year shall be \$675 multiplied by the
11 low income eligible pupil count.

12 (c) For any school district with a Low Income
13 Concentration Level of at least 20% and less than 35%, the
14 grant for each school year shall be \$1,330 multiplied by
15 the low income eligible pupil count.

16 (d) For any school district with a Low Income
17 Concentration Level of at least 35% and less than 50%, the
18 grant for each school year shall be \$1,362 multiplied by
19 the low income eligible pupil count.

20 (e) For any school district with a Low Income
21 Concentration Level of at least 50% and less than 60%, the
22 grant for each school year shall be \$1,680 multiplied by
23 the low income eligible pupil count.

24 (f) For any school district with a Low Income
25 Concentration Level of 60% or more, the grant for each
26 school year shall be \$2,080 multiplied by the low income

1 eligible pupil count.

2 (2.10) Except as otherwise provided, supplemental general
3 State aid pursuant to this subsection (H) shall be provided as
4 follows for the 2003-2004 school year and each school year
5 thereafter:

6 (a) For any school district with a Low Income
7 Concentration Level of 15% or less, the grant for each
8 school year shall be \$355 multiplied by the low income
9 eligible pupil count.

10 (b) For any school district with a Low Income
11 Concentration Level greater than 15%, the grant for each
12 school year shall be \$294.25 added to the product of \$2,700
13 and the square of the Low Income Concentration Level, all
14 multiplied by the low income eligible pupil count.

15 For the 2003-2004 school year, 2004-2005 school year,
16 2005-2006 school year, and 2006-2007 school year only, the
17 grant shall be no less than the grant for the 2002-2003 school
18 year. For the 2007-2008 school year only, the grant shall be no
19 less than the grant for the 2002-2003 school year multiplied by
20 0.66. For the 2008-2009 school year only, the grant shall be no
21 less than the grant for the 2002-2003 school year multiplied by
22 0.33. Notwithstanding the provisions of this paragraph to the
23 contrary, if for any school year supplemental general State aid
24 grants are prorated as provided in paragraph (1) of this
25 subsection (H), then the grants under this paragraph shall be
26 prorated.

1 For the 2003-2004 school year only, the grant shall be no
2 greater than the grant received during the 2002-2003 school
3 year added to the product of 0.25 multiplied by the difference
4 between the grant amount calculated under subsection (a) or (b)
5 of this paragraph (2.10), whichever is applicable, and the
6 grant received during the 2002-2003 school year. For the
7 2004-2005 school year only, the grant shall be no greater than
8 the grant received during the 2002-2003 school year added to
9 the product of 0.50 multiplied by the difference between the
10 grant amount calculated under subsection (a) or (b) of this
11 paragraph (2.10), whichever is applicable, and the grant
12 received during the 2002-2003 school year. For the 2005-2006
13 school year only, the grant shall be no greater than the grant
14 received during the 2002-2003 school year added to the product
15 of 0.75 multiplied by the difference between the grant amount
16 calculated under subsection (a) or (b) of this paragraph
17 (2.10), whichever is applicable, and the grant received during
18 the 2002-2003 school year.

19 (3) School districts with an Average Daily Attendance of
20 more than 1,000 and less than 50,000 that qualify for
21 supplemental general State aid pursuant to this subsection
22 shall submit a plan to the State Board of Education prior to
23 October 30 of each year for the use of the funds resulting from
24 this grant of supplemental general State aid for the
25 improvement of instruction in which priority is given to
26 meeting the education needs of disadvantaged children. Such

1 plan shall be submitted in accordance with rules and
2 regulations promulgated by the State Board of Education.

3 (4) School districts with an Average Daily Attendance of
4 50,000 or more that qualify for supplemental general State aid
5 pursuant to this subsection shall be required to distribute
6 from funds available pursuant to this Section, no less than
7 \$261,000,000 in accordance with the following requirements:

8 (a) The required amounts shall be distributed to the
9 attendance centers within the district in proportion to the
10 number of pupils enrolled at each attendance center who are
11 eligible to receive free or reduced-price lunches or
12 breakfasts under the federal Child Nutrition Act of 1966
13 and under the National School Lunch Act during the
14 immediately preceding school year.

15 (b) The distribution of these portions of supplemental
16 and general State aid among attendance centers according to
17 these requirements shall not be compensated for or
18 contravened by adjustments of the total of other funds
19 appropriated to any attendance centers, and the Board of
20 Education shall utilize funding from one or several sources
21 in order to fully implement this provision annually prior
22 to the opening of school.

23 (c) Each attendance center shall be provided by the
24 school district a distribution of noncategorical funds and
25 other categorical funds to which an attendance center is
26 entitled under law in order that the general State aid and

1 supplemental general State aid provided by application of
2 this subsection supplements rather than supplants the
3 noncategorical funds and other categorical funds provided
4 by the school district to the attendance centers.

5 (d) Any funds made available under this subsection that
6 by reason of the provisions of this subsection are not
7 required to be allocated and provided to attendance centers
8 may be used and appropriated by the board of the district
9 for any lawful school purpose.

10 (e) Funds received by an attendance center pursuant to
11 this subsection shall be used by the attendance center at
12 the discretion of the principal and local school council
13 for programs to improve educational opportunities at
14 qualifying schools through the following programs and
15 services: early childhood education, reduced class size or
16 improved adult to student classroom ratio, enrichment
17 programs, remedial assistance, attendance improvement, and
18 other educationally beneficial expenditures which
19 supplement the regular and basic programs as determined by
20 the State Board of Education. Funds provided shall not be
21 expended for any political or lobbying purposes as defined
22 by board rule.

23 (f) Each district subject to the provisions of this
24 subdivision (H) (4) shall submit an acceptable plan to meet
25 the educational needs of disadvantaged children, in
26 compliance with the requirements of this paragraph, to the

1 State Board of Education prior to July 15 of each year.
2 This plan shall be consistent with the decisions of local
3 school councils concerning the school expenditure plans
4 developed in accordance with part 4 of Section 34-2.3. The
5 State Board shall approve or reject the plan within 60 days
6 after its submission. If the plan is rejected, the district
7 shall give written notice of intent to modify the plan
8 within 15 days of the notification of rejection and then
9 submit a modified plan within 30 days after the date of the
10 written notice of intent to modify. Districts may amend
11 approved plans pursuant to rules promulgated by the State
12 Board of Education.

13 Upon notification by the State Board of Education that
14 the district has not submitted a plan prior to July 15 or a
15 modified plan within the time period specified herein, the
16 State aid funds affected by that plan or modified plan
17 shall be withheld by the State Board of Education until a
18 plan or modified plan is submitted.

19 If the district fails to distribute State aid to
20 attendance centers in accordance with an approved plan, the
21 plan for the following year shall allocate funds, in
22 addition to the funds otherwise required by this
23 subsection, to those attendance centers which were
24 underfunded during the previous year in amounts equal to
25 such underfunding.

26 For purposes of determining compliance with this

1 subsection in relation to the requirements of attendance
2 center funding, each district subject to the provisions of
3 this subsection shall submit as a separate document by
4 December 1 of each year a report of expenditure data for
5 the prior year in addition to any modification of its
6 current plan. If it is determined that there has been a
7 failure to comply with the expenditure provisions of this
8 subsection regarding contravention or supplanting, the
9 State Superintendent of Education shall, within 60 days of
10 receipt of the report, notify the district and any affected
11 local school council. The district shall within 45 days of
12 receipt of that notification inform the State
13 Superintendent of Education of the remedial or corrective
14 action to be taken, whether by amendment of the current
15 plan, if feasible, or by adjustment in the plan for the
16 following year. Failure to provide the expenditure report
17 or the notification of remedial or corrective action in a
18 timely manner shall result in a withholding of the affected
19 funds.

20 The State Board of Education shall promulgate rules and
21 regulations to implement the provisions of this
22 subsection. No funds shall be released under this
23 subdivision (H) (4) to any district that has not submitted a
24 plan that has been approved by the State Board of
25 Education.

1 (I) (Blank).

2 (J) Supplementary Grants in Aid.

3 (1) Notwithstanding any other provisions of this Section,
4 the amount of the aggregate general State aid in combination
5 with supplemental general State aid under this Section for
6 which each school district is eligible shall be no less than
7 the amount of the aggregate general State aid entitlement that
8 was received by the district under Section 18-8 (exclusive of
9 amounts received under subsections 5(p) and 5(p-5) of that
10 Section) for the 1997-98 school year, pursuant to the
11 provisions of that Section as it was then in effect. If a
12 school district qualifies to receive a supplementary payment
13 made under this subsection (J), the amount of the aggregate
14 general State aid in combination with supplemental general
15 State aid under this Section which that district is eligible to
16 receive for each school year shall be no less than the amount
17 of the aggregate general State aid entitlement that was
18 received by the district under Section 18-8 (exclusive of
19 amounts received under subsections 5(p) and 5(p-5) of that
20 Section) for the 1997-1998 school year, pursuant to the
21 provisions of that Section as it was then in effect.

22 (2) If, as provided in paragraph (1) of this subsection
23 (J), a school district is to receive aggregate general State
24 aid in combination with supplemental general State aid under
25 this Section for the 1998-99 school year and any subsequent

1 school year that in any such school year is less than the
2 amount of the aggregate general State aid entitlement that the
3 district received for the 1997-98 school year, the school
4 district shall also receive, from a separate appropriation made
5 for purposes of this subsection (J), a supplementary payment
6 that is equal to the amount of the difference in the aggregate
7 State aid figures as described in paragraph (1).

8 (3) (Blank).

9 (K) Grants to Laboratory and Alternative Schools.

10 In calculating the amount to be paid to the governing board
11 of a public university that operates a laboratory school under
12 this Section or to any alternative school that is operated by a
13 regional superintendent of schools, the State Board of
14 Education shall require by rule such reporting requirements as
15 it deems necessary.

16 As used in this Section, "laboratory school" means a public
17 school which is created and operated by a public university and
18 approved by the State Board of Education. The governing board
19 of a public university which receives funds from the State
20 Board under this subsection (K) may not increase the number of
21 students enrolled in its laboratory school from a single
22 district, if that district is already sending 50 or more
23 students, except under a mutual agreement between the school
24 board of a student's district of residence and the university
25 which operates the laboratory school. A laboratory school may

1 not have more than 1,000 students, excluding students with
2 disabilities in a special education program.

3 As used in this Section, "alternative school" means a
4 public school which is created and operated by a Regional
5 Superintendent of Schools and approved by the State Board of
6 Education. Such alternative schools may offer courses of
7 instruction for which credit is given in regular school
8 programs, courses to prepare students for the high school
9 equivalency testing program or vocational and occupational
10 training. A regional superintendent of schools may contract
11 with a school district or a public community college district
12 to operate an alternative school. An alternative school serving
13 more than one educational service region may be established by
14 the regional superintendents of schools of the affected
15 educational service regions. An alternative school serving
16 more than one educational service region may be operated under
17 such terms as the regional superintendents of schools of those
18 educational service regions may agree.

19 Each laboratory and alternative school shall file, on forms
20 provided by the State Superintendent of Education, an annual
21 State aid claim which states the Average Daily Attendance of
22 the school's students by month. The best 3 months' Average
23 Daily Attendance shall be computed for each school. The general
24 State aid entitlement shall be computed by multiplying the
25 applicable Average Daily Attendance by the Foundation Level as
26 determined under this Section.

1 (L) Payments, Additional Grants in Aid and Other Requirements.

2 (1) For a school district operating under the financial
3 supervision of an Authority created under Article 34A, the
4 general State aid otherwise payable to that district under this
5 Section, but not the supplemental general State aid, shall be
6 reduced by an amount equal to the budget for the operations of
7 the Authority as certified by the Authority to the State Board
8 of Education, and an amount equal to such reduction shall be
9 paid to the Authority created for such district for its
10 operating expenses in the manner provided in Section 18-11. The
11 remainder of general State school aid for any such district
12 shall be paid in accordance with Article 34A when that Article
13 provides for a disposition other than that provided by this
14 Article.

15 (2) (Blank).

16 (3) Summer school. Summer school payments shall be made as
17 provided in Section 18-4.3.

18 (M) Education Funding Advisory Board.

19 The Education Funding Advisory Board, hereinafter in this
20 subsection (M) referred to as the "Board", is hereby created.
21 The Board shall consist of 5 members who are appointed by the
22 Governor, by and with the advice and consent of the Senate. The
23 members appointed shall include representatives of education,
24 business, and the general public. One of the members so

1 appointed shall be designated by the Governor at the time the
2 appointment is made as the chairperson of the Board. The
3 initial members of the Board may be appointed any time after
4 the effective date of this amendatory Act of 1997. The regular
5 term of each member of the Board shall be for 4 years from the
6 third Monday of January of the year in which the term of the
7 member's appointment is to commence, except that of the 5
8 initial members appointed to serve on the Board, the member who
9 is appointed as the chairperson shall serve for a term that
10 commences on the date of his or her appointment and expires on
11 the third Monday of January, 2002, and the remaining 4 members,
12 by lots drawn at the first meeting of the Board that is held
13 after all 5 members are appointed, shall determine 2 of their
14 number to serve for terms that commence on the date of their
15 respective appointments and expire on the third Monday of
16 January, 2001, and 2 of their number to serve for terms that
17 commence on the date of their respective appointments and
18 expire on the third Monday of January, 2000. All members
19 appointed to serve on the Board shall serve until their
20 respective successors are appointed and confirmed. Vacancies
21 shall be filled in the same manner as original appointments. If
22 a vacancy in membership occurs at a time when the Senate is not
23 in session, the Governor shall make a temporary appointment
24 until the next meeting of the Senate, when he or she shall
25 appoint, by and with the advice and consent of the Senate, a
26 person to fill that membership for the unexpired term. If the

1 Senate is not in session when the initial appointments are
2 made, those appointments shall be made as in the case of
3 vacancies.

4 The Education Funding Advisory Board shall be deemed
5 established, and the initial members appointed by the Governor
6 to serve as members of the Board shall take office, on the date
7 that the Governor makes his or her appointment of the fifth
8 initial member of the Board, whether those initial members are
9 then serving pursuant to appointment and confirmation or
10 pursuant to temporary appointments that are made by the
11 Governor as in the case of vacancies.

12 The State Board of Education shall provide such staff
13 assistance to the Education Funding Advisory Board as is
14 reasonably required for the proper performance by the Board of
15 its responsibilities.

16 For school years after the 2000-2001 school year, the
17 Education Funding Advisory Board, in consultation with the
18 State Board of Education, shall make recommendations as
19 provided in this subsection (M) to the General Assembly for the
20 foundation level under subdivision (B)(3) of this Section and
21 for the supplemental general State aid grant level under
22 subsection (H) of this Section for districts with high
23 concentrations of children from poverty. The recommended
24 foundation level shall be determined based on a methodology
25 which incorporates the basic education expenditures of
26 low-spending schools exhibiting high academic performance. The

1 Education Funding Advisory Board shall make such
2 recommendations to the General Assembly on January 1 of odd
3 numbered years, beginning January 1, 2001.

4 (N) (Blank).

5 (O) References.

6 (1) References in other laws to the various subdivisions of
7 Section 18-8 as that Section existed before its repeal and
8 replacement by this Section 18-8.05 shall be deemed to refer to
9 the corresponding provisions of this Section 18-8.05, to the
10 extent that those references remain applicable.

11 (2) References in other laws to State Chapter 1 funds shall
12 be deemed to refer to the supplemental general State aid
13 provided under subsection (H) of this Section.

14 (P) Public Act 93-838 and Public Act 93-808 make inconsistent
15 changes to this Section. Under Section 6 of the Statute on
16 Statutes there is an irreconcilable conflict between Public Act
17 93-808 and Public Act 93-838. Public Act 93-838, being the last
18 acted upon, is controlling. The text of Public Act 93-838 is
19 the law regardless of the text of Public Act 93-808.

20 (Source: P.A. 93-21, eff. 7-1-03; 93-715, eff. 7-12-04; 93-808,
21 eff. 7-26-04; 93-838, eff. 7-30-04; 93-875, eff. 8-6-04; 94-69,
22 eff. 7-1-05; 94-438, eff. 8-4-05; 94-835, eff. 6-6-06; 94-1019,
23 eff. 7-10-06; revised 8-3-06.)

1 (105 ILCS 5/19-1) (from Ch. 122, par. 19-1)

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

3 (a) School districts shall not be subject to the provisions
4 limiting their indebtedness prescribed in "An Act to limit the
5 indebtedness of counties having a population of less than
6 500,000 and townships, school districts and other municipal
7 corporations having a population of less than 300,000",
8 approved February 15, 1928, as amended.

9 No school districts maintaining grades K through 8 or 9
10 through 12 shall become indebted in any manner or for any
11 purpose to an amount, including existing indebtedness, in the
12 aggregate exceeding 6.9% on the value of the taxable property
13 therein to be ascertained by the last assessment for State and
14 county taxes or, until January 1, 1983, if greater, the sum
15 that is produced by multiplying the school district's 1978
16 equalized assessed valuation by the debt limitation percentage
17 in effect on January 1, 1979, previous to the incurring of such
18 indebtedness.

19 No school districts maintaining grades K through 12 shall
20 become indebted in any manner or for any purpose to an amount,
21 including existing indebtedness, in the aggregate exceeding
22 13.8% on the value of the taxable property therein to be
23 ascertained by the last assessment for State and county taxes
24 or, until January 1, 1983, if greater, the sum that is produced
25 by multiplying the school district's 1978 equalized assessed

1 valuation by the debt limitation percentage in effect on
2 January 1, 1979, previous to the incurring of such
3 indebtedness.

4 No partial elementary unit district, as defined in Article
5 11E of this Code, shall become indebted in any manner or for
6 any purpose in an amount, including existing indebtedness, in
7 the aggregate exceeding 6.9% of the value of the taxable
8 property of the entire district, to be ascertained by the last
9 assessment for State and county taxes, plus an amount,
10 including existing indebtedness, in the aggregate exceeding
11 6.9% of the value of the taxable property of that portion of
12 the district included in the elementary and high school
13 classification, to be ascertained by the last assessment for
14 State and county taxes. Moreover, no partial elementary unit
15 district, as defined in Article 11E of this Code, shall become
16 indebted on account of bonds issued by the district for high
17 school purposes in the aggregate exceeding 6.9% of the value of
18 the taxable property of the entire district, to be ascertained
19 by the last assessment for State and county taxes, nor shall
20 the district become indebted on account of bonds issued by the
21 district for elementary purposes in the aggregate exceeding
22 6.9% of the value of the taxable property for that portion of
23 the district included in the elementary and high school
24 classification, to be ascertained by the last assessment for
25 State and county taxes.

26 Notwithstanding the provisions of any other law to the

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

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

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

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

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

19 (4) Notwithstanding the provisions of paragraphs (1)
20 through (3) of this subsection (b), if the school board
21 determines that additional facilities are needed to
22 provide a quality educational program and not less than 2/3
23 of those voting in an election called by the school board
24 on the question approve the issuance of bonds for the
25 construction of such facilities, the school district may
26 issue bonds for this purpose; or

1 (5) Notwithstanding the provisions of paragraphs (1)
2 through (3) of this subsection (b), if (i) the school
3 district has previously availed itself of the provisions of
4 paragraph (4) of this subsection (b) to enable it to issue
5 bonds, (ii) the voters of the school district have not
6 defeated a proposition for the issuance of bonds since the
7 referendum described in paragraph (4) of this subsection
8 (b) was held, (iii) the school board determines that
9 additional facilities are needed to provide a quality
10 educational program, and (iv) a majority of those voting in
11 an election called by the school board on the question
12 approve the issuance of bonds for the construction of such
13 facilities, the school district may issue bonds for this
14 purpose.

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

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

26 (c) Notwithstanding the debt limitation prescribed in

1 subsection (a) of this Section, in any case in which a public
2 question for the issuance of bonds of a proposed school
3 district maintaining grades kindergarten through 12 received
4 at least 60% of the valid ballots cast on the question at an
5 election held on or prior to November 8, 1994, and in which the
6 bonds approved at such election have not been issued, the
7 school district pursuant to the requirements of Section 11A-10
8 (now repealed) may issue the total amount of bonds approved at
9 such election for the purpose stated in the question.

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

22 (1) The additional indebtedness authorized by this
23 subsection (d) is incurred by the school district through
24 the issuance of bonds under and in accordance with Section
25 17-2.11a for the purpose of replacing a school building
26 which, because of mine subsidence damage, has been closed

1 as provided in paragraph (2) of this subsection (d) or
2 through the issuance of bonds under and in accordance with
3 Section 19-3 for the purpose of increasing the size of, or
4 providing for additional functions in, such replacement
5 school buildings, or both such purposes.

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

19 (e) (Blank).

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

1 statutory limitation as to indebtedness:

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

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

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

15 Notwithstanding the provisions of subsection (a) of this
16 Section or of any other law, a school district that has availed
17 itself of the provisions of this subsection (f) prior to July
18 22, 2004 (the effective date of Public Act 93-799) may also
19 issue bonds approved by referendum up to an amount, including
20 existing indebtedness, not exceeding 25% of the equalized
21 assessed value of the taxable property in the district if all
22 of the conditions set forth in items (1), (2), and (3) of this
23 subsection (f) are met.

24 (g) Notwithstanding the provisions of subsection (a) of
25 this Section or any other law, bonds in not to exceed an
26 aggregate amount of 25% of the equalized assessed value of the

1 taxable property of a school district and issued by a school
2 district meeting the criteria in paragraphs (i) through (iv) of
3 this subsection shall not be considered indebtedness for
4 purposes of any statutory limitation and may be issued pursuant
5 to resolution of the school board in an amount or amounts,
6 including existing indebtedness, in excess of any statutory
7 limitation of indebtedness heretofore or hereafter imposed:

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

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

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

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

25 (h) Notwithstanding any other provisions of this Section or
26 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 27.6% of the equalized assessed
4 value 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 \$24,000,000;

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 buildings
11 were originally constructed not less than 40 years ago;

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

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

17 (i) 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% of the equalized assessed value
22 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 \$44,600,000;

26 (ii) The bonds are issued for the capital improvement,

1 renovation, rehabilitation, or replacement of existing
2 school buildings of the district, all of which existing
3 buildings were originally constructed not less than 80
4 years ago;

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

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

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

17 (i) The school district has an equalized assessed
18 valuation for calendar year 1995 of less than \$140,000,000
19 and a best 3 months average daily attendance for the
20 1995-96 school year of at least 2,800;

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

25 (iii) At the time of the sale of the bonds, the board
26 of education determines by resolution that a new high

1 school is needed because of projected enrollment
2 increases;

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

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

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

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

26 (2) the additional indebtedness is for the purpose of

1 financing a multi-purpose room addition to the existing
2 high school;

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

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

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

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

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

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

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

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

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

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

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

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

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

26 (n) Notwithstanding the debt limitation prescribed in

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

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

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

25 (iii) The school district has exhausted its bonding
26 capacity or the unused bonding capacity of the district is

1 less than the amount certified by the Capital Development
2 Board to the district under Section 5-15 of the School
3 Construction Law as the dollar amount of the school
4 construction project's cost that the district will be
5 required to finance with non-grant funds in order to
6 receive a school construction project grant under the
7 School Construction Law.

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

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

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

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

1 conditions are met:

2 (i) the school district has an equalized assessed
3 valuation for calendar year 2001 of at least \$737,000,000
4 and an enrollment for the 2002-2003 school year of at least
5 8,500;

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

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

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

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

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

26 (i) The school district has an equalized assessed

1 valuation for calendar year 2001 of at least \$295,741,187
2 and a best 3 months' average daily attendance for the
3 2002-2003 school year of at least 2,394.

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

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

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

14 (p-5) Notwithstanding any other provisions of this Section
15 or the provisions of any other law, bonds issued by a community
16 unit school district maintaining grades K through 12 shall not
17 be considered indebtedness for purposes of any statutory
18 limitation and may be issued in an amount or amounts, including
19 existing indebtedness, in excess of any heretofore or hereafter
20 imposed statutory limitation as to indebtedness, if all of the
21 following conditions are met:

22 (i) For each of the 4 most recent years, residential
23 property comprises more than 80% of the equalized assessed
24 valuation of the district.

25 (ii) At least 2 school buildings that were constructed
26 40 or more years prior to the issuance of the bonds will be

1 demolished and will be replaced by new buildings or
2 additions to one or more existing buildings.

3 (iii) Voters of the district approve a proposition for
4 the issuance of the bonds at a regularly scheduled
5 election.

6 (iv) At the time of the sale of the bonds, the school
7 board determines by resolution that the new buildings or
8 building additions are needed because of an increase in
9 enrollment projected by the school board.

10 (v) The principal amount of the bonds, including
11 existing indebtedness, does not exceed 25% of the equalized
12 assessed value of the taxable property in the district.

13 (vi) The bonds are issued prior to January 1, 2007,
14 pursuant to Sections 19-2 through 19-7 of this Code.

15 (p-10) Notwithstanding any other provisions of this
16 Section or the provisions of any other law, bonds issued by a
17 community consolidated school district maintaining grades K
18 through 8 shall not be considered indebtedness for purposes of
19 any statutory limitation and may be issued in an amount or
20 amounts, including existing indebtedness, in excess of any
21 heretofore or hereafter imposed statutory limitation as to
22 indebtedness, if all of the following conditions are met:

23 (i) For each of the 4 most recent years, residential
24 and farm property comprises more than 80% of the equalized
25 assessed valuation of the district.

26 (ii) The bond proceeds are to be used to acquire and

1 improve school sites and build and equip a school building.

2 (iii) Voters of the district approve a proposition for
3 the issuance of the bonds at a regularly scheduled
4 election.

5 (iv) At the time of the sale of the bonds, the school
6 board determines by resolution that the school sites and
7 building additions are needed because of an increase in
8 enrollment projected by the school board.

9 (v) The principal amount of the bonds, including
10 existing indebtedness, does not exceed 20% of the equalized
11 assessed value of the taxable property in the district.

12 (vi) The bonds are issued prior to January 1, 2007,
13 pursuant to Sections 19-2 through 19-7 of this Code.

14 (q) A school district must notify the State Board of
15 Education prior to issuing any form of long-term or short-term
16 debt that will result in outstanding debt that exceeds 75% of
17 the debt limit specified in this Section or any other provision
18 of law.

19 (Source: P.A. 93-13, eff. 6-9-03; 93-799, eff. 7-22-04;
20 93-1045, eff. 10-15-04; 94-234, eff. 7-1-06; 94-721, eff.
21 1-6-06; 94-952, eff. 6-27-06; 94-1019, eff. 7-10-06; revised
22 8-3-06.)

23 (105 ILCS 5/21-1b) (from Ch. 122, par. 21-1b)

24 Sec. 21-1b. Subject endorsement on certificates. All
25 certificates initially issued under this Article after June 30,

1 1986, shall be specifically endorsed by the State Board of
2 Education for each subject the holder of the certificate is
3 legally qualified to teach, such endorsements to be made in
4 accordance with standards promulgated by the State Board of
5 Education in consultation with the State Teacher Certification
6 Board. The regional superintendent of schools, however, has the
7 duty, after appropriate training, to accept and review all
8 transcripts for new initial certificate applications and
9 ensure that each applicant has met all of the criteria
10 established by the State Board of Education in consultation
11 with with the State Teacher Certification Board. All
12 certificates which are issued under this Article prior to July
13 1, 1986 may, by application to the State Board of Education, be
14 specifically endorsed for each subject the holder is legally
15 qualified to teach. Endorsements issued under this Section
16 shall not apply to substitute teacher's certificates issued
17 under Section 21-9 of this Code.

18 Commencing July 1, 1999, each application for endorsement
19 of an existing teaching certificate shall be accompanied by a
20 \$30 nonrefundable fee. There is hereby created a Teacher
21 Certificate Fee Revolving Fund as a special fund within the
22 State Treasury. The proceeds of each \$30 fee shall be paid into
23 the Teacher Certificate Fee Revolving Fund; and the moneys in
24 that Fund shall be appropriated and used to provide the
25 technology and other resources necessary for the timely and
26 efficient processing of certification requests.

1 The State Board of Education and each regional office of
2 education are authorized to charge a service or convenience fee
3 for the use of credit cards for the payment of certification
4 fees. This service or convenience fee may not exceed the amount
5 required by the credit card processing company or vendor that
6 has entered into a contract with the State Board or regional
7 office of education for this purpose, and the fee must be paid
8 to that company or vendor.

9 (Source: P.A. 93-679, eff. 6-30-04; 93-1036, eff. 9-14-04;
10 revised 10-22-04.)

11 (105 ILCS 5/21-12) (from Ch. 122, par. 21-12)

12 Sec. 21-12. Printing; Seal; Signature; Credentials. All
13 certificates shall be printed by and bear the signatures of the
14 chairman and of the secretary of the State Teacher
15 Certification Board. Each certificate shall show the
16 integrally printed seal of the State Teacher Certification
17 Board. All college credentials offered as the basis of a
18 certificate shall be presented to the secretary of the State
19 Teacher Certification Board for inspection and approval. The
20 regional superintendent of schools, however, has the duty,
21 after appropriate training, to accept and review all
22 transcripts for new initial certificate applications and
23 ensure that each applicant has met all of the criteria
24 established by the State Board of Education in consultation
25 with the State Teacher Certification Board.

1 Commencing July 1, 1999, each application for a certificate
2 or evaluation of credentials shall be accompanied by an
3 evaluation fee of \$30 payable to the State Superintendent of
4 Education, which is not refundable, except that no application
5 or evaluation fee shall be required for a Master Certificate
6 issued pursuant to subsection (d) of Section 21-2 of this Code.
7 The proceeds of each \$30 fee shall be paid into the Teacher
8 Certificate Fee Revolving Fund, created under Section 21-1b of
9 this Code; and the moneys in that Fund shall be appropriated
10 and used to provide the technology and other resources
11 necessary for the timely and efficient processing of
12 certification requests.

13 The State Board of Education and each regional office of
14 education are authorized to charge a service or convenience fee
15 for the use of credit cards for the payment of certification
16 fees. This service or convenience fee may not exceed the amount
17 required by the credit card processing company or vendor that
18 has entered into a contract with the State Board or regional
19 office of education for this purpose, and the fee must be paid
20 to that company or vendor.

21 When evaluation verifies the requirements for a valid
22 certificate, the applicant shall be issued an entitlement card
23 that may be presented to a regional superintendent of schools
24 for issuance of a certificate.

25 The applicant shall be notified of any deficiencies.

26 (Source: P.A. 93-679, eff. 6-30-04; 93-1036, eff. 9-14-04;

1 revised 10-22-04.)

2 (105 ILCS 5/21-14) (from Ch. 122, par. 21-14)

3 Sec. 21-14. Registration and renewal of certificates.

4 (a) A limited four-year certificate or a certificate issued
5 after July 1, 1955, shall be renewable at its expiration or
6 within 60 days thereafter by the county superintendent of
7 schools having supervision and control over the school where
8 the teacher is teaching upon certified evidence of meeting the
9 requirements for renewal as required by this Act and prescribed
10 by the State Board of Education in consultation with the State
11 Teacher Certification Board. An elementary supervisory
12 certificate shall not be renewed at the end of the first
13 four-year period covered by the certificate unless the holder
14 thereof has filed certified evidence with the State Teacher
15 Certification Board that he has a master's degree or that he
16 has earned 8 semester hours of credit in the field of
17 educational administration and supervision in a recognized
18 institution of higher learning. The holder shall continue to
19 earn 8 semester hours of credit each four-year period until
20 such time as he has earned a master's degree.

21 All certificates not renewed or registered as herein
22 provided shall lapse after a period of 5 years from the
23 expiration of the last year of registration. Such certificates
24 may be reinstated for a one year period upon payment of all
25 accumulated registration fees. Such reinstated certificates

1 shall only be renewed: (1) by earning 5 semester hours of
2 credit in a recognized institution of higher learning in the
3 field of professional education or in courses related to the
4 holder's contractual teaching duties; or (2) by presenting
5 evidence of holding a valid regular certificate of some other
6 type. Any certificate may be voluntarily surrendered by the
7 certificate holder. A voluntarily surrendered certificate
8 shall be treated as a revoked certificate.

9 (b) When those teaching certificates issued before
10 February 15, 2000 are renewed for the first time after February
11 15, 2000, all such teaching certificates shall be exchanged for
12 Standard Teaching Certificates as provided in subsection (c) of
13 Section 21-2. All Initial and Standard Teaching Certificates,
14 including those issued to persons who previously held teaching
15 certificates issued before February 15, 2000, shall be
16 renewable under the conditions set forth in this subsection
17 (b).

18 Initial Teaching Certificates are valid for 4 years of
19 teaching, as provided in subsection (b) of Section 21-2 of this
20 Code, and are renewable every 4 years until the person
21 completes 4 years of teaching. If the holder of an Initial
22 Certificate has completed 4 years of teaching but has not
23 completed the requirements set forth in paragraph (2) of
24 subsection (c) of Section 21-2 of this Code, then the Initial
25 Certificate may be reinstated for one year, during which the
26 requirements must be met. A holder of an Initial Certificate

1 who has not completed 4 years of teaching may continuously
2 register the certificate for additional 4-year periods without
3 penalty. Initial Certificates that are not registered shall
4 lapse consistent with subsection (a) of this Section and may be
5 reinstated only in accordance with subsection (a). Standard
6 Teaching Certificates are renewable every 5 years as provided
7 in subsection (c) of Section 21-2 and subsection (c) of this
8 Section. For purposes of this Section, "teaching" is defined as
9 employment and performance of services in an Illinois public or
10 State-operated elementary school, secondary school, or
11 cooperative or joint agreement with a governing body or board
12 of control, in a certificated teaching position, or a charter
13 school operating in compliance with the Charter Schools Law.

14 (c) In compliance with subsection (c) of Section 21-2 of
15 this Code, which provides that a Standard Teaching Certificate
16 may be renewed by the State Teacher Certification Board based
17 upon proof of continuing professional development, the State
18 Board of Education and the State Teacher Certification Board
19 shall jointly:

20 (1) establish a procedure for renewing Standard
21 Teaching Certificates, which shall include but not be
22 limited to annual timelines for the renewal process and the
23 components set forth in subsections (d) through (k) of this
24 Section;

25 (2) establish the standards for certificate renewal;

26 (3) approve or disapprove the providers of continuing

1 professional development activities;

2 (4) determine the maximum credit for each category of
3 continuing professional development activities, based upon
4 recommendations submitted by a continuing professional
5 development activity task force, which shall consist of 6
6 staff members from the State Board of Education, appointed
7 by the State Superintendent of Education, and 6 teacher
8 representatives, 3 of whom are selected by the Illinois
9 Education Association and 3 of whom are selected by the
10 Illinois Federation of Teachers;

11 (5) designate the type and amount of documentation
12 required to show that continuing professional development
13 activities have been completed; and

14 (6) provide, on a timely basis to all Illinois
15 teachers, certificate holders, regional superintendents of
16 schools, school districts, and others with an interest in
17 continuing professional development, information about the
18 standards and requirements established pursuant to this
19 subsection (c).

20 (d) Any Standard Teaching Certificate held by an individual
21 employed and performing services in an Illinois public or
22 State-operated elementary school, secondary school, or
23 cooperative or joint agreement with a governing body or board
24 of control in a certificated teaching position or a charter
25 school in compliance with the Charter Schools Law must be
26 maintained Valid and Active through certificate renewal

1 activities specified in the certificate renewal procedure
2 established pursuant to subsection (c) of this Section,
3 provided that a holder of a Valid and Active certificate who is
4 only employed on either a part-time basis or day-to-day basis
5 as a substitute teacher shall pay only the required
6 registration fee to renew his or her certificate and maintain
7 it as Valid and Active. All other Standard Teaching
8 Certificates held may be maintained as Valid and Exempt through
9 the registration process provided for in the certificate
10 renewal procedure established pursuant to subsection (c) of
11 this Section. A Valid and Exempt certificate must be
12 immediately activated, through procedures developed jointly by
13 the State Board of Education and the State Teacher
14 Certification Board, upon the certificate holder becoming
15 employed and performing services in an Illinois public or
16 State-operated elementary school, secondary school, or
17 cooperative or joint agreement with a governing body or board
18 of control in a certificated teaching position or a charter
19 school operating in compliance with the Charter Schools Law. A
20 holder of a Valid and Exempt certificate may activate his or
21 her certificate through procedures provided for in the
22 certificate renewal procedure established pursuant to
23 subsection (c) of this Section.

24 (e)(1) A Standard Teaching Certificate that has been
25 maintained as Valid and Active for the 5 years of the
26 certificate's validity shall be renewed as Valid and Active

1 upon the certificate holder: (i) completing an advanced degree
2 from an approved institution in an education-related field;
3 (ii) completing at least 8 semester hours of coursework as
4 described in subdivision (B) of paragraph (3) of this
5 subsection (e); (iii) earning at least 24 continuing education
6 units as described in subdivision (C) of paragraph (3) of this
7 subsection (e); (iv) completing the National Board for
8 Professional Teaching Standards process as described in
9 subdivision (D) of paragraph (3) of this subsection (e); or (v)
10 earning 120 continuing professional development units ("CPDU")
11 as described in subdivision (E) of paragraph (3) of this
12 subsection (e). The maximum continuing professional
13 development units for each continuing professional development
14 activity identified in subdivisions (F) through (J) of
15 paragraph (3) of this subsection (e) shall be jointly
16 determined by the State Board of Education and the State
17 Teacher Certification Board. If, however, the certificate
18 holder has maintained the certificate as Valid and Exempt for a
19 portion of the 5-year period of validity, the number of
20 continuing professional development units needed to renew the
21 certificate as Valid and Active shall be proportionately
22 reduced by the amount of time the certificate was Valid and
23 Exempt. Furthermore, if a certificate holder is employed and
24 performs teaching services on a part-time basis for all or a
25 portion of the certificate's 5-year period of validity, the
26 number of continuing professional development units needed to

1 renew the certificate as Valid and Active shall be reduced by
2 50% for the amount of time the certificate holder has been
3 employed and performed teaching services on a part-time basis.
4 Part-time shall be defined as less than 50% of the school day
5 or school term.

6 Notwithstanding any other requirements to the contrary, if
7 a Standard Teaching Certificate has been maintained as Valid
8 and Active for the 5 years of the certificate's validity and
9 the certificate holder has completed his or her certificate
10 renewal plan before July 1, 2002, the certificate shall be
11 renewed as Valid and Active.

12 (2) Beginning July 1, 2004, in order to satisfy the
13 requirements for continuing professional development provided
14 for in subsection (c) of Section 21-2 of this Code, each Valid
15 and Active Standard Teaching Certificate holder shall complete
16 professional development activities that address the
17 certificate or those certificates that are required of his or
18 her certificated teaching position, if the certificate holder
19 is employed and performing services in an Illinois public or
20 State-operated elementary school, secondary school, or
21 cooperative or joint agreement with a governing body or board
22 of control, or that certificate or those certificates most
23 closely related to his or her teaching position, if the
24 certificate holder is employed in a charter school. Except as
25 otherwise provided in this subsection (e), the certificate
26 holder's activities must address purposes (A), (B), (C), or (D)

1 and must reflect purpose (E) of the following continuing
2 professional development purposes:

3 (A) Advance both the certificate holder's knowledge
4 and skills as a teacher consistent with the Illinois
5 Professional Teaching Standards and the Illinois Content
6 Area Standards in the certificate holder's areas of
7 certification, endorsement, or teaching assignment in
8 order to keep the certificate holder current in those
9 areas.

10 (B) Develop the certificate holder's knowledge and
11 skills in areas determined to be critical for all Illinois
12 teachers, as defined by the State Board of Education, known
13 as "State priorities".

14 (C) Address the knowledge, skills, and goals of the
15 certificate holder's local school improvement plan, if the
16 teacher is employed in an Illinois public or State-operated
17 elementary school, secondary school, or cooperative or
18 joint agreement with a governing body or board of control.

19 (D) Expand the certificate holder's knowledge and
20 skills in an additional teaching field or toward the
21 acquisition of another teaching certificate, endorsement,
22 or relevant education degree.

23 (E) Address the needs of serving students with
24 disabilities, including adapting and modifying the general
25 curriculum related to the Illinois Learning Standards to
26 meet the needs of students with disabilities and serving

1 such students in the least restrictive environment.
2 Teachers who hold certificates endorsed for special
3 education must devote at least 50% of their continuing
4 professional development activities to this purpose.
5 Teachers holding other certificates must devote at least
6 20% of their activities to this purpose.

7 A speech-language pathologist or audiologist who is
8 licensed under the Illinois Speech-Language Pathology and
9 Audiology Practice Act and who has met the continuing education
10 requirements of that Act and the rules promulgated under that
11 Act shall be deemed to have satisfied the continuing
12 professional development requirements established by the State
13 Board of Education and the Teacher Certification Board to renew
14 a Standard Certificate.

15 (3) Continuing professional development activities may
16 include, but are not limited to, the following activities:

17 (A) completion of an advanced degree from an approved
18 institution in an education-related field;

19 (B) at least 8 semester hours of coursework in an
20 approved education-related program, of which at least 2
21 semester hours relate to the continuing professional
22 development purpose set forth in purpose (A) of paragraph
23 (2) of this subsection (e), completion of which means no
24 other continuing professional development activities are
25 required;

26 (C) continuing education units that satisfy the

1 continuing professional development purposes set forth in
2 paragraph (2) of this subsection (e), with each continuing
3 education unit equal to 5 clock hours, provided that a plan
4 that includes at least 24 continuing education units (or
5 120 clock/contact hours) need not include any other
6 continuing professional development activities;

7 (D) completion of the National Board for Professional
8 Teaching Standards ("NBPTS") process for certification or
9 recertification, completion of which means no other
10 continuing professional development activities are
11 required;

12 (E) completion of 120 continuing professional
13 development units that satisfy the continuing professional
14 development purposes set forth in paragraph (2) of this
15 subsection (e) and may include without limitation the
16 activities identified in subdivisions (F) through (J) of
17 this paragraph (3);

18 (F) collaboration and partnership activities related
19 to improving the teacher's knowledge and skills as a
20 teacher, including the following:

21 (i) participating on collaborative planning and
22 professional improvement teams and committees;

23 (ii) peer review and coaching;

24 (iii) mentoring in a formal mentoring program,
25 including service as a consulting teacher
26 participating in a remediation process formulated

1 under Section 24A-5 of this Code;

2 (iv) participating in site-based management or
3 decision making teams, relevant committees, boards, or
4 task forces directly related to school improvement
5 plans;

6 (v) coordinating community resources in schools,
7 if the project is a specific goal of the school
8 improvement plan;

9 (vi) facilitating parent education programs for a
10 school, school district, or regional office of
11 education directly related to student achievement or
12 school improvement plans;

13 (vii) participating in business, school, or
14 community partnerships directly related to student
15 achievement or school improvement plans; or

16 (viii) supervising a student teacher or teacher
17 education candidate in clinical supervision, provided
18 that the supervision may only be counted once during
19 the course of 5 years;

20 (G) college or university coursework related to
21 improving the teacher's knowledge and skills as a teacher
22 as follows:

23 (i) completing undergraduate or graduate credit
24 earned from a regionally accredited institution in
25 coursework relevant to the certificate area being
26 renewed, including coursework that incorporates

1 induction activities and development of a portfolio of
2 both student and teacher work that provides experience
3 in reflective practices, provided the coursework meets
4 Illinois Professional Teaching Standards or Illinois
5 Content Area Standards and supports the essential
6 characteristics of quality professional development;
7 or

8 (ii) teaching college or university courses in
9 areas relevant to the certificate area being renewed,
10 provided that the teaching may only be counted once
11 during the course of 5 years;

12 (H) conferences, workshops, institutes, seminars, and
13 symposiums related to improving the teacher's knowledge
14 and skills as a teacher, subject to disapproval of the
15 activity or event by the State Teacher Certification Board
16 acting jointly with the State Board of Education, including
17 the following:

18 (i) completing non-university credit directly
19 related to student achievement, school improvement
20 plans, or State priorities;

21 (ii) participating in or presenting at workshops,
22 seminars, conferences, institutes, and symposiums;

23 (iii) training as external reviewers for Quality
24 Assurance; or

25 (iv) training as reviewers of university teacher
26 preparation programs.

1 A teacher, however, may not receive credit for conferences,
2 workshops, institutes, seminars, or symposiums that are
3 designed for entertainment, promotional, or commercial
4 purposes or that are solely inspirational or motivational.
5 The State Superintendent of Education and regional
6 superintendents of schools are authorized to review the
7 activities and events provided or to be provided under this
8 subdivision (H) and to investigate complaints regarding
9 those activities and events, and either the State
10 Superintendent of Education or a regional superintendent
11 of schools may recommend that the State Teacher
12 Certification Board and the State Board of Education
13 jointly disapprove those activities and events considered
14 to be inconsistent with this subdivision (H);

15 (I) other educational experiences related to improving
16 the teacher's knowledge and skills as a teacher, including
17 the following:

18 (i) participating in action research and inquiry
19 projects;

20 (ii) observing programs or teaching in schools,
21 related businesses, or industry that is systematic,
22 purposeful, and relevant to certificate renewal;

23 (iii) traveling related to one's teaching
24 assignment, directly related to student achievement or
25 school improvement plans and approved by the regional
26 superintendent of schools or his or her designee at

1 least 30 days prior to the travel experience, provided
2 that the traveling shall not include time spent
3 commuting to destinations where the learning
4 experience will occur;

5 (iv) participating in study groups related to
6 student achievement or school improvement plans;

7 (v) serving on a statewide education-related
8 committee, including but not limited to the State
9 Teacher Certification Board, State Board of Education
10 strategic agenda teams, or the State Advisory Council
11 on Education of Children with Disabilities;

12 (vi) participating in work/learn programs or
13 internships; or

14 (vii) developing a portfolio of student and
15 teacher work;

16 (J) professional leadership experiences related to
17 improving the teacher's knowledge and skills as a teacher,
18 including the following:

19 (i) participating in curriculum development or
20 assessment activities at the school, school district,
21 regional office of education, State, or national
22 level;

23 (ii) participating in team or department
24 leadership in a school or school district;

25 (iii) participating on external or internal school
26 or school district review teams;

1 (iv) publishing educational articles, columns, or
2 books relevant to the certificate area being renewed;

3 or

4 (v) participating in non-strike related
5 professional association or labor organization service
6 or activities related to professional development;

7 (K) receipt of a subsequent Illinois certificate or
8 endorsement pursuant to this Article; ~~or~~

9 (L) completion of requirements for meeting the
10 Illinois criteria for becoming "highly qualified" (for
11 purposes of the No Child Left Behind Act of 2001, Public
12 Law 107-110) in an additional teaching area; ~~or~~

13 (M) successful completion of 4 semester hours of
14 graduate-level coursework on the assessment of one's own
15 performance in relation to the Illinois Teaching
16 Standards, as described in clause (B) of paragraph (2) of
17 subsection (c) of Section 21-2 of this Code; or ~~or~~

18 (N) successful completion of a minimum of 4 semester
19 hours of graduate-level coursework addressing preparation
20 to meet the requirements for certification by the National
21 Board for Professional Teaching Standards, as described in
22 clause (C) of paragraph (2) of subsection (c) of Section
23 21-2 of this Code.

24 (4) A person must complete the requirements of this
25 subsection (e) before the expiration of his or her Standard
26 Teaching Certificate and must submit assurance to the regional

1 superintendent of schools or, if applicable, a local
2 professional development committee authorized by the regional
3 superintendent to submit recommendations to him or her for this
4 purpose. The statement of assurance shall contain a list of the
5 activities completed, the provider offering each activity, the
6 number of credits earned for each activity, and the purposes to
7 which each activity is attributed. The certificate holder shall
8 maintain the evidence of completion of each activity for at
9 least one certificate renewal cycle. The certificate holder
10 shall affirm under penalty of perjury that he or she has
11 completed the activities listed and will maintain the required
12 evidence of completion. The State Board of Education or the
13 regional superintendent of schools for each region shall
14 conduct random audits of assurance statements and supporting
15 documentation.

16 (5) (Blank).

17 (6) (Blank).

18 (f) Notwithstanding any other provisions of this Code, a
19 school district is authorized to enter into an agreement with
20 the exclusive bargaining representative, if any, to form a
21 local professional development committee (LPDC). The
22 membership and terms of members of the LPDC may be determined
23 by the agreement. Provisions regarding LPDCs contained in a
24 collective bargaining agreement in existence on the effective
25 date of this amendatory Act of the 93rd General Assembly
26 between a school district and the exclusive bargaining

1 representative shall remain in full force and effect for the
2 term of the agreement, unless terminated by mutual agreement.
3 The LPDC shall make recommendations to the regional
4 superintendent of schools on renewal of teaching certificates.
5 The regional superintendent of schools for each region shall
6 perform the following functions:

7 (1) review recommendations for certificate renewal, if
8 any, received from LPDCs;

9 (2) (blank);

10 (3) (blank);

11 (4) (blank);

12 (5) determine whether certificate holders have met the
13 requirements for certificate renewal and notify
14 certificate holders if the decision is not to renew the
15 certificate;

16 (6) provide a certificate holder with the opportunity
17 to appeal a recommendation made by a LPDC, if any, not to
18 renew the certificate to the regional professional
19 development review committee;

20 (7) issue and forward recommendations for renewal or
21 nonrenewal of certificate holders' Standard Teaching
22 Certificates to the State Teacher Certification Board; and

23 (8) (blank).

24 (g)(1) Each regional superintendent of schools shall
25 review and concur or nonconcur with each recommendation for
26 renewal or nonrenewal of a Standard Teaching Certificate he or

1 she receives from a local professional development committee,
2 if any, or, if a certificate holder appeals the recommendation
3 to the regional professional development review committee, the
4 recommendation for renewal or nonrenewal he or she receives
5 from a regional professional development review committee and,
6 within 14 days of receipt of the recommendation, shall provide
7 the State Teacher Certification Board with verification of the
8 following, if applicable:

9 (A) the certificate holder has satisfactorily
10 completed professional development and continuing
11 education activities set forth in paragraph (3) of
12 subsection (e) of this Section;

13 (B) the certificate holder has submitted the statement
14 of assurance required under paragraph (4) of subsection (e)
15 of this Section, and this statement has been attached to
16 the application for renewal;

17 (C) the local professional development committee, if
18 any, has recommended the renewal of the certificate
19 holder's Standard Teaching Certificate and forwarded the
20 recommendation to the regional superintendent of schools;

21 (D) the certificate holder has appealed his or her
22 local professional development committee's recommendation
23 of nonrenewal, if any, to the regional professional
24 development review committee and the result of that appeal;

25 (E) the regional superintendent of schools has
26 concurred or nonconcurred with the local professional

1 development committee's or regional professional
2 development review committee's recommendation, if any, to
3 renew or nonrenew the certificate holder's Standard
4 Teaching Certificate and made a recommendation to that
5 effect; and

6 (F) the established registration fee for the Standard
7 Teaching Certificate has been paid.

8 If the notice required by this subsection (g) includes a
9 recommendation of certificate nonrenewal, then, at the same
10 time the regional superintendent of schools provides the State
11 Teacher Certification Board with the notice, he or she shall
12 also notify the certificate holder in writing, by certified
13 mail, return receipt requested, that this notice has been
14 provided to the State Teacher Certification Board.

15 (2) Each certificate holder shall have the right to appeal
16 his or her local professional development committee's
17 recommendation of nonrenewal, if any, to the regional
18 professional development review committee, within 14 days of
19 receipt of notice that the recommendation has been sent to the
20 regional superintendent of schools. Each regional
21 superintendent of schools shall establish a regional
22 professional development review committee or committees for
23 the purpose of advising the regional superintendent of schools,
24 upon request, and handling certificate holder appeals. This
25 committee shall consist of at least 4 classroom teachers, one
26 non-administrative certificated educational employee, 2

1 administrators, and one at-large member who shall be either (i)
2 a parent, (ii) a member of the business community, (iii) a
3 community member, or (iv) an administrator, with preference
4 given to an individual chosen from among those persons listed
5 in items (i), (ii), and (iii) in order to secure representation
6 of an interest not already represented on the committee. The
7 teacher and non-administrative certificated educational
8 employee members of the review committee shall be selected by
9 their exclusive representative, if any, and the administrators
10 and at-large member shall be selected by the regional
11 superintendent of schools. A regional superintendent of
12 schools may add additional members to the committee, provided
13 that the same proportion of teachers to administrators and
14 at-large members on the committee is maintained. Any additional
15 teacher and non-administrative certificated educational
16 employee members shall be selected by their exclusive
17 representative, if any. Vacancies in positions on a regional
18 professional development review committee shall be filled in
19 the same manner as the original selections. Committee members
20 shall serve staggered 3-year terms. All individuals selected to
21 serve on regional professional development review committees
22 must be known to demonstrate the best practices in teaching or
23 their respective field of practice.

24 (h) (1) The State Teacher Certification Board shall review
25 the regional superintendent of schools' recommendations to
26 renew or nonrenew Standard Teaching Certificates and notify

1 certificate holders in writing whether their certificates have
2 been renewed or nonrenewed within 90 days of receipt of the
3 recommendations, unless a certificate holder has appealed a
4 regional superintendent of schools' recommendation of
5 nonrenewal, as provided in paragraph (2) of this subsection
6 (h). The State Teacher Certification Board shall verify that
7 the certificate holder has met the renewal criteria set forth
8 in paragraph (1) of subsection (g) of this Section.

9 (2) Each certificate holder shall have the right to appeal
10 a regional superintendent of school's recommendation to
11 nonrenew his or her Standard Teaching Certificate to the State
12 Teacher Certification Board, within 14 days of receipt of
13 notice that the decision has been sent to the State Teacher
14 Certification Board, which shall hold an appeal hearing within
15 60 days of receipt of the appeal. When such an appeal is taken,
16 the certificate holder's Standard Teaching Certificate shall
17 continue to be valid until the appeal is finally determined.
18 The State Teacher Certification Board shall review the regional
19 superintendent of school's recommendation, the regional
20 professional development review committee's recommendation, if
21 any, and the local professional development committee's
22 recommendation, if any, and all relevant documentation to
23 verify whether the certificate holder has met the renewal
24 criteria set forth in paragraph (1) of subsection (g) of this
25 Section. The State Teacher Certification Board may request that
26 the certificate holder appear before it. All actions taken by

1 the State Teacher Certification Board shall require a quorum
2 and be by a simple majority of those present and voting. A
3 record of all votes shall be maintained. The State Teacher
4 Certification Board shall notify the certificate holder in
5 writing, within 7 days of completing the review, whether his or
6 her Standard Teaching Certificate has been renewed or
7 nonrenewed, provided that if the State Teacher Certification
8 Board determines to nonrenew a certificate, the written notice
9 provided to the certificate holder shall be by certified mail,
10 return receipt requested. All certificate renewal or
11 nonrenewal decisions of the State Teacher Certification Board
12 are final and subject to administrative review, as set forth in
13 Section 21-24 of this Code.

14 (i) Holders of Master Teaching Certificates shall meet the
15 same requirements and follow the same procedures as holders of
16 Standard Teaching Certificates, except that their renewal
17 cycle shall be as set forth in subsection (d) of Section 21-2
18 of this Code and their renewal requirements shall be subject to
19 paragraph (8) of subsection (c) of Section 21-2 of this Code.

20 A holder of a teaching certificate endorsed as a
21 speech-language pathologist who has been granted the
22 Certificate of Clinical Competence by the American
23 Speech-Language Hearing Association may renew his or her
24 Standard Teaching Certificate pursuant to the 10-year renewal
25 cycle set forth in subsection (d) of Section 21-2 of this Code.

26 (j) Holders of Valid and Exempt Standard and Master

1 Teaching Certificates who are not employed and performing
2 services in an Illinois public or State-operated elementary
3 school, secondary school, or cooperative or joint agreement
4 with a governing body or board of control, in a certificated
5 teaching position, may voluntarily activate their certificates
6 through the regional superintendent of schools of the regional
7 office of education for the geographic area where their
8 teaching is done. These certificate holders shall follow the
9 same renewal criteria and procedures as all other Standard and
10 Master Teaching Certificate holders, except that their
11 continuing professional development activities need not
12 reflect or address the knowledge, skills, and goals of a local
13 school improvement plan.

14 (k) (Blank).

15 (l) (Blank).

16 (m) The changes made to this Section by this amendatory Act
17 of the 93rd General Assembly that affect renewal of Standard
18 and Master Certificates shall apply to those persons who hold
19 Standard or Master Certificates on or after the effective date
20 of this amendatory Act of the 93rd General Assembly and shall
21 be given effect upon renewal of those certificates.

22 (Source: P.A. 92-510, eff. 6-1-02; 92-796, eff. 8-10-02; 93-81,
23 eff. 7-2-03; 93-679, eff. 6-30-04; revised 9-20-06.)

24 (105 ILCS 5/22-35)

25 Sec. 22-35. Sharing information on school lunch

1 applicants; consent. Before an entity shares with the
2 Department of Healthcare and Family Services ~~Public Aid~~
3 information on an applicant for free or reduced-price lunches
4 under Section 2-3.131, 3-14.29, 10-28, or 34-18.26 of this Code
5 or Section 10 of the School Breakfast and Lunch Program Act,
6 that entity must obtain, in writing, the consent of the
7 applicant's parent or legal guardian. The Department of
8 Healthcare and Family Services ~~Public Aid~~ may not seek any
9 punitive action against or withhold any benefit or subsidy from
10 an applicant for a free or reduced-price lunch due to the
11 applicant's parent or legal guardian withholding consent.

12 (Source: P.A. 93-404, eff. 8-1-03; revised 12-15-05.)

13 (105 ILCS 5/27-6) (from Ch. 122, par. 27-6)

14 Sec. 27-6. Courses in physical education required; special
15 activities.

16 (a) Pupils enrolled in the public schools and State
17 universities engaged in preparing teachers shall be required to
18 engage daily during the school day, except on block scheduled
19 days for those public schools engaged in block scheduling, in
20 courses of physical education for such periods as are
21 compatible with the optimum growth and developmental needs of
22 individuals at the various age levels except when appropriate
23 excuses are submitted to the school by a pupil's parent or
24 guardian or by a person licensed under the Medical Practice Act
25 of 1987 and except as provided in subsection (b) of this

1 Section.

2 Special activities in physical education shall be provided
3 for pupils whose physical or emotional condition, as determined
4 by a person licensed under the Medical Practice Act of 1987,
5 prevents their participation in the courses provided for normal
6 children.

7 (b) A school board is authorized to excuse pupils enrolled
8 in grades 11 and 12 from engaging in physical education courses
9 if those pupils request to be excused for any of the following
10 reasons: (1) for ongoing participation in an interscholastic
11 athletic program; (2) to enroll in academic classes which are
12 required for admission to an institution of higher learning,
13 provided that failure to take such classes will result in the
14 pupil being denied admission to the institution of his or her
15 choice; or (3) to enroll in academic classes which are required
16 for graduation from high school, provided that failure to take
17 such classes will result in the pupil being unable to graduate.
18 A school board may also excuse pupils in grades 9 through 12
19 enrolled in a marching band program for credit from engaging in
20 physical education courses if those pupils request to be
21 excused for ongoing participation in such marching band
22 program. In addition, a school board may excuse pupils in
23 grades 9 through 12 if those pupils must utilize the time set
24 aside for physical education to receive special education
25 support and services. A school board may also excuse pupils in
26 grades 9 through 12 enrolled in a Reserve Officer's Training

1 Corps (ROTC) program sponsored by the school district from
2 engaging in physical education courses. School boards which
3 choose to exercise this authority shall establish a policy to
4 excuse pupils on an individual basis.

5 (c) The provisions of this Section are subject to the
6 provisions of Section 27-22.05.

7 (Source: P.A. 94-189, eff. 7-12-05; 94-198, eff. 1-1-06;
8 94-200, eff. 7-12-05; revised 8-19-05.)

9 (105 ILCS 5/27-8.1) (from Ch. 122, par. 27-8.1)

10 Sec. 27-8.1. Health examinations and immunizations.

11 (1) In compliance with rules and regulations which the
12 Department of Public Health shall promulgate, and except as
13 hereinafter provided, all children in Illinois shall have a
14 health examination as follows: within one year prior to
15 entering kindergarten or the first grade of any public,
16 private, or parochial elementary school; upon entering the
17 fifth and ninth grades of any public, private, or parochial
18 school; prior to entrance into any public, private, or
19 parochial nursery school; and, irrespective of grade,
20 immediately prior to or upon entrance into any public, private,
21 or parochial school or nursery school, each child shall present
22 proof of having been examined in accordance with this Section
23 and the rules and regulations promulgated hereunder.

24 A tuberculosis skin test screening shall be included as a
25 required part of each health examination included under this

1 Section if the child resides in an area designated by the
2 Department of Public Health as having a high incidence of
3 tuberculosis. Additional health examinations of pupils,
4 including vision examinations, may be required when deemed
5 necessary by school authorities. Parents are encouraged to have
6 their children undergo vision examinations at the same points
7 in time required for health examinations.

8 (1.5) In compliance with rules adopted by the Department of
9 Public Health and except as otherwise provided in this Section,
10 all children in kindergarten and the second and sixth grades of
11 any public, private, or parochial school shall have a dental
12 examination. Each of these children shall present proof of
13 having been examined by a dentist in accordance with this
14 Section and rules adopted under this Section before May 15th of
15 the school year. If a child in the second or sixth grade fails
16 to present proof by May 15th, the school may hold the child's
17 report card until one of the following occurs: (i) the child
18 presents proof of a completed dental examination or (ii) the
19 child presents proof that a dental examination will take place
20 within 60 days after May 15th. The Department of Public Health
21 shall establish, by rule, a waiver for children who show an
22 undue burden or a lack of access to a dentist. Each public,
23 private, and parochial school must give notice of this dental
24 examination requirement to the parents and guardians of
25 students at least 60 days before May 15th of each school year.

26 (2) The Department of Public Health shall promulgate rules

1 and regulations specifying the examinations and procedures
2 that constitute a health examination, which shall include the
3 collection of data relating to obesity, ~~(including at a~~
4 ~~minimum, date of birth, gender, height, weight, blood pressure,~~
5 ~~and date of exam)~~, and a dental examination and may recommend
6 by rule that certain additional examinations be performed. The
7 rules and regulations of the Department of Public Health shall
8 specify that a tuberculosis skin test screening shall be
9 included as a required part of each health examination included
10 under this Section if the child resides in an area designated
11 by the Department of Public Health as having a high incidence
12 of tuberculosis. The Department of Public Health shall specify
13 that a diabetes screening as defined by rule shall be included
14 as a required part of each health examination. Diabetes testing
15 is not required.

16 Physicians licensed to practice medicine in all of its
17 branches, advanced practice nurses who have a written
18 collaborative agreement with a collaborating physician which
19 authorizes them to perform health examinations, or physician
20 assistants who have been delegated the performance of health
21 examinations by their supervising physician shall be
22 responsible for the performance of the health examinations,
23 other than dental examinations and vision and hearing
24 screening, and shall sign all report forms required by
25 subsection (4) of this Section that pertain to those portions
26 of the health examination for which the physician, advanced

1 practice nurse, or physician assistant is responsible. If a
2 registered nurse performs any part of a health examination,
3 then a physician licensed to practice medicine in all of its
4 branches must review and sign all required report forms.
5 Licensed dentists shall perform all dental examinations and
6 shall sign all report forms required by subsection (4) of this
7 Section that pertain to the dental examinations. Physicians
8 licensed to practice medicine in all its branches, or licensed
9 optometrists, shall perform all vision exams required by school
10 authorities and shall sign all report forms required by
11 subsection (4) of this Section that pertain to the vision exam.
12 Vision and hearing screening tests, which shall not be
13 considered examinations as that term is used in this Section,
14 shall be conducted in accordance with rules and regulations of
15 the Department of Public Health, and by individuals whom the
16 Department of Public Health has certified. In these rules and
17 regulations, the Department of Public Health shall require that
18 individuals conducting vision screening tests give a child's
19 parent or guardian written notification, before the vision
20 screening is conducted, that states, "Vision screening is not a
21 substitute for a complete eye and vision evaluation by an eye
22 doctor. Your child is not required to undergo this vision
23 screening if an optometrist or ophthalmologist has completed
24 and signed a report form indicating that an examination has
25 been administered within the previous 12 months."

26 (3) Every child shall, at or about the same time as he or

1 she receives a health examination required by subsection (1) of
2 this Section, present to the local school proof of having
3 received such immunizations against preventable communicable
4 diseases as the Department of Public Health shall require by
5 rules and regulations promulgated pursuant to this Section and
6 the Communicable Disease Prevention Act.

7 (4) The individuals conducting the health examination or
8 dental examination shall record the fact of having conducted
9 the examination, and such additional information as required,
10 including for a health examination data relating to obesity,
11 (including at a minimum, date of birth, gender, height, weight,
12 blood pressure, and date of exam), on uniform forms which the
13 Department of Public Health and the State Board of Education
14 shall prescribe for statewide use. The examiner shall summarize
15 on the report form any condition that he or she suspects
16 indicates a need for special services, including for a health
17 examination factors relating to obesity. The individuals
18 confirming the administration of required immunizations shall
19 record as indicated on the form that the immunizations were
20 administered.

21 (5) If a child does not submit proof of having had either
22 the health examination or the immunization as required, then
23 the child shall be examined or receive the immunization, as the
24 case may be, and present proof by October 15 of the current
25 school year, or by an earlier date of the current school year
26 established by a school district. To establish a date before

1 October 15 of the current school year for the health
2 examination or immunization as required, a school district must
3 give notice of the requirements of this Section 60 days prior
4 to the earlier established date. If for medical reasons one or
5 more of the required immunizations must be given after October
6 15 of the current school year, or after an earlier established
7 date of the current school year, then the child shall present,
8 by October 15, or by the earlier established date, a schedule
9 for the administration of the immunizations and a statement of
10 the medical reasons causing the delay, both the schedule and
11 the statement being issued by the physician, advanced practice
12 nurse, physician assistant, registered nurse, or local health
13 department that will be responsible for administration of the
14 remaining required immunizations. If a child does not comply by
15 October 15, or by the earlier established date of the current
16 school year, with the requirements of this subsection, then the
17 local school authority shall exclude that child from school
18 until such time as the child presents proof of having had the
19 health examination as required and presents proof of having
20 received those required immunizations which are medically
21 possible to receive immediately. During a child's exclusion
22 from school for noncompliance with this subsection, the child's
23 parents or legal guardian shall be considered in violation of
24 Section 26-1 and subject to any penalty imposed by Section
25 26-10. This subsection (5) does not apply to dental
26 examinations.

1 (6) Every school shall report to the State Board of
2 Education by November 15, in the manner which that agency shall
3 require, the number of children who have received the necessary
4 immunizations and the health examination (other than a dental
5 examination) as required, indicating, of those who have not
6 received the immunizations and examination as required, the
7 number of children who are exempt from health examination and
8 immunization requirements on religious or medical grounds as
9 provided in subsection (8). Every school shall report to the
10 State Board of Education by June 30, in the manner that the
11 State Board requires, the number of children who have received
12 the required dental examination, indicating, of those who have
13 not received the required dental examination, the number of
14 children who are exempt from the dental examination on
15 religious grounds as provided in subsection (8) of this Section
16 and the number of children who have received a waiver under
17 subsection (1.5) of this Section. This reported information
18 shall be provided to the Department of Public Health by the
19 State Board of Education.

20 (7) Upon determining that the number of pupils who are
21 required to be in compliance with subsection (5) of this
22 Section is below 90% of the number of pupils enrolled in the
23 school district, 10% of each State aid payment made pursuant to
24 Section 18-8.05 to the school district for such year shall be
25 withheld by the regional superintendent until the number of
26 students in compliance with subsection (5) is the applicable

1 specified percentage or higher.

2 (8) Parents or legal guardians who object to health or
3 dental examinations or any part thereof, or to immunizations,
4 on religious grounds shall not be required to submit their
5 children or wards to the examinations or immunizations to which
6 they so object if such parents or legal guardians present to
7 the appropriate local school authority a signed statement of
8 objection, detailing the grounds for the objection. If the
9 physical condition of the child is such that any one or more of
10 the immunizing agents should not be administered, the examining
11 physician, advanced practice nurse, or physician assistant
12 responsible for the performance of the health examination shall
13 endorse that fact upon the health examination form. Exempting a
14 child from the health or dental examination does not exempt the
15 child from participation in the program of physical education
16 training provided in Sections 27-5 through 27-7 of this Code.

17 (9) For the purposes of this Section, "nursery schools"
18 means those nursery schools operated by elementary school
19 systems or secondary level school units or institutions of
20 higher learning.

21 (Source: P.A. 92-703, eff. 7-19-02; 93-504, eff. 1-1-04;
22 93-530, eff. 1-1-04; 93-946, eff. 7-1-05; 93-966, eff. 1-1-05;
23 revised 12-1-05.)

24 (105 ILCS 5/27-20.6)

25 Sec. 27-20.6. "Irish Famine" study. Every public

1 elementary school and high school may include in its curriculum
2 a unit of instruction studying the causes and effects of mass
3 starvation in mid-19th century Ireland. This period in world
4 history is known as the "Irish Famine", in which millions of
5 Irish died or emigrated. The study of this material is a
6 reaffirmation of the commitment of free people of all nations
7 to eradicate the causes of famine that exist in the modern
8 world.

9 The State Superintendent of Education may prepare and make
10 available to all school boards instructional materials that may
11 be used as guidelines for development of a unit of instruction
12 under this Section; provided, however, that each school board
13 shall itself determine the minimum amount of instruction time
14 that shall qualify as a unit of instruction satisfying the
15 requirements of this Section.

16 (Source: P.A. 90-566, eff. 1-2-98; revised 9-21-06.)

17 (105 ILCS 5/27-23.5)

18 Sec. 27-23.5. Organ/tissue and blood donor and
19 transplantation programs. Each school district that maintains
20 grades 9 and 10 may include in its curriculum and teach to the
21 students of either such grade one unit of instruction on
22 organ/tissue and blood donor and transplantation programs. No
23 student shall be required to take or participate in instruction
24 on organ/tissue and blood donor and transplantation programs if
25 a parent or guardian files written objection thereto on

1 constitutional grounds, and refusal to take or participate in
2 such instruction on those grounds shall not be reason for
3 suspension or expulsion of a student or result in any academic
4 penalty.

5 The regional superintendent of schools in which a school
6 district that maintains grades 9 and 10 is located shall obtain
7 and distribute to each school that maintains grades 9 and 10 in
8 his or her district information and data, including
9 instructional materials provided at no cost by America's Blood
10 Centers, the American Red Cross, and Gift of Hope, that may be
11 used by the school in developing a unit of instruction under
12 this Section. However, each school board shall determine the
13 minimum amount of instructional time that shall qualify as a
14 unit of instruction satisfying the requirements of this
15 Section.

16 (Source: P.A. 93-547, eff. 8-19-03; 93-794, eff. 7-22-04;
17 revised 10-22-04.)

18 (105 ILCS 5/27-24.4) (from Ch. 122, par. 27-24.4)

19 Sec. 27-24.4. Reimbursement amount. Each school district
20 shall be entitled to reimbursement, for each pupil, excluding
21 each resident of the district over age 55, who finishes either
22 the classroom instruction part or the practice driving part of
23 a driver education course that meets the minimum requirements
24 of this Act. However, if a school district has adopted a policy
25 to permit proficiency examinations for the practice driving

1 part of the driver education course as provided under Section
2 27-24.3, then the school district is entitled to only one-half
3 of the reimbursement amount for the practice driving part for
4 each pupil who has passed the proficiency examination, and the
5 State Board of Education shall adjust the reimbursement formula
6 accordingly. Reimbursement under this Act is payable from the
7 Drivers Education Fund in the State treasury.

8 Each year all funds appropriated from the Drivers ~~Driver~~
9 Education Fund to the State Board of Education, with the
10 exception of those funds necessary for administrative purposes
11 of the State Board of Education, shall be distributed in the
12 manner provided in this paragraph to school districts by the
13 State Board of Education for reimbursement of claims from the
14 previous school year. As soon as may be after each quarter of
15 the year, if moneys are available in the Drivers ~~Driver~~
16 Education Fund in the State treasury for payments under this
17 Section, the State Comptroller shall draw his or her warrants
18 upon the State Treasurer as directed by the State Board of
19 Education. The warrant for each quarter shall be in an amount
20 equal to one-fourth of the total amount to be distributed to
21 school districts for the year. Payments shall be made to school
22 districts as soon as may be after receipt of the warrants.

23 The base reimbursement amount shall be calculated by the
24 State Board by dividing the total amount appropriated for
25 distribution by the total of: (a) the number of students,
26 excluding residents of the district over age 55, who have

1 completed the classroom instruction part for whom valid claims
2 have been made times 0.2; plus (b) the number of students,
3 excluding residents of the district over age 55, who have
4 completed the practice driving instruction part for whom valid
5 claims have been made times 0.8.

6 The amount of reimbursement to be distributed on each claim
7 shall be 0.2 times the base reimbursement amount for each
8 validly claimed student, excluding residents of the district
9 over age 55, who has completed the classroom instruction part,
10 plus 0.8 times the base reimbursement amount for each validly
11 claimed student, excluding residents of the district over age
12 55, who has completed the practice driving instruction part.
13 The school district which is the residence of a pupil who
14 attends a nonpublic school in another district that has
15 furnished the driver education course shall reimburse the
16 district offering the course, the difference between the actual
17 per capita cost of giving the course the previous school year
18 and the amount reimbursed by the State.

19 By April 1 the nonpublic school shall notify the district
20 offering the course of the names and district numbers of the
21 nonresident students desiring to take such course the next
22 school year. The district offering such course shall notify the
23 district of residence of those students affected by April 15.
24 The school district furnishing the course may claim the
25 nonresident pupil for the purpose of making a claim for State
26 reimbursement under this Act.

1 (Source: P.A. 94-440, eff. 8-4-05; 94-525, eff. 1-1-06; revised
2 8-19-05.)

3 (105 ILCS 5/34-8.1) (from Ch. 122, par. 34-8.1)

4 Sec. 34-8.1. Principals. Principals shall be employed to
5 supervise the operation of each attendance center. Their powers
6 and duties shall include but not be limited to the authority
7 (i) to direct, supervise, evaluate, and suspend with or without
8 pay or otherwise discipline all teachers, assistant
9 principals, and other employees assigned to the attendance
10 center in accordance with board rules and policies and (ii) to
11 direct all other persons assigned to the attendance center
12 pursuant to a contract with a third party to provide services
13 to the school system. The right to employ, discharge, and
14 layoff shall be vested solely with the board, provided that
15 decisions to discharge or suspend non-certified employees,
16 including disciplinary layoffs, and the termination of
17 certified employees from employment pursuant to a layoff or
18 reassignment policy are subject to review under the grievance
19 resolution procedure adopted pursuant to subsection (c) of
20 Section 10 of the Illinois Educational Labor Relations Act. The
21 grievance resolution procedure adopted by the board shall
22 provide for final and binding arbitration, and,
23 notwithstanding any other provision of law to the contrary, the
24 arbitrator's decision may include all make-whole relief,
25 including without limitation reinstatement. The principal

1 shall fill positions by appointment as provided in this Section
2 and may make recommendations to the board regarding the
3 employment, discharge, or layoff of any individual. The
4 authority of the principal shall include the authority to
5 direct the hours during which the attendance center shall be
6 open and available for use provided the use complies with board
7 rules and policies, to determine when and what operations shall
8 be conducted within those hours, and to schedule staff within
9 those hours. Under the direction of, and subject to the
10 authority of the principal, the Engineer In Charge shall be
11 accountable for the safe, economical operation of the plant and
12 grounds and shall also be responsible for orientation,
13 training, and supervising the work of Engineers, Trainees,
14 school maintenance assistants, custodial workers and other
15 plant operation employees under his or her direction.

16 There shall be established by the board a system of
17 semi-annual evaluations conducted by the principal as to
18 performance of the engineer in charge. Nothing in this Section
19 shall prevent the principal from conducting additional
20 evaluations. An overall numerical rating shall be given by the
21 principal based on the evaluation conducted by the principal.
22 An unsatisfactory numerical rating shall result in
23 disciplinary action, which may include, without limitation and
24 in the judgment of the principal, loss of promotion or bidding
25 procedure, reprimand, suspension with or without pay, or
26 recommended dismissal. The board shall establish procedures

1 for conducting the evaluation and reporting the results to the
2 engineer in charge.

3 Under the direction of, and subject to the authority of,
4 the principal, the Food Service Manager is responsible at all
5 times for the proper operation and maintenance of the lunch
6 room to which he is assigned and shall also be responsible for
7 the orientation, training, and supervising the work of cooks,
8 bakers, porters, and lunchroom attendants under his or her
9 direction.

10 There shall be established by the Board a system of
11 semi-annual evaluations conducted by the principal as to the
12 performance of the food service manager. Nothing in this
13 Section shall prevent the principal from conducting additional
14 evaluations. An overall numerical rating shall be given by the
15 principal based on the evaluation conducted by the principal.
16 An unsatisfactory numerical rating shall result in
17 disciplinary action which may include, without limitation and
18 in the judgment of the principal, loss of promotion or bidding
19 procedure, reprimand, suspension with or without pay, or
20 recommended dismissal. The board shall establish rules for
21 conducting the evaluation and reporting the results to the food
22 service manager.

23 Nothing in this Section shall be interpreted to require the
24 employment or assignment of an Engineer-In-Charge or a Food
25 Service Manager for each attendance center.

26 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

1 recommendations based upon merit and ability to perform in the
2 particular position, without regard to seniority or length of
3 service, to the general superintendent concerning the
4 appointment of any teacher, teacher aide, counselor, clerk,
5 hall guard, security guard and any other personnel which is to
6 be made by the general superintendent whenever less than a
7 majority of the duties of that teacher, teacher aide,
8 counselor, clerk, hall guard, and security guard and any other
9 personnel are to be performed at the attendance center which is
10 under the principal's supervision; and (iii) subject to law and
11 the applicable collective bargaining agreements, the authority
12 and responsibilities of a principal with respect to the
13 evaluation of all teachers and other personnel assigned to an
14 attendance center shall commence immediately upon his or her
15 appointment as principal of the attendance center, without
16 regard to the length of time that he or she has been the
17 principal of that attendance center.

18 Notwithstanding the existence of any other law of this
19 State, nothing in this Act shall prevent the board from
20 entering into a contract with a third party for services
21 currently performed by any employee or bargaining unit member.

22 Notwithstanding any other provision of this Article, each
23 principal may approve contracts, binding on the board, in the
24 amount of no more than \$10,000, if the contract is endorsed by
25 the Local School Council.

26 Unless otherwise prohibited by law or by rule of the board,

1 the principal shall provide to local school council members
2 copies of all internal audits and any other pertinent
3 information generated by any audits or reviews of the programs
4 and operation of the attendance center.

5 Each principal shall hold a valid administrative
6 certificate issued or exchanged in accordance with Article 21
7 and endorsed as required by that Article for the position of
8 principal. The board may establish or impose academic,
9 educational, examination, and experience requirements and
10 criteria that are in addition to those established and required
11 by Article 21 for issuance of a valid certificate endorsed for
12 the position of principal as a condition of the nomination,
13 selection, appointment, employment, or continued employment of
14 a person as principal of any attendance center, or as a
15 condition of the renewal of any principal's performance
16 contract.

17 The board shall specify in its formal job description for
18 principals, and from and after July 1, 1990 shall specify in
19 the 4 year performance contracts for use with respect to all
20 principals, that his or her primary responsibility is in the
21 improvement of instruction. A majority of the time spent by a
22 principal shall be spent on curriculum and staff development
23 through both formal and informal activities, establishing
24 clear lines of communication regarding school goals,
25 accomplishments, practices and policies with parents and
26 teachers. The principal, with the assistance of the local

1 school council, shall develop a school improvement plan as
2 provided in Section 34-2.4 and, upon approval of the plan by
3 the local school council, shall be responsible for directing
4 implementation of the plan. The principal, with the assistance
5 of the professional personnel leadership committee, shall
6 develop the specific methods and contents of the school's
7 curriculum within the board's system-wide curriculum standards
8 and objectives and the requirements of the school improvement
9 plan. The board shall ensure that all principals are evaluated
10 on their instructional leadership ability and their ability to
11 maintain a positive education and learning climate. It shall
12 also be the responsibility of the principal to utilize
13 resources of proper law enforcement agencies when the safety
14 and welfare of students and teachers are threatened by illegal
15 use of drugs and alcohol, by illegal use or possession of
16 weapons, or by illegal gang activity.

17 On or before October 1, 1989, the Board of Education, in
18 consultation with any professional organization representing
19 principals in the district, shall promulgate rules and
20 implement a lottery for the purpose of determining whether a
21 principal's existing performance contract (including the
22 performance contract applicable to any principal's position in
23 which a vacancy then exists) expires on June 30, 1990 or on
24 June 30, 1991, and whether the ensuing 4 year performance
25 contract begins on July 1, 1990 or July 1, 1991. The Board of
26 Education shall establish and conduct the lottery in such

1 manner that of all the performance contracts of principals
2 (including the performance contracts applicable to all
3 principal positions in which a vacancy then exists), 50% of
4 such contracts shall expire on June 30, 1990, and 50% shall
5 expire on June 30, 1991. All persons serving as principal on
6 May 1, 1989, and all persons appointed as principal after May
7 1, 1989 and prior to July 1, 1990 or July 1, 1991, in a manner
8 other than as provided by Section 34-2.3, shall be deemed by
9 operation of law to be serving under a performance contract
10 which expires on June 30, 1990 or June 30, 1991; and unless
11 such performance contract of any such principal is renewed (or
12 such person is again appointed to serve as principal) in the
13 manner provided by Section 34-2.2 or 34-2.3, the employment of
14 such person as principal shall terminate on June 30, 1990 or
15 June 30, 1991.

16 Commencing on July 1, 1990, or on July 1, 1991, and
17 thereafter, the principal of each attendance center shall be
18 the person selected in the manner provided by Section 34-2.3 to
19 serve as principal of that attendance center under a 4 year
20 performance contract. All performance contracts of principals
21 expiring after July 1, 1990, or July 1, 1991, shall commence on
22 the date specified in the contract, and the renewal of their
23 performance contracts and the appointment of principals when
24 their performance contracts are not renewed shall be governed
25 by Sections 34-2.2 and 34-2.3. Whenever a vacancy in the office
26 of a principal occurs for any reason, the vacancy shall be

1 filled by the selection of a new principal to serve under a 4
2 year performance contract in the manner provided by Section
3 34-2.3.

4 The board of education shall develop and prepare, in
5 consultation with the organization representing principals, a
6 performance contract for use at all attendance centers, and
7 shall furnish the same to each local school council. The term
8 of the performance contract shall be 4 years, unless the
9 principal is retained by the decision of a hearing officer
10 pursuant to subdivision 1.5 of Section 34-2.3, in which case
11 the contract shall be extended for 2 years. The performance
12 contract of each principal shall consist of the uniform
13 performance contract, as developed or from time to time
14 modified by the board, and such additional criteria as are
15 established by a local school council pursuant to Section
16 34-2.3 for the performance contract of its principal.

17 During the term of his or her performance contract, a
18 principal may be removed only as provided for in the
19 performance contract except for cause. He or she shall also be
20 obliged to follow the rules of the board of education
21 concerning conduct and efficiency.

22 In the event the performance contract of a principal is not
23 renewed or a principal is not reappointed as principal under a
24 new performance contract, or in the event a principal is
25 appointed to any position of superintendent or higher position,
26 or voluntarily resigns his position of principal, his or her

1 employment as a principal shall terminate and such former
2 principal shall not be reinstated to the position from which he
3 or she was promoted to principal, except that he or she, if
4 otherwise qualified and certified in accordance with Article
5 21, shall be placed by the board on appropriate eligibility
6 lists which it prepares for use in the filling of vacant or
7 additional or newly created positions for teachers. The
8 principal's total years of service to the board as both a
9 teacher and a principal, or in other professional capacities,
10 shall be used in calculating years of experience for purposes
11 of being selected as a teacher into new, additional or vacant
12 positions.

13 In the event the performance contract of a principal is not
14 renewed or a principal is not reappointed as principal under a
15 new performance contract, such principal shall be eligible to
16 continue to receive his or her previously provided level of
17 health insurance benefits for a period of 90 days following the
18 non-renewal of the contract at no expense to the principal,
19 provided that such principal has not retired.

20 (Source: P.A. 93-3, eff. 4-16-03; 93-48, eff. 7-1-03; revised
21 9-11-03.)

22 (105 ILCS 5/34-18.5) (from Ch. 122, par. 34-18.5)

23 Sec. 34-18.5. Criminal history records checks and checks of
24 the Statewide Sex Offender Database and Statewide Child
25 Murderer and Violent Offender Against Youth Database.

1 (a) Certified and noncertified applicants for employment
2 with the school district are required as a condition of
3 employment to authorize a fingerprint-based criminal history
4 records check to determine if such applicants have been
5 convicted of any of the enumerated criminal or drug offenses in
6 subsection (c) of this Section or have been convicted, within 7
7 years of the application for employment with the school
8 district, of any other felony under the laws of this State or
9 of any offense committed or attempted in any other state or
10 against the laws of the United States that, if committed or
11 attempted in this State, would have been punishable as a felony
12 under the laws of this State. Authorization for the check shall
13 be furnished by the applicant to the school district, except
14 that if the applicant is a substitute teacher seeking
15 employment in more than one school district, or a teacher
16 seeking concurrent part-time employment positions with more
17 than one school district (as a reading specialist, special
18 education teacher or otherwise), or an educational support
19 personnel employee seeking employment positions with more than
20 one district, any such district may require the applicant to
21 furnish authorization for the check to the regional
22 superintendent of the educational service region in which are
23 located the school districts in which the applicant is seeking
24 employment as a substitute or concurrent part-time teacher or
25 concurrent educational support personnel employee. Upon
26 receipt of this authorization, the school district or the

1 appropriate regional superintendent, as the case may be, shall
2 submit the applicant's name, sex, race, date of birth, social
3 security number, fingerprint images, and other identifiers, as
4 prescribed by the Department of State Police, to the
5 Department. The regional superintendent submitting the
6 requisite information to the Department of State Police shall
7 promptly notify the school districts in which the applicant is
8 seeking employment as a substitute or concurrent part-time
9 teacher or concurrent educational support personnel employee
10 that the check of the applicant has been requested. The
11 Department of State Police and the Federal Bureau of
12 Investigation shall furnish, pursuant to a fingerprint-based
13 criminal history records check, records of convictions, until
14 expunged, to the president of the school board for the school
15 district that requested the check, or to the regional
16 superintendent who requested the check. The Department shall
17 charge the school district or the appropriate regional
18 superintendent a fee for conducting such check, which fee shall
19 be deposited in the State Police Services Fund and shall not
20 exceed the cost of the inquiry; and the applicant shall not be
21 charged a fee for such check by the school district or by the
22 regional superintendent. Subject to appropriations for these
23 purposes, the State Superintendent of Education shall
24 reimburse the school district and regional superintendent for
25 fees paid to obtain criminal history records checks under this
26 Section.

1 (a-5) The school district or regional superintendent shall
2 further perform a check of the Statewide Sex Offender Database,
3 as authorized by the Sex Offender Community Notification Law,
4 for each applicant.

5 (a-6) The school district or regional superintendent shall
6 further perform a check of the Statewide Child Murderer and
7 Violent Offender Against Youth Database, as authorized by the
8 Child Murderer and Violent Offender Against Youth Community
9 Notification Law, for each applicant.

10 (b) Any information concerning the record of convictions
11 obtained by the president of the board of education or the
12 regional superintendent shall be confidential and may only be
13 transmitted to the general superintendent of the school
14 district or his designee, the appropriate regional
15 superintendent if the check was requested by the board of
16 education for the school district, the presidents of the
17 appropriate board of education or school boards if the check
18 was requested from the Department of State Police by the
19 regional superintendent, the State Superintendent of
20 Education, the State Teacher Certification Board or any other
21 person necessary to the decision of hiring the applicant for
22 employment. A copy of the record of convictions obtained from
23 the Department of State Police shall be provided to the
24 applicant for employment. Upon the check of the Statewide Sex
25 Offender Database, the school district or regional
26 superintendent shall notify an applicant as to whether or not

1 the applicant has been identified in the Database as a sex
2 offender. If a check of an applicant for employment as a
3 substitute or concurrent part-time teacher or concurrent
4 educational support personnel employee in more than one school
5 district was requested by the regional superintendent, and the
6 Department of State Police upon a check ascertains that the
7 applicant has not been convicted of any of the enumerated
8 criminal or drug offenses in subsection (c) or has not been
9 convicted, within 7 years of the application for employment
10 with the school district, of any other felony under the laws of
11 this State or of any offense committed or attempted in any
12 other state or against the laws of the United States that, if
13 committed or attempted in this State, would have been
14 punishable as a felony under the laws of this State and so
15 notifies the regional superintendent and if the regional
16 superintendent upon a check ascertains that the applicant has
17 not been identified in the Sex Offender Database as a sex
18 offender, then the regional superintendent shall issue to the
19 applicant a certificate evidencing that as of the date
20 specified by the Department of State Police the applicant has
21 not been convicted of any of the enumerated criminal or drug
22 offenses in subsection (c) or has not been convicted, within 7
23 years of the application for employment with the school
24 district, of any other felony under the laws of this State or
25 of any offense committed or attempted in any other state or
26 against the laws of the United States that, if committed or

1 attempted in this State, would have been punishable as a felony
2 under the laws of this State and evidencing that as of the date
3 that the regional superintendent conducted a check of the
4 Statewide Sex Offender Database, the applicant has not been
5 identified in the Database as a sex offender. The school board
6 of any school district may rely on the certificate issued by
7 any regional superintendent to that substitute teacher,
8 concurrent part-time teacher, or concurrent educational
9 support personnel employee or may initiate its own criminal
10 history records check of the applicant through the Department
11 of State Police and its own check of the Statewide Sex Offender
12 Database as provided in subsection (a). Any person who releases
13 any confidential information concerning any criminal
14 convictions of an applicant for employment shall be guilty of a
15 Class A misdemeanor, unless the release of such information is
16 authorized by this Section.

17 (c) The board of education shall not knowingly employ a
18 person who has been convicted for committing attempted first
19 degree murder or for committing or attempting to commit first
20 degree murder or a Class X felony or any one or more of the
21 following offenses: (i) those defined in Sections 11-6, 11-9,
22 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1,
23 11-19.2, 11-20, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15
24 and 12-16 of the Criminal Code of 1961; (ii) those defined in
25 the Cannabis Control Act, except those defined in Sections
26 4(a), 4(b) and 5(a) of that Act; (iii) those defined in the

1 Illinois Controlled Substances Act; (iv) those defined in the
2 Methamphetamine Control and Community Protection Act; and (v)
3 any offense committed or attempted in any other state or
4 against the laws of the United States, which if committed or
5 attempted in this State, would have been punishable as one or
6 more of the foregoing offenses. Further, the board of education
7 shall not knowingly employ a person who has been found to be
8 the perpetrator of sexual or physical abuse of any minor under
9 18 years of age pursuant to proceedings under Article II of the
10 Juvenile Court Act of 1987.

11 (d) The board of education shall not knowingly employ a
12 person for whom a criminal history records check and a
13 Statewide Sex Offender Database check has not been initiated.

14 (e) Upon receipt of the record of a conviction of or a
15 finding of child abuse by a holder of any certificate issued
16 pursuant to Article 21 or Section 34-8.1 or 34-83 of the School
17 Code, the board of education or the State Superintendent of
18 Education shall initiate the certificate suspension and
19 revocation proceedings authorized by law.

20 (f) After March 19, 1990, the provisions of this Section
21 shall apply to all employees of persons or firms holding
22 contracts with any school district including, but not limited
23 to, food service workers, school bus drivers and other
24 transportation employees, who have direct, daily contact with
25 the pupils of any school in such district. For purposes of
26 criminal history records checks and checks of the Statewide Sex

1 Offender Database on employees of persons or firms holding
2 contracts with more than one school district and assigned to
3 more than one school district, the regional superintendent of
4 the educational service region in which the contracting school
5 districts are located may, at the request of any such school
6 district, be responsible for receiving the authorization for a
7 criminal history records check prepared by each such employee
8 and submitting the same to the Department of State Police and
9 for conducting a check of the Statewide Sex Offender Database
10 for each employee. Any information concerning the record of
11 conviction and identification as a sex offender of any such
12 employee obtained by the regional superintendent shall be
13 promptly reported to the president of the appropriate school
14 board or school boards.

15 (Source: P.A. 93-418, eff. 1-1-04; 93-909, eff. 8-12-04;
16 94-219, eff. 7-14-05; 94-556, eff. 9-11-05; 94-875, eff.
17 7-1-06; 94-945, eff. 6-27-06; revised 8-3-06.)

18 (105 ILCS 5/34-18.23)

19 Sec. 34-18.23. Medical information form for bus drivers and
20 emergency medical technicians. The school district is
21 encouraged to create and use an emergency medical information
22 form for bus drivers and emergency medical technicians for
23 those students with special needs or medical conditions. The
24 form may include without limitation information to be provided
25 by the student's parent or legal guardian concerning the

1 student's relevant medical conditions, medications that the
2 student is taking, the student's communication skills, and how
3 a bus driver or an emergency medical technician is to respond
4 to certain behaviors of the student. If the form is used, the
5 school district is encouraged to notify parents and legal
6 guardians of the availability of the form. The parent or legal
7 guardian of the student may fill out the form and submit it to
8 the school that the student is attending. The school district
9 is encouraged to keep one copy of the form on file at the
10 school and another copy on the student's school bus in a secure
11 location.

12 (Source: P.A. 92-580, eff. 7-1-02.)

13 (105 ILCS 5/34-18.25)

14 Sec. 34-18.25 ~~34-18.23~~. Psychotropic or psychostimulant
15 medication; disciplinary action.

16 (a) In this Section:

17 "Psychostimulant medication" means medication that
18 produces increased levels of mental and physical energy and
19 alertness and an elevated mood by stimulating the central
20 nervous system.

21 "Psychotropic medication" means psychotropic medication as
22 defined in Section 1-121.1 of the Mental Health and
23 Developmental Disabilities Code.

24 (b) The board must adopt and implement a policy that
25 prohibits any disciplinary action that is based totally or in

1 part on the refusal of a student's parent or guardian to
2 administer or consent to the administration of psychotropic or
3 psychostimulant medication to the student.

4 The policy must require that, at least once every 2 years,
5 the in-service training of certified school personnel and
6 administrators include training on current best practices
7 regarding the identification and treatment of attention
8 deficit disorder and attention deficit hyperactivity disorder,
9 the application of non-aversive behavioral interventions in
10 the school environment, and the use of psychotropic or
11 psychostimulant medication for school-age children.

12 (c) This Section does not prohibit school medical staff, an
13 individualized educational program team, or a professional
14 worker (as defined in Section 14-1.10 of this Code) from
15 recommending that a student be evaluated by an appropriate
16 medical practitioner or prohibit school personnel from
17 consulting with the practitioner with the consent of the
18 student's parents or guardian.

19 (Source: P.A. 92-663, eff. 1-1-03; revised 9-3-02.)

20 (105 ILCS 5/34-18.26)

21 Sec. 34-18.26. Sharing information on school lunch
22 applicants. The board shall, whenever requested by the
23 Department of Healthcare and Family Services (formerly
24 Department of Public Aid), agree in writing with the Department
25 of Healthcare and Family Services ~~Public Aid~~ (as the State

1 agency that administers the State Medical Assistance Program as
2 provided in Title XIX of the federal Social Security Act and
3 the State Children's Health Insurance Program as provided in
4 Title XXI of the federal Social Security Act) to share with the
5 Department of Healthcare and Family Services ~~Public Aid~~
6 information on applicants for free or reduced-price lunches.
7 The board shall, whenever requested by the Department of
8 Healthcare and Family Services (formerly Department of Public
9 Aid), require each of its schools to agree in writing with the
10 Department of Healthcare and Family Services ~~Public Aid~~ to
11 share with the Department of Healthcare and Family Services
12 ~~Public Aid~~ information on applicants for free or reduced-price
13 lunches. This sharing of information shall be for the sole
14 purpose of helping the Department of Healthcare and Family
15 Services ~~Public Aid~~ identify and enroll children in the State
16 Medical Assistance Program or the State Children's Health
17 Insurance Program or both as allowed under 42 U.S.C. Sec.
18 1758(b)(2)(C)(iii)(IV) and under the restrictions set forth in
19 42 U.S.C. Sec. 1758(b)(2)(C)(vi) and (vii).
20 (Source: P.A. 93-404, eff. 8-1-03; revised 12-15-05.)

21 (105 ILCS 5/34-18.27)

22 Sec. 34-18.27 ~~34-18.26~~. Summer kindergarten. The board may
23 establish, maintain, and operate, in connection with the
24 kindergarten program of the school district, a summer
25 kindergarten program that begins 2 months before the beginning

1 of the regular school year and a summer kindergarten program
2 for grade one readiness for those pupils making unsatisfactory
3 progress during the regular kindergarten session that will
4 continue for 2 months after the regular school year. The summer
5 kindergarten program may be held within the school district or,
6 pursuant to a contract that must be approved by the State Board
7 of Education, may be operated by 2 or more adjacent school
8 districts or by a public or private university or college.
9 Transportation for students attending the summer kindergarten
10 program shall be the responsibility of the school district. The
11 expense of establishing, maintaining, and operating the summer
12 kindergarten program may be paid from funds contributed or
13 otherwise made available to the school district for that
14 purpose by federal or State appropriation.

15 (Source: P.A. 93-472, eff. 8-8-03; revised 9-24-03.)

16 (105 ILCS 5/34-18.28)

17 Sec. 34-18.28 ~~34-18.26~~. Prison tour pilot program. The
18 board shall establish a pilot program to prevent crime by
19 developing guidelines to identify students at risk of
20 committing crimes. "Students at risk of committing crimes"
21 shall be limited to those students who have engaged in serious
22 acts of misconduct in violation of the board's policy on
23 discipline. This program, in cooperation with the Department of
24 Corrections, shall include a guided tour of a prison for each
25 student so identified in order to discourage criminal behavior.

1 The touring of a prison under this Section shall be subject to
2 approval, in writing, of a student's parent or guardian.

3 (Source: P.A. 93-538, eff. 1-1-04; revised 9-24-03.)

4 (105 ILCS 5/34-18.29)

5 Sec. 34-18.29 ~~34-18.26~~. Provision of student information
6 prohibited. The school district may not provide a student's
7 name, address, telephone number, social security number,
8 e-mail address, or other personal identifying information to a
9 business organization or financial institution that issues
10 credit or debit cards.

11 (Source: P.A. 93-549, eff. 8-19-03; revised 9-24-03.)

12 (105 ILCS 5/34-18.30)

13 Sec. 34-18.30. Dependents of military personnel; no
14 tuition charge. If, at the time of enrollment, a dependent of
15 United States military personnel is housed in temporary housing
16 located outside of the school district, but will be living
17 within the district within 60 days after the time of initial
18 enrollment, the dependent must be allowed to enroll, subject to
19 the requirements of this Section, and must not be charged
20 tuition. Any United States military personnel attempting to
21 enroll a dependent under this Section shall provide proof that
22 the dependent will be living within the district within 60 days
23 after the time of initial enrollment. Proof of residency may
24 include, but is not limited to, postmarked mail addressed to

1 the military personnel and sent to an address located within
2 the district, a lease agreement for occupancy of a residence
3 located within the district, or proof of ownership of a
4 residence located within the district. Non-resident dependents
5 of United States military personnel attending school on a
6 tuition-free basis may be counted for the purposes of
7 determining the apportionment of State aid provided under
8 Section 18-8.05 of this Code.

9 (Source: P.A. 93-740, eff. 7-15-04.)

10 (105 ILCS 5/34-18.31)

11 Sec. 34-18.31 ~~34-18.30~~. Highly qualified teachers; No
12 Child Left Behind Act funds. If the school district has an
13 overall shortage of highly qualified teachers, as defined by
14 the federal No Child Left Behind Act of 2001 (Public Law
15 107-110), or a shortage of highly qualified teachers in the
16 subject area of mathematics, science, reading, or special
17 education, then the school board must spend at least 40% of the
18 money it receives from Title 2 grants under the Act on
19 recruitment and retention initiatives to assist in recruiting
20 and retaining highly qualified teachers (in a specific subject
21 area is applicable) as specified in paragraphs (1) (B), (2) (A),
22 (2) (B), (4) (A), (4) (B), and (4) (C) of subsection (a) of Section
23 2123 of the Act until there is no longer a shortage of highly
24 qualified teachers (in a specific subject area if applicable).
25 As the number of highly qualified teachers in the district

1 increases, however, the school board may spend any surplus of
2 the minimum 40% of funds dedicated to addressing the highly
3 qualified teacher shortage in any manner the school board deems
4 appropriate.

5 (Source: P.A. 93-997, eff. 8-23-04; revised 10-14-04.)

6 Section 545. The Illinois School Student Records Act is
7 amended by changing Section 6 as follows:

8 (105 ILCS 10/6) (from Ch. 122, par. 50-6)

9 Sec. 6. (a) No school student records or information
10 contained therein may be released, transferred, disclosed or
11 otherwise disseminated, except as follows:

12 (1) To a parent or student or person specifically
13 designated as a representative by a parent, as provided in
14 paragraph (a) of Section 5;

15 (2) To an employee or official of the school or school
16 district or State Board with current demonstrable
17 educational or administrative interest in the student, in
18 furtherance of such interest;

19 (3) To the official records custodian of another school
20 within Illinois or an official with similar
21 responsibilities of a school outside Illinois, in which the
22 student has enrolled, or intends to enroll, upon the
23 request of such official or student;

24 (4) To any person for the purpose of research,

1 statistical reporting or planning, provided that no
2 student or parent can be identified from the information
3 released and the person to whom the information is released
4 signs an affidavit agreeing to comply with all applicable
5 statutes and rules pertaining to school student records;

6 (5) Pursuant to a court order, provided that the parent
7 shall be given prompt written notice upon receipt of such
8 order of the terms of the order, the nature and substance
9 of the information proposed to be released in compliance
10 with such order and an opportunity to inspect and copy the
11 school student records and to challenge their contents
12 pursuant to Section 7;

13 (6) To any person as specifically required by State or
14 federal law;

15 (6.5) To juvenile authorities when necessary for the
16 discharge of their official duties who request information
17 prior to adjudication of the student and who certify in
18 writing that the information will not be disclosed to any
19 other party except as provided under law or order of court.
20 For purposes of this Section "juvenile authorities" means:
21 (i) a judge of the circuit court and members of the staff
22 of the court designated by the judge; (ii) parties to the
23 proceedings under the Juvenile Court Act of 1987 and their
24 attorneys; (iii) probation officers and court appointed
25 advocates for the juvenile authorized by the judge hearing
26 the case; (iv) any individual, public or private agency

1 having custody of the child pursuant to court order; (v)
2 any individual, public or private agency providing
3 education, medical or mental health service to the child
4 when the requested information is needed to determine the
5 appropriate service or treatment for the minor; (vi) any
6 potential placement provider when such release is
7 authorized by the court for the limited purpose of
8 determining the appropriateness of the potential
9 placement; (vii) law enforcement officers and prosecutors;
10 (viii) adult and juvenile prisoner review boards; (ix)
11 authorized military personnel; (x) individuals authorized
12 by court;

13 (7) Subject to regulations of the State Board, in
14 connection with an emergency, to appropriate persons if the
15 knowledge of such information is necessary to protect the
16 health or safety of the student or other persons;

17 (8) To any person, with the prior specific dated
18 written consent of the parent designating the person to
19 whom the records may be released, provided that at the time
20 any such consent is requested or obtained, the parent shall
21 be advised in writing that he has the right to inspect and
22 copy such records in accordance with Section 5, to
23 challenge their contents in accordance with Section 7 and
24 to limit any such consent to designated records or
25 designated portions of the information contained therein;

26 (9) To a governmental agency, or social service agency

1 contracted by a governmental agency, in furtherance of an
2 investigation of a student's school attendance pursuant to
3 the compulsory student attendance laws of this State,
4 provided that the records are released to the employee or
5 agent designated by the agency;

6 (10) To those SHOCAP committee members who fall within
7 the meaning of "state and local officials and authorities",
8 as those terms are used within the meaning of the federal
9 Family Educational Rights and Privacy Act, for the purposes
10 of identifying serious habitual juvenile offenders and
11 matching those offenders with community resources pursuant
12 to Section 5-145 of the Juvenile Court Act of 1987, but
13 only to the extent that the release, transfer, disclosure,
14 or dissemination is consistent with the Family Educational
15 Rights and Privacy Act; or

16 (11) To the Department of Healthcare and Family
17 Services ~~Public Aid~~ in furtherance of the requirements of
18 Section 2-3.131, 3-14.29, 10-28, or 34-18.26 of the School
19 Code or Section 10 of the School Breakfast and Lunch
20 Program Act.

21 (b) No information may be released pursuant to
22 subparagraphs (3) or (6) of paragraph (a) of this Section 6
23 unless the parent receives prior written notice of the nature
24 and substance of the information proposed to be released, and
25 an opportunity to inspect and copy such records in accordance
26 with Section 5 and to challenge their contents in accordance

1 with Section 7. Provided, however, that such notice shall be
2 sufficient if published in a local newspaper of general
3 circulation or other publication directed generally to the
4 parents involved where the proposed release of information is
5 pursuant to subparagraph 6 of paragraph (a) in this Section 6
6 and relates to more than 25 students.

7 (c) A record of any release of information pursuant to this
8 Section must be made and kept as a part of the school student
9 record and subject to the access granted by Section 5. Such
10 record of release shall be maintained for the life of the
11 school student records and shall be available only to the
12 parent and the official records custodian. Each record of
13 release shall also include:

14 (1) The nature and substance of the information
15 released;

16 (2) The name and signature of the official records
17 custodian releasing such information;

18 (3) The name of the person requesting such information,
19 the capacity in which such a request has been made, and the
20 purpose of such request;

21 (4) The date of the release; and

22 (5) A copy of any consent to such release.

23 (d) Except for the student and his parents, no person to
24 whom information is released pursuant to this Section and no
25 person specifically designated as a representative by a parent
26 may permit any other person to have access to such information

1 without a prior consent of the parent obtained in accordance
2 with the requirements of subparagraph (8) of paragraph (a) of
3 this Section.

4 (e) Nothing contained in this Act shall prohibit the
5 publication of student directories which list student names,
6 addresses and other identifying information and similar
7 publications which comply with regulations issued by the State
8 Board.

9 (Source: P.A. 93-404, eff. 8-1-03; revised 12-15-05.)

10 Section 550. The Illinois Peace Corps Fellowship Program
11 Law is amended by changing Section 2-3 as follows:

12 (105 ILCS 30/2-3) (from Ch. 122, par. 2003)

13 Sec. 2-3. Program description. The University of Illinois,
14 Southern Illinois University, the several universities and
15 colleges under the governance of the Board of Governors of
16 State Colleges and Universities, and the several Regency
17 Universities under the jurisdiction of the Board of Regents are
18 hereby authorized to become participants in the Illinois Peace
19 Corps Fellowship Program. Any such participating public
20 institution of higher education may conduct and administer this
21 program to augment the number of Illinois public school
22 teachers by bringing the teaching skills of recently returned
23 United States Peace Corps volunteers to those school districts,
24 including the school districts situated within the City of

1 Chicago and the City of East St. Louis or any other school
2 district designated by the State Board of Education, which
3 enter into cooperative agreements required for implementation
4 of the program. In designating such school districts, the State
5 Board of Education may consider districts that have a high
6 proportion of drop-out students, a high percentage of minority
7 students, a high proportion of low income families and high
8 truancy rates. The program shall utilize former United States
9 ~~State~~ Peace Corps volunteers with two years of Peace Corps
10 experience by placing them in the designated cooperating school
11 districts as full time teachers or teacher aides. In return for
12 making a two-year commitment to teaching and being placed in a
13 full-time salaried teacher aide or certificated teaching
14 position at a public school located in a designated cooperating
15 school district, the former Peace Corps volunteer may be
16 awarded a fellowship to the participating public institution of
17 higher education to complete (in the case of teacher aides who
18 are not yet certificated) the courses required for issuance of
19 a teaching certificate under Article 21 of The School Code, or
20 to pursue a master's degree program in education. The
21 fellowships may consist of tuition waivers applicable toward
22 enrollment at the participating public institution of higher
23 education to complete required courses for teacher
24 certification and to pursue a master's degree program in
25 education; and the award of such tuition waivers may be
26 supported by funds and grants made available to the

1 participating university or universities through private or
2 public sources. A participating university may also consider an
3 authorization under which all fellowship recipients are
4 allowed to pay in-state tuition rates while enrolled for credit
5 in a master's degree program.

6 An annual salary for the fellowship recipient to teach in a
7 designated school district for a period of two years may be
8 provided by the designated cooperating school district at which
9 the fellowship recipient shall teach, and may be set at an
10 amount equal to that paid to other teacher aides and
11 certificated teachers in a comparable position.

12 (Source: P.A. 86-1467; revised 10-11-05.)

13 Section 555. The School Breakfast and Lunch Program Act is
14 amended by changing Section 10 as follows:

15 (105 ILCS 125/10)

16 Sec. 10. Sharing information on school lunch applicants.
17 Each private school that receives funds for free or
18 reduced-price lunches under this Act shall, whenever requested
19 by the Department of Healthcare and Family Services (formerly
20 Public Aid), agree in writing with the Department of Healthcare
21 and Family Services ~~Public Aid~~ (as the State agency that
22 administers the State Medical Assistance Program as provided in
23 Title XIX of the federal Social Security Act and the State
24 Children's Health Insurance Program as provided in Title XXI of

1 the federal Social Security Act) to share with the Department
2 of Healthcare and Family Services ~~Public Aid~~ information on
3 applicants for free or reduced-price lunches. This sharing of
4 information shall be for the sole purpose of helping the
5 Department of Healthcare and Family Services ~~Public Aid~~
6 identify and enroll children in the State Medical Assistance
7 Program or the State Children's Health Insurance Program or
8 both as allowed under 42 U.S.C. Sec. 1758(b)(2)(C)(iii)(IV) and
9 under the restrictions set forth in 42 U.S.C. Sec.
10 1758(b)(2)(C)(vi) and (vii).

11 (Source: P.A. 93-404, eff. 8-1-03; revised 12-15-05.)

12 Section 560. The Public Community College Act is amended by
13 changing Section 2-16.08 as follows:

14 (110 ILCS 805/2-16.08)

15 Sec. 2-16.08. ICCB Federal Trust Fund. The ICCB Federal
16 Trust Fund is created as a special fund in the State treasury.
17 Money recovered from federal programs for general
18 administration that is ~~are~~ received by the State Board shall be
19 deposited into the ICCB Federal Trust Fund. All money in the
20 ICCB Federal Trust Fund shall be used, subject to appropriation
21 by the General Assembly, by the State Board for the ordinary
22 and contingent expenses of the State Board.

23 (Source: P.A. 93-153, eff. 7-10-03; revised 1-14-04.)

1 Section 565. The Higher Education Loan Act is amended by
2 changing Sections 3, 3.01, and 5 as follows:

3 (110 ILCS 945/3) (from Ch. 144, par. 1603)

4 Sec. 3. Definitions. In this Act, unless the context
5 otherwise requires, the terms specified in Sections 3.01
6 through 3.13 of this Act and the Illinois Finance ~~Facilities~~
7 Authority Act have the meanings ascribed to them in those Acts.
8 (Source: P.A. 93-205, eff. 1-1-04; revised 10-9-03.)

9 (110 ILCS 945/3.01) (from Ch. 144, par. 1603.01)

10 Sec. 3.01. Authority. "Authority" means the Illinois ~~State~~
11 Finance Authority created by the Illinois ~~State~~ Finance
12 Authority Act.

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

14 (110 ILCS 945/5) (from Ch. 144, par. 1605)

15 Sec. 5. Transfer of functions from the Illinois Educational
16 Facilities Authority to the Illinois Finance Authority. The
17 Illinois Finance Authority created by the Illinois Finance
18 Authority Act shall succeed to, assume and exercise all rights,
19 powers, duties and responsibilities formerly exercised by the
20 Illinois Educational Facilities Authority prior to the
21 abolition of that Authority by this amendatory Act of the 93rd
22 General Assembly. All books, records, papers, documents and
23 pending business in any way pertaining to the former Illinois

1 Educational Facilities Authority are transferred to the
2 Illinois ~~State~~ Finance Authority, but any rights or obligations
3 of any person under any contract made by, or under any rules,
4 regulations, uniform standards, criteria and guidelines
5 established or approved by, such former Illinois Educational
6 Facilities Authority shall be unaffected thereby. All bonds,
7 notes or other evidences of indebtedness outstanding on the
8 effective date of this amendatory Act of the 93rd General
9 Assembly shall be unaffected by the transfer of functions to
10 the Illinois Finance Authority. No rule, regulation, standard,
11 criteria or guideline promulgated, established or approved by
12 the former Illinois Educational Facilities Authority pursuant
13 to an exercise of any right, power, duty or responsibility
14 assumed by and transferred to the Illinois Finance Authority
15 shall be affected by this amendatory Act of the 93rd General
16 Assembly, and all such rules, regulations, standards, criteria
17 and guidelines shall become those of the Illinois Finance
18 Authority until such time as they are amended or repealed by
19 the Authority.

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

21 Section 570. The Nursing Education Scholarship Law is
22 amended by changing Section 3 as follows:

23 (110 ILCS 975/3) (from Ch. 144, par. 2753)

24 Sec. 3. Definitions.

1 The following terms, whenever used or referred to, have the
2 following meanings except where the context clearly indicates
3 otherwise:

4 (1) "Board" means the Board of Higher Education created by
5 the Board of Higher Education Act.

6 (2) "Department" means the Illinois Department of Public
7 Health.

8 (3) "Approved institution" means a public community
9 college, private junior college, hospital-based diploma in
10 nursing program, or public or private college or university
11 located in this State that has approval by the Department of
12 Professional Regulation for an associate degree in nursing
13 program, associate degree in applied sciences in nursing
14 program, hospital-based diploma in nursing program,
15 baccalaureate degree in nursing program, graduate degree in
16 nursing program, or certificate in practical nursing program.

17 (4) "Baccalaureate degree in nursing program" means a
18 program offered by an approved institution and leading to a
19 bachelor of science degree in nursing.

20 (5) "Enrollment" means the establishment and maintenance
21 of an individual's status as a student in an approved
22 institution, regardless of the terms used at the institution to
23 describe such status.

24 (6) "Academic year" means the period of time from September
25 1 of one year through August 31 of the next year or as
26 otherwise defined by the academic institution.

1 (7) "Associate degree in nursing program or hospital-based
2 diploma in nursing program" means a program offered by an
3 approved institution and leading to an associate degree in
4 nursing, associate degree in applied sciences in nursing, or
5 hospital-based diploma in nursing.

6 (8) "Graduate degree in nursing program" means a program
7 offered by an approved institution and leading to a master of
8 science degree in nursing or a doctorate of philosophy or
9 doctorate of nursing degree in nursing.

10 (9) "Director" means the Director of the Illinois
11 Department of Public Health.

12 (10) "Accepted for admission" means a student has completed
13 the requirements for entry into an associate degree in nursing
14 program, associate degree in applied sciences in nursing
15 program, hospital-based diploma in nursing program,
16 baccalaureate degree in nursing program, graduate degree in
17 nursing program, or certificate in practical nursing program at
18 an approved institution, as documented by the institution.

19 (11) "Fees" means those mandatory charges, in addition to
20 tuition, that all enrolled students must pay, including
21 required course or lab fees.

22 (12) "Full-time student" means a student enrolled for at
23 least 12 hours per term or as otherwise determined by the
24 academic institution.

25 (13) "Law" means the Nursing Education Scholarship Law.

26 (14) "Nursing employment obligation" means employment in

1 this State as a registered professional nurse or licensed
2 practical nurse in direct patient care or as a nurse educator
3 in the case of a graduate degree in nursing program recipient
4 for at least one year for each year of scholarship assistance
5 received through the Nursing Education Scholarship Program.

6 (15) "Part-time student" means a person who is enrolled for
7 at least one-third of the number of hours required per term by
8 a school for its full-time students.

9 (16) "Practical nursing program" means a program offered by
10 an approved institution leading to a certificate in practical
11 nursing.

12 (17) "Registered professional nurse" means a person who is
13 currently licensed as a registered professional nurse by the
14 Department of Professional Regulation under the Nursing and
15 Advanced Practice Nursing Act.

16 (18) "Licensed practical nurse" means a person who is
17 currently licensed as a licensed practical nurse by the
18 Department of Professional Regulation under the Nursing and
19 Advanced Practice Nursing Act.

20 (19) "School term" means an academic term, such as a
21 semester, quarter, trimester, or number of clock hours, as
22 defined by an approved institution.

23 (20) "Student in good standing" means a student maintaining
24 a cumulative grade point average equivalent to at least the
25 academic grade of a "C".

26 (21) "Total and permanent disability" means a physical or

1 mental impairment, disease, or loss of a permanent nature that
2 prevents nursing employment with or without reasonable
3 accommodation. Proof of disability shall be a declaration from
4 the social security administration, Illinois Workers'
5 Compensation Commission, Department of Defense, or an insurer
6 authorized to transact business in Illinois who is providing
7 disability insurance coverage to a contractor.

8 (22) "Tuition" means the established charges of an
9 institution of higher learning for instruction at that
10 institution.

11 (23) "Nurse educator" means a person who is currently
12 licensed as a registered nurse by the Department of
13 Professional Regulation under the Nursing and Advanced
14 Practice Nursing Act, who has a graduate degree in nursing, and
15 who is employed by an approved academic institution to educate
16 registered nursing students, licensed practical nursing
17 students, and registered nurses pursuing graduate degrees.

18 (Source: P.A. 92-43, eff. 1-1-02; 93-721, eff. 1-1-05; 93-879,
19 eff. 1-1-05; revised 10-25-04.)

20 Section 575. The Illinois Educational Labor Relations Act
21 is amended by changing Sections 2 and 7 as follows:

22 (115 ILCS 5/2) (from Ch. 48, par. 1702)

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

24 (a) "Educational employer" or "employer" means the

1 governing body of a public school district, combination of
2 public school districts, including the governing body of joint
3 agreements of any type formed by 2 or more school districts,
4 public community college district or State college or
5 university, and any State agency whose major function is
6 providing educational services. "Educational employer" or
7 "employer" does not include a Financial Oversight Panel created
8 pursuant to Section 1A-8 of the School Code due to a district
9 violating a financial plan but does include a School Finance
10 Authority created under Article 1E or 1F of the School Code.

11 (b) "Educational employee" or "employee" means any
12 individual, excluding supervisors, managerial, confidential,
13 short term employees, student, and part-time academic
14 employees of community colleges employed full or part time by
15 an educational employer, but shall not include elected
16 officials and appointees of the Governor with the advice and
17 consent of the Senate, firefighters as defined by subsection
18 (g-1) of Section 3 of the Illinois Public Labor Relations Act,
19 and peace officers employed by a State university. For the
20 purposes of this Act, part-time academic employees of community
21 colleges shall be defined as those employees who provide less
22 than 3 credit hours of instruction per academic semester. In
23 this subsection (b), the term "student" includes graduate
24 students who are research assistants primarily performing
25 duties that involve research or graduate assistants primarily
26 performing duties that are pre-professional, but excludes

1 graduate students who are teaching assistants primarily
2 performing duties that involve the delivery and support of
3 instruction and all other graduate assistants.

4 (c) "Employee organization" or "labor organization" means
5 an organization of any kind in which membership includes
6 educational employees, and which exists for the purpose, in
7 whole or in part, of dealing with employers concerning
8 grievances, employee-employer disputes, wages, rates of pay,
9 hours of employment, or conditions of work, but shall not
10 include any organization which practices discrimination in
11 membership because of race, color, creed, age, gender, national
12 origin or political affiliation.

13 (d) "Exclusive representative" means the labor
14 organization which has been designated by the Illinois
15 Educational Labor Relations Board as the representative of the
16 majority of educational employees in an appropriate unit, or
17 recognized by an educational employer prior to January 1, 1984
18 as the exclusive representative of the employees in an
19 appropriate unit or, after January 1, 1984, recognized by an
20 employer upon evidence that the employee organization has been
21 designated as the exclusive representative by a majority of the
22 employees in an appropriate unit.

23 (e) "Board" means the Illinois Educational Labor Relations
24 Board.

25 (f) "Regional Superintendent" means the regional
26 superintendent of schools provided for in Articles 3 and 3A of

1 The School Code.

2 (g) "Supervisor" means any individual having authority in
3 the interests of the employer to hire, transfer, suspend, lay
4 off, recall, promote, discharge, reward or discipline other
5 employees within the appropriate bargaining unit and adjust
6 their grievances, or to effectively recommend such action if
7 the exercise of such authority is not of a merely routine or
8 clerical nature but requires the use of independent judgment.
9 The term "supervisor" includes only those individuals who
10 devote a preponderance of their employment time to such
11 exercising authority.

12 (h) "Unfair labor practice" or "unfair practice" means any
13 practice prohibited by Section 14 of this Act.

14 (i) "Person" includes an individual, educational employee,
15 educational employer, legal representative, or employee
16 organization.

17 (j) "Wages" means salaries or other forms of compensation
18 for services rendered.

19 (k) "Professional employee" means, in the case of a public
20 community college, State college or university, State agency
21 whose major function is providing educational services, the
22 Illinois School for the Deaf, and the Illinois School for the
23 Visually Impaired, (1) any employee engaged in work (i)
24 predominantly intellectual and varied in character as opposed
25 to routine mental, manual, mechanical, or physical work; (ii)
26 involving the consistent exercise of discretion and judgment in

1 its performance; (iii) of such character that the output
2 produced or the result accomplished cannot be standardized in
3 relation to a given period of time; and (iv) requiring
4 knowledge of an advanced type in a field of science or learning
5 customarily acquired by a prolonged course of specialized
6 intellectual instruction and study in an institution of higher
7 learning or a hospital, as distinguished from a general
8 academic education or from an apprenticeship or from training
9 in the performance of routine mental, manual, or physical
10 processes; or (2) any employee, who (i) has completed the
11 courses of specialized intellectual instruction and study
12 described in clause (iv) of paragraph (1) of this subsection,
13 and (ii) is performing related work under the supervision of a
14 professional person to qualify himself or herself to become a
15 professional as defined in paragraph (1).

16 (l) "Professional employee" means, in the case of any
17 public school district, or combination of school districts
18 pursuant to joint agreement, any employee who has a certificate
19 issued under Article 21 or Section 34-83 of the School Code, as
20 now or hereafter amended.

21 (m) "Unit" or "bargaining unit" means any group of
22 employees for which an exclusive representative is selected.

23 (n) "Confidential employee" means an employee, who (i) in
24 the regular course of his or her duties, assists and acts in a
25 confidential capacity to persons who formulate, determine and
26 effectuate management policies with regard to labor relations

1 or who (ii) in the regular course of his or her duties has
2 access to information relating to the effectuation or review of
3 the employer's collective bargaining policies.

4 (o) "Managerial employee" means an individual who is
5 engaged predominantly in executive and management functions
6 and is charged with the responsibility of directing the
7 effectuation of such management policies and practices.

8 (p) "Craft employee" means a skilled journeyman, craft
9 person, and his or her apprentice or helper.

10 (q) "Short-term employee" is an employee who is employed
11 for less than 2 consecutive calendar quarters during a calendar
12 year and who does not have a reasonable expectation that he or
13 she will be rehired by the same employer for the same service
14 in a subsequent calendar year. Nothing in this subsection shall
15 affect the employee status of individuals who were covered by a
16 collective bargaining agreement on the effective date of this
17 amendatory Act of 1991.

18 (Source: P.A. 92-547, eff. 6-13-02; 92-748, eff. 1-1-03;
19 93-314, eff. 1-1-04; 93-501, eff. 8-11-03; 93-1044, eff.
20 10-14-04; revised 10-25-04.)

21 (115 ILCS 5/7) (from Ch. 48, par. 1707)

22 Sec. 7. Recognition of exclusive bargaining
23 representatives - unit determination. The Board is empowered to
24 administer the recognition of bargaining representatives of
25 employees of public school districts, including employees of

1 districts which have entered into joint agreements, or
2 employees of public community college districts, or any State
3 college or university, and any State agency whose major
4 function is providing educational services, making certain
5 that each bargaining unit contains employees with an
6 identifiable community of interest and that no unit includes
7 both professional employees and nonprofessional employees
8 unless a majority of employees in each group vote for inclusion
9 in the unit.

10 (a) In determining the appropriateness of a unit, the Board
11 shall decide in each case, in order to ensure employees the
12 fullest freedom in exercising the rights guaranteed by this
13 Act, the unit appropriate for the purpose of collective
14 bargaining, based upon but not limited to such factors as
15 historical pattern of recognition, community of interest,
16 including employee skills and functions, degree of functional
17 integration, interchangeability and contact among employees,
18 common supervision, wages, hours and other working conditions
19 of the employees involved, and the desires of the employees.
20 Nothing in this Act, except as herein provided, shall interfere
21 with or negate the current representation rights or patterns
22 and practices of employee organizations which have
23 historically represented employees for the purposes of
24 collective bargaining, including but not limited to the
25 negotiations of wages, hours and working conditions,
26 resolutions of employees' grievances, or resolution of

1 jurisdictional disputes, or the establishment and maintenance
2 of prevailing wage rates, unless a majority of the employees so
3 represented expresses a contrary desire under the procedures
4 set forth in this Act. This Section, however, does not prohibit
5 multi-unit bargaining. Notwithstanding the above factors,
6 where the majority of public employees of a craft so decide,
7 the Board shall designate such craft as a unit appropriate for
8 the purposes of collective bargaining.

9 The sole appropriate bargaining unit for tenured and
10 tenure-track academic faculty at each campus of the University
11 of Illinois shall be a unit that is comprised of
12 non-supervisory academic faculty employed more than half-time
13 and that includes all tenured and tenure-track faculty of that
14 University campus employed by the board of trustees in all of
15 the campus's undergraduate, graduate, and professional schools
16 and degree and non-degree programs (with the exception of the
17 college of medicine, the college of pharmacy, the college of
18 dentistry, the college of law, and the college of veterinary
19 medicine, each of which shall have its own separate unit),
20 regardless of current or historical representation rights or
21 patterns or the application of any other factors. Any decision,
22 rule, or regulation promulgated by the Board to the contrary
23 shall be null and void.

24 (b) An educational employer shall voluntarily recognize a
25 labor organization for collective bargaining purposes if that
26 organization appears to represent a majority of employees in

1 the unit. The employer shall post notice of its intent to so
2 recognize for a period of at least 20 school days on bulletin
3 boards or other places used or reserved for employee notices.
4 Thereafter, the employer, if satisfied as to the majority
5 status of the employee organization, shall send written
6 notification of such recognition to the Board for
7 certification. Any dispute regarding the majority status of a
8 labor organization shall be resolved by the Board which shall
9 make the determination of majority status.

10 Within the 20 day notice period, however, any other
11 interested employee organization may petition the Board to seek
12 recognition as the exclusive representative of the unit in the
13 manner specified by rules and regulations prescribed by the
14 Board, if such interested employee organization has been
15 designated by at least 15% of the employees in an appropriate
16 bargaining unit which includes all or some of the employees in
17 the unit intended to be recognized by the employer. In such
18 event, the Board shall proceed with the petition in the same
19 manner as provided in paragraph (c) of this Section.

20 (c) A labor organization may also gain recognition as the
21 exclusive representative by an election of the employees in the
22 unit. Petitions requesting an election may be filed with the
23 Board:

24 (1) by an employee or group of employees or any labor
25 organizations acting on their behalf alleging and
26 presenting evidence that 30% or more of the employees in a

1 bargaining unit wish to be represented for collective
2 bargaining or that the labor organization which has been
3 acting as the exclusive bargaining representative is no
4 longer representative of a majority of the employees in the
5 unit; or

6 (2) by an employer alleging that one or more labor
7 organizations have presented a claim to be recognized as an
8 exclusive bargaining representative of a majority of the
9 employees in an appropriate unit and that it doubts the
10 majority status of any of the organizations or that it
11 doubts the majority status of an exclusive bargaining
12 representative.

13 The Board shall investigate the petition and if it has
14 reasonable cause to suspect that a question of representation
15 exists, it shall give notice and conduct a hearing. If it finds
16 upon the record of the hearing that a question of
17 representation exists, it shall direct an election, which shall
18 be held no later than 90 days after the date the petition was
19 filed. Nothing prohibits the waiving of hearings by the parties
20 and the conduct of consent elections.

21 (c-5) The Board shall designate an exclusive
22 representative for purposes of collective bargaining when the
23 representative demonstrates a showing of majority interest by
24 employees in the unit. If the parties to a dispute are without
25 agreement on the means to ascertain the choice, if any, of
26 employee organization as their representative, the Board shall

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

21 (d) An order of the Board dismissing a representation
22 petition, determining and certifying that a labor organization
23 has been fairly and freely chosen by a majority of employees in
24 an appropriate bargaining unit, determining and certifying
25 that a labor organization has not been fairly and freely chosen
26 by a majority of employees in the bargaining unit or certifying

1 a labor organization as the exclusive representative of
2 employees in an appropriate bargaining unit because of a
3 determination by the Board that the labor organization is the
4 historical bargaining representative of employees in the
5 bargaining unit, is a final order. Any person aggrieved by any
6 such order issued on or after the effective date of this
7 amendatory Act of 1987 may apply for and obtain judicial review
8 in accordance with provisions of the Administrative Review Law,
9 as now or hereafter amended, except that such review shall be
10 afforded directly in the Appellate Court of a judicial district
11 in which the Board maintains an office. Any direct appeal to
12 the Appellate Court shall be filed within 35 days from the date
13 that a copy of the decision sought to be reviewed was served
14 upon the party affected by the decision.

15 No election may be conducted in any bargaining unit during
16 the term of a collective bargaining agreement covering such
17 unit or subdivision thereof, except the Board may direct an
18 election after the filing of a petition between January 15 and
19 March 1 of the final year of a collective bargaining agreement.
20 Nothing in this Section prohibits the negotiation of a
21 collective bargaining agreement covering a period not
22 exceeding 3 years. A collective bargaining agreement of less
23 than 3 years may be extended up to 3 years by the parties if the
24 extension is agreed to in writing before the filing of a
25 petition under this Section. In such case, the final year of
26 the extension is the final year of the collective bargaining

1 agreement. No election may be conducted in a bargaining unit,
2 or subdivision thereof, in which a valid election has been held
3 within the preceding 12 month period.

4 (Source: P.A. 93-444, eff. 8-5-03; 93-445, eff. 1-1-04; revised
5 9-11-03.)

6 Section 580. The Illinois Banking Act is amended by
7 changing Section 48.4 as follows:

8 (205 ILCS 5/48.4)

9 Sec. 48.4. Enforcement of child support.

10 (a) Any bank governed by this Act shall encumber or
11 surrender accounts or assets held by the bank on behalf of any
12 responsible relative who is subject to a child support lien,
13 upon notice of the lien or levy of the Department of Healthcare
14 and Family Services (formerly Illinois Department of Public
15 Aid) or its successor agency pursuant to Section 10-25.5 of the
16 Illinois Public Aid Code, or upon notice of interstate lien or
17 levy from any other state's agency responsible for implementing
18 the child support enforcement program set forth in Title IV,
19 Part D of the Social Security Act.

20 (b) Within 90 days after receiving notice from the
21 Department of Healthcare and Family Services (formerly
22 Department of Public Aid) that the Department has adopted a
23 child support enforcement debit authorization form as required
24 under the Illinois Public Aid Code, each bank governed by this

1 Act shall take all appropriate steps to implement the use of
2 the form in relation to accounts held by the bank. Upon
3 receiving from the Department of Healthcare and Family Services
4 (formerly Department of Public Aid) a copy of a child support
5 enforcement debit authorization form signed by an obligor, a
6 bank holding an account on behalf of the obligor shall debit
7 the account and transfer the debited amounts to the State
8 Disbursement Unit according to the instructions in the child
9 support enforcement debit authorization form.

10 (Source: P.A. 92-811, eff. 8-21-02; 93-736, eff. 7-14-04;
11 revised 12-15-05.)

12 Section 585. The Illinois Savings and Loan Act of 1985 is
13 amended by changing Section 1-6d and by setting forth and
14 renumbering multiple versions of Section 1-6e as follows:

15 (205 ILCS 105/1-6d)

16 Sec. 1-6d. Enforcement of child support.

17 (a) Any association governed by this Act shall encumber or
18 surrender accounts or assets held by the association on behalf
19 of any responsible relative who is subject to a child support
20 lien, upon notice of the lien or levy of the Department of
21 Healthcare and Family Services (formerly Illinois Department
22 of Public Aid) or its successor agency pursuant to Section
23 10-25.5 of the Illinois Public Aid Code, or upon notice of
24 interstate lien or levy from any other state's agency

1 responsible for implementing the child support enforcement
2 program set forth in Title IV, Part D of the Social Security
3 Act.

4 (b) Within 90 days after receiving notice from the
5 Department of Healthcare and Family Services (formerly
6 Department of Public Aid) that the Department has adopted a
7 child support enforcement debit authorization form as required
8 under the Illinois Public Aid Code, each association governed
9 by this Act shall take all appropriate steps to implement the
10 use of the form in relation to accounts held by the
11 association. Upon receiving from the Department of Healthcare
12 and Family Services (formerly Department of Public Aid) a copy
13 of a child support enforcement debit authorization form signed
14 by an obligor, an association holding an account on behalf of
15 the obligor shall debit the account and transfer the debited
16 amounts to the State Disbursement Unit according to the
17 instructions in the child support enforcement debit
18 authorization form.

19 (Source: P.A. 92-811, eff. 8-21-02; 93-736, eff. 7-14-04;
20 revised 12-15-05.)

21 (205 ILCS 105/1-6e)

22 Sec. 1-6e. Reverse mortgage; disclosure. At the time a
23 reverse mortgage loan is made, the lender must provide to the
24 mortgagor a separate document that informs the mortgagor that
25 by obtaining the reverse mortgage the mortgagor's eligibility

1 to obtain a tax deferral under the Senior Citizens Real Estate
2 Tax Deferral Act may be adversely affected. The mortgagor must
3 sign the disclosure document as part of the reverse mortgage
4 transaction.

5 (Source: P.A. 92-577, eff. 6-26-02.)

6 (205 ILCS 105/1-6f)

7 Sec. 1-6f ~~1-6e~~. Non-English language transactions. An
8 association may conduct transactions in a language other than
9 English through an employee or agent acting as interpreter or
10 through an interpreter provided by the customer.

11 (Source: P.A. 92-578, eff. 6-26-02; revised 9-3-02.)

12 Section 590. The Savings Bank Act is amended by changing
13 Section 7007 as follows:

14 (205 ILCS 205/7007)

15 Sec. 7007. Enforcement of child support.

16 (a) Any savings bank governed by this Act shall encumber or
17 surrender accounts or assets held by the savings bank on behalf
18 of any responsible relative who is subject to a child support
19 lien, upon notice of the lien or levy of the Department of
20 Healthcare and Family Services (formerly Illinois Department
21 of Public Aid) or its successor agency pursuant to Section
22 10-25.5 of the Illinois Public Aid Code, or upon notice of
23 interstate lien or levy from any other state's agency

1 responsible for implementing the child support enforcement
2 program set forth in Title IV, Part D of the Social Security
3 Act.

4 (b) Within 90 days after receiving notice from the
5 Department of Healthcare and Family Services (formerly
6 Department of Public Aid) that the Department has adopted a
7 child support enforcement debit authorization form as required
8 under the Illinois Public Aid Code, each savings bank governed
9 by this Act shall take all appropriate steps to implement the
10 use of the form in relation to accounts held by the savings
11 bank. Upon receiving from the Department of Healthcare and
12 Family Services (formerly Department of Public Aid) a copy of a
13 child support enforcement debit authorization form signed by an
14 obligor, a savings bank holding an account on behalf of the
15 obligor shall debit the account and transfer the debited
16 amounts to the State Disbursement Unit according to the
17 instructions in the child support enforcement debit
18 authorization form.

19 (Source: P.A. 92-811, eff. 8-21-02; 93-736, eff. 7-14-04;
20 revised 12-15-05.)

21 Section 595. The Illinois Credit Union Act is amended by
22 changing Section 43.1 as follows:

23 (205 ILCS 305/43.1)

24 Sec. 43.1. Enforcement of child support.

1 (a) Any credit union governed by this Act shall encumber or
2 surrender accounts or assets held by the credit union on behalf
3 of any responsible relative who is subject to a child support
4 lien, upon notice of the lien or levy of the Department of
5 Healthcare and Family Services (formerly Illinois Department
6 of Public Aid) or its successor agency pursuant to Section
7 10-25.5 of the Illinois Public Aid Code, or upon notice of
8 interstate lien from any other state's agency responsible for
9 implementing the child support enforcement program set forth in
10 Title IV, Part D of the Social Security Act.

11 (b) Within 90 days after receiving notice from the
12 Department of Healthcare and Family Services (formerly
13 Department of Public Aid) that the Department has adopted a
14 child support enforcement debit authorization form as required
15 under the Illinois Public Aid Code, each credit union governed
16 by this Act shall take all appropriate steps to implement the
17 use of the form in relation to accounts held by the credit
18 union. Upon receiving from the Department of Healthcare and
19 Family Services (formerly Department of Public Aid) a copy of a
20 child support enforcement debit authorization form signed by an
21 obligor, a credit union holding an account on behalf of the
22 obligor shall debit the account and transfer the debited
23 amounts to the State Disbursement Unit according to the
24 instructions in the child support enforcement debit
25 authorization form.

26 (Source: P.A. 93-736, eff. 7-14-04; revised 12-15-05.)

1 Section 600. The Residential Mortgage License Act of 1987
2 is amended by changing Section 2-4 as follows:

3 (205 ILCS 635/2-4) (from Ch. 17, par. 2322-4)

4 Sec. 2-4. Averments of Licensee. Each application for
5 license or for the renewal of a license shall be accompanied by
6 the following averments stating that the applicant:

7 (a) Will maintain at least one full service office
8 within the State of Illinois pursuant to Section 3-4 of
9 this Act;

10 (b) Will maintain staff reasonably adequate to meet the
11 requirements of Section 3-4 of this Act;

12 (c) Will keep and maintain for 36 months the same
13 written records as required by the federal Equal Credit
14 Opportunity Act, and any other information required by
15 regulations of the Commissioner regarding any home
16 mortgage in the course of the conduct of its residential
17 mortgage business;

18 (d) Will file with the Commissioner, when due, any
19 report or reports which it is required to file under any of
20 the provisions of this Act;

21 (e) Will not engage, whether as principal or agent, in
22 the practice of rejecting residential mortgage
23 applications without reasonable cause, or varying terms or
24 application procedures without reasonable cause, for home

1 mortgages on real estate within any specific geographic
2 area from the terms or procedures generally provided by the
3 licensee within other geographic areas of the State;

4 (f) Will not engage in fraudulent home mortgage
5 underwriting practices;

6 (g) Will not make payment, whether directly or
7 indirectly, of any kind to any in house or fee appraiser of
8 any government or private money lending agency with which
9 an application for a home mortgage has been filed for the
10 purpose of influencing the independent judgment of the
11 appraiser with respect to the value of any real estate
12 which is to be covered by such home mortgage;

13 (h) Has filed tax returns (State and Federal) for the
14 past 3 years or filed with the Commissioner an accountant's
15 or attorney's statement as to why no return was filed;

16 (i) Will not engage in any discrimination or redlining
17 activities prohibited by Section 3-8 of this Act;

18 (j) Will not knowingly make any false promises likely
19 to influence or persuade, or pursue a course of
20 misrepresentation and false promises through agents,
21 solicitors, advertising or otherwise;

22 (k) Will not knowingly misrepresent, circumvent or
23 conceal, through whatever subterfuge or device, any of the
24 material particulars or the nature thereof, regarding a
25 transaction to which it is a party to the injury of another
26 party thereto;

1 (l) Will disburse funds in accordance with its
2 agreements;

3 (m) Has not committed a crime against the law of this
4 State, any other state or of the United States, involving
5 moral turpitude, fraudulent or dishonest dealing, and that
6 no final judgment has been entered against it in a civil
7 action upon grounds of fraud, misrepresentation or deceit
8 which has not been previously reported to the Commissioner;

9 (n) Will account or deliver to any person any personal
10 property such as money, fund, deposit, check, draft,
11 mortgage, other document or thing of value, which has come
12 into its possession, and which is not its property, or
13 which it is not in law or equity entitled to retain under
14 the circumstances, at the time which has been agreed upon
15 or is required by law, or, in the absence of a fixed time,
16 upon demand of the person entitled to such accounting and
17 delivery;

18 (o) Has not engaged in any conduct which would be cause
19 for denial of a license;

20 (p) Has not become insolvent;

21 (q) Has not submitted an application for a license
22 under this Act which contains a material misstatement;

23 (r) Has not demonstrated by course of conduct,
24 negligence or incompetence in performing any act for which
25 it is required to hold a license under this Act;

26 (s) Will advise the Commissioner in writing of any

1 changes to the information submitted on the most recent
2 application for license within 30 days of said change. The
3 written notice must be signed in the same form as the
4 application for license being amended;

5 (t) Will comply with the provisions of this Act, or
6 with any lawful order, rule or regulation made or issued
7 under the provisions of this Act;

8 (u) Will submit to periodic examination by the
9 Commissioner as required by this Act;

10 (v) Will advise the Commissioner in writing of
11 judgments entered against, and bankruptcy petitions by,
12 the license applicant within 5 days of occurrence;

13 (w) Will advise the Commissioner in writing within 30
14 days when the license applicant requests a licensee under
15 this Act to repurchase a loan, and the circumstances
16 therefor; ~~and~~

17 (x) Will advise the Commissioner in writing within 30
18 days when the license applicant is requested by another
19 entity to repurchase a loan, and the circumstances
20 therefor; ~~and~~

21 (y) Will at all times act in a manner consistent with
22 subsections (a) and (b) of Section 1-2 of this Act; ~~and~~

23 (z) ~~(x)~~ Will not knowingly hire or employ a loan
24 originator who is not registered with the Commissioner as
25 required under Section 7-1 of this Act.

26 A licensee who fails to fulfill obligations of an averment,

1 to comply with averments made, or otherwise violates any of the
2 averments made under this Section shall be subject to the
3 penalties in Section 4-5 of this Act.

4 (Source: P.A. 93-561, eff. 1-1-04; revised 10-9-03.)

5 Section 605. The Foreign Banking Office Act is amended by
6 changing Section 20 as follows:

7 (205 ILCS 645/20)

8 Sec. 20. Enforcement of child support.

9 (a) Any foreign banking corporation governed by this Act
10 shall encumber or surrender accounts or assets held by the
11 foreign banking corporation on behalf of any responsible
12 relative who is subject to a child support lien, upon notice of
13 the lien or levy of the Department of Healthcare and Family
14 Services (formerly Illinois Department of Public Aid) or its
15 successor agency pursuant to Section 10-25.5 of the Illinois
16 Public Aid Code, or upon notice of interstate lien from any
17 other state's agency responsible for implementing the child
18 support enforcement program set forth in Title IV, Part D of
19 the Social Security Act.

20 (b) Within 90 days after receiving notice from the
21 Department of Healthcare and Family Services (formerly
22 Department of Public Aid) that the Department has adopted a
23 child support enforcement debit authorization form as required
24 under the Illinois Public Aid Code, each foreign banking

1 corporation governed by this Act shall take all appropriate
2 steps to implement the use of the form in relation to accounts
3 held by the corporation. Upon receiving from the Department of
4 Healthcare and Family Services (formerly Department of Public
5 Aid) a copy of a child support enforcement debit authorization
6 form signed by an obligor, a foreign banking corporation
7 holding an account on behalf of the obligor shall debit the
8 account and transfer the debited amounts to the State
9 Disbursement Unit according to the instructions in the child
10 support enforcement debit authorization form.

11 (Source: P.A. 93-736, eff. 7-14-04; revised 12-15-05.)

12 Section 610. The Debt Management Service Act is amended by
13 changing Section 2 as follows:

14 (205 ILCS 665/2) (from Ch. 17, par. 5302)

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

16 "Debt management service" means the planning and
17 management of the financial affairs of a debtor for a fee and
18 the receiving of money from the debtor for the purpose of
19 distributing it, directly or indirectly, to the debtor's
20 creditors in payment or partial payment of the debtor's
21 obligations or soliciting financial contributions from
22 creditors. The business of debt management is conducted in this
23 State if the debt management business, its employees, or its
24 agents are located in this State or if the debt management

1 business solicits or contracts with debtors located in this
2 State.

3 This term shall not include the following when engaged in
4 the regular course of their respective businesses and
5 professions:

6 (a) Attorneys at law.

7 (b) Banks, fiduciaries, credit unions, savings and
8 loan associations, and savings banks as duly authorized and
9 admitted to transact business in the State of Illinois and
10 performing credit and financial adjusting service in the
11 regular course of their principal business.

12 (c) Title insurers and abstract companies, while doing
13 an escrow business.

14 (d) Judicial officers or others acting pursuant to
15 court order.

16 (e) Employers for their employees.

17 (f) Bill payment services, as defined in the
18 Transmitters of Money Act.

19 "Director" means Director of Financial Institutions.

20 "Debtor" means the person or persons for whom the debt
21 management service is performed.

22 "Person" means an individual, firm, partnership,
23 association, limited liability company, corporation, or
24 not-for-profit corporation.

25 "Licensee" means a person licensed under this Act.

26 ~~"Director" means the Director of the Department of~~

1 ~~Financial Institutions.~~

2 (Source: P.A. 92-400, eff. 1-1-02; 93-903, eff. 8-10-04;
3 revised 9-21-04.)

4 Section 615. The Alternative Health Care Delivery Act is
5 amended by changing Sections 15, 30, and 35 as follows:

6 (210 ILCS 3/15)

7 Sec. 15. License required. No health care facility or
8 program that meets the definition and scope of an alternative
9 health care model shall operate as such unless it is a
10 participant in a demonstration program under this Act and
11 licensed by the Department as an alternative health care model.
12 The provisions of this Section as they relate to subacute care
13 hospitals shall not apply to hospitals licensed under the
14 Illinois Hospital Licensing Act or skilled nursing facilities
15 licensed under the Illinois Nursing Home Care Act; provided,
16 however, that the facilities shall not hold themselves out to
17 the public as subacute care hospitals. The provisions of this
18 Act concerning children's respite care centers shall not apply
19 to any facility licensed under the Hospital Licensing Act, the
20 Nursing Home Care Act, or the University of Illinois Hospital
21 Act that provides respite care services to children.

22 (Source: P.A. 88-490; 89-393, eff. 8-20-95; revised 9-15-06.)

23 (210 ILCS 3/30)

1 Sec. 30. Demonstration program requirements. The
2 requirements set forth in this Section shall apply to
3 demonstration programs.

4 (a) There shall be no more than:

5 (i) 3 subacute care hospital alternative health care
6 models in the City of Chicago (one of which shall be
7 located on a designated site and shall have been licensed
8 as a hospital under the Illinois Hospital Licensing Act
9 within the 10 years immediately before the application for
10 a license);

11 (ii) 2 subacute care hospital alternative health care
12 models in the demonstration program for each of the
13 following areas:

14 (1) Cook County outside the City of Chicago.

15 (2) DuPage, Kane, Lake, McHenry, and Will
16 Counties.

17 (3) Municipalities with a population greater than
18 50,000 not located in the areas described in item (i)
19 of subsection (a) and paragraphs (1) and (2) of item
20 (ii) of subsection (a); and

21 (iii) 4 subacute care hospital alternative health care
22 models in the demonstration program for rural areas.

23 In selecting among applicants for these licenses in rural
24 areas, the Health Facilities Planning Board and the Department
25 shall give preference to hospitals that may be unable for
26 economic reasons to provide continued service to the community

1 in which they are located unless the hospital were to receive
2 an alternative health care model license.

3 (a-5) There shall be no more than a total of 12
4 postsurgical recovery care center alternative health care
5 models in the demonstration program, located as follows:

6 (1) Two in the City of Chicago.

7 (2) Two in Cook County outside the City of Chicago. At
8 least one of these shall be owned or operated by a hospital
9 devoted exclusively to caring for children.

10 (3) Two in Kane, Lake, and McHenry Counties.

11 (4) Four in municipalities with a population of 50,000
12 or more not located in the areas described in paragraphs
13 (1), (2), and (3), 3 of which shall be owned or operated by
14 hospitals, at least 2 of which shall be located in counties
15 with a population of less than 175,000, according to the
16 most recent decennial census for which data are available,
17 and one of which shall be owned or operated by an
18 ambulatory surgical treatment center.

19 (5) Two in rural areas, both of which shall be owned or
20 operated by hospitals.

21 There shall be no postsurgical recovery care center
22 alternative health care models located in counties with
23 populations greater than 600,000 but less than 1,000,000. A
24 proposed postsurgical recovery care center must be owned or
25 operated by a hospital if it is to be located within, or will
26 primarily serve the residents of, a health service area in

1 which more than 60% of the gross patient revenue of the
2 hospitals within that health service area are derived from
3 Medicaid and Medicare, according to the most recently available
4 calendar year data from the Illinois Health Care Cost
5 Containment Council. Nothing in this paragraph shall preclude a
6 hospital and an ambulatory surgical treatment center from
7 forming a joint venture or developing a collaborative agreement
8 to own or operate a postsurgical recovery care center.

9 (a-10) There shall be no more than a total of 8 children's
10 respite care center alternative health care models in the
11 demonstration program, which shall be located as follows:

12 (1) One in the City of Chicago.

13 (2) One in Cook County outside the City of Chicago.

14 (3) A total of 2 in the area comprised of DuPage, Kane,
15 Lake, McHenry, and Will counties.

16 (4) A total of 2 in municipalities with a population of
17 50,000 or more and not located in the areas described in
18 paragraphs (1), (2), or (3).

19 (5) A total of 2 in rural areas, as defined by the
20 Health Facilities Planning Board.

21 No more than one children's respite care model owned and
22 operated by a licensed skilled pediatric facility shall be
23 located in each of the areas designated in this subsection
24 (a-10).

25 (a-15) There shall be an authorized community-based
26 residential rehabilitation center alternative health care

1 model in the demonstration program. The community-based
2 residential rehabilitation center shall be located in the area
3 of Illinois south of Interstate Highway 70.

4 (a-20) There shall be an authorized Alzheimer's disease
5 management center alternative health care model in the
6 demonstration program. The Alzheimer's disease management
7 center shall be located in Will County, owned by a
8 not-for-profit entity, and endorsed by a resolution approved by
9 the county board before the effective date of this amendatory
10 Act of the 91st General Assembly.

11 (b) Alternative health care models, other than a model
12 authorized under subsection (a-20), shall obtain a certificate
13 of need from the Illinois Health Facilities Planning Board
14 under the Illinois Health Facilities Planning Act before
15 receiving a license by the Department. If, after obtaining its
16 initial certificate of need, an alternative health care
17 delivery model that is a community based residential
18 rehabilitation center seeks to increase the bed capacity of
19 that center, it must obtain a certificate of need from the
20 Illinois Health Facilities Planning Board before increasing
21 the bed capacity. Alternative health care models in medically
22 underserved areas shall receive priority in obtaining a
23 certificate of need.

24 (c) An alternative health care model license shall be
25 issued for a period of one year and shall be annually renewed
26 if the facility or program is in substantial compliance with

1 the Department's rules adopted under this Act. A licensed
2 alternative health care model that continues to be in
3 substantial compliance after the conclusion of the
4 demonstration program shall be eligible for annual renewals
5 unless and until a different licensure program for that type of
6 health care model is established by legislation. The Department
7 may issue a provisional license to any alternative health care
8 model that does not substantially comply with the provisions of
9 this Act and the rules adopted under this Act if (i) the
10 Department finds that the alternative health care model has
11 undertaken changes and corrections which upon completion will
12 render the alternative health care model in substantial
13 compliance with this Act and rules and (ii) the health and
14 safety of the patients of the alternative health care model
15 will be protected during the period for which the provisional
16 license is issued. The Department shall advise the licensee of
17 the conditions under which the provisional license is issued,
18 including the manner in which the alternative health care model
19 fails to comply with the provisions of this Act and rules, and
20 the time within which the changes and corrections necessary for
21 the alternative health care model to substantially comply with
22 this Act and rules shall be completed.

23 (d) Alternative health care models shall seek
24 certification under Titles XVIII and XIX of the federal Social
25 Security Act. In addition, alternative health care models shall
26 provide charitable care consistent with that provided by

1 comparable health care providers in the geographic area.

2 (d-5) The Department of Healthcare and Family Services
3 (formerly Illinois Department of Public Aid), in cooperation
4 with the Illinois Department of Public Health, shall develop
5 and implement a reimbursement methodology for all facilities
6 participating in the demonstration program. The Department of
7 Healthcare and Family Services ~~Illinois Department of Public~~
8 ~~Aid~~ shall keep a record of services provided under the
9 demonstration program to recipients of medical assistance
10 under the Illinois Public Aid Code and shall submit an annual
11 report of that information to the Illinois Department of Public
12 Health.

13 (e) Alternative health care models shall, to the extent
14 possible, link and integrate their services with nearby health
15 care facilities.

16 (f) Each alternative health care model shall implement a
17 quality assurance program with measurable benefits and at
18 reasonable cost.

19 (Source: P.A. 91-65, eff. 7-9-99; 91-838, eff. 6-16-00; revised
20 12-15-05.)

21 (210 ILCS 3/35)

22 Sec. 35. Alternative health care models authorized.
23 Notwithstanding any other law to the contrary, alternative
24 health care models described in this Section may be established
25 on a demonstration basis.

1 (1) Alternative health care model; subacute care
2 hospital. A subacute care hospital is a designated site
3 which provides medical specialty care for patients who need
4 a greater intensity or complexity of care than generally
5 provided in a skilled nursing facility but who no longer
6 require acute hospital care. The average length of stay for
7 patients treated in subacute care hospitals shall not be
8 less than 20 days, and for individual patients, the
9 expected length of stay at the time of admission shall not
10 be less than 10 days. Variations from minimum lengths of
11 stay shall be reported to the Department. There shall be no
12 more than 13 subacute care hospitals authorized to operate
13 by the Department. Subacute care includes physician
14 supervision, registered nursing, and physiological
15 monitoring on a continual basis. A subacute care hospital
16 is either a freestanding building or a distinct physical
17 and operational entity within a hospital or nursing home
18 building. A subacute care hospital shall only consist of
19 beds currently existing in licensed hospitals or skilled
20 nursing facilities, except, in the City of Chicago, on a
21 designated site that was licensed as a hospital under the
22 Illinois Hospital Licensing Act within the 10 years
23 immediately before the application for an alternative
24 health care model license. During the period of operation
25 of the demonstration project, the existing licensed beds
26 shall remain licensed as hospital or skilled nursing

1 facility beds as well as being licensed under this Act. In
2 order to handle cases of complications, emergencies, or
3 exigent circumstances, a subacute care hospital shall
4 maintain a contractual relationship, including a transfer
5 agreement, with a general acute care hospital. If a
6 subacute care model is located in a general acute care
7 hospital, it shall utilize all or a portion of the bed
8 capacity of that existing hospital. In no event shall a
9 subacute care hospital use the word "hospital" in its
10 advertising or marketing activities or represent or hold
11 itself out to the public as a general acute care hospital.

12 (2) Alternative health care delivery model;
13 postsurgical recovery care center. A postsurgical recovery
14 care center is a designated site which provides
15 postsurgical recovery care for generally healthy patients
16 undergoing surgical procedures that require overnight
17 nursing care, pain control, or observation that would
18 otherwise be provided in an inpatient setting. A
19 postsurgical recovery care center is either freestanding
20 or a defined unit of an ambulatory surgical treatment
21 center or hospital. No facility, or portion of a facility,
22 may participate in a demonstration program as a
23 postsurgical recovery care center unless the facility has
24 been licensed as an ambulatory surgical treatment center or
25 hospital for at least 2 years before August 20, 1993 (the
26 effective date of Public Act 88-441). The maximum length of

1 stay for patients in a postsurgical recovery care center is
2 not to exceed 48 hours unless the treating physician
3 requests an extension of time from the recovery center's
4 medical director on the basis of medical or clinical
5 documentation that an additional care period is required
6 for the recovery of a patient and the medical director
7 approves the extension of time. In no case, however, shall
8 a patient's length of stay in a postsurgical recovery care
9 center be longer than 72 hours. If a patient requires an
10 additional care period after the expiration of the 72-hour
11 limit, the patient shall be transferred to an appropriate
12 facility. Reports on variances from the 48-hour limit shall
13 be sent to the Department for its evaluation. The reports
14 shall, before submission to the Department, have removed
15 from them all patient and physician identifiers. In order
16 to handle cases of complications, emergencies, or exigent
17 circumstances, every postsurgical recovery care center as
18 defined in this paragraph shall maintain a contractual
19 relationship, including a transfer agreement, with a
20 general acute care hospital. A postsurgical recovery care
21 center shall be no larger than 20 beds. A postsurgical
22 recovery care center shall be located within 15 minutes
23 travel time from the general acute care hospital with which
24 the center maintains a contractual relationship, including
25 a transfer agreement, as required under this paragraph.

26 No postsurgical recovery care center shall

1 discriminate against any patient requiring treatment
2 because of the source of payment for services, including
3 Medicare and Medicaid recipients.

4 The Department shall adopt rules to implement the
5 provisions of Public Act 88-441 concerning postsurgical
6 recovery care centers within 9 months after August 20,
7 1993.

8 (3) Alternative health care delivery model; children's
9 community-based health care center. A children's
10 community-based health care center model is a designated
11 site that provides nursing care, clinical support
12 services, and therapies for a period of one to 14 days for
13 short-term stays and 120 days to facilitate transitions to
14 home or other appropriate settings for medically fragile
15 children, technology dependent children, and children with
16 special health care needs who are deemed clinically stable
17 by a physician and are younger than 22 years of age. This
18 care is to be provided in a home-like environment that
19 serves no more than 12 children at a time. Children's
20 community-based health care center services must be
21 available through the model to all families, including
22 those whose care is paid for through the Department of
23 Healthcare and Family Services ~~Public Aid~~, the Department
24 of Children and Family Services, the Department of Human
25 Services, and insurance companies who cover home health
26 care services or private duty nursing care in the home.

1 Each children's community-based health care center
2 model location shall be physically separate and apart from
3 any other facility licensed by the Department of Public
4 Health under this or any other Act and shall provide the
5 following services: respite care, registered nursing or
6 licensed practical nursing care, transitional care to
7 facilitate home placement or other appropriate settings
8 and reunite families, medical day care, weekend camps, and
9 diagnostic studies typically done in the home setting.

10 Coverage for the services provided by the ~~Illinois~~
11 Department of Healthcare and Family Services ~~Public Aid~~
12 under this paragraph (3) is contingent upon federal waiver
13 approval and is provided only to Medicaid eligible clients
14 participating in the home and community based services
15 waiver designated in Section 1915(c) of the Social Security
16 Act for medically frail and technologically dependent
17 children or children in Department of Children and Family
18 Services foster care who receive home health benefits.

19 (4) Alternative health care delivery model; community
20 based residential rehabilitation center. A community-based
21 residential rehabilitation center model is a designated
22 site that provides rehabilitation or support, or both, for
23 persons who have experienced severe brain injury, who are
24 medically stable, and who no longer require acute
25 rehabilitative care or intense medical or nursing
26 services. The average length of stay in a community-based

1 residential rehabilitation center shall not exceed 4
2 months. As an integral part of the services provided,
3 individuals are housed in a supervised living setting while
4 having immediate access to the community. The residential
5 rehabilitation center authorized by the Department may
6 have more than one residence included under the license. A
7 residence may be no larger than 12 beds and shall be
8 located as an integral part of the community. Day treatment
9 or individualized outpatient services shall be provided
10 for persons who reside in their own home. Functional
11 outcome goals shall be established for each individual.
12 Services shall include, but are not limited to, case
13 management, training and assistance with activities of
14 daily living, nursing consultation, traditional therapies
15 (physical, occupational, speech), functional interventions
16 in the residence and community (job placement, shopping,
17 banking, recreation), counseling, self-management
18 strategies, productive activities, and multiple
19 opportunities for skill acquisition and practice
20 throughout the day. The design of individualized program
21 plans shall be consistent with the outcome goals that are
22 established for each resident. The programs provided in
23 this setting shall be accredited by the Commission on
24 Accreditation of Rehabilitation Facilities (CARF). The
25 program shall have been accredited by CARF as a Brain
26 Injury Community-Integrative Program for at least 3 years.

1 (5) Alternative health care delivery model;
2 Alzheimer's disease management center. An Alzheimer's
3 disease management center model is a designated site that
4 provides a safe and secure setting for care of persons
5 diagnosed with Alzheimer's disease. An Alzheimer's disease
6 management center model shall be a facility separate from
7 any other facility licensed by the Department of Public
8 Health under this or any other Act. An Alzheimer's disease
9 management center shall conduct and document an assessment
10 of each resident every 6 months. The assessment shall
11 include an evaluation of daily functioning, cognitive
12 status, other medical conditions, and behavioral problems.
13 An Alzheimer's disease management center shall develop and
14 implement an ongoing treatment plan for each resident. The
15 treatment plan shall have defined goals. The Alzheimer's
16 disease management center shall treat behavioral problems
17 and mood disorders using nonpharmacologic approaches such
18 as environmental modification, task simplification, and
19 other appropriate activities. All staff must have
20 necessary training to care for all stages of Alzheimer's
21 Disease. An Alzheimer's disease management center shall
22 provide education and support for residents and
23 caregivers. The education and support shall include
24 referrals to support organizations for educational
25 materials on community resources, support groups, legal
26 and financial issues, respite care, and future care needs

1 and options. The education and support shall also include a
2 discussion of the resident's need to make advance
3 directives and to identify surrogates for medical and legal
4 decision-making. The provisions of this paragraph
5 establish the minimum level of services that must be
6 provided by an Alzheimer's disease management center. An
7 Alzheimer's disease management center model shall have no
8 more than 100 residents. Nothing in this paragraph (5)
9 shall be construed as prohibiting a person or facility from
10 providing services and care to persons with Alzheimer's
11 disease as otherwise authorized under State law.

12 (Source: P.A. 93-402, eff. 1-1-04; revised 12-15-05.)

13 Section 620. The Assisted Living and Shared Housing Act is
14 amended by changing Sections 75 and 125 as follows:

15 (210 ILCS 9/75)

16 Sec. 75. Residency Requirements.

17 (a) No individual shall be accepted for residency or remain
18 in residence if the establishment cannot provide or secure
19 appropriate services, if the individual requires a level of
20 service or type of service for which the establishment is not
21 licensed or which the establishment does not provide, or if the
22 establishment does not have the staff appropriate in numbers
23 and with appropriate skill to provide such services.

24 (b) Only adults may be accepted for residency.

1 (c) A person shall not be accepted for residency if:

2 (1) the person poses a serious threat to himself or
3 herself or to others;

4 (2) the person is not able to communicate his or her
5 needs and no resident representative residing in the
6 establishment, and with a prior relationship to the person,
7 has been appointed to direct the provision of services;

8 (3) the person requires total assistance with 2 or more
9 activities of daily living;

10 (4) the person requires the assistance of more than one
11 paid caregiver at any given time with an activity of daily
12 living;

13 (5) the person requires more than minimal assistance in
14 moving to a safe area in an emergency;

15 (6) the person has a severe mental illness, which for
16 the purposes of this Section means a condition that is
17 characterized by the presence of a major mental disorder as
18 classified in the Diagnostic and Statistical Manual of
19 Mental Disorders, Fourth Edition (DSM-IV) (American
20 Psychiatric Association, 1994), where the individual is
21 substantially disabled due to mental illness in the areas
22 of self-maintenance, social functioning, activities of
23 community living and work skills, and the disability
24 specified is expected to be present for a period of not
25 less than one year, but does not mean Alzheimer's disease
26 and other forms of dementia based on organic or physical

1 disorders;

2 (7) the person requires intravenous therapy or
3 intravenous feedings unless self-administered or
4 administered by a qualified, licensed health care
5 professional;

6 (8) the person requires gastrostomy feedings unless
7 self-administered or administered by a licensed health
8 care professional;

9 (9) the person requires insertion, sterile irrigation,
10 and replacement of catheter, except for routine
11 maintenance of urinary catheters, unless the catheter care
12 is self-administered or administered by a licensed health
13 care professional;

14 (10) the person requires sterile wound care unless care
15 is self-administered or administered by a licensed health
16 care professional;

17 (11) the person requires sliding scale insulin
18 administration unless self-performed or administered by a
19 licensed health care professional;

20 (12) the person is a diabetic requiring routine insulin
21 injections unless the injections are self-administered or
22 administered by a licensed health care professional;

23 (13) the person requires treatment of stage 3 or stage
24 4 decubitus ulcers or exfoliative dermatitis;

25 (14) the person requires 5 or more skilled nursing
26 visits per week for conditions other than those listed in

1 items (13) and (15) of this subsection for a period of 3
2 consecutive weeks or more except when the course of
3 treatment is expected to extend beyond a 3 week period for
4 rehabilitative purposes and is certified as temporary by a
5 physician; or

6 (15) other reasons prescribed by the Department by
7 rule.

8 (d) A resident with a condition listed in items (1) through
9 (15) of subsection (c) shall have his or her residency
10 terminated.

11 (e) Residency shall be terminated when services available
12 to the resident in the establishment are no longer adequate to
13 meet the needs of the resident. This provision shall not be
14 interpreted as limiting the authority of the Department to
15 require the residency termination of individuals.

16 (f) Subsection (d) of this Section shall not apply to
17 terminally ill residents who receive or would qualify for
18 hospice care and such care is coordinated by a hospice program
19 licensed under the Hospice Program Licensing Act or other
20 licensed health care professional employed by a licensed home
21 health agency and the establishment and all parties agree to
22 the continued residency.

23 (g) Items (3), (4), (5), and (9) of subsection (c) shall
24 not apply to a quadriplegic, paraplegic, or individual with
25 neuro-muscular diseases, such as muscular dystrophy and
26 multiple sclerosis, or other chronic diseases and conditions as

1 defined by rule if the individual is able to communicate his or
2 her needs and does not require assistance with complex medical
3 problems, and the establishment is able to accommodate the
4 individual's needs. The Department shall prescribe rules
5 pursuant to this Section that address special safety and
6 service needs of these individuals.

7 (h) For the purposes of items (7) through (10) of
8 subsection (c), a licensed health care professional may not be
9 employed by the owner or operator of the establishment, its
10 parent entity, or any other entity with ownership common to
11 either the owner or operator of the establishment or parent
12 entity, including but not limited to an affiliate of the owner
13 or operator of the establishment. Nothing in this Section is
14 meant to limit a resident's right to choose his or her health
15 care provider.

16 (Source: P.A. 93-141, eff. 7-10-03; 94-256, eff. 7-19-05;
17 94-570, eff. 8-12-05; revised 8-19-05.)

18 (210 ILCS 9/125)

19 Sec. 125. Assisted Living and Shared Housing Standards and
20 Quality of Life Advisory Board.

21 (a) The Governor shall appoint the Assisted Living and
22 Shared Housing Standards and Quality of Life Advisory Board
23 which shall be responsible for advising the Director in all
24 aspects of the administration of the Act. The Board shall give
25 advice to the Department concerning activities of the assisted

1 living ombudsman and all other matters deemed relevant by the
2 Director and to the Director concerning the delivery of
3 personal care services, the unique needs and concerns of
4 seniors residing in housing projects, and all other issues
5 affecting the quality of life of residents.

6 (b) The Board shall be comprised of the following persons:

7 (1) the Director who shall serve as chair, ex officio
8 and nonvoting;

9 (2) the Director of Aging who shall serve as
10 vice-chair, ex officio and nonvoting;

11 (3) one representative each of the Departments of
12 Public Health, Healthcare and Family Services ~~Public Aid~~,
13 and Human Services, the Office of the State Fire Marshal,
14 and the Illinois Housing Development Authority, and 2
15 representatives of the Department on Aging, all nonvoting
16 members;

17 (4) the State Ombudsman or his or her designee;

18 (5) one representative of the Association of Area
19 Agencies on Aging;

20 (6) four members selected from the recommendations by
21 provider organizations whose membership consist of nursing
22 care or assisted living establishments;

23 (7) one member selected from the recommendations of
24 provider organizations whose membership consists of home
25 health agencies;

26 (8) two residents of assisted living or shared housing

1 establishments;

2 (9) three members selected from the recommendations of
3 consumer organizations which engage solely in advocacy or
4 legal representation on behalf of the senior population;

5 (10) one member who shall be a physician;

6 (11) one member who shall be a registered professional
7 nurse selected from the recommendations of professional
8 nursing associations;

9 (12) two citizen members with expertise in the area of
10 gerontology research or legal research regarding
11 implementation of assisted living statutes;

12 (13) two members representing providers of community
13 care services; and

14 (14) one member representing agencies providing case
15 coordination services.

16 (c) Members of the Board appointed under paragraphs (5)
17 through (14) of subsection (b) shall be appointed to serve for
18 terms of 3 years except as otherwise provided in this Section.
19 All members shall be appointed by January 1, 2001, except that
20 the 2 members representing the Department on Aging appointed
21 under paragraph (3) of subsection (b) and the members appointed
22 under paragraphs (13) and (14) of subsection (b) shall be
23 appointed by January 1, 2005. One third of the Board members'
24 initial terms shall expire in one year; one third in 2 years,
25 and one third in 3 years. Of the 3 members appointed under
26 paragraphs (13) and (14) of subsection (b), one shall serve for

1 an initial term of one year, one shall serve for an initial
2 term of 2 years, and one shall serve for an initial term of 3
3 years. A member's term does not expire until a successor is
4 appointed by the Governor. Any member appointed to fill a
5 vacancy occurring prior to the expiration of the term for which
6 his or her predecessor was appointed shall be appointed for the
7 remainder of that term. The Board shall meet at the call of the
8 Director. The affirmative vote of 10 members of the Board shall
9 be necessary for Board action. Members of this Board shall
10 receive no compensation for their services, however, resident
11 members shall be reimbursed for their actual expenses.

12 (d) The Board shall be provided copies of all
13 administrative rules and changes to administrative rules for
14 review and comment prior to notice being given to the public.
15 If the Board, having been asked for its review, fails to advise
16 the Department within 90 days, the rules shall be considered
17 acted upon.

18 (Source: P.A. 93-1003, eff. 8-23-04; revised 12-15-05.)

19 Section 625. The Abused and Neglected Long Term Care
20 Facility Residents Reporting Act is amended by changing Section
21 6.2 as follows:

22 (210 ILCS 30/6.2) (from Ch. 111 1/2, par. 4166.2)

23 Sec. 6.2. Inspector General.

24 (a) The Governor shall appoint, and the Senate shall

1 confirm, an Inspector General. The Inspector General shall be
2 appointed for a term of 4 years and shall function within the
3 Department of Human Services and report to the Secretary of
4 Human Services and the Governor. The Inspector General shall
5 function independently within the Department of Human Services
6 with respect to the operations of the office, including the
7 performance of investigations and issuance of findings and
8 recommendations. The appropriation for the Office of Inspector
9 General shall be separate from the overall appropriation for
10 the Department of Human Services. The Inspector General shall
11 investigate reports of suspected abuse or neglect (as those
12 terms are defined in Section 3 of this Act) of patients or
13 residents in any mental health or developmental disabilities
14 facility operated by the Department of Human Services and shall
15 have authority to investigate and take immediate action on
16 reports of abuse or neglect of recipients, whether patients or
17 residents, in any mental health or developmental disabilities
18 facility or program that is licensed or certified by the
19 Department of Human Services (as successor to the Department of
20 Mental Health and Developmental Disabilities) or that is funded
21 by the Department of Human Services (as successor to the
22 Department of Mental Health and Developmental Disabilities)
23 and is not licensed or certified by any agency of the State. At
24 the specific, written request of an agency of the State other
25 than the Department of Human Services (as successor to the
26 Department of Mental Health and Developmental Disabilities),

1 the Inspector General may cooperate in investigating reports of
2 abuse and neglect of persons with mental illness or persons
3 with developmental disabilities. The Inspector General shall
4 have no supervision over or involvement in routine,
5 programmatic, licensure, or certification operations of the
6 Department of Human Services or any of its funded agencies.

7 The Inspector General shall promulgate rules establishing
8 minimum requirements for reporting allegations of abuse and
9 neglect and initiating, conducting, and completing
10 investigations. The promulgated rules shall clearly set forth
11 that in instances where 2 or more State agencies could
12 investigate an allegation of abuse or neglect, the Inspector
13 General shall not conduct an investigation that is redundant to
14 an investigation conducted by another State agency. The rules
15 shall establish criteria for determining, based upon the nature
16 of the allegation, the appropriate method of investigation,
17 which may include, but need not be limited to, site visits,
18 telephone contacts, or requests for written responses from
19 agencies. The rules shall also clarify how the Office of the
20 Inspector General shall interact with the licensing unit of the
21 Department of Human Services in investigations of allegations
22 of abuse or neglect. Any allegations or investigations of
23 reports made pursuant to this Act shall remain confidential
24 until a final report is completed. The resident or patient who
25 allegedly was abused or neglected and his or her legal guardian
26 shall be informed by the facility or agency of the report of

1 alleged abuse or neglect. Final reports regarding
2 unsubstantiated or unfounded allegations shall remain
3 confidential, except that final reports may be disclosed
4 pursuant to Section 6 of this Act.

5 For purposes of this Section, "required reporter" means a
6 person who suspects, witnesses, or is informed of an allegation
7 of abuse or neglect at a State-operated facility or a community
8 agency and who is either: (i) a person employed at a
9 State-operated facility or a community agency on or off site
10 who is providing or monitoring services to an individual or
11 individuals or is providing services to the State-operated
12 facility or the community agency; or (ii) any person or
13 contractual agent of the Department of Human Services involved
14 in providing, monitoring, or administering mental health or
15 developmental disability services, including, but not limited
16 to, payroll personnel, contractors, subcontractors, and
17 volunteers. A required reporter shall report the allegation of
18 abuse or neglect, or cause a report to be made, to the Office
19 of the Inspector General (OIG) Hotline no later than 4 hours
20 after the initial discovery of the incident of alleged abuse or
21 neglect. A required reporter as defined in this paragraph who
22 willfully fails to comply with the reporting requirement is
23 guilty of a Class A misdemeanor.

24 For purposes of this Section, "State-operated facility"
25 means a mental health facility or a developmental disability
26 facility as defined in Sections 1-114 and 1-107 of the Mental

1 Health and Developmental Disabilities Code.

2 For purposes of this Section, "community agency" or
3 "agency" means any community entity or program providing mental
4 health or developmental disabilities services that is
5 licensed, certified, or funded by the Department of Human
6 Services and is not licensed or certified by any other human
7 services agency of the State (for example, the Department of
8 Public Health, the Department of Children and Family Services,
9 or the Department of Healthcare and Family Services).

10 When the Office of the Inspector General has substantiated
11 a case of abuse or neglect, the Inspector General shall include
12 in the final report any mitigating or aggravating circumstances
13 that were identified during the investigation. Upon
14 determination that a report of neglect is substantiated, the
15 Inspector General shall then determine whether such neglect
16 rises to the level of egregious neglect.

17 (b) The Inspector General shall, within 24 hours after
18 determining that a reported allegation of suspected abuse or
19 neglect indicates that any possible criminal act has been
20 committed or that special expertise is required in the
21 investigation, immediately notify the Department of State
22 Police or the appropriate law enforcement entity. The
23 Department of State Police shall investigate any report from a
24 State-operated facility indicating a possible murder, rape, or
25 other felony. All investigations conducted by the Inspector
26 General shall be conducted in a manner designed to ensure the

1 preservation of evidence for possible use in a criminal
2 prosecution.

3 (b-5) The Inspector General shall make a determination to
4 accept or reject a preliminary report of the investigation of
5 alleged abuse or neglect based on established investigative
6 procedures. Notice of the Inspector General's determination
7 must be given to the person who claims to be the victim of the
8 abuse or neglect, to the person or persons alleged to have been
9 responsible for abuse or neglect, and to the facility or
10 agency. The facility or agency or the person or persons alleged
11 to have been responsible for the abuse or neglect and the
12 person who claims to be the victim of the abuse or neglect may
13 request clarification or reconsideration based on additional
14 information. For cases where the allegation of abuse or neglect
15 is substantiated, the Inspector General shall require the
16 facility or agency to submit a written response. The written
17 response from a facility or agency shall address in a concise
18 and reasoned manner the actions that the agency or facility
19 will take or has taken to protect the resident or patient from
20 abuse or neglect, prevent reoccurrences, and eliminate
21 problems identified and shall include implementation and
22 completion dates for all such action.

23 (c) The Inspector General shall, within 10 calendar days
24 after the transmittal date of a completed investigation where
25 abuse or neglect is substantiated or administrative action is
26 recommended, provide a complete report on the case to the

1 Secretary of Human Services and to the agency in which the
2 abuse or neglect is alleged to have happened. The complete
3 report shall include a written response from the agency or
4 facility operated by the State to the Inspector General that
5 addresses in a concise and reasoned manner the actions that the
6 agency or facility will take or has taken to protect the
7 resident or patient from abuse or neglect, prevent
8 reoccurrences, and eliminate problems identified and shall
9 include implementation and completion dates for all such
10 action. The Secretary of Human Services shall accept or reject
11 the response and establish how the Department will determine
12 whether the facility or program followed the approved response.
13 The Secretary may require Department personnel to visit the
14 facility or agency for training, technical assistance,
15 programmatic, licensure, or certification purposes.
16 Administrative action, including sanctions, may be applied
17 should the Secretary reject the response or should the facility
18 or agency fail to follow the approved response. Within 30 days
19 after the Secretary has approved a response, the facility or
20 agency making the response shall provide an implementation
21 report to the Inspector General on the status of the corrective
22 action implemented. Within 60 days after the Secretary has
23 approved the response, the facility or agency shall send notice
24 of the completion of the corrective action or shall send an
25 updated implementation report. The facility or agency shall
26 continue sending updated implementation reports every 60 days

1 until the facility or agency sends a notice of the completion
2 of the corrective action. The Inspector General shall review
3 any implementation plan that takes more than 120 days. The
4 Inspector General shall monitor compliance through a random
5 review of completed corrective actions. This monitoring may
6 include, but need not be limited to, site visits, telephone
7 contacts, or requests for written documentation from the
8 facility or agency to determine whether the facility or agency
9 is in compliance with the approved response. The facility or
10 agency shall inform the resident or patient and the legal
11 guardian whether the reported allegation was substantiated,
12 unsubstantiated, or unfounded. There shall be an appeals
13 process for any person or agency that is subject to any action
14 based on a recommendation or recommendations.

15 (d) The Inspector General may recommend to the Departments
16 of Public Health and Human Services sanctions to be imposed
17 against mental health and developmental disabilities
18 facilities under the jurisdiction of the Department of Human
19 Services for the protection of residents, including
20 appointment of on-site monitors or receivers, transfer or
21 relocation of residents, and closure of units. The Inspector
22 General may seek the assistance of the Attorney General or any
23 of the several State's attorneys in imposing such sanctions.
24 Whenever the Inspector General issues any recommendations to
25 the Secretary of Human Services, the Secretary shall provide a
26 written response.

1 (e) The Inspector General shall establish and conduct
2 periodic training programs for Department of Human Services
3 employees concerning the prevention and reporting of neglect
4 and abuse.

5 (f) The Inspector General shall at all times be granted
6 access to any mental health or developmental disabilities
7 facility operated by the Department of Human Services, shall
8 establish and conduct unannounced site visits to those
9 facilities at least once annually, and shall be granted access,
10 for the purpose of investigating a report of abuse or neglect,
11 to the records of the Department of Human Services and to any
12 facility or program funded by the Department of Human Services
13 that is subject under the provisions of this Section to
14 investigation by the Inspector General for a report of abuse or
15 neglect.

16 (g) Nothing in this Section shall limit investigations by
17 the Department of Human Services that may otherwise be required
18 by law or that may be necessary in that Department's capacity
19 as the central administrative authority responsible for the
20 operation of State mental health and developmental disability
21 facilities.

22 (g-5) After notice and an opportunity for a hearing that is
23 separate and distinct from the Office of the Inspector
24 General's appeals process as implemented under subsection (c)
25 of this Section, the Inspector General shall report to the
26 Department of Public Health's nurse aide registry under Section

1 3-206.01 of the Nursing Home Care Act the identity of
2 individuals against whom there has been a substantiated finding
3 of physical or sexual abuse or egregious neglect of a service
4 recipient.

5 Nothing in this subsection shall diminish or impair the
6 rights of a person who is a member of a collective bargaining
7 unit pursuant to the Illinois Public Labor Relations Act or
8 pursuant to any federal labor statute. An individual who is a
9 member of a collective bargaining unit as described above shall
10 not be reported to the Department of Public Health's nurse aide
11 registry until the exhaustion of that individual's grievance
12 and arbitration rights, or until 3 months after the initiation
13 of the grievance process, whichever occurs first, provided that
14 the Department of Human Services' hearing under this subsection
15 regarding the reporting of an individual to the Department of
16 Public Health's nurse aide registry has concluded.
17 Notwithstanding anything hereinafter or previously provided,
18 if an action taken by an employer against an individual as a
19 result of the circumstances that led to a finding of physical
20 or sexual abuse or egregious neglect is later overturned under
21 a grievance or arbitration procedure provided for in Section 8
22 of the Illinois Public Labor Relations Act or under a
23 collective bargaining agreement, the report must be removed
24 from the registry.

25 The Department of Human Services shall promulgate or amend
26 rules as necessary or appropriate to establish procedures for

1 reporting to the registry, including the definition of
2 egregious neglect, procedures for notice to the individual and
3 victim, appeal and hearing procedures, and petition for removal
4 of the report from the registry. The portion of the rules
5 pertaining to hearings shall provide that, at the hearing, both
6 parties may present written and oral evidence. The Department
7 shall be required to establish by a preponderance of the
8 evidence that the Office of the Inspector General's finding of
9 physical or sexual abuse or egregious neglect warrants
10 reporting to the Department of Public Health's nurse aide
11 registry under Section 3-206.01 of the Nursing Home Care Act.

12 Notice to the individual shall include a clear and concise
13 statement of the grounds on which the report to the registry is
14 based and notice of the opportunity for a hearing to contest
15 the report. The Department of Human Services shall provide the
16 notice by certified mail to the last known address of the
17 individual. The notice shall give the individual an opportunity
18 to contest the report in a hearing before the Department of
19 Human Services or to submit a written response to the findings
20 instead of requesting a hearing. If the individual does not
21 request a hearing or if after notice and a hearing the
22 Department of Human Services finds that the report is valid,
23 the finding shall be included as part of the registry, as well
24 as a brief statement from the reported individual if he or she
25 chooses to make a statement. The Department of Public Health
26 shall make available to the public information reported to the

1 registry. In a case of inquiries concerning an individual
2 listed in the registry, any information disclosed concerning a
3 finding of abuse or neglect shall also include disclosure of
4 the individual's brief statement in the registry relating to
5 the reported finding or include a clear and accurate summary of
6 the statement.

7 At any time after the report of the registry, an individual
8 may petition the Department of Human Services for removal from
9 the registry of the finding against him or her. Upon receipt of
10 such a petition, the Department of Human Services shall conduct
11 an investigation and hearing on the petition. Upon completion
12 of the investigation and hearing, the Department of Human
13 Services shall report the removal of the finding to the
14 registry unless the Department of Human Services determines
15 that removal is not in the public interest.

16 (Source: P.A. 93-636, eff. 12-31-03; 94-428, eff. 8-2-05;
17 94-853, eff. 6-13-06; 94-934, eff. 6-26-06; revised 8-3-06.)

18 Section 630. The Nursing Home Care Act is amended by
19 changing Sections 1-105, 2-101.1, 2-106, 2-106.1, 2-202,
20 2-204, 2-205, 2-211, 3-108, 3-109, 3-117, 3-119, 3-208, 3-304,
21 3-401.1, 3-405, 3-406, 3-411, 3-414, 3-508, 3-805, and 3A-101
22 as follows:

23 (210 ILCS 45/1-105) (from Ch. 111 1/2, par. 4151-105)

24 Sec. 1-105. "Administrator" means a person who is charged

1 with the general administration and supervision of a facility
2 and licensed, if required, under the "Nursing Home
3 Administrators Licensing and Disciplinary Act", as now or
4 hereafter amended.

5 (Source: P.A. 81-1349; revised 9-15-06.)

6 (210 ILCS 45/2-101.1) (from Ch. 111 1/2, par. 4152-101.1)

7 Sec. 2-101.1. Spousal impoverishment. All new residents
8 and their spouses shall be informed on admittance of their
9 spousal impoverishment rights as defined at Section 5-4 of the
10 Illinois Public Aid Code, as now or hereafter amended and at
11 Section 303 of Title III of the Medicare Catastrophic Coverage
12 Act of 1988 (P.L. 100-360).

13 (Source: P.A. 86-410; revised 9-21-06.)

14 (210 ILCS 45/2-106) (from Ch. 111 1/2, par. 4152-106)

15 Sec. 2-106. (a) For purposes of this Act, (i) a physical
16 restraint is any manual method or physical or mechanical
17 device, material, or equipment attached or adjacent to a
18 resident's body that the resident cannot remove easily and
19 restricts freedom of movement or normal access to one's body.
20 Devices used for positioning, including but not limited to bed
21 rails, gait belts, and cushions, shall not be considered to be
22 restraints for purposes of this Section; (ii) a chemical
23 restraint is any drug used for discipline or convenience and
24 not required to treat medical symptoms. The Department shall by

1 rule, designate certain devices as restraints, including at
2 least all those devices which have been determined to be
3 restraints by the United States Department of Health and Human
4 Services in interpretive guidelines issued for the purposes of
5 administering Titles XVIII and XIX ~~18 and 19~~ of the Social
6 Security Act ~~Acts~~.

7 (b) Neither restraints nor confinements shall be employed
8 for the purpose of punishment or for the convenience of any
9 facility personnel. No restraints or confinements shall be
10 employed except as ordered by a physician who documents the
11 need for such restraints or confinements in the resident's
12 clinical record. Each facility licensed under this Act must
13 have a written policy to address the use of restraints and
14 seclusion. The Department shall establish by rule the
15 provisions that the policy must include, which, to the extent
16 practicable, should be consistent with the requirements for
17 participation in the federal Medicare program. Each policy
18 shall include periodic review of the use of restraints.

19 (c) A restraint may be used only with the informed consent
20 of the resident, the resident's guardian, or other authorized
21 representative. A restraint may be used only for specific
22 periods, if it is the least restrictive means necessary to
23 attain and maintain the resident's highest practicable
24 physical, mental or psychosocial well-being, including brief
25 periods of time to provide necessary life-saving treatment. A
26 restraint may be used only after consultation with appropriate

1 health professionals, such as occupational or physical
2 therapists, and a trial of less restrictive measures has led to
3 the determination that the use of less restrictive measures
4 would not attain or maintain the resident's highest practicable
5 physical, mental or psychosocial well-being. However, if the
6 resident needs emergency care, restraints may be used for brief
7 periods to permit medical treatment to proceed unless the
8 facility has notice that the resident has previously made a
9 valid refusal of the treatment in question.

10 (d) A restraint may be applied only by a person trained in
11 the application of the particular type of restraint.

12 (e) Whenever a period of use of a restraint is initiated,
13 the resident shall be advised of his or her right to have a
14 person or organization of his or her choosing, including the
15 Guardianship and Advocacy Commission, notified of the use of
16 the restraint. A recipient who is under guardianship may
17 request that a person or organization of his or her choosing be
18 notified of the restraint, whether or not the guardian approves
19 the notice. If the resident so chooses, the facility shall make
20 the notification within 24 hours, including any information
21 about the period of time that the restraint is to be used.
22 Whenever the Guardianship and Advocacy Commission is notified
23 that a resident has been restrained, it shall contact the
24 resident to determine the circumstances of the restraint and
25 whether further action is warranted.

26 (f) Whenever a restraint is used on a resident whose

1 primary mode of communication is sign language, the resident
2 shall be permitted to have his or her hands free from restraint
3 for brief periods each hour, except when this freedom may
4 result in physical harm to the resident or others.

5 (g) The requirements of this Section are intended to
6 control in any conflict with the requirements of Sections 1-126
7 and 2-108 of the Mental Health and Developmental Disabilities
8 Code.

9 (Source: P.A. 93-636, eff. 6-1-04; revised 9-18-06.)

10 (210 ILCS 45/2-106.1)

11 Sec. 2-106.1. Drug treatment.

12 (a) A resident shall not be given unnecessary drugs. An
13 unnecessary drug is any drug used in an excessive dose,
14 including in duplicative therapy; for excessive duration;
15 without adequate monitoring; without adequate indications for
16 its use; or in the presence of adverse consequences that
17 indicate the drugs should be reduced or discontinued. The
18 Department shall adopt, by rule, the standards for unnecessary
19 drugs contained in interpretive guidelines issued by the United
20 States Department of Health and Human Services for the purposes
21 of administering Titles XVIII and XIX ~~titles 18 and 19~~ of the
22 Social Security Act.

23 (b) Psychotropic medication shall not be prescribed
24 without the informed consent of the resident, the resident's
25 guardian, or other authorized representative. "Psychotropic

1 medication" means medication that is used for or listed as used
2 for antipsychotic, antidepressant, antimanic, or antianxiety
3 behavior modification or behavior management purposes in the
4 latest editions of the AMA Drug Evaluations or the Physician's
5 Desk Reference.

6 (c) The requirements of this Section are intended to
7 control in a conflict with the requirements of Sections 2-102
8 and 2-107.2 of the Mental Health and Developmental Disabilities
9 Code with respect to the administration of psychotropic
10 medication.

11 (Source: P.A. 93-636, eff. 6-1-04; revised 9-18-06.)

12 (210 ILCS 45/2-202) (from Ch. 111 1/2, par. 4152-202)

13 Sec. 2-202. (a) Before a person is admitted to a facility,
14 or at the expiration of the period of previous contract, or
15 when the source of payment for the resident's care changes from
16 private to public funds or from public to private funds, a
17 written contract shall be executed between a licensee and the
18 following in order of priority:

19 (1) the person, or if the person is a minor, his parent
20 or guardian; or

21 (2) the person's guardian, if any, or agent, if any, as
22 defined in Section 2-3 of the Illinois Power of Attorney
23 Act; or

24 (3) a member of the person's immediate family.

25 An adult person shall be presumed to have the capacity to

1 contract for admission to a long term care facility unless he
2 has been adjudicated a "disabled person" within the meaning of
3 Section 11a-2 of the Probate Act of 1975, or unless a petition
4 for such an adjudication is pending in a circuit court of
5 Illinois.

6 If there is no guardian, agent or member of the person's
7 immediate family available, able or willing to execute the
8 contract required by this Section and a physician determines
9 that a person is so disabled as to be unable to consent to
10 placement in a facility, or if a person has already been found
11 to be a "disabled person", but no order has been entered
12 allowing residential placement of the person, that person may
13 be admitted to a facility before the execution of a contract
14 required by this Section; provided that a petition for
15 guardianship or for modification of guardianship is filed
16 within 15 days of the person's admission to a facility, and
17 provided further that such a contract is executed within 10
18 days of the disposition of the petition.

19 No adult shall be admitted to a facility if he objects,
20 orally or in writing, to such admission, except as otherwise
21 provided in Chapters III and IV of the Mental Health and
22 Developmental Disabilities Code or Section 11a-14.1 of the
23 Probate Act of 1975.

24 If a person has not executed a contract as required by this
25 Section, then such a contract shall be executed on or before
26 July 1, 1981, or within 10 days after the disposition of a

1 petition for guardianship or modification of guardianship that
2 was filed prior to July 1, 1981, whichever is later.

3 Before a licensee enters a contract under this Section, it
4 shall provide the prospective resident and his guardian, if
5 any, with written notice of the licensee's policy regarding
6 discharge of a resident whose private funds for payment of care
7 are exhausted.

8 (b) A resident shall not be discharged or transferred at
9 the expiration of the term of a contract, except as provided in
10 Sections 3-401 through 3-423.

11 (c) At the time of the resident's admission to the
12 facility, a copy of the contract shall be given to the
13 resident, his guardian, if any, and any other person who
14 executed the contract.

15 (d) A copy of the contract for a resident who is supported
16 by nonpublic funds other than the resident's own funds shall be
17 made available to the person providing the funds for the
18 resident's support.

19 (e) The original or a copy of the contract shall be
20 maintained in the facility and be made available upon request
21 to representatives of the Department and the Department of
22 Healthcare and Family Services ~~Public Aid~~.

23 (f) The contract shall be written in clear and unambiguous
24 language and shall be printed in not less than 12-point type.
25 The general form of the contract shall be prescribed by the
26 Department.

1 (g) The contract shall specify:

2 (1) the term of the contract;

3 (2) the services to be provided under the contract and
4 the charges for the services;

5 (3) the services that may be provided to supplement the
6 contract and the charges for the services;

7 (4) the sources liable for payments due under the
8 contract;

9 (5) the amount of deposit paid; and

10 (6) the rights, duties and obligations of the resident,
11 except that the specification of a resident's rights may be
12 furnished on a separate document which complies with the
13 requirements of Section 2-211.

14 (h) The contract shall designate the name of the resident's
15 representative, if any. The resident shall provide the facility
16 with a copy of the written agreement between the resident and
17 the resident's representative which authorizes the resident's
18 representative to inspect and copy the resident's records and
19 authorizes the resident's representative to execute the
20 contract on behalf of the resident required by this Section.

21 (i) The contract shall provide that if the resident is
22 compelled by a change in physical or mental health to leave the
23 facility, the contract and all obligations under it shall
24 terminate on 7 days notice. No prior notice of termination of
25 the contract shall be required, however, in the case of a
26 resident's death. The contract shall also provide that in all

1 other situations, a resident may terminate the contract and all
2 obligations under it with 30 days notice. All charges shall be
3 prorated as of the date on which the contract terminates, and,
4 if any payments have been made in advance, the excess shall be
5 refunded to the resident. This provision shall not apply to
6 life-care contracts through which a facility agrees to provide
7 maintenance and care for a resident throughout the remainder of
8 his life nor to continuing-care contracts through which a
9 facility agrees to supplement all available forms of financial
10 support in providing maintenance and care for a resident
11 throughout the remainder of his life.

12 (j) In addition to all other contract specifications
13 contained in this Section admission contracts shall also
14 specify:

15 (1) whether the facility accepts Medicaid clients;

16 (2) whether the facility requires a deposit of the
17 resident or his family prior to the establishment of
18 Medicaid eligibility;

19 (3) in the event that a deposit is required, a clear
20 and concise statement of the procedure to be followed for
21 the return of such deposit to the resident or the
22 appropriate family member or guardian of the person;

23 (4) that all deposits made to a facility by a resident,
24 or on behalf of a resident, shall be returned by the
25 facility within 30 days of the establishment of Medicaid
26 eligibility, unless such deposits must be drawn upon or

1 encumbered in accordance with Medicaid eligibility
2 requirements established by the ~~Illinois~~ Department of
3 Healthcare and Family Services ~~Public Aid~~.

4 (k) It shall be a business offense for a facility to
5 knowingly and intentionally both retain a resident's deposit
6 and accept Medicaid payments on behalf of that resident.

7 (Source: P.A. 87-225; 87-895; 88-154; revised 12-15-05.)

8 (210 ILCS 45/2-204) (from Ch. 111 1/2, par. 4152-204)

9 Sec. 2-204. The Director shall appoint a Long-Term Care
10 Facility Advisory Board to consult with the Department and the
11 residents' advisory councils created under Section 2-203.

12 (a) The Board shall be comprised of the following persons:

13 (1) The Director who shall serve as chairman, ex
14 officio and nonvoting; and

15 (2) One representative each of the Department of
16 Healthcare and Family Services ~~Public Aid~~, the Department
17 of Human Services, the Department on Aging, and the Office
18 of the State Fire Marshal, all nonvoting members;

19 (3) One member who shall be a physician licensed to
20 practice medicine in all its branches;

21 (4) One member who shall be a registered nurse selected
22 from the recommendations of professional nursing
23 associations;

24 (5) Four members who shall be selected from the
25 recommendations by organizations whose membership consists

1 of facilities;

2 (6) Two members who shall represent the general public
3 who are not members of a residents' advisory council
4 established under Section 2-203 and who have no
5 responsibility for management or formation of policy or
6 financial interest in a facility;

7 (7) One member who is a member of a residents' advisory
8 council established under Section 2-203 and is capable of
9 actively participating on the Board; and

10 (8) One member who shall be selected from the
11 recommendations of consumer organizations which engage
12 solely in advocacy or legal representation on behalf of
13 residents and their immediate families.

14 (b) The terms of those members of the Board appointed prior
15 to the effective date of this amendatory Act of 1988 shall
16 expire on December 31, 1988. Members of the Board created by
17 this amendatory Act of 1988 shall be appointed to serve for
18 terms as follows: 3 for 2 years, 3 for 3 years and 3 for 4
19 years. The member of the Board added by this amendatory Act of
20 1989 shall be appointed to serve for a term of 4 years. Each
21 successor member shall be appointed for a term of 4 years. Any
22 member appointed to fill a vacancy occurring prior to the
23 expiration of the term for which his predecessor was appointed
24 shall be appointed for the remainder of such term. The Board
25 shall meet as frequently as the chairman deems necessary, but
26 not less than 4 times each year. Upon request by 4 or more

1 members the chairman shall call a meeting of the Board. The
2 affirmative vote of 6 members of the Board shall be necessary
3 for Board action. A member of the Board can designate a
4 replacement to serve at the Board meeting and vote in place of
5 the member by submitting a letter of designation to the
6 chairman prior to or at the Board meeting. The Board members
7 shall be reimbursed for their actual expenses incurred in the
8 performance of their duties.

9 (c) The Advisory Board shall advise the Department of
10 Public Health on all aspects of its responsibilities under this
11 Act, including the format and content of any rules promulgated
12 by the Department of Public Health. Any such rules, except
13 emergency rules promulgated pursuant to Section 5-45 of the
14 Illinois Administrative Procedure Act, promulgated without
15 obtaining the advice of the Advisory Board are null and void.
16 In the event that the Department fails to follow the advice of
17 the Board, the Department shall, prior to the promulgation of
18 such rules, transmit a written explanation of the reason
19 thereof to the Board. During its review of rules, the Board
20 shall analyze the economic and regulatory impact of those
21 rules. If the Advisory Board, having been asked for its advice,
22 fails to advise the Department within 90 days, the rules shall
23 be considered acted upon.

24 (Source: P.A. 88-45; 89-507, eff. 7-1-97; revised 12-15-05.)

25 (210 ILCS 45/2-205) (from Ch. 111 1/2, par. 4152-205)

1 Sec. 2-205. The following information is subject to
2 disclosure to the public from the Department or the Department
3 of Healthcare and Family Services ~~Public Aid~~:

4 (1) Information submitted under Sections 3-103 and 3-207
5 except information concerning the remuneration of personnel
6 licensed, registered, or certified by the Department of
7 Professional Regulation and monthly charges for an individual
8 private resident;

9 (2) Records of license and certification inspections,
10 surveys, and evaluations of facilities, other reports of
11 inspections, surveys, and evaluations of resident care, and
12 reports concerning a facility prepared pursuant to Titles XVIII
13 and XIX of the Social Security Act, subject to the provisions
14 of the Social Security Act;

15 (3) Cost and reimbursement reports submitted by a facility
16 under Section 3-208, reports of audits of facilities, and other
17 public records concerning costs incurred by, revenues received
18 by, and reimbursement of facilities; and

19 (4) Complaints filed against a facility and complaint
20 investigation reports, except that a complaint or complaint
21 investigation report shall not be disclosed to a person other
22 than the complainant or complainant's representative before it
23 is disclosed to a facility under Section 3-702, and, further,
24 except that a complainant or resident's name shall not be
25 disclosed except under Section 3-702.

26 The Department shall disclose information under this

1 Section in accordance with provisions for inspection and
2 copying of public records required by The Freedom of
3 Information Act.

4 However, the disclosure of information described in
5 subsection (1) shall not be restricted by any provision of The
6 Freedom of Information Act.

7 (Source: P.A. 85-1209; 85-1378; revised 12-15-05.)

8 (210 ILCS 45/2-211) (from Ch. 111 1/2, par. 4152-211)

9 Sec. 2-211. Each resident and resident's guardian or other
10 person acting for the resident shall be given a written
11 explanation, prepared by the Office of the State Long Term Care
12 Ombudsman, of all the rights enumerated in Part 1 of this
13 Article and in Part 4 of Article III. For residents of
14 facilities participating in Title XVIII or XIX ~~18 or 19~~ of the
15 Social Security Act, the explanation shall include an
16 explanation of residents' rights enumerated in that Act. The
17 explanation shall be given at the time of admission to a
18 facility or as soon thereafter as the condition of the resident
19 permits, but in no event later than 48 hours after admission,
20 and again at least annually thereafter. At the time of the
21 implementation of this Act each resident shall be given a
22 written summary of all the rights enumerated in Part 1 of this
23 Article.

24 If a resident is unable to read such written explanation,
25 it shall be read to the resident in a language the resident

1 understands. In the case of a minor or a person having a
2 guardian or other person acting for him, both the resident and
3 the parent, guardian or other person acting for the resident
4 shall be fully informed of these rights.

5 (Source: P.A. 87-549; revised 9-18-06.)

6 (210 ILCS 45/3-108) (from Ch. 111 1/2, par. 4153-108)

7 Sec. 3-108. The Department shall coordinate the functions
8 within State government affecting facilities licensed under
9 this Act and shall cooperate with other State agencies which
10 establish standards or requirements for facilities to assure
11 necessary, equitable, and consistent State supervision of
12 licensees without unnecessary duplication of survey,
13 evaluation, and consultation services or complaint
14 investigations. The Department shall cooperate with the
15 Department of Human Services in regard to facilities containing
16 more than 20% of residents for whom the Department of Human
17 Services has mandated follow-up responsibilities under the
18 Mental Health and Developmental Disabilities Administrative
19 Act.

20 The Department shall cooperate with the Department of
21 Healthcare and Family Services ~~Public Aid~~ in regard to
22 facilities where recipients of public aid are residents.

23 The Department shall immediately refer to the Department of
24 Professional Regulation for investigation any credible
25 evidence of which it has knowledge that an individual licensed

1 by that Department has violated this Act or any rule issued
2 under this Act.

3 The Department shall enter into agreements with other State
4 Departments, agencies or commissions to effectuate the purpose
5 of this Section.

6 (Source: P.A. 89-197, eff. 7-21-95; 89-507, eff. 7-1-97;
7 revised 12-15-05.)

8 (210 ILCS 45/3-109) (from Ch. 111 1/2, par. 4153-109)

9 Sec. 3-109. Upon receipt and review of an application for a
10 license made under this Article and inspection of the applicant
11 facility under this Article, the Director shall issue a license
12 if he finds:

13 (1) that the individual applicant, or the corporation,
14 partnership or other entity if the applicant is not an
15 individual, is a person responsible and suitable to operate or
16 to direct or participate in the operation of a facility by
17 virtue of financial capacity, appropriate business or
18 professional experience, a record of compliance with lawful
19 orders of the Department and lack of revocation of a license
20 during the previous 5 years;

21 (2) that the facility is under the supervision of an
22 administrator who is licensed, if required, under the "Nursing
23 Home Administrators Licensing and Disciplinary Act", as now or
24 hereafter amended; and

25 (3) that the facility is in substantial compliance with

1 this Act, and such other requirements for a license as the
2 Department by rule may establish under this Act.

3 (Source: P.A. 81-1349; revised 9-15-06.)

4 (210 ILCS 45/3-117) (from Ch. 111 1/2, par. 4153-117)

5 Sec. 3-117. An application for a license may be denied for
6 any of the following reasons:

7 (1) Failure to meet any of the minimum standards set forth
8 by this Act or by rules and regulations promulgated by the
9 Department under this Act.†

10 (2) Conviction of the applicant, or if the applicant is a
11 firm, partnership or association, of any of its members, or if
12 a corporation, the conviction of the corporation or any of its
13 officers or stockholders, or of the person designated to manage
14 or supervise the facility, of a felony, or of 2 or more
15 misdemeanors involving moral turpitude, during the previous 5
16 years as shown by a certified copy of the record of the court
17 of conviction.†

18 (3) Personnel insufficient in number or unqualified by
19 training or experience to properly care for the proposed number
20 and type of residents.†

21 (4) Insufficient financial or other resources to operate
22 and conduct the facility in accordance with standards
23 promulgated by the Department under this Act.†

24 (5) Revocation of a facility license during the previous 5
25 years, if such prior license was issued to the individual

1 applicant, a controlling owner or controlling combination of
2 owners of the applicant; or any affiliate of the individual
3 applicant or controlling owner of the applicant and such
4 individual applicant, controlling owner of the applicant or
5 affiliate of the applicant was a controlling owner of the prior
6 license; provided, however, that the denial of an application
7 for a license pursuant to this subsection must be supported by
8 evidence that such prior revocation renders the applicant
9 unqualified or incapable of meeting or maintaining a facility
10 in accordance with the standards and rules promulgated by the
11 Department under this Act.~~†~~~~or~~

12 (6) That the facility is not under the direct supervision
13 of a full-time administrator, as defined by regulation, who is
14 licensed, if required, under the Nursing Home Administrators
15 Licensing and Disciplinary Act.

16 (Source: P.A. 85-1337; revised 9-15-06.)

17 (210 ILCS 45/3-119) (from Ch. 111 1/2, par. 4153-119)

18 Sec. 3-119. (a) The Department, after notice to the
19 applicant or licensee, may suspend, revoke or refuse to renew a
20 license in any case in which the Department finds any of the
21 following:

22 (1) There has been a substantial failure to comply with
23 this Act or the rules and regulations promulgated by the
24 Department under this Act.~~†~~

25 (2) Conviction of the licensee, or of the person

1 designated to manage or supervise the facility, of a
2 felony, or of 2 or more misdemeanors involving moral
3 turpitude, during the previous 5 years as shown by a
4 certified copy of the record of the court of conviction.†

5 (3) Personnel is insufficient in number or unqualified
6 by training or experience to properly care for the number
7 and type of residents served by the facility.†

8 (4) Financial or other resources are insufficient to
9 conduct and operate the facility in accordance with
10 standards promulgated by the Department under this Act.†

11 ~~and~~

12 (5) The facility is not under the direct supervision of
13 a full-time administrator, as defined by regulation, who is
14 licensed, if required, under the Nursing Home
15 Administrators Licensing and Disciplinary Act.

16 (b) Notice under this Section shall include a clear and
17 concise statement of the violations on which the nonrenewal or
18 revocation is based, the statute or rule violated and notice of
19 the opportunity for a hearing under Section 3-703.

20 (c) If a facility desires to contest the nonrenewal or
21 revocation of a license, the facility shall, within 10 days
22 after receipt of notice under subsection (b) of this Section,
23 notify the Department in writing of its request for a hearing
24 under Section 3-703. Upon receipt of the request the Department
25 shall send notice to the facility and hold a hearing as
26 provided under Section 3-703.

1 (d) The effective date of nonrenewal or revocation of a
2 license by the Department shall be any of the following:

3 (1) Until otherwise ordered by the circuit court,
4 revocation is effective on the date set by the Department
5 in the notice of revocation, or upon final action after
6 hearing under Section 3-703, whichever is later.~~†~~

7 (2) Until otherwise ordered by the circuit court,
8 nonrenewal is effective on the date of expiration of any
9 existing license, or upon final action after hearing under
10 Section 3-703, whichever is later; however, a license shall
11 not be deemed to have expired if the Department fails to
12 timely respond to a timely request for renewal under this
13 Act or for a hearing to contest nonrenewal under paragraph
14 (c).~~† or~~

15 (3) The Department may extend the effective date of
16 license revocation or expiration in any case in order to
17 permit orderly removal and relocation of residents.

18 The Department may refuse to issue or may suspend the
19 license of any person who fails to file a return, or to pay the
20 tax, penalty or interest shown in a filed return, or to pay any
21 final assessment of tax, penalty or interest, as required by
22 any tax Act administered by the Illinois Department of Revenue,
23 until such time as the requirements of any such tax Act are
24 satisfied.

25 (Source: P.A. 85-1337; revised 9-15-06.)

1 (210 ILCS 45/3-208) (from Ch. 111 1/2, par. 4153-208)

2 Sec. 3-208. (a) Each licensee shall file annually, or more
3 often as the Director shall by rule prescribe, an attested
4 financial statement. The Director may order an audited
5 financial statement of a particular facility by an auditor of
6 the Director's choice, provided the cost of such audit is paid
7 by the Department.

8 (b) No public funds shall be expended for the maintenance
9 of any resident in a facility which has failed to file the
10 financial statement required under this Section and no public
11 funds shall be paid to or on behalf of a facility which has
12 failed to file a statement.

13 (c) The Director of Public Health and the Director of
14 Healthcare and Family Services ~~Public Aid~~ shall promulgate
15 under Sections 3-801 and 3-802, one set of regulations for the
16 filing of these financial statements, and shall provide in
17 these regulations for forms, required information, intervals
18 and dates of filing and such other provisions as they may deem
19 necessary.

20 (d) The Director of Public Health and the Director of
21 Healthcare and Family Services ~~Public Aid~~ shall seek the advice
22 and comments of other State and federal agencies which require
23 the submission of financial data from facilities licensed under
24 this Act and shall incorporate the information requirements of
25 these agencies so as to impose the least possible burden on
26 licensees. No other State agency may require submission of

1 financial data except as expressly authorized by law or as
2 necessary to meet requirements of federal statutes or
3 regulations. Information obtained under this Section shall be
4 made available, upon request, by the Department to any other
5 State agency or legislative commission to which such
6 information is necessary for investigations or required for the
7 purposes of State or federal law or regulation.

8 (Source: P.A. 81-1349; revised 12-15-05.)

9 (210 ILCS 45/3-304) (from Ch. 111 1/2, par. 4153-304)

10 Sec. 3-304. (a) The Department shall prepare on a quarterly
11 basis a list containing the names and addresses of all
12 facilities against which the Department during the previous
13 quarter has:

14 (1) sent a notice under Section 3-307 regarding a
15 penalty assessment under subsection (1) of Section 3-305;

16 (2) sent a notice of license revocation under Section
17 3-119;

18 (3) sent a notice refusing renewal of a license under
19 Section 3-119;

20 (4) sent a notice to suspend a license under Section
21 3-119;

22 (5) issued a conditional license for violations that
23 have not been corrected under Section 3-303 or penalties or
24 fines described under Section 3-305 have been assessed
25 under Section 3-307 or 3-308;

1 (6) placed a monitor under subsections (a), (b) and (c)
2 of Section 3-501 and under subsection (d) of such Section
3 where license revocation or nonrenewal notices have also
4 been issued;

5 (7) initiated an action to appoint a receiver;

6 (8) recommended to the Director of Healthcare and
7 Family Services (formerly Director of the Department of
8 Public Aid), or the Secretary of the United States
9 Department of Health and Human Services, the
10 decertification for violations in relation to patient care
11 of a facility pursuant to Titles XVIII and XIX of the
12 federal Social Security Act.

13 (b) In addition to the name and address of the facility,
14 the list shall include the name and address of the person or
15 licensee against whom the action has been initiated, a
16 self-explanatory summary of the facts which warranted the
17 initiation of each action, the type of action initiated, the
18 date of the initiation of the action, the amount of the penalty
19 sought to be assessed, if any, and the final disposition of the
20 action, if completed.

21 (c) The list shall be available to any member of the public
22 upon oral or written request without charge.

23 (Source: P.A. 85-1378; revised 12-15-05.)

24 (210 ILCS 45/3-401.1) (from Ch. 111 1/2, par. 4153-401.1)

25 Sec. 3-401.1. (a) A facility participating in the Medical

1 Assistance Program is prohibited from failing or refusing to
2 retain as a resident any person because he or she is a
3 recipient of or an applicant for the Medical Assistance
4 Program.

5 (a-5) After the effective date of this amendatory Act of
6 1997, a facility of which only a distinct part is certified to
7 participate in the Medical Assistance Program may refuse to
8 retain as a resident any person who resides in a part of the
9 facility that does not participate in the Medical Assistance
10 Program and who is unable to pay for his or her care in the
11 facility without Medical Assistance only if:

12 (1) the facility, no later than at the time of
13 admission and at the time of the resident's contract
14 renewal, explains to the resident (unless he or she is
15 incompetent), and to the resident's representative, and to
16 the person making payment on behalf of the resident for the
17 resident's stay, in writing, that the facility may
18 discharge the resident if the resident is no longer able to
19 pay for his or her care in the facility without Medical
20 Assistance;

21 (2) the resident (unless he or she is incompetent), the
22 resident's representative, and the person making payment
23 on behalf of the resident for the resident's stay,
24 acknowledge in writing that they have received the written
25 explanation.

26 (a-10) For the purposes of this Section, a recipient or

1 applicant shall be considered a resident in the facility during
2 any hospital stay totaling 10 days or less following a hospital
3 admission. The ~~Illinois~~ Department of Healthcare and Family
4 Services ~~Public Aid~~ shall recoup funds from a facility when, as
5 a result of the facility's refusal to readmit a recipient after
6 hospitalization for 10 days or less, the recipient incurs
7 hospital bills in an amount greater than the amount that would
8 have been paid by that Department (formerly the Illinois
9 Department of Public Aid) for care of the recipient in the
10 facility. The amount of the recoupment shall be the difference
11 between the Department of Healthcare and Family Services'
12 (formerly the Illinois Department of Public Aid's) payment for
13 hospital care and the amount that Department would have paid
14 for care in the facility.

15 (b) A facility which violates this Section shall be guilty
16 of a business offense and fined not less than \$500 nor more
17 than \$1,000 for the first offense and not less than \$1,000 nor
18 more than \$5,000 for each subsequent offense.

19 (Source: P.A. 90-310, eff. 8-1-97; revised 12-15-05.)

20 (210 ILCS 45/3-405) (from Ch. 111 1/2, par. 4153-405)

21 Sec. 3-405. A copy of the notice required by Section 3-402
22 shall be placed in the resident's clinical record and a copy
23 shall be transmitted to the Department, the resident, the
24 resident's representative, and, if the resident's care is paid
25 for in whole or part through Title XIX, ~~to~~ the Department of

1 Healthcare and Family Services ~~Public Aid~~.

2 (Source: P.A. 81-223; revised 12-15-05.)

3 (210 ILCS 45/3-406) (from Ch. 111 1/2, par. 4153-406)

4 Sec. 3-406. When the basis for an involuntary transfer or
5 discharge is the result of an action by the Department of
6 Healthcare and Family Services (formerly Department of Public
7 Aid) with respect to a recipient of Title XIX and a hearing
8 request is filed with the Department of Healthcare and Family
9 Services (formerly Department of Public Aid), the 21-day
10 written notice period shall not begin until a final decision in
11 the matter is rendered by the Department of Healthcare and
12 Family Services (formerly Department of Public Aid) or a court
13 of competent jurisdiction and notice of that final decision is
14 received by the resident and the facility.

15 (Source: P.A. 81-223; revised 12-15-05.)

16 (210 ILCS 45/3-411) (from Ch. 111 1/2, par. 4153-411)

17 Sec. 3-411. The Department of Public Health, when the basis
18 for involuntary transfer or discharge is other than action by
19 the Department of Healthcare and Family Services (formerly
20 Department of Public Aid) with respect to the Title XIX
21 Medicaid recipient, shall hold a hearing at the resident's
22 facility not later than 10 days after a hearing request is
23 filed, and render a decision within 14 days after the filing of
24 the hearing request.

1 (Source: P.A. 81-1349; revised 12-15-05.)

2 (210 ILCS 45/3-414) (from Ch. 111 1/2, par. 4153-414)

3 Sec. 3-414. The Department of Healthcare and Family
4 Services ~~Public Aid~~ shall continue Title XIX Medicaid funding
5 during the appeal, transfer, or discharge period for those
6 residents who are Title XIX recipients affected by Section
7 3-401.

8 (Source: P.A. 81-223; revised 12-15-05.)

9 (210 ILCS 45/3-508) (from Ch. 111 1/2, par. 4153-508)

10 Sec. 3-508. A receiver appointed under this Act:

11 (a) Shall exercise those powers and shall perform those
12 duties set out by the court. ~~†~~

13 (b) Shall operate the facility in such a manner as to
14 assure safety and adequate health care for the residents. ~~†~~

15 (c) Shall have the same rights to possession of the
16 building in which the facility is located and of all goods and
17 fixtures in the building at the time the petition for
18 receivership is filed as the owner would have had if the
19 receiver had not been appointed, and of all assets of the
20 facility. The receiver shall take such action as is reasonably
21 necessary to protect or conserve the assets or property of
22 which the receiver takes possession, or the proceeds from any
23 transfer thereof, and may use them only in the performance of
24 the powers and duties set forth in this Section and by order of

1 the court.+

2 (d) May use the building, fixtures, furnishings and any
3 accompanying consumable goods in the provision of care and
4 services to residents and to any other persons receiving
5 services from the facility at the time the petition for
6 receivership was filed. The receiver shall collect payments for
7 all goods and services provided to residents or others during
8 the period of the receivership at the same rate of payment
9 charged by the owners at the time the petition for receivership
10 was filed.+

11 (e) May correct or eliminate any deficiency in the
12 structure or furnishings of the facility which endangers the
13 safety or health of residents while they remain in the
14 facility, provided the total cost of correction does not exceed
15 \$3,000. The court may order expenditures for this purpose in
16 excess of \$3,000 on application from the receiver after notice
17 to the owner and hearing.+

18 (f) May let contracts and hire agents and employees to
19 carry out the powers and duties of the receiver under this
20 Section.+

21 (g) Except as specified in Section 3-510, shall honor all
22 leases, mortgages and secured transactions governing the
23 building in which the facility is located and all goods and
24 fixtures in the building of which the receiver has taken
25 possession, but only to the extent of payments which, in the
26 case of a rental agreement, are for the use of the property

1 during the period of the receivership, or which, in the case of
2 a purchase agreement, come due during the period of the
3 receivership.

4 (h) Shall have full power to direct and manage and to
5 discharge employees of the facility, subject to any contract
6 rights they may have. The receiver shall pay employees at the
7 same rate of compensation, including benefits, that the
8 employees would have received from the owner. Receivership does
9 not relieve the owner of any obligation to employees not
10 carried out by the receiver. ~~+~~

11 (i) Shall, if any resident is transferred or discharged,
12 follow the procedures set forth in Part 4 of this Article.

13 (j) Shall be entitled to and shall take possession of all
14 property or assets of residents which are in the possession of
15 a facility or its owner. The receiver shall preserve all
16 property, assets and records of residents of which the receiver
17 takes possession and shall provide for the prompt transfer of
18 the property, assets and records to the new placement of any
19 transferred resident.

20 (k) Shall report to the court on any actions he has taken
21 to bring the facility into compliance with this Act or with
22 Title XVIII or XIX ~~18 or 19~~ of the Social Security Act that he
23 believes should be continued when the receivership is
24 terminated in order to protect the health, safety or welfare of
25 the residents.

26 (Source: P.A. 90-655, eff. 7-30-98; revised 9-18-06.)

1 (210 ILCS 45/3-805) (from Ch. 111 1/2, par. 4153-805)

2 Sec. 3-805. (a) The Department shall conduct a pilot
3 project to examine, study and contrast the Joint Commission on
4 the Accreditation of Health Care Organizations ("Commission")
5 accreditation review process with the current regulations and
6 licensure surveys process conducted by the Department for
7 long-term care facilities. This pilot project will enable
8 qualified facilities to apply for participation in the project,
9 in which surveys completed by the Commission are accepted by
10 the Department in lieu of inspections required by this Act, as
11 provided in subsection (b) of this Section. It is intended that
12 this pilot project shall commence on January 1, 1990, and shall
13 conclude on December 31, 2000, with a final report to be
14 submitted to the Governor and the General Assembly by June 30,
15 2001.

16 (b) (1) In lieu of conducting an inspection for license
17 renewal under this Act, the Department may accept from a
18 facility that is accredited by the Commission under the
19 Commission's long-term care standards the facility's most
20 recent annual accreditation review by the Commission. In
21 addition to such review, the facility shall submit any fee or
22 other license renewal report or information required by law.
23 The Department may accept such review for so long as the
24 Commission maintains an annual inspection or review program. If
25 the Commission does not conduct an on-site annual inspection or

1 review, the Department shall conduct an inspection as otherwise
2 required by this Act. If the Department determines that an
3 annual on-site inspection or review conducted by the Commission
4 does not meet minimum standards set by the Department, the
5 Department shall not accept the Commission's accreditation
6 review and shall conduct an inspection as otherwise required by
7 this Act.

8 The Department shall establish procedures applicable to
9 the pilot project conducted pursuant to this Section. The
10 procedures shall provide for a review of the Commission's
11 survey findings that may be Type "A" or Type "B" violations
12 under this Act requiring immediate correction, the taking of
13 necessary and appropriate action to determine whether such
14 violations exist, and steps to effect corrective action in
15 cooperation with the Commission, or otherwise under this Act,
16 as may be necessary. The Department shall also establish
17 procedures to require the Commission to immediately report to
18 the Department any survey finding that constitutes a condition
19 or occurrence relating to the operation and maintenance of a
20 facility which presents a substantial probability that death or
21 serious mental or physical harm to a resident will result
22 therefrom, so as to enable the Department to take necessary and
23 appropriate action under this Act.

24 (2) This subsection (b) does not limit the Department in
25 performing any inspections or other duties authorized by this
26 Act, or under any contract relating to the medical assistance

1 program administered by the ~~Illinois~~ Department of Healthcare
2 and Family Services ~~Public Aid~~, or under Title XVIII or Title
3 XIX of the Social Security Act.

4 (3) No facility shall be required to obtain accreditation
5 from the Commission.

6 (c) Participation in the pilot project shall be limited to
7 facilities selected at random by the Director, provided that:

8 (1) facilities shall apply to the Director for
9 selection to participate;

10 (2) facilities which are currently accredited by the
11 Commission may apply to participate;

12 (3) any facility not accredited by the Commission at
13 the time of application to participate in the pilot project
14 shall apply for such accreditation;

15 (4) the number of facilities so selected shall be no
16 greater than 15% of the total number of long-term care
17 facilities licensed under this Act;

18 (5) the number of facilities so selected shall be
19 divided equally between facilities having fewer than 100
20 beds and facilities having 100 or more beds;

21 (6) facilities so selected shall have been licensed for
22 more than 2 years and shall not have been issued a
23 conditional license within 2 years before applying for
24 participation in the pilot project; and

25 (7) no facilities so selected shall have been issued a
26 notice of a Type "A" violation within one year before

1 applying for participation in the pilot project.

2 (d) Inspections and surveys conducted by the Commission
3 under the pilot project for initial or continued accreditation
4 shall not be announced in advance to the facility being
5 inspected or surveyed, and shall provide for participation in
6 the inspection or survey process by residents of the facility
7 and the public.

8 (e) With respect to any facility accredited by the
9 Commission, the Commission shall submit to the Department
10 copies of:

11 (1) the accreditation award letter;

12 (2) the accreditation report, including
13 recommendations and comments by the Commission; and

14 (3) any correspondence directly related to the
15 accreditation.

16 (f) No facility which is denied initial or continued
17 accreditation by the Commission shall participate in the pilot
18 project.

19 (g) The Director shall meet at least once every 6 months
20 with the director of the Commission's long-term care facility
21 accreditation program to review, coordinate and modify as
22 necessary the services performed by the Commission under the
23 pilot project. On or before June 30, 1993, the Director shall
24 submit to the Governor and to the General Assembly a report
25 evaluating the pilot project and making any recommendations
26 deemed necessary.

1 (h) This Section does not limit the Department in
2 performing any inspections or other duties authorized by this
3 Act, or under any contract relating to the medical assistance
4 program administered by the ~~Illinois~~ Department of Healthcare
5 and Family Services ~~Public Aid~~, or under Title XVIII or Title
6 XIX of the Social Security Act.

7 (Source: P.A. 89-171, eff. 7-19-95; 89-381, eff. 8-18-95;
8 89-626, eff. 8-9-96; 90-353, eff. 8-8-97; revised 12-15-05.)

9 (210 ILCS 45/3A-101)

10 Sec. 3A-101. Cooperative arrangements. Not later than June
11 30, 1996, the Department shall enter into one or more
12 cooperative arrangements with the Illinois Department of
13 Public Aid, the Department on Aging, the Office of the State
14 Fire Marshal, and any other appropriate entity for the purpose
15 of developing a single survey for nursing facilities, including
16 but not limited to facilities funded under Title XVIII or Title
17 XIX of the federal Social Security Act, or both, which shall be
18 administered and conducted solely by the Department. The
19 Departments shall test the single survey process on a pilot
20 basis, with both the Departments of Public Aid and Public
21 Health represented on the consolidated survey team. The pilot
22 will sunset June 30, 1997. After June 30, 1997, unless
23 otherwise determined by the Governor, a single survey shall be
24 implemented by the Department of Public Health which would not
25 preclude staff from the Department of Healthcare and Family

1 Services (formerly Department of Public Aid) from going on-site
2 to nursing facilities to perform necessary audits and reviews
3 which shall not replicate the single State agency survey
4 required by this Act. This Article shall not apply to community
5 or intermediate care facilities for the developmentally
6 disabled.

7 (Source: P.A. 89-415, eff. 1-1-96; revised 12-15-05.)

8 Section 635. The Home Health, Home Services, and Home
9 Nursing Agency Licensing Act is amended by changing Sections 2
10 and 11 as follows:

11 (210 ILCS 55/2) (from Ch. 111 1/2, par. 2802)

12 Sec. 2. As used in this Act, unless the context requires
13 otherwise, the terms defined in the following Sections
14 preceding ~~proceeding~~ Section 3 have the meanings ascribed to
15 them in those Sections.

16 (Source: P.A. 94-379, eff. 1-1-06; revised 9-27-05.)

17 (210 ILCS 55/11) (from Ch. 111 1/2, par. 2811)

18 Sec. 11. (a) Each licensee shall file annually, or more
19 often as the Director shall by rule prescribe, an attested
20 financial statement. An audited financial statement may be
21 required of a particular facility, if the Director determines
22 that additional information is needed.

23 (b) No public funds shall be expended for the services of a

1 home health agency which has failed to file the financial
2 statement required by this Section.

3 (c) The Director of the Illinois Department of Public
4 Health and the Director of the ~~Illinois~~ Department of
5 Healthcare and Family Services ~~Public Aid~~ shall promulgate one
6 set of regulations for the filing of financial statements, and
7 shall provide in these regulations for forms, information
8 required, intervals and dates of filing, and such other
9 provisions as he may deem necessary. Regulations shall be
10 published in sufficient time to permit those licensees who must
11 first file financial statements time in which to do so.

12 (d) The Director shall seek the advice and comments of
13 other State and Federal agencies which require the submission
14 of financial data from home health agencies licensed under this
15 Act and shall incorporate the information requirements of these
16 agencies into the forms it adopts or issues under this Act and
17 shall otherwise coordinate its regulations with the
18 requirements of these agencies so as to impose the least
19 possible burden on licensees. No other State agency may require
20 submission of financial data except as expressly authorized by
21 law or as necessary to meet requirements of federal law or
22 regulation. Information obtained under this Section shall be
23 made available, upon request, by the Department to any other
24 State agency or legislative commission to which such
25 information is necessary for investigations or to execute the
26 intent of State or Federal law or regulation.

1 (Source: P.A. 80-804; revised 12-15-05.)

2 Section 640. The Supportive Residences Licensing Act is
3 amended by changing Sections 20 and 30 as follows:

4 (210 ILCS 65/20) (from Ch. 111 1/2, par. 9020)

5 Sec. 20. Licensing standards.

6 (a) The Department shall promulgate rules establishing
7 minimum standards for licensing and operating Supportive
8 Residences in municipalities with a population over 500,000. No
9 such municipality shall have more than 12 Supportive
10 Residences. These rules shall regulate the operation and
11 conduct of Supportive Residences and shall include but not be
12 limited to:

13 (1) development and maintenance of a case management
14 system by which an integrated care plan is to be created
15 for each resident;

16 (2) the training and qualifications of personnel
17 directly responsible for providing care to residents;

18 (3) provisions and criteria for admission, discharge,
19 and transfer of residents;

20 (4) provisions for residents to receive appropriate
21 programming and support services commensurate with their
22 individual needs;

23 (5) agreements between Supportive Residences and
24 hospitals or other health care providers;

1 (6) residents' rights and responsibilities and those
2 of their families and guardians;

3 (7) fee and other contractual agreements between
4 Supportive Residences and residents;

5 (8) medical and supportive services for residents;

6 (9) the safety, cleanliness, and general adequacy of
7 the premises, including provision for maintenance of fire
8 and health standards that conform to State laws and
9 municipal codes, to provide for the physical comfort,
10 well-being, care, and protection of the residents;

11 (10) maintenance of records and residents' rights of
12 access to those records; and

13 (11) procedures for reporting abuse or neglect of
14 residents.

15 (b) The rules shall also regulate the general financial
16 ability, competence, character, and qualifications of the
17 applicant to provide appropriate care and comply with this Act.

18 (c) The Department may promulgate special rules and
19 regulations establishing minimum standards for Supportive
20 ~~Support~~ Residences that permit the admission of:

21 (1) residents who are parents with children, whether
22 either or both have HIV Disease; or

23 (2) residents with HIV Disease who are also
24 developmentally or physically disabled.

25 (d) Nothing in this Act shall be construed to impair or
26 abridge the power of municipalities to enforce municipal zoning

1 or land use ordinances.

2 (Source: P.A. 87-840; 88-500; revised 9-18-06.)

3 (210 ILCS 65/30) (from Ch. 111 1/2, par. 9030)

4 Sec. 30. Departmental inspection.

5 (a) The Department may inspect the records and premises of
6 a Supportive Residence whenever the Department determines it to
7 be appropriate.

8 (b) The Department shall investigate all reports of
9 violations from any other governmental entity that also has
10 monitoring responsibilities for Supportive ~~Support~~ Residences.

11 (c) If the Department determines that a Supportive
12 Residence is not in compliance with this Act, the Department
13 shall promptly serve a notice of violation upon the licensee.
14 Each notice of violation shall be prepared in writing and shall
15 specify the nature of the violation, the statutory provision or
16 rule alleged to have been violated, and the requirement that
17 the licensee submit a plan of correction to the Department. The
18 notice shall also inform the licensee of any other action the
19 Department might take under this Act and of his right to a
20 hearing under Section 55 of this Act.

21 (Source: P.A. 87-840; revised 9-18-06.)

22 Section 645. The Hospital Licensing Act is amended by
23 changing Section 10.4 as follows:

1 (210 ILCS 85/10.4) (from Ch. 111 1/2, par. 151.4)

2 Sec. 10.4. Medical staff privileges.

3 (a) Any hospital licensed under this Act or any hospital
4 organized under the University of Illinois Hospital Act shall,
5 prior to the granting of any medical staff privileges to an
6 applicant, or renewing a current medical staff member's
7 privileges, request of the Director of Professional Regulation
8 information concerning the licensure status and any
9 disciplinary action taken against the applicant's or medical
10 staff member's license, except: (1) for medical personnel who
11 enter a hospital to obtain organs and tissues for transplant
12 from a donor in accordance with the Illinois Anatomical Gift
13 Act; or (2) for medical personnel who have been granted
14 disaster privileges pursuant to the procedures and
15 requirements established by rules adopted by the Department.
16 Any hospital and any employees of the hospital or others
17 involved in granting privileges who that, in good faith, grant
18 ~~grants~~ disaster privileges pursuant to this Section to respond
19 to an emergency shall not, as a result of their ~~his, her, or~~
20 ~~its~~ acts or omissions, be liable for civil damages for granting
21 or denying disaster privileges except in the event of willful
22 and wanton misconduct, as that term is defined in Section 10.2
23 of this Act. Individuals granted privileges who provide care in
24 an emergency situation, in good faith and without direct
25 compensation, shall not, as a result of their ~~his or her~~ acts
26 or omissions, except for acts or omissions involving willful

1 and wanton misconduct, as that term is defined in Section 10.2
2 of this Act, on the part of the person, be liable for civil
3 damages. The Director of Professional Regulation shall
4 transmit, in writing and in a timely fashion, such information
5 regarding the license of the applicant or the medical staff
6 member, including the record of imposition of any periods of
7 supervision or monitoring as a result of alcohol or substance
8 abuse, as provided by Section 23 of the Medical Practice Act of
9 1987, and such information as may have been submitted to the
10 Department indicating that the application or medical staff
11 member has been denied, or has surrendered, medical staff
12 privileges at a hospital licensed under this Act, or any
13 equivalent facility in another state or territory of the United
14 States. The Director of Professional Regulation shall define by
15 rule the period for timely response to such requests.

16 No transmittal of information by the Director of
17 Professional Regulation, under this Section shall be to other
18 than the president, chief operating officer, chief
19 administrative officer, or chief of the medical staff of a
20 hospital licensed under this Act, a hospital organized under
21 the University of Illinois Hospital Act, or a hospital operated
22 by the United States, or any of its instrumentalities. The
23 information so transmitted shall be afforded the same status as
24 is information concerning medical studies by Part 21 of Article
25 VIII of the Code of Civil Procedure, as now or hereafter
26 amended.

1 (b) All hospitals licensed under this Act, except county
2 hospitals as defined in subsection (c) of Section 15-1 of the
3 Illinois Public Aid Code, shall comply with, and the medical
4 staff bylaws of these hospitals shall include rules consistent
5 with, the provisions of this Section in granting, limiting,
6 renewing, or denying medical staff membership and clinical
7 staff privileges. Hospitals that require medical staff members
8 to possess faculty status with a specific institution of higher
9 education are not required to comply with subsection (1) below
10 when the physician does not possess faculty status.

11 (1) Minimum procedures for pre-applicants and
12 applicants for medical staff membership shall include the
13 following:

14 (A) Written procedures relating to the acceptance
15 and processing of pre-applicants or applicants for
16 medical staff membership, which should be contained in
17 medical staff bylaws.

18 (B) Written procedures to be followed in
19 determining a pre-applicant's or an applicant's
20 qualifications for being granted medical staff
21 membership and privileges.

22 (C) Written criteria to be followed in evaluating a
23 pre-applicant's or an applicant's qualifications.

24 (D) An evaluation of a pre-applicant's or an
25 applicant's current health status and current license
26 status in Illinois.

1 (E) A written response to each pre-applicant or
2 applicant that explains the reason or reasons for any
3 adverse decision (including all reasons based in whole
4 or in part on the applicant's medical qualifications or
5 any other basis, including economic factors).

6 (2) Minimum procedures with respect to medical staff
7 and clinical privilege determinations concerning current
8 members of the medical staff shall include the following:

9 (A) A written notice of an adverse decision.

10 (B) An explanation of the reasons for an adverse
11 decision including all reasons based on the quality of
12 medical care or any other basis, including economic
13 factors.

14 (C) A statement of the medical staff member's right
15 to request a fair hearing on the adverse decision
16 before a hearing panel whose membership is mutually
17 agreed upon by the medical staff and the hospital
18 governing board. The hearing panel shall have
19 independent authority to recommend action to the
20 hospital governing board. Upon the request of the
21 medical staff member or the hospital governing board,
22 the hearing panel shall make findings concerning the
23 nature of each basis for any adverse decision
24 recommended to and accepted by the hospital governing
25 board.

26 (i) Nothing in this subparagraph (C) limits a

1 hospital's or medical staff's right to summarily
2 suspend, without a prior hearing, a person's
3 medical staff membership or clinical privileges if
4 the continuation of practice of a medical staff
5 member constitutes an immediate danger to the
6 public, including patients, visitors, and hospital
7 employees and staff. A fair hearing shall be
8 commenced within 15 days after the suspension and
9 completed without delay.

10 (ii) Nothing in this subparagraph (C) limits a
11 medical staff's right to permit, in the medical
12 staff bylaws, summary suspension of membership or
13 clinical privileges in designated administrative
14 circumstances as specifically approved by the
15 medical staff. This bylaw provision must
16 specifically describe both the administrative
17 circumstance that can result in a summary
18 suspension and the length of the summary
19 suspension. The opportunity for a fair hearing is
20 required for any administrative summary
21 suspension. Any requested hearing must be
22 commenced within 15 days after the summary
23 suspension and completed without delay. Adverse
24 decisions other than suspension or other
25 restrictions on the treatment or admission of
26 patients may be imposed summarily and without a

1 hearing under designated administrative
2 circumstances as specifically provided for in the
3 medical staff bylaws as approved by the medical
4 staff.

5 (iii) If a hospital exercises its option to
6 enter into an exclusive contract and that contract
7 results in the total or partial termination or
8 reduction of medical staff membership or clinical
9 privileges of a current medical staff member, the
10 hospital shall provide the affected medical staff
11 member 60 days prior notice of the effect on his or
12 her medical staff membership or privileges. An
13 affected medical staff member desiring a hearing
14 under subparagraph (C) of this paragraph (2) must
15 request the hearing within 14 days after the date
16 he or she is so notified. The requested hearing
17 shall be commenced and completed (with a report and
18 recommendation to the affected medical staff
19 member, hospital governing board, and medical
20 staff) within 30 days after the date of the medical
21 staff member's request. If agreed upon by both the
22 medical staff and the hospital governing board,
23 the medical staff bylaws may provide for longer
24 time periods.

25 (D) A statement of the member's right to inspect
26 all pertinent information in the hospital's possession

1 with respect to the decision.

2 (E) A statement of the member's right to present
3 witnesses and other evidence at the hearing on the
4 decision.

5 (F) A written notice and written explanation of the
6 decision resulting from the hearing.

7 (F-5) A written notice of a final adverse decision
8 by a hospital governing board.

9 (G) Notice given 15 days before implementation of
10 an adverse medical staff membership or clinical
11 privileges decision based substantially on economic
12 factors. This notice shall be given after the medical
13 staff member exhausts all applicable procedures under
14 this Section, including item (iii) of subparagraph (C)
15 of this paragraph (2), and under the medical staff
16 bylaws in order to allow sufficient time for the
17 orderly provision of patient care.

18 (H) Nothing in this paragraph (2) of this
19 subsection (b) limits a medical staff member's right to
20 waive, in writing, the rights provided in
21 subparagraphs (A) through (G) of this paragraph (2) of
22 this subsection (b) upon being granted the written
23 exclusive right to provide particular services at a
24 hospital, either individually or as a member of a
25 group. If an exclusive contract is signed by a
26 representative of a group of physicians, a waiver

1 contained in the contract shall apply to all members of
2 the group unless stated otherwise in the contract.

3 (3) Every adverse medical staff membership and
4 clinical privilege decision based substantially on
5 economic factors shall be reported to the Hospital
6 Licensing Board before the decision takes effect. These
7 reports shall not be disclosed in any form that reveals the
8 identity of any hospital or physician. These reports shall
9 be utilized to study the effects that hospital medical
10 staff membership and clinical privilege decisions based
11 upon economic factors have on access to care and the
12 availability of physician services. The Hospital Licensing
13 Board shall submit an initial study to the Governor and the
14 General Assembly by January 1, 1996, and subsequent reports
15 shall be submitted periodically thereafter.

16 (4) As used in this Section:

17 "Adverse decision" means a decision reducing,
18 restricting, suspending, revoking, denying, or not
19 renewing medical staff membership or clinical privileges.

20 "Economic factor" means any information or reasons for
21 decisions unrelated to quality of care or professional
22 competency.

23 "Pre-applicant" means a physician licensed to practice
24 medicine in all its branches who requests an application
25 for medical staff membership or privileges.

26 "Privilege" means permission to provide medical or

1 other patient care services and permission to use hospital
2 resources, including equipment, facilities and personnel
3 that are necessary to effectively provide medical or other
4 patient care services. This definition shall not be
5 construed to require a hospital to acquire additional
6 equipment, facilities, or personnel to accommodate the
7 granting of privileges.

8 (5) Any amendment to medical staff bylaws required
9 because of this amendatory Act of the 91st General Assembly
10 shall be adopted on or before July 1, 2001.

11 (c) All hospitals shall consult with the medical staff
12 prior to closing membership in the entire or any portion of the
13 medical staff or a department. If the hospital closes
14 membership in the medical staff, any portion of the medical
15 staff, or the department over the objections of the medical
16 staff, then the hospital shall provide a detailed written
17 explanation for the decision to the medical staff 10 days prior
18 to the effective date of any closure. No applications need to
19 be provided when membership in the medical staff or any
20 relevant portion of the medical staff is closed.

21 (Source: P.A. 93-794, eff. 7-22-04; 93-829, eff. 7-28-04;
22 revised 11-22-05.)

23 Section 650. The Mobile Home Park Act is amended by
24 changing Section 2.2 as follows:

1 (210 ILCS 115/2.2) (from Ch. 111 1/2, par. 712.2)

2 Sec. 2.2. Permanent habitation. "Permanent habitation"
3 means habitation for a period of 2 or more months.

4 (Source: P.A. 77-1472; revised 10-11-05.)

5 Section 655. The Illinois Insurance Code is amended by
6 changing Sections 155.21, 238, 238.1, 299.1a, 299.1b, 337.1,
7 352, 356b, 356r, 367b, 370c, 416, 500-135, 512-3, 531.06, and
8 1204, by setting forth and renumbering multiple versions of
9 Sections 155.39, 356z.2, and 356z.4, and by renumbering Section
10 370r as follows:

11 (215 ILCS 5/155.21) (from Ch. 73, par. 767.21)

12 Sec. 155.21. A company writing medical liability insurance
13 shall not refuse to offer insurance to a physician, hospital or
14 other health care provider on the grounds that the physician,
15 hospital or health care provider has entered or intends to
16 enter an arbitration agreement pursuant to the Health Care
17 ~~"Malpractice Arbitration Act"~~.

18 As used in this Section, medical liability insurance means
19 insurance on risks based upon negligence by a physician,
20 hospital or other health care provider.

21 (Source: P.A. 79-1435; revised 10-11-05.)

22 (215 ILCS 5/155.39)

23 Sec. 155.39. Vehicle protection products.

1 (a) As used in this Section:

2 "Administrator" means a third party other than the
3 warrantor who is designated by the warrantor to be responsible
4 for the administration of vehicle protection product
5 warranties.

6 "Incidental costs" means expenses specified in the vehicle
7 protection product warranty incurred by the warranty holder
8 related to the failure of the vehicle protection product to
9 perform as provided in the warranty. Incidental costs may
10 include, without limitation, insurance policy deductibles,
11 rental vehicle charges, the difference between the actual value
12 of the stolen vehicle at the time of theft and the cost of a
13 replacement vehicle, sales taxes, registration fees,
14 transaction fees, and mechanical inspection fees.

15 "Vehicle protection product" means a vehicle protection
16 device, system, or service that is (i) installed on or applied
17 to a vehicle, (ii) is designed to prevent loss or damage to a
18 vehicle from a specific cause, (iii) includes a written
19 warranty by a warrantor that provides if the vehicle protection
20 product fails to prevent loss or damage to a vehicle from a
21 specific cause, that the warranty holder shall be paid
22 specified incidental costs by the warrantor as a result of the
23 failure of the vehicle protection product to perform pursuant
24 to the terms of the warranty, and (iv) the warrantor's
25 liability is covered by a warranty reimbursement insurance
26 policy. The term "vehicle protection product" shall include,

1 without limitation, alarm systems, body part marking products,
2 steering locks, window etch products, pedal and ignition locks,
3 fuel and ignition kill switches, and electronic, radio, and
4 satellite tracking devices.

5 "Vehicle protection product warrantor" or "warrantor"
6 means a person who is contractually obligated to the warranty
7 holder under the terms of the vehicle protection product.
8 Warrantor does not include an authorized insurer.

9 "Warranty reimbursement insurance policy" means a policy
10 of insurance issued to the vehicle protection product warrantor
11 to pay on behalf of the warrantor all covered contractual
12 obligations incurred by the warrantor under the terms and
13 conditions of the insured vehicle protection product
14 warranties sold by the warrantor. The warranty reimbursement
15 insurance policy shall be issued by an insurer authorized to do
16 business in this State that has filed its policy form with the
17 Department.

18 (b) No vehicle protection product sold or offered for sale
19 in this State shall be subject to the provisions of this
20 Code. Vehicle protection product warrantors and related
21 vehicle protection product sellers and warranty administrators
22 complying with this Section are not required to comply with and
23 are not subject to any other provision of this Code. The
24 vehicle protection products' written warranties are express
25 warranties and not insurance.

26 (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

1 discovered in the archives of several insurance companies,
2 documenting insurance coverage for slaveholders for damage
3 to or death of their slaves, issued by a predecessor
4 insurance firm. These documents provide the first evidence
5 of ill-gotten profits from slavery, which profits in part
6 capitalized insurers whose successors remain in existence
7 today.

8 (2) Legislation has been introduced in Congress for the
9 past 10 years demanding an inquiry into slavery and its
10 continuing legacies.

11 (3) The Director of Insurance and the Department of
12 Insurance are entitled to seek information from the files
13 of insurers licensed and doing business in this State,
14 including licensed Illinois subsidiaries of international
15 insurance corporations, regarding insurance policies
16 issued to slaveholders by predecessor corporations. The
17 people of Illinois are entitled to significant historical
18 information of this nature.

19 (b) The Department shall request and obtain information
20 from insurers licensed and doing business in this State
21 regarding any records of slaveholder insurance policies issued
22 by any predecessor corporation during the slavery era.

23 (c) The Department shall obtain the names of any
24 slaveholders or slaves described in those insurance records,
25 and shall make the information available to the public and the
26 General Assembly.

1 (d) Any insurer licensed and doing business in this State
2 shall research and report to the Department with respect to any
3 records within the insurer's possession or knowledge relating
4 to insurance policies issued to slaveholders that provided
5 coverage for damage to or death of their slaves.

6 (e) Descendants of slaves, whose ancestors were defined as
7 private property, dehumanized, divided from their families,
8 forced to perform labor without appropriate compensation or
9 benefits, and whose ancestors' owners were compensated for
10 damages by insurers, are entitled to full disclosure.

11 (Source: P.A. 93-333, eff. 1-1-04; revised 9-19-03.)

12 (215 ILCS 5/238) (from Ch. 73, par. 850)

13 Sec. 238. Exemption.

14 (a) All proceeds payable because of the death of the
15 insured and the aggregate net cash value of any or all life and
16 endowment policies and annuity contracts payable to a wife or
17 husband of the insured, or to a child, parent or other person
18 dependent upon the insured, whether the power to change the
19 beneficiary is reserved to the insured or not, and whether the
20 insured or his estate is a contingent beneficiary or not, shall
21 be exempt from execution, attachment, garnishment or other
22 process, for the debts or liabilities of the insured incurred
23 subsequent to the effective date of this Code, except as to
24 premiums paid in fraud of creditors within the period limited
25 by law for the recovery thereof.

1 (b) Any insurance company doing business in this State and
2 governed by this Code shall encumber or surrender accounts as
3 defined in Section 10-24 of the Illinois Public Aid Code held
4 by the insurance company owned by any responsible relative who
5 is subject to a child support lien, upon notice of the lien or
6 levy by the Department of Healthcare and Family Services
7 (formerly Illinois Department of Public Aid) or its successor
8 agency pursuant to Section 10-25.5 of the Illinois Public Aid
9 Code, or upon notice of interstate lien from any other state's
10 agency responsible for implementing the child support
11 enforcement program set forth in Title IV, Part D of the Social
12 Security Act.

13 This Section does not prohibit the furnishing of
14 information in accordance with the federal Personal
15 Responsibility and Work Opportunity Reconciliation Act of
16 1996. Any insurance company governed by this Code shall enter
17 into an agreement for data exchanges with the Department of
18 Healthcare and Family Services ~~Public Aid~~ provided the
19 Department of Healthcare and Family Services ~~Public Aid~~ pays to
20 the insurance company a reasonable fee not to exceed its actual
21 cost incurred. An insurance company providing information in
22 accordance with this item shall not be liable to any owner of
23 an account as defined in Section 10-24 of the Illinois Public
24 Aid Code or other person for any disclosure of information to
25 the Department of Healthcare and Family Services (formerly
26 Department of Public Aid), for encumbering or surrendering any

1 accounts as defined in Section 10-24 of the Illinois Public Aid
2 Code held by the insurance company in response to a lien or
3 order to withhold and deliver issued by a State agency, or for
4 any other action taken pursuant to this item, including
5 individual or mechanical errors, provided the action does not
6 constitute gross negligence or willful misconduct. An
7 insurance company shall have no obligation to hold, encumber,
8 or surrender any accounts as defined in Section 10-24 of the
9 Illinois Public Aid Code until it has been served with a
10 subpoena, summons, warrant, court or administrative order,
11 lien, or levy requiring that action.

12 (Source: P.A. 90-18, eff. 7-1-97; revised 12-15-05.)

13 (215 ILCS 5/238.1)

14 Sec. 238.1. Data exchanges; administrative liens.

15 (a) Any insurance company doing business in the State and
16 governed by this Code shall enter into an agreement for data
17 exchanges with the ~~Illinois~~ Department of Healthcare and Family
18 Services ~~Public Aid~~ for the purpose of locating accounts as
19 defined in Section 10-24 of the Illinois Public Aid Code of
20 responsible relatives to satisfy past-due child support owed by
21 responsible relatives under an order for support entered by a
22 court or administrative body of this or any other State on
23 behalf of resident or non-resident persons.

24 (b) Notwithstanding any provisions in this Code to the
25 contrary, an insurance company shall not be liable to any

1 person:

2 (1) for any disclosure of information to the Department
3 of Healthcare and Family Services (formerly Illinois
4 Department of Public Aid) under subsection (a);

5 (2) for encumbering or surrendering any accounts as
6 defined in Section 10-24 of the Illinois Public Aid Code
7 held by such insurance company in response to a notice of
8 lien or levy issued by the Department of Healthcare and
9 Family Services (formerly Illinois Department of Public
10 Aid), or by any other state's child support enforcement
11 agency, as provided for in Section 238 of this Code; or

12 (3) for any other action taken in good faith to comply
13 with the requirements of subsection (a).

14 (Source: P.A. 90-18, eff. 7-1-97; revised 12-15-05.)

15 (215 ILCS 5/299.1a) (from Ch. 73, par. 911.1a)

16 Sec. 299.1a. Benefits not Attachable.

17 (a) No money or other charity, relief or aid to be paid,
18 provided or rendered by any society shall be liable to
19 attachment, garnishment or other process or to be seized,
20 taken, appropriated or applied by any legal or equitable
21 process or operation of law to pay any debt or liability of a
22 member or beneficiary, or any other person who may have a right
23 thereunder, either before or after payment by the society.

24 (b) Any benefit association doing business in this State
25 and governed by this Article XVII shall encumber or surrender

1 accounts as defined in Section 10-24 of the Illinois Public Aid
2 Code held by the benefit association owned by any responsible
3 relative who is subject to a child support lien, upon notice of
4 the lien or levy by the Department of Healthcare and Family
5 Services (formerly Illinois Department of Public Aid) or its
6 successor agency pursuant to Section 10-25.5 of the Illinois
7 Public Aid Code, or upon notice of interstate lien from any
8 other state's agency responsible for implementing the child
9 support enforcement program set forth in Title IV, Part D of
10 the Social Security Act.

11 This Section shall not prohibit the furnishing of
12 information in accordance with the federal Personal
13 Responsibility and Work Opportunity Reconciliation Act of
14 1996. Any benefit association governed by this Article XVII
15 shall enter into an agreement for data exchanges with the
16 Department of Healthcare and Family Services ~~Public Aid~~
17 provided the Department of Healthcare and Family Services
18 ~~Public Aid~~ pays to the benefit association a reasonable fee not
19 to exceed its actual cost incurred. A benefit association
20 providing information in accordance with this item shall not be
21 liable to any account holder or other person for any disclosure
22 of information to a State agency, for encumbering or
23 surrendering any accounts as defined in Section 10-24 of the
24 Illinois Public Aid Code held by the benefit association in
25 response to a lien or order to withhold and deliver issued by a
26 State agency, or for any other action taken pursuant to this

1 item, including individual or mechanical errors, provided the
2 action does not constitute gross negligence or willful
3 misconduct. A benefit association shall have no obligation to
4 hold, encumber, or surrender accounts until it has been served
5 with a subpoena, summons, warrant, court or administrative
6 order, lien, or levy requiring that action.

7 (Source: P.A. 90-18, eff. 7-1-97; revised 12-15-05.)

8 (215 ILCS 5/299.1b)

9 Sec. 299.1b. Data exchanges; administrative liens.

10 (a) Any benefit association doing business in the State and
11 governed by this Code shall enter into an agreement for data
12 exchanges with the ~~Illinois~~ Department of Healthcare and Family
13 Services ~~Public Aid~~ for the purpose of locating accounts as
14 defined in Section 10-24 of the Illinois Public Aid Code of
15 responsible relatives to satisfy past-due child support owed by
16 responsible relatives under an order for support entered by a
17 court or administrative body of this or any other State on
18 behalf of resident or non-resident persons.

19 (b) Notwithstanding any provisions in this Code to the
20 contrary, a benefit association shall not be liable to any
21 person:

22 (1) for any disclosure of information to the Department
23 of Healthcare and Family Services (formerly Illinois
24 Department of Public Aid) under subsection (a);

25 (2) for encumbering or surrendering any accounts as

1 defined in Section 10-24 of the Illinois Public Aid Code
2 held by such benefit association in response to a notice of
3 lien or levy issued by the Department of Healthcare and
4 Family Services (formerly Illinois Department of Public
5 Aid), or by any other state's child support enforcement
6 agency, as provided for in Section 299.1a of this Code; or

7 (3) for any other action taken in good faith to comply
8 with the requirements of subsection (a).

9 (Source: P.A. 90-18, eff. 7-1-97; revised 12-15-05.)

10 (215 ILCS 5/337.1)

11 Sec. 337.1. Data exchanges; administrative liens.

12 (a) Any benefit association governed by this Article XVIII
13 shall encumber or surrender accounts as defined in Section
14 10-24 of the Illinois Public Aid Code held by the benefit
15 association on behalf of any responsible relative who is
16 subject to a child support lien, upon notice of the lien or
17 levy by the Department of Healthcare and Family Services
18 (formerly Illinois Department of Public Aid) or its successor
19 agency pursuant to Section 10-25.5 of the Illinois Public Aid
20 Code, or upon notice of interstate lien from any other state's
21 agency responsible for implementing the child support
22 enforcement program set forth in Title IV, Part D of the Social
23 Security Act.

24 (b) This Section shall not prohibit the furnishing of
25 information in accordance with the federal Personal

1 Responsibility and Work Opportunity Reconciliation Act of
2 1996. Any benefit association governed by this Article XVIII
3 shall enter into an agreement for data exchanges with the
4 Department of Healthcare and Family Services ~~Public Aid~~
5 provided the Department of Healthcare and Family Services
6 ~~Public Aid~~ pays to the benefit association a reasonable fee not
7 to exceed its actual cost incurred. A benefit association
8 providing information in accordance with this item shall not be
9 liable to any owner of an account as defined in Section 10-24
10 of the Illinois Public Aid Code or other person for any
11 disclosure of information to the Department of Healthcare and
12 Family Services (formerly Department of Public Aid), for
13 encumbering or surrendering any accounts held by the benefit
14 association in response to a lien or order to withhold and
15 deliver issued by the Department of Healthcare and Family
16 Services (formerly Department of Public Aid), or for any other
17 action taken pursuant to this item, including individual or
18 mechanical errors, provided the action does not constitute
19 gross negligence or willful misconduct. A benefit association
20 shall have no obligation to hold, encumber, or surrender the
21 accounts or portions thereof as defined in Section 10-24 of the
22 Illinois Public Aid Code until it has been served with a
23 subpoena, summons, warrant, court or administrative order,
24 lien, or levy.

25 (Source: P.A. 90-18, eff. 7-1-97; revised 12-15-05.)

1 (215 ILCS 5/352) (from Ch. 73, par. 964)

2 Sec. 352. Scope of Article.

3 (a) Except as provided in subsections (b), (c), (d), and
4 (e), this Article shall apply to all companies transacting in
5 this State the kinds of business enumerated in clause (b) of
6 Class 1 and clause (a) of Class 2 of section 4. Nothing in this
7 Article shall apply to, or in any way affect policies or
8 contracts described in clause (a) of Class 1 of Section 4;
9 however, this Article shall apply to policies and contracts
10 which contain benefits providing reimbursement for the
11 expenses of long term health care which are certified or
12 ordered by a physician including but not limited to
13 professional nursing care, custodial nursing care, and
14 non-nursing custodial care provided in a nursing home or at a
15 residence of the insured.

16 (b) This Article does not apply to policies of accident and
17 health insurance issued in compliance with Article XIXB of this
18 Code.

19 (c) A policy issued and delivered in this State that
20 provides coverage under that policy for certificate holders who
21 are neither residents of nor employed in this State does not
22 need to provide to those nonresident certificate holders who
23 are not employed in this State the coverages or services
24 mandated by this Article.

25 (d) Stop-loss insurance is exempt from all Sections of this
26 Article, except this Section and Sections 353a, 354, 357.30,

1 and 370. For purposes of this exemption, stop-loss insurance is
2 further defined as follows:

3 (1) The policy must be issued to and insure an
4 employer, trustee, or other sponsor of the plan, or the
5 plan itself, but not employees, members, or participants.

6 (2) Payments by the insurer must be made to the
7 employer, trustee, or other sponsors of the plan, or the
8 plan itself, but not to the employees, members,
9 participants, or health care providers.

10 (e) A policy issued or delivered in this State to the
11 Department of Healthcare and Family Services (formerly
12 Illinois Department of Public Aid) and providing coverage,
13 under clause (b) of Class 1 or clause (a) of Class 2 as
14 described in Section 4, to persons who are enrolled under
15 Article V of the Illinois Public Aid Code or under the
16 Children's Health Insurance Program Act is exempt from all
17 restrictions, limitations, standards, rules, or regulations
18 respecting benefits imposed by or under authority of this Code,
19 except those specified by subsection (1) of Section 143.
20 Nothing in this subsection, however, affects the total medical
21 services available to persons eligible for medical assistance
22 under the Illinois Public Aid Code.

23 (Source: P.A. 92-370, eff. 8-15-01; revised 12-15-05.)

24 (215 ILCS 5/356b) (from Ch. 73, par. 968b)

25 Sec. 356b. (a) This Section applies to the hospital and

1 medical expense provisions of an accident or health insurance
2 policy.

3 (b) If a policy provides that coverage of a dependent
4 person terminates upon attainment of the limiting age for
5 dependent persons specified in the policy, the attainment of
6 such limiting age does not operate to terminate the hospital
7 and medical coverage of a person who, because of a handicapped
8 condition that occurred before attainment of the limiting age,
9 is incapable of self-sustaining employment and is dependent on
10 his or her parents or other care providers for lifetime care
11 and supervision.

12 (c) For purposes of subsection (b), "dependent on other
13 care providers" is defined as requiring a Community Integrated
14 Living Arrangement, group home, supervised apartment, or other
15 residential services licensed or certified by the Department of
16 Human Services (as successor to the Department of Mental Health
17 and Developmental Disabilities), the Department of Public
18 Health, or the Department of Healthcare and Family Services
19 (formerly Department of Public Aid).

20 (d) The insurer may inquire of the policyholder 2 months
21 prior to attainment by a dependent of the limiting age set
22 forth in the policy, or at any reasonable time thereafter,
23 whether such dependent is in fact a disabled and dependent
24 person and, in the absence of proof submitted within 60 days of
25 such inquiry that such dependent is a disabled and dependent
26 person may terminate coverage of such person at or after

1 attainment of the limiting age. In the absence of such inquiry,
2 coverage of any disabled and dependent person shall continue
3 through the term of such policy or any extension or renewal
4 thereof.

5 (e) This amendatory Act of 1969 is applicable to policies
6 issued or renewed more than 60 days after the effective date of
7 this amendatory Act of 1969.

8 (Source: P.A. 88-309; 89-507, eff. 7-1-97; revised 12-15-05.)

9 (215 ILCS 5/356r)

10 Sec. 356r. Woman's principal health care provider.

11 (a) An individual or group policy of accident and health
12 insurance or a managed care plan amended, delivered, issued, or
13 renewed in this State after November 14, 1996 that requires an
14 insured or enrollee to designate an individual to coordinate
15 care or to control access to health care services shall also
16 permit a female insured or enrollee to designate a
17 participating woman's principal health care provider, and the
18 insurer or managed care plan shall provide the following
19 written notice to all female insureds or enrollees no later
20 than 120 days after the effective date of this amendatory Act
21 of 1998; to all new enrollees at the time of enrollment; and
22 thereafter to all existing enrollees at least annually, as a
23 part of a regular publication or informational mailing:

24 "NOTICE TO ALL FEMALE PLAN MEMBERS:

25 YOUR RIGHT TO SELECT A WOMAN'S PRINCIPAL

1 HEALTH CARE PROVIDER.

2 Illinois law allows you to select "a woman's principal
3 health care provider" in addition to your selection of a
4 primary care physician. A woman's principal health care
5 provider is a physician licensed to practice medicine in
6 all its branches specializing in obstetrics or gynecology
7 or specializing in family practice. A woman's principal
8 health care provider may be seen for care without referrals
9 from your primary care physician. If you have not already
10 selected a woman's principal health care provider, you may
11 do so now or at any other time. You are not required to
12 have or to select a woman's principal health care provider.

13 Your woman's principal health care provider must be a
14 part of your plan. You may get the list of participating
15 obstetricians, gynecologists, and family practice
16 specialists from your employer's employee benefits
17 coordinator, or for your own copy of the current list, you
18 may call [insert plan's toll free number]. The list will be
19 sent to you within 10 days after your call. To designate a
20 woman's principal health care provider from the list, call
21 [insert plan's toll free number] and tell our staff the
22 name of the physician you have selected."

23 If the insurer or managed care plan exercises the option set
24 forth in subsection (a-5), the notice shall also state:

25 "Your plan requires that your primary care physician
26 and your woman's principal health care provider have a

1 referral arrangement with one another. If the woman's
2 principal health care provider that you select does not
3 have a referral arrangement with your primary care
4 physician, you will have to select a new primary care
5 physician who has a referral arrangement with your woman's
6 principal health care provider or you may select a woman's
7 principal health care provider who has a referral
8 arrangement with your primary care physician. The list of
9 woman's principal health care providers will also have the
10 names of the primary care physicians and their referral
11 arrangements.".

12 No later than 120 days after the effective date of this
13 amendatory Act of 1998, the insurer or managed care plan shall
14 provide each employer who has a policy of insurance or a
15 managed care plan with the insurer or managed care plan with a
16 list of physicians licensed to practice medicine in all its
17 branches specializing in obstetrics or gynecology or
18 specializing in family practice who have contracted with the
19 plan. At the time of enrollment and thereafter within 10 days
20 after a request by an insured or enrollee, the insurer or
21 managed care plan also shall provide this list directly to the
22 insured or enrollee. The list shall include each physician's
23 address, telephone number, and specialty. No insurer or plan
24 formal or informal policy may restrict a female insured's or
25 enrollee's right to designate a woman's principal health care
26 provider, except as set forth in subsection (a-5). If the

1 female enrollee is an enrollee of a managed care plan under
2 contract with the Department of Healthcare and Family Services
3 ~~Public Aid~~, the physician chosen by the enrollee as her woman's
4 principal health care provider must be a Medicaid-enrolled
5 provider. This requirement does not require a female insured or
6 enrollee to make a selection of a woman's principal health care
7 provider. The female insured or enrollee may designate a
8 physician licensed to practice medicine in all its branches
9 specializing in family practice as her woman's principal health
10 care provider.

11 (a-5) The insured or enrollee may be required by the
12 insurer or managed care plan to select a woman's principal
13 health care provider who has a referral arrangement with the
14 insured's or enrollee's individual who coordinates care or
15 controls access to health care services if such referral
16 arrangement exists or to select a new individual to coordinate
17 care or to control access to health care services who has a
18 referral arrangement with the woman's principal health care
19 provider chosen by the insured or enrollee, if such referral
20 arrangement exists. If an insurer or a managed care plan
21 requires an insured or enrollee to select a new physician under
22 this subsection (a-5), the insurer or managed care plan must
23 provide the insured or enrollee with both options to select a
24 new physician provided in this subsection (a-5).

25 Notwithstanding a plan's restrictions of the frequency or
26 timing of making designations of primary care providers, a

1 female enrollee or insured who is subject to the selection
2 requirements of this subsection, may, at any time, effect a
3 change in primary care physicians in order to make a selection
4 of a woman's principal health care provider.

5 (a-6) If an insurer or managed care plan exercises the
6 option in subsection (a-5), the list to be provided under
7 subsection (a) shall identify the referral arrangements that
8 exist between the individual who coordinates care or controls
9 access to health care services and the woman's principal health
10 care provider in order to assist the female insured or enrollee
11 to make a selection within the insurer's or managed care plan's
12 requirement.

13 (b) If a female insured or enrollee has designated a
14 woman's principal health care provider, then the insured or
15 enrollee must be given direct access to the woman's principal
16 health care provider for services covered by the policy or plan
17 without the need for a referral or prior approval. Nothing
18 shall prohibit the insurer or managed care plan from requiring
19 prior authorization or approval from either a primary care
20 provider or the woman's principal health care provider for
21 referrals for additional care or services.

22 (c) For the purposes of this Section the following terms
23 are defined:

24 (1) "Woman's principal health care provider" means a
25 physician licensed to practice medicine in all of its
26 branches specializing in obstetrics or gynecology or

1 specializing in family practice.

2 (2) "Managed care entity" means any entity including a
3 licensed insurance company, hospital or medical service
4 plan, health maintenance organization, limited health
5 service organization, preferred provider organization,
6 third party administrator, an employer or employee
7 organization, or any person or entity that establishes,
8 operates, or maintains a network of participating
9 providers.

10 (3) "Managed care plan" means a plan operated by a
11 managed care entity that provides for the financing of
12 health care services to persons enrolled in the plan
13 through:

14 (A) organizational arrangements for ongoing
15 quality assurance, utilization review programs, or
16 dispute resolution; or

17 (B) financial incentives for persons enrolled in
18 the plan to use the participating providers and
19 procedures covered by the plan.

20 (4) "Participating provider" means a physician who has
21 contracted with an insurer or managed care plan to provide
22 services to insureds or enrollees as defined by the
23 contract.

24 (d) The original provisions of this Section became law on
25 July 17, 1996 and took effect November 14, 1996, which is 120
26 days after becoming law.

1 (Source: P.A. 89-514; 90-14, eff. 7-1-97; 90-741, eff. 8-13-98;
2 revised 12-15-05.)

3 (215 ILCS 5/356z.2)

4 Sec. 356z.2. Coverage for adjunctive services in dental
5 care.

6 (a) An individual or group policy of accident and health
7 insurance amended, delivered, issued, or renewed after the
8 effective date of this amendatory Act of the 92nd General
9 Assembly shall cover charges incurred, and anesthetics
10 provided, in conjunction with dental care that is provided to a
11 covered individual in a hospital or an ambulatory surgical
12 treatment center if any of the following applies:

13 (1) the individual is a child age 6 or under;

14 (2) the individual has a medical condition that
15 requires hospitalization or general anesthesia for dental
16 care; or

17 (3) the individual is disabled.

18 (b) For purposes of this Section, "ambulatory surgical
19 treatment center" has the meaning given to that term in Section
20 3 of the Ambulatory Surgical Treatment Center Act.

21 For purposes of this Section, "disabled" means a person,
22 regardless of age, with a chronic disability if the chronic
23 disability meets all of the following conditions:

24 (1) It is attributable to a mental or physical
25 impairment or combination of mental and physical

1 impairments.

2 (2) It is likely to continue.

3 (3) It results in substantial functional limitations
4 in one or more of the following areas of major life
5 activity:

6 (A) self-care;

7 (B) receptive and expressive language;

8 (C) learning;

9 (D) mobility;

10 (E) capacity for independent living; or

11 (F) economic self-sufficiency.

12 (c) The coverage required under this Section may be subject
13 to any limitations, exclusions, or cost-sharing provisions
14 that apply generally under the insurance policy.

15 (d) This Section does not apply to a policy that covers
16 only dental care.

17 (e) Nothing in this Section requires that the dental
18 services be covered.

19 (f) The provisions of this Section do not apply to
20 short-term travel, accident-only, limited, or specified
21 disease policies, nor to policies or contracts designed for
22 issuance to persons eligible for coverage under Title XVIII of
23 the Social Security Act, known as Medicare, or any other
24 similar coverage under State or federal governmental plans.

25 (Source: P.A. 92-764, eff. 1-1-03.)

1 (215 ILCS 5/356z.3)

2 Sec. 356z.3 ~~356z.2~~. Disclosure of limited benefit. An
3 insurer that issues, delivers, amends, or renews an individual
4 or group policy of accident and health insurance in this State
5 after the effective date of this amendatory Act of the 92nd
6 General Assembly and arranges, contracts with, or administers
7 contracts with a provider whereby beneficiaries are provided an
8 incentive to use the services of such provider must include the
9 following disclosure on its contracts and evidences of
10 coverage: "WARNING, LIMITED BENEFITS WILL BE PAID WHEN
11 NON-PARTICIPATING PROVIDERS ARE USED. You should be aware that
12 when you elect to utilize the services of a non-participating
13 provider for a covered service in non-emergency situations,
14 benefit payments to such non-participating provider are not
15 based upon the amount billed. The basis of your benefit payment
16 will be determined according to your policy's fee schedule,
17 usual and customary charge (which is determined by comparing
18 charges for similar services adjusted to the geographical area
19 where the services are performed), or other method as defined
20 by the policy. YOU CAN EXPECT TO PAY MORE THAN THE COINSURANCE
21 AMOUNT DEFINED IN THE POLICY AFTER THE PLAN HAS PAID ITS
22 REQUIRED PORTION. Non-participating providers may bill members
23 for any amount up to the billed charge after the plan has paid
24 its portion of the bill. Participating providers have agreed to
25 accept discounted payments for services with no additional
26 billing to the member other than co-insurance and deductible

1 amounts. You may obtain further information about the
2 participating status of professional providers and information
3 on out-of-pocket expenses by calling the toll free telephone
4 number on your identification card."

5 (Source: P.A. 92-579, eff. 1-1-03; revised 9-3-02.)

6 (215 ILCS 5/356z.4)

7 Sec. 356z.4. Coverage for contraceptives.

8 (a) An individual or group policy of accident and health
9 insurance amended, delivered, issued, or renewed in this State
10 after the effective date of this amendatory Act of the 93rd
11 General Assembly that provides coverage for outpatient
12 services and outpatient prescription drugs or devices must
13 provide coverage for the insured and any dependent of the
14 insured covered by the policy for all outpatient contraceptive
15 services and all outpatient contraceptive drugs and devices
16 approved by the Food and Drug Administration. Coverage required
17 under this Section may not impose any deductible, coinsurance,
18 waiting period, or other cost-sharing or limitation that is
19 greater than that required for any outpatient service or
20 outpatient prescription drug or device otherwise covered by the
21 policy.

22 (b) As used in this Section, "outpatient contraceptive
23 service" means consultations, examinations, procedures, and
24 medical services, provided on an outpatient basis and related
25 to the use of contraceptive methods (including natural family

1 planning) to prevent an unintended pregnancy.

2 (c) Nothing in this Section shall be construed to require
3 an insurance company to cover services related to an abortion
4 as the term "abortion" is defined in the Illinois Abortion Law
5 of 1975.

6 (d) Nothing in this Section shall be construed to require
7 an insurance company to cover services related to permanent
8 sterilization that requires a surgical procedure.

9 (Source: P.A. 93-102, eff. 1-1-04.)

10 (215 ILCS 5/356z.5)

11 Sec. 356z.5 ~~356z.4~~. Prescription inhalants. A group or
12 individual policy of accident and health insurance or managed
13 care plan amended, delivered, issued, or renewed after the
14 effective date of this amendatory Act of the 93rd General
15 Assembly that provides coverage for prescription drugs may not
16 deny or limit coverage for prescription inhalants to enable
17 persons to breathe when suffering from asthma or other
18 life-threatening bronchial ailments based upon any restriction
19 on the number of days before an inhaler refill may be obtained
20 if, contrary to those restrictions, the inhalants have been
21 ordered or prescribed by the treating physician and are
22 medically appropriate.

23 (Source: P.A. 93-529, eff. 8-14-03; revised 9-25-03.)

24 (215 ILCS 5/356z.7) (was 215 ILCS 5/370r)

1 Sec. 356z.7 ~~370~~. Prescription drugs; cancer treatment. No
2 group policy of accident or health insurance that provides
3 coverage for prescribed drugs approved by the federal Food and
4 Drug Administration for the treatment of certain types of
5 cancer shall exclude coverage of any drug on the basis that the
6 drug has been prescribed for the treatment of a type of cancer
7 for which the drug has not been approved by the federal Food
8 and Drug Administration. The drug, however, must be approved by
9 the federal Food and Drug Administration and must be recognized
10 for the treatment of the specific type of cancer for which the
11 drug has been prescribed in any one of the following
12 established reference compendia:

13 (a) the American Medical Association Drug Evaluations;

14 (b) the American Hospital Formulary Service Drug
15 Information; or

16 (c) the United States Pharmacopeia Drug Information;

17 or if not in the compendia, recommended for that particular
18 type of cancer in formal clinical studies, the results of which
19 have been published in at least two peer reviewed professional
20 medical journals published in the United States or Great
21 Britain.

22 Any coverage required by this Section shall also include
23 those medically necessary services associated with the
24 administration of a drug.

25 Despite the provisions of this Section, coverage shall not
26 be required for any experimental or investigational drugs or

1 any drug that the federal Food and Drug Administration has
2 determined to be contraindicated for treatment of the specific
3 type of cancer for which the drug has been prescribed. This
4 Section shall apply only to cancer drugs. Nothing in this
5 Section shall be construed, expressly or by implication, to
6 create, impair, alter, limit, notify, enlarge, abrogate or
7 prohibit reimbursement for drugs used in the treatment of any
8 other disease or condition.

9 (Source: P.A. 87-980; revised 10-19-05.)

10 (215 ILCS 5/367b) (from Ch. 73, par. 979b)

11 Sec. 367b. (a) This Section applies to the hospital and
12 medical expense provisions of a group accident or health
13 insurance policy.

14 (b) If a policy provides that coverage of a dependent of an
15 employee or other member of the covered group terminates upon
16 attainment of the limiting age for dependent persons specified
17 in the policy, the attainment of such limiting age does not
18 operate to terminate the hospital and medical coverage of a
19 person who, because of a handicapped condition that occurred
20 before attainment of the limiting age, is incapable of
21 self-sustaining employment and is dependent on his or her
22 parents or other care providers for lifetime care and
23 supervision.

24 (c) For purposes of subsection (b), "dependent on other
25 care providers" is defined as requiring a Community Integrated

1 Living Arrangement, group home, supervised apartment, or other
2 residential services licensed or certified by the Department of
3 Human Services (as successor to the Department of Mental Health
4 and Developmental Disabilities), the Department of Public
5 Health, or the Department of Healthcare and Family Services
6 (formerly Department of Public Aid).

7 (d) The insurer may inquire of the person insured 2 months
8 prior to attainment by a dependent of the limiting age set
9 forth in the policy, or at any reasonable time thereafter,
10 whether such dependent is in fact a disabled and dependent
11 person and, in the absence of proof submitted within 31 days of
12 such inquiry that such dependent is a disabled and dependent
13 person may terminate coverage of such person at or after
14 attainment of the limiting age. In the absence of such inquiry,
15 coverage of any disabled and dependent person shall continue
16 through the term of such policy or any extension or renewal.

17 (e) This amendatory Act of 1969 is applicable to policies
18 issued or renewed more than 60 days after the effective date of
19 this amendatory Act of 1969.

20 (Source: P.A. 88-309; 89-507, eff. 7-1-97; revised 12-15-05.)

21 (215 ILCS 5/370c) (from Ch. 73, par. 982c)

22 Sec. 370c. Mental and emotional disorders.

23 (a) (1) On and after the effective date of this Section,
24 every insurer which delivers, issues for delivery or renews or
25 modifies group A&H policies providing coverage for hospital or

1 medical treatment or services for illness on an
2 expense-incurred basis shall offer to the applicant or group
3 policyholder subject to the insurers standards of
4 insurability, coverage for reasonable and necessary treatment
5 and services for mental, emotional or nervous disorders or
6 conditions, other than serious mental illnesses as defined in
7 item (2) of subsection (b), up to the limits provided in the
8 policy for other disorders or conditions, except (i) the
9 insured may be required to pay up to 50% of expenses incurred
10 as a result of the treatment or services, and (ii) the annual
11 benefit limit may be limited to the lesser of \$10,000 or 25% of
12 the lifetime policy limit.

13 (2) Each insured that is covered for mental, emotional or
14 nervous disorders or conditions shall be free to select the
15 physician licensed to practice medicine in all its branches,
16 licensed clinical psychologist, licensed clinical social
17 worker, or licensed clinical professional counselor of his
18 choice to treat such disorders, and the insurer shall pay the
19 covered charges of such physician licensed to practice medicine
20 in all its branches, licensed clinical psychologist, licensed
21 clinical social worker, or licensed clinical professional
22 counselor up to the limits of coverage, provided (i) the
23 disorder or condition treated is covered by the policy, and
24 (ii) the physician, licensed psychologist, licensed clinical
25 social worker, or licensed clinical professional counselor is
26 authorized to provide said services under the statutes of this

1 State and in accordance with accepted principles of his
2 profession.

3 (3) Insofar as this Section applies solely to licensed
4 clinical social workers and licensed clinical professional
5 counselors, those persons who may provide services to
6 individuals shall do so after the licensed clinical social
7 worker or licensed clinical professional counselor has
8 informed the patient of the desirability of the patient
9 conferring with the patient's primary care physician and the
10 licensed clinical social worker or licensed clinical
11 professional counselor has provided written notification to
12 the patient's primary care physician, if any, that services are
13 being provided to the patient. That notification may, however,
14 be waived by the patient on a written form. Those forms shall
15 be retained by the licensed clinical social worker or licensed
16 clinical professional counselor for a period of not less than 5
17 years.

18 (b) (1) An insurer that provides coverage for hospital or
19 medical expenses under a group policy of accident and health
20 insurance or health care plan amended, delivered, issued, or
21 renewed after the effective date of this amendatory Act of the
22 92nd General Assembly shall provide coverage under the policy
23 for treatment of serious mental illness under the same terms
24 and conditions as coverage for hospital or medical expenses
25 related to other illnesses and diseases. The coverage required
26 under this Section must provide for same durational limits,

1 amount limits, deductibles, and co-insurance requirements for
2 serious mental illness as are provided for other illnesses and
3 diseases. This subsection does not apply to coverage provided
4 to employees by employers who have 50 or fewer employees.

5 (2) "Serious mental illness" means the following
6 psychiatric illnesses as defined in the most current edition of
7 the Diagnostic and Statistical Manual (DSM) published by the
8 American Psychiatric Association:

9 (A) schizophrenia;

10 (B) paranoid and other psychotic disorders;

11 (C) bipolar disorders (hypomanic, manic, depressive,
12 and mixed);

13 (D) major depressive disorders (single episode or
14 recurrent);

15 (E) schizoaffective disorders (bipolar or depressive);

16 (F) pervasive developmental disorders;

17 (G) obsessive-compulsive disorders;

18 (H) depression in childhood and adolescence;

19 (I) panic disorder; and

20 (J) post-traumatic stress disorders (acute, chronic,
21 or with delayed onset).

22 (3) Upon request of the reimbursing insurer, a provider of
23 treatment of serious mental illness shall furnish medical
24 records or other necessary data that substantiate that initial
25 or continued treatment is at all times medically necessary. An
26 insurer shall provide a mechanism for the timely review by a

1 provider holding the same license and practicing in the same
2 specialty as the patient's provider, who is unaffiliated with
3 the insurer, jointly selected by the patient (or the patient's
4 next of kin or legal representative if the patient is unable to
5 act for himself or herself), the patient's provider, and the
6 insurer in the event of a dispute between the insurer and
7 patient's provider regarding the medical necessity of a
8 treatment proposed by a patient's provider. If the reviewing
9 provider determines the treatment to be medically necessary,
10 the insurer shall provide reimbursement for the treatment.
11 Future contractual or employment actions by the insurer
12 regarding the patient's provider may not be based on the
13 provider's participation in this procedure. Nothing prevents
14 the insured from agreeing in writing to continue treatment at
15 his or her expense. When making a determination of the medical
16 necessity for a treatment modality for serious mental illness,
17 an insurer must make the determination in a manner that is
18 consistent with the manner used to make that determination with
19 respect to other diseases or illnesses covered under the
20 policy, including an appeals process.

21 (4) A group health benefit plan:

22 (A) shall provide coverage based upon medical
23 necessity for the following treatment of mental illness in
24 each calendar year:

25 (i) 45 days of inpatient treatment; and

26 (ii) beginning on June 26, 2006 (the effective date

1 of Public Act 94-921) ~~this amendatory Act of the 94th~~
2 ~~General Assembly~~, 60 visits for outpatient treatment
3 including group and individual outpatient treatment;
4 and

5 (iii) for plans or policies delivered, issued for
6 delivery, renewed, or modified after January 1, 2007
7 (the effective date of Public Act 94-906) ~~this~~
8 ~~amendatory Act of the 94th General Assembly~~, 20
9 additional outpatient visits for speech therapy for
10 treatment of pervasive developmental disorders that
11 will be in addition to speech therapy provided pursuant
12 to item (ii) of this subparagraph (A);

13 (B) may not include a lifetime limit on the number of
14 days of inpatient treatment or the number of outpatient
15 visits covered under the plan; and

16 (C) shall include the same amount limits, deductibles,
17 copayments, and coinsurance factors for serious mental
18 illness as for physical illness.

19 (5) An issuer of a group health benefit plan may not count
20 toward the number of outpatient visits required to be covered
21 under this Section an outpatient visit for the purpose of
22 medication management and shall cover the outpatient visits
23 under the same terms and conditions as it covers outpatient
24 visits for the treatment of physical illness.

25 (6) An issuer of a group health benefit plan may provide or
26 offer coverage required under this Section through a managed

1 care plan.

2 (7) This Section shall not be interpreted to require a
3 group health benefit plan to provide coverage for treatment of:

4 (A) an addiction to a controlled substance or cannabis
5 that is used in violation of law; or

6 (B) mental illness resulting from the use of a
7 controlled substance or cannabis in violation of law.

8 (8) (Blank).

9 (Source: P.A. 94-402, eff. 8-2-05; 94-584, eff. 8-15-05;
10 94-906, eff. 1-1-07; 94-921, eff. 6-26-06; revised 8-3-06.)

11 (215 ILCS 5/416)

12 Sec. 416. Illinois Workers' Compensation Commission
13 Operations Fund Surcharge.

14 (a) As of July 30, 2004 (the effective date of Public Act
15 93-840) ~~this amendatory Act of 2004~~, every company licensed or
16 authorized by the Illinois Department of Insurance and insuring
17 employers' liabilities arising under the Workers' Compensation
18 Act or the Workers' Occupational Diseases Act shall remit to
19 the Director a surcharge based upon the annual direct written
20 premium, as reported under Section 136 of this Act, of the
21 company in the manner provided in this Section. Such proceeds
22 shall be deposited into the Illinois Workers' Compensation
23 Commission Operations Fund as established in the Workers'
24 Compensation Act. If a company survives or was formed by a
25 merger, consolidation, reorganization, or reincorporation, the

1 direct written premiums of all companies party to the merger,
2 consolidation, reorganization, or reincorporation shall, for
3 purposes of determining the amount of the fee imposed by this
4 Section, be regarded as those of the surviving or new company.

5 (b)(1) Except as provided in subsection (b)(2) of this
6 Section, beginning on July 30, 2004 (the effective date of
7 Public Act 93-840) ~~this amendatory Act of 2004~~ and on July 1 of
8 each year thereafter, the Director shall charge an annual
9 Illinois Workers' Compensation Commission Operations Fund
10 Surcharge from every company subject to subsection (a) of this
11 Section equal to 1.01% of its direct written premium for
12 insuring employers' liabilities arising under the Workers'
13 Compensation Act or Workers' Occupational Diseases Act as
14 reported in each company's annual statement filed for the
15 previous year as required by Section 136. The Illinois Workers'
16 Compensation Commission Operations Fund Surcharge shall be
17 collected by companies subject to subsection (a) of this
18 Section as a separately stated surcharge on insured employers
19 at the rate of 1.01% of direct written premium. The Illinois
20 Workers' Compensation ~~Industrial~~ Commission Operations Fund
21 Surcharge shall not be collected by companies subject to
22 subsection (a) of this Section from any employer that
23 self-insures its liabilities arising under the Workers'
24 Compensation Act or Workers' Occupational Diseases Act,
25 provided that the employer has paid the Illinois Workers'
26 Compensation ~~Industrial~~ Commission Operations Fund Fee

1 pursuant to Section 4d of the Workers' Compensation Act. All
2 sums collected by the Department of Insurance under the
3 provisions of this Section shall be paid promptly after the
4 receipt of the same, accompanied by a detailed statement
5 thereof, into the Illinois Workers' Compensation Commission
6 Operations Fund in the State treasury.

7 (b) (2) The surcharge due pursuant to Public Act 93-840 ~~this~~
8 ~~amendatory Act of 2004~~ shall be collected instead of the
9 surcharge due on July 1, 2004 under Public Act 93-32. Payment
10 of the surcharge due under Public Act 93-840 ~~this amendatory~~
11 ~~Act of 2004~~ shall discharge the employer's obligations due on
12 July 1, 2004.

13 (c) In addition to the authority specifically granted under
14 Article XXV of this Code, the Director shall have such
15 authority to adopt rules or establish forms as may be
16 reasonably necessary for purposes of enforcing this Section.
17 The Director shall also have authority to defer, waive, or
18 abate the surcharge or any penalties imposed by this Section if
19 in the Director's opinion the company's solvency and ability to
20 meet its insured obligations would be immediately threatened by
21 payment of the surcharge due.

22 (d) When a company fails to pay the full amount of any
23 annual Illinois Workers' Compensation Commission Operations
24 Fund Surcharge of \$100 or more due under this Section, there
25 shall be added to the amount due as a penalty the greater of
26 \$1,000 or an amount equal to 5% of the deficiency for each

1 month or part of a month that the deficiency remains unpaid.

2 (e) The Department of Insurance may enforce the collection
3 of any delinquent payment, penalty, or portion thereof by legal
4 action or in any other manner by which the collection of debts
5 due the State of Illinois may be enforced under the laws of
6 this State.

7 (f) Whenever it appears to the satisfaction of the Director
8 that a company has paid pursuant to this Act an Illinois
9 Workers' Compensation Commission Operations Fund Surcharge in
10 an amount in excess of the amount legally collectable from the
11 company, the Director shall issue a credit memorandum for an
12 amount equal to the amount of such overpayment. A credit
13 memorandum may be applied for the 2-year period from the date
14 of issuance, against the payment of any amount due during that
15 period under the surcharge imposed by this Section or, subject
16 to reasonable rule of the Department of Insurance including
17 requirement of notification, may be assigned to any other
18 company subject to regulation under this Act. Any application
19 of credit memoranda after the period provided for in this
20 Section is void.

21 (g) Annually, the Governor may direct a transfer of up to
22 2% of all moneys collected under this Section to the Insurance
23 Financial Regulation Fund.

24 (Source: P.A. 93-32, eff. 6-20-03; 93-721, eff. 1-1-05; 93-840,
25 eff. 7-30-04; revised 12-29-04.)

1 (215 ILCS 5/500-135)

2 Sec. 500-135. Fees.

3 (a) The fees required by this Article are as follows:

4 (1) a fee of \$180 for a person who is a resident of
5 Illinois, and \$250 for a person who is not a resident of
6 Illinois, payable once every 2 years for an insurance
7 producer license;

8 (2) a fee of \$50 for the issuance of a temporary
9 insurance producer license;

10 (3) a fee of \$150 payable once every 2 years for a
11 business entity;

12 (4) an annual \$50 fee for a limited line producer
13 license issued under items (1) through (7) of subsection
14 (a) of Section 500-100;

15 (5) a \$50 application fee for the processing of a
16 request to take the written examination for an insurance
17 producer license;

18 (6) an annual registration fee of \$1,000 for
19 registration of an education provider;

20 (7) a certification fee of \$50 for each certified
21 pre-licensing or continuing education course and an annual
22 fee of \$20 for renewing the certification of each such
23 course;

24 (8) a fee of \$180 for a person who is a resident of
25 Illinois, and \$250 for a person who is not a resident of
26 Illinois, payable once every 2 years for a car rental

1 limited line license;

2 (9) a fee of \$200 payable once every 2 years for a
3 limited lines license other than the licenses issued under
4 items (1) through (7) of subsection (a) of Section 500-100,
5 a car rental limited line license, or a self-service
6 storage facility limited line license;

7 (10) a fee of \$50 payable once every 2 years for a
8 self-service storage facility limited line license.

9 (b) Except as otherwise provided, all fees paid to and
10 collected by the Director under this Section shall be paid
11 promptly after receipt thereof, together with a detailed
12 statement of such fees, into a special fund in the State
13 Treasury to be known as the Insurance Producer Administration
14 Fund. The moneys deposited into the Insurance Producer
15 Administration Fund may be used only for payment of the
16 expenses of the Department in the execution, administration,
17 and enforcement of the insurance laws of this State, and shall
18 be appropriated as otherwise provided by law for the payment of
19 those expenses with first priority being any expenses incident
20 to or associated with the administration and enforcement of
21 this Article.

22 (Source: P.A. 92-386, eff. 1-1-02; 93-32, eff. 7-1-03; 93-288,
23 eff. 1-1-04; revised 9-12-03.)

24 (215 ILCS 5/512-3) (from Ch. 73, par. 1065.59-3)

25 Sec. 512-3. Definitions. For the purposes of this Article,

1 unless the context otherwise requires, the terms defined in
2 this Article have the meanings ascribed to them herein:

3 (a) "Third party prescription program" or "program" means
4 any system of providing for the reimbursement of pharmaceutical
5 services and prescription drug products offered or operated in
6 this State under a contractual arrangement or agreement between
7 a provider of such services and another party who is not the
8 consumer of those services and products. Such programs may
9 include, but need not be limited to, employee benefit plans
10 whereby a consumer receives prescription drugs or other
11 pharmaceutical services and those services are paid for by an
12 agent of the employer or others.

13 (b) "Third party program administrator" or "administrator"
14 means any person, partnership or corporation who issues or
15 causes to be issued any payment or reimbursement to a provider
16 for services rendered pursuant to a third party prescription
17 program, but does not include the Director of Healthcare and
18 Family Services ~~Public Aid~~ or any agent authorized by the
19 Director to reimburse a provider of services rendered pursuant
20 to a program of which the Department of Healthcare and Family
21 Services ~~Public Aid~~ is the third party.

22 (Source: P.A. 90-372, eff. 7-1-98; revised 12-15-05.)

23 (215 ILCS 5/531.06) (from Ch. 73, par. 1065.80-6)

24 Sec. 531.06. Creation of the Association. There is created
25 a non-profit legal entity to be known as the Illinois Life and

1 Health Insurance Guaranty Association. All member insurers are
2 and must remain members of the Association as a condition of
3 their authority to transact insurance in this State. The
4 Association must perform its functions under the plan of
5 operation established and approved under Section 531.10 and
6 must exercise its powers through a board of directors
7 established under Section 531.07. For purposes of
8 administration and assessment, the Association must maintain 2
9 accounts:

10 (1) The life insurance and annuity account which includes
11 the following subaccounts:

12 (a) Life Insurance Account;

13 (b) Annuity account; and

14 (c) Unallocated Annuity Account which shall include
15 contracts qualified under Section 403(b) of the United States
16 ~~State~~ Internal Revenue Code.

17 (2) The health insurance account.

18 The Association shall be supervised by the Director and is
19 subject to the applicable provisions of the Illinois Insurance
20 Code.

21 (Source: P.A. 86-753; revised 10-11-05.)

22 (215 ILCS 5/1204) (from Ch. 73, par. 1065.904)

23 Sec. 1204. (A) The Secretary shall promulgate rules and
24 regulations which shall require each insurer licensed to write
25 property or casualty insurance in the State and each syndicate

1 doing business on the Illinois Insurance Exchange to record and
2 report its loss and expense experience and other data as may be
3 necessary to assess the relationship of insurance premiums and
4 related income as compared to insurance costs and expenses. The
5 Secretary may designate one or more rate service organizations
6 or advisory organizations to gather and compile such experience
7 and data. The Secretary shall require each insurer licensed to
8 write property or casualty insurance in this State and each
9 syndicate doing business on the Illinois Insurance Exchange to
10 submit a report, on a form furnished by the Secretary, showing
11 its direct writings in this State and companywide.

12 (B) Such report required by subsection (A) of this Section
13 may include, but not be limited to, the following specific
14 types of insurance written by such insurer:

15 (1) Political subdivision liability insurance reported
16 separately in the following categories:

17 (a) municipalities;

18 (b) school districts;

19 (c) other political subdivisions;

20 (2) Public official liability insurance;

21 (3) Dram shop liability insurance;

22 (4) Day care center liability insurance;

23 (5) Labor, fraternal or religious organizations
24 liability insurance;

25 (6) Errors and omissions liability insurance;

26 (7) Officers and directors liability insurance

1 reported separately as follows:

2 (a) non-profit entities;

3 (b) for-profit entities;

4 (8) Products liability insurance;

5 (9) Medical malpractice insurance;

6 (10) Attorney malpractice insurance;

7 (11) Architects and engineers malpractice insurance;

8 and

9 (12) Motor vehicle insurance reported separately for
10 commercial and private passenger vehicles as follows:

11 (a) motor vehicle physical damage insurance;

12 (b) motor vehicle liability insurance.

13 (C) Such report may include, but need not be limited to the
14 following data, both specific to this State and companywide, in
15 the aggregate or by type of insurance for the previous year on
16 a calendar year basis:

17 (1) Direct premiums written;

18 (2) Direct premiums earned;

19 (3) Number of policies;

20 (4) Net investment income, using appropriate estimates

21 where necessary;

22 (5) Losses paid;

23 (6) Losses incurred;

24 (7) Loss reserves:

25 (a) Losses unpaid on reported claims;

26 (b) Losses unpaid on incurred but not reported

1 claims;

2 (8) Number of claims:

3 (a) Paid claims;

4 (b) Arising claims;

5 (9) Loss adjustment expenses:

6 (a) Allocated loss adjustment expenses;

7 (b) Unallocated loss adjustment expenses;

8 (10) Net underwriting gain or loss;

9 (11) Net operation gain or loss, including net
10 investment income;

11 (12) Any other information requested by the Secretary.

12 (C-3) ~~(C-5)~~ Additional information by an advisory
13 organization as defined in Section 463 of this Code.

14 (1) An advisory organization as defined in Section 463
15 of this Code shall report annually the following
16 information in such format as may be prescribed by the
17 Secretary:

18 (a) paid and incurred losses for each of the past
19 10 years;

20 (b) medical payments and medical charges, if
21 collected, for each of the past 10 years;

22 (c) the following indemnity payment information:
23 cumulative payments by accident year by calendar year
24 of development. This array will show payments made and
25 frequency of claims in the following categories:
26 medical only, permanent partial disability (PPD),

1 permanent total disability (PTD), temporary total
2 disability (TTD), and fatalities;

3 (d) injuries by frequency and severity;

4 (e) by class of employee.

5 (2) The report filed with the Secretary of Financial
6 and Professional Regulation under paragraph (1) of this
7 subsection (C-3) ~~(C-5)~~ shall be made available, on an
8 aggregate basis, to the General Assembly and to the general
9 public. The identity of the petitioner, the respondent, the
10 attorneys, and the insurers shall not be disclosed.

11 (3) Reports required under this subsection (C-3) ~~(C-5)~~
12 shall be filed with the Secretary no later than September 1
13 in 2006 and no later than September 1 of each year
14 thereafter.

15 (C-5) Additional information required from medical
16 malpractice insurers.

17 (1) In addition to the other requirements of this
18 Section, the following information shall be included in the
19 report required by subsection (A) of this Section in such
20 form and under such terms and conditions as may be
21 prescribed by the Secretary:

22 (a) paid and incurred losses by county for each of
23 the past 10 policy years;

24 (b) earned exposures by ISO code, policy type, and
25 policy year by county for each of the past 10 years;
26 and

1 (c) the following actuarial information:

2 (i) Base class and territory equivalent
3 exposures by report year by relative accident
4 year.

5 (ii) Cumulative loss array by accident year by
6 calendar year of development. This array will show
7 frequency of claims in the following categories:
8 open, closed with indemnity (CWI), closed with
9 expense (CWE), and closed no pay (CNP); paid
10 severity in the following categories: indemnity
11 and allocated loss adjustment expenses (ALAE) on
12 closed claims; and indemnity and expense reserves
13 on pending claims.

14 (iii) Cumulative loss array by report year by
15 calendar year of development. This array will show
16 frequency of claims in the following categories:
17 open, closed with indemnity (CWI), closed with
18 expense (CWE), and closed no pay (CNP); paid
19 severity in the following categories: indemnity
20 and allocated loss adjustment expenses (ALAE) on
21 closed claims; and indemnity and expense reserves
22 on pending claims.

23 (iv) Maturity year and tail factors.

24 (v) Any expense, contingency ddr (death,
25 disability, and retirement), commission, tax,
26 and/or off-balance factors.

1 (2) The following information must also be annually
2 provided to the Department:

3 (a) copies of the company's reserve and surplus
4 studies; and

5 (b) consulting actuarial report and data
6 supporting the company's rate filing.

7 (3) All information collected by the Secretary under
8 paragraphs (1) and (2) shall be made available, on a
9 company-by-company basis, to the General Assembly and the
10 general public. This provision shall supersede any other
11 provision of State law that may otherwise protect such
12 information from public disclosure as confidential.

13 (D) In addition to the information which may be requested
14 under subsection (C), the Secretary may also request on a
15 companywide, aggregate basis, Federal Income Tax recoverable,
16 net realized capital gain or loss, net unrealized capital gain
17 or loss, and all other expenses not requested in subsection (C)
18 above.

19 (E) Violations - Suspensions - Revocations.

20 (1) Any company or person subject to this Article, who
21 willfully or repeatedly fails to observe or who otherwise
22 violates any of the provisions of this Article or any rule
23 or regulation promulgated by the Secretary under authority
24 of this Article or any final order of the Secretary entered
25 under the authority of this Article shall by civil penalty
26 forfeit to the State of Illinois a sum not to exceed

1 \$2,000. Each day during which a violation occurs
2 constitutes a separate offense.

3 (2) No forfeiture liability under paragraph (1) of this
4 subsection may attach unless a written notice of apparent
5 liability has been issued by the Secretary and received by
6 the respondent, or the Secretary sends written notice of
7 apparent liability by registered or certified mail, return
8 receipt requested, to the last known address of the
9 respondent. Any respondent so notified must be granted an
10 opportunity to request a hearing within 10 days from
11 receipt of notice, or to show in writing, why he should not
12 be held liable. A notice issued under this Section must set
13 forth the date, facts and nature of the act or omission
14 with which the respondent is charged and must specifically
15 identify the particular provision of this Article, rule,
16 regulation or order of which a violation is charged.

17 (3) No forfeiture liability under paragraph (1) of this
18 subsection may attach for any violation occurring more than
19 2 years prior to the date of issuance of the notice of
20 apparent liability and in no event may the total civil
21 penalty forfeiture imposed for the acts or omissions set
22 forth in any one notice of apparent liability exceed
23 \$100,000.

24 (4) All administrative hearings conducted pursuant to
25 this Article are subject to 50 Ill. Adm. Code 2402 and all
26 administrative hearings are subject to the Administrative

1 Review Law.

2 (5) The civil penalty forfeitures provided for in this
3 Section are payable to the General Revenue Fund of the
4 State of Illinois, and may be recovered in a civil suit in
5 the name of the State of Illinois brought in the Circuit
6 Court in Sangamon County or in the Circuit Court of the
7 county where the respondent is domiciled or has its
8 principal operating office.

9 (6) In any case where the Secretary issues a notice of
10 apparent liability looking toward the imposition of a civil
11 penalty forfeiture under this Section that fact may not be
12 used in any other proceeding before the Secretary to the
13 prejudice of the respondent to whom the notice was issued,
14 unless (a) the civil penalty forfeiture has been paid, or
15 (b) a court has ordered payment of the civil penalty
16 forfeiture and that order has become final.

17 (7) When any person or company has a license or
18 certificate of authority under this Code and knowingly
19 fails or refuses to comply with a lawful order of the
20 Secretary requiring compliance with this Article, entered
21 after notice and hearing, within the period of time
22 specified in the order, the Secretary may, in addition to
23 any other penalty or authority provided, revoke or refuse
24 to renew the license or certificate of authority of such
25 person or company, or may suspend the license or
26 certificate of authority of such person or company until

1 compliance with such order has been obtained.

2 (8) When any person or company has a license or
3 certificate of authority under this Code and knowingly
4 fails or refuses to comply with any provisions of this
5 Article, the Secretary may, after notice and hearing, in
6 addition to any other penalty provided, revoke or refuse to
7 renew the license or certificate of authority of such
8 person or company, or may suspend the license or
9 certificate of authority of such person or company, until
10 compliance with such provision of this Article has been
11 obtained.

12 (9) No suspension or revocation under this Section may
13 become effective until 5 days from the date that the notice
14 of suspension or revocation has been personally delivered
15 or delivered by registered or certified mail to the company
16 or person. A suspension or revocation under this Section is
17 stayed upon the filing, by the company or person, of a
18 petition for judicial review under the Administrative
19 Review Law.

20 (Source: P.A. 93-32, eff. 7-1-03; 94-277, eff. 7-20-05; 94-677,
21 eff. 8-25-05; revised 8-29-05.)

22 Section 660. The Comprehensive Health Insurance Plan Act is
23 amended by setting forth and renumbering multiple versions of
24 Section 15 as follows:

1 (215 ILCS 105/14.05)

2 Sec. 14.05 ~~15~~. Alternative portable coverage for federally
3 eligible individuals.

4 (a) Notwithstanding the requirements of subsection a. of
5 Section 7 and except as otherwise provided in this Section, any
6 federally eligible individual for whom a Plan application, and
7 such enclosures and supporting documentation as the Board may
8 require, is received by the Board within 90 days after the
9 termination of prior creditable coverage shall qualify to
10 enroll in the Plan under the portability provisions of this
11 Section.

12 A federally eligible person who has been certified as
13 eligible pursuant to the federal Trade Act of 2002 and whose
14 Plan application and enclosures and supporting documentation
15 as the Board may require is received by the Board within 63
16 days after the termination of previous creditable coverage
17 shall qualify to enroll in the Plan under the portability
18 provisions of this Section.

19 (b) Any federally eligible individual seeking Plan
20 coverage under this Section must submit with his or her
21 application evidence, including acceptable written
22 certification of previous creditable coverage, that will
23 establish to the Board's satisfaction, that he or she meets all
24 of the requirements to be a federally eligible individual and
25 is currently and permanently residing in this State (as of the
26 date his or her application was received by the Board).

1 (c) Except as otherwise provided in this Section, a period
2 of creditable coverage shall not be counted, with respect to
3 qualifying an applicant for Plan coverage as a federally
4 eligible individual under this Section, if after such period
5 and before the application for Plan coverage was received by
6 the Board, there was at least a 90 day period during all of
7 which the individual was not covered under any creditable
8 coverage.

9 For a federally eligible person who has been certified as
10 eligible pursuant to the federal Trade Act of 2002, a period of
11 creditable coverage shall not be counted, with respect to
12 qualifying an applicant for Plan coverage as a federally
13 eligible individual under this Section, if after such period
14 and before the application for Plan coverage was received by
15 the Board, there was at least a 63 day period during all of
16 which the individual was not covered under any creditable
17 coverage.

18 (d) Any federally eligible individual who the Board
19 determines qualifies for Plan coverage under this Section shall
20 be offered his or her choice of enrolling in one of alternative
21 portability health benefit plans which the Board is authorized
22 under this Section to establish for these federally eligible
23 individuals and their dependents.

24 (e) The Board shall offer a choice of health care coverages
25 consistent with major medical coverage under the alternative
26 health benefit plans authorized by this Section to every

1 federally eligible individual. The coverages to be offered
2 under the plans, the schedule of benefits, deductibles,
3 co-payments, exclusions, and other limitations shall be
4 approved by the Board. One optional form of coverage shall be
5 comparable to comprehensive health insurance coverage offered
6 in the individual market in this State or a standard option of
7 coverage available under the group or individual health
8 insurance laws of the State. The standard benefit plan that is
9 authorized by Section 8 of this Act may be used for this
10 purpose. The Board may also offer a preferred provider option
11 and such other options as the Board determines may be
12 appropriate for these federally eligible individuals who
13 qualify for Plan coverage pursuant to this Section.

14 (f) Notwithstanding the requirements of subsection f. of
15 Section 8, any plan coverage that is issued to federally
16 eligible individuals who qualify for the Plan pursuant to the
17 portability provisions of this Section shall not be subject to
18 any preexisting conditions exclusion, waiting period, or other
19 similar limitation on coverage.

20 (g) Federally eligible individuals who qualify and enroll
21 in the Plan pursuant to this Section shall be required to pay
22 such premium rates as the Board shall establish and approve in
23 accordance with the requirements of Section 7.1 of this Act.

24 (h) A federally eligible individual who qualifies and
25 enrolls in the Plan pursuant to this Section must satisfy on an
26 ongoing basis all of the other eligibility requirements of this

1 Act to the extent not inconsistent with the federal Health
2 Insurance Portability and Accountability Act of 1996 in order
3 to maintain continued eligibility for coverage under the Plan.
4 (Source: P.A. 92-153, eff. 7-25-01; 93-33, eff. 6-23-03; 93-34,
5 eff. 6-23-03; 93-622, eff. 12-18-03; revised 3-22-06.)

6 (215 ILCS 105/15)

7 Sec. 15. This Act takes effect July 1, 1987.

8 (Source: P.A. 84-1478.)

9 Section 665. The Children's Health Insurance Program Act is
10 amended by changing Sections 10 and 15 as follows:

11 (215 ILCS 106/10)

12 Sec. 10. Definitions. As used in this Act:

13 "Benchmarking" means health benefits coverage as defined
14 in Section 2103 of the Social Security Act.

15 "Child" means a person under the age of 19.

16 "Department" means the Department of Healthcare and Family
17 Services ~~Public Aid~~.

18 "Medical assistance" means health care benefits provided
19 under Article V of the Illinois Public Aid Code.

20 "Medical visit" means a hospital, dental, physician,
21 optical, or other health care visit where services are provided
22 pursuant to this Act.

23 "Program" means the Children's Health Insurance Program,

1 which includes subsidizing the cost of privately sponsored
2 health insurance and purchasing or providing health care
3 benefits for eligible children.

4 "Resident" means a person who meets the residency
5 requirements as defined in Section 5-3 of the Illinois Public
6 Aid Code.

7 (Source: P.A. 90-736, eff. 8-12-98; revised 12-15-05.)

8 (215 ILCS 106/15)

9 Sec. 15. Operation of the Program. There is hereby created
10 a Children's Health Insurance Program. The Program shall
11 operate subject to appropriation and shall be administered by
12 the Department of Healthcare and Family Services ~~Public Aid~~.
13 The Department shall have the powers and authority granted to
14 the Department under the Illinois Public Aid Code. The
15 Department may contract with a Third Party Administrator or
16 other entities to administer and oversee any portion of this
17 Program.

18 (Source: P.A. 90-736, eff. 8-12-98; revised 12-15-05.)

19 Section 670. The Health Maintenance Organization Act is
20 amended by changing Sections 2-1, 4-9.1, 4-17, and 6-8 as
21 follows:

22 (215 ILCS 125/2-1) (from Ch. 111 1/2, par. 1403)

23 Sec. 2-1. Certificate of authority - Exception for

1 corporate employee programs - Applications - Material
2 modification of operation.

3 (a) No organization shall establish or operate a Health
4 Maintenance Organization in this State without obtaining a
5 certificate of authority under this Act. No person other than
6 an organization may lawfully establish or operate a Health
7 Maintenance Organization in this State. This Act shall not
8 apply to the establishment and operation of a Health
9 Maintenance Organization exclusively providing or arranging
10 for health care services to employees of a corporate affiliate
11 of such Health Maintenance Organization. This exclusion shall
12 be available only to those Health Maintenance Organizations
13 which require employee contributions which equal less than 50%
14 of the total cost of the health care plan, with the remainder
15 of the cost being paid by the corporate affiliate which is the
16 employer of the participants in the plan. This Act shall not
17 apply to the establishment and operation of a Health
18 Maintenance Organization exclusively providing or arranging
19 health care services under contract with the State to persons
20 committed to the custody of the Illinois Department of
21 Corrections.

22 This Act does not apply to the establishment and operation
23 of managed care community networks that are certified as
24 risk-bearing entities under Section 5-11 of the Illinois Public
25 Aid Code and that contract with the Department of Healthcare
26 and Family Services (formerly Illinois Department of Public

1 Aid) pursuant to that Section.

2 (b) Any organization may apply to the Director for and
3 obtain a certificate of authority to establish and operate a
4 Health Maintenance Organization in compliance with this Act. A
5 foreign corporation may qualify under this Act, subject to its
6 registration to do business in this State as a foreign
7 corporation.

8 (c) Each application for a certificate of authority shall
9 be filed in triplicate and verified by an officer or authorized
10 representative of the applicant, shall be in a form prescribed
11 by the Director, and shall set forth, without limiting what may
12 be required by the Director, the following:

13 (1) A copy of the organizational document;

14 (2) A copy of the bylaws, rules and regulations, or
15 similar document regulating the conduct of the internal
16 affairs of the applicant, which shall include a mechanism
17 to afford the enrollees an opportunity to participate in an
18 advisory capacity in matters of policy and operations;

19 (3) A list of the names, addresses, and official
20 positions of the persons who are to be responsible for the
21 conduct of the affairs of the applicant; including, but not
22 limited to, all members of the board of directors,
23 executive committee, the principal officers, and any
24 person or entity owning or having the right to acquire 10%
25 or more of the voting securities or subordinated debt of
26 the applicant;

1 (4) A statement generally describing the applicant,
2 geographic area to be served, its facilities, personnel and
3 the health care services to be offered;

4 (5) A copy of the form of any contract made or to be
5 made between the applicant and any providers regarding the
6 provision of health care services to enrollees;

7 (6) A copy of the form of any contract made or to be
8 made between the applicant and any person listed in
9 paragraph (3) of this subsection;

10 (7) A copy of the form of any contract made or to be
11 made between the applicant and any person, corporation,
12 partnership or other entity for the performance on the
13 applicant's behalf of any functions including, but not
14 limited to, marketing, administration, enrollment,
15 investment management and subcontracting for the provision
16 of health services to enrollees;

17 (8) A copy of the form of any group contract which is
18 to be issued to employers, unions, trustees, or other
19 organizations and a copy of any form of evidence of
20 coverage to be issued to any enrollee or subscriber and any
21 advertising material;

22 (9) Descriptions of the applicant's procedures for
23 resolving enrollee grievances which must include
24 procedures providing for enrollees participation in the
25 resolution of grievances;

26 (10) A copy of the applicant's most recent financial

1 statements audited by an independent certified public
2 accountant. If the financial affairs of the applicant's
3 parent company are audited by an independent certified
4 public accountant but those of the applicant are not, then
5 a copy of the most recent audited financial statement of
6 the applicant's parent, attached to which shall be
7 consolidating financial statements of the parent including
8 separate unaudited financial statements of the applicant,
9 unless the Director determines that additional or more
10 recent financial information is required for the proper
11 administration of this Act;

12 (11) A copy of the applicant's financial plan,
13 including a three-year projection of anticipated operating
14 results, a statement of the sources of working capital, and
15 any other sources of funding and provisions for
16 contingencies;

17 (12) A description of rate methodology;

18 (13) A description of the proposed method of marketing;

19 (14) A copy of every filing made with the Illinois
20 Secretary of State which relates to the applicant's
21 registered agent or registered office;

22 (15) A description of the complaint procedures to be
23 established and maintained as required under Section 4-6 of
24 this Act;

25 (16) A description, in accordance with regulations
26 promulgated by the Illinois Department of Public Health, of

1 the quality assessment and utilization review procedures
2 to be utilized by the applicant;

3 (17) The fee for filing an application for issuance of
4 a certificate of authority provided in Section 408 of the
5 Illinois Insurance Code, as now or hereafter amended; and

6 (18) Such other information as the Director may
7 reasonably require to make the determinations required by
8 this Act.

9 (Source: P.A. 92-370, eff. 8-15-01; revised 12-15-05.)

10 (215 ILCS 125/4-9.1) (from Ch. 111 1/2, par. 1409.2-1)
11 Sec. 4-9.1. Dependent Coverage Termination.

12 (a) The attainment of a limiting age under a group contract
13 or evidence of coverage which provides that coverage of a
14 dependent person of an enrollee shall terminate upon attainment
15 of the limiting age for dependent persons does not operate to
16 terminate the coverage of a person who, because of a
17 handicapped condition that occurred before attainment of the
18 limiting age, is incapable of self-sustaining employment and is
19 dependent on his or her parents or other care providers for
20 lifetime care and supervision.

21 (b) For purposes of subsection (a), "dependent on other
22 care providers" is defined as requiring a Community Integrated
23 Living Arrangement, group home, supervised apartment, or other
24 residential services licensed or certified by the Department of
25 Human Services (as successor to the Department of Mental Health

1 and Developmental Disabilities), the Department of Public
2 Health, or the Department of Healthcare and Family Services
3 (formerly Department of Public Aid).

4 (c) Proof of such incapacity and dependency shall be
5 furnished to the health maintenance organization by the
6 enrollee within 31 days of a request for the information by the
7 health maintenance organization and subsequently as may be
8 required by the health maintenance organization, but not more
9 frequently than annually. In the absence of proof submitted
10 within 31 days of such inquiry that such dependent is a
11 disabled and dependent person, the health maintenance
12 organization may terminate coverage of such person at or after
13 attainment of the limiting age. In the absence of such inquiry,
14 coverage of any disabled and dependent person shall continue
15 through the term of the group contract or evidence of coverage
16 or any extension or renewal thereof.

17 (Source: P.A. 88-309; 89-507, eff. 7-1-97; revised 12-15-05.)

18 (215 ILCS 125/4-17)

19 Sec. 4-17. Basic outpatient preventive and primary health
20 care services for children. In order to attempt to address the
21 needs of children in Illinois (i) without health care coverage,
22 either through a parent's employment, through medical
23 assistance under the Illinois Public Aid Code, or any other
24 health plan or (ii) who lose medical assistance if and when
25 their parents move from welfare to work and do not find

1 employment that offers health care coverage, a health
2 maintenance organization may undertake to provide or arrange
3 for and to pay for or reimburse the cost of basic outpatient
4 preventive and primary health care services. The Department
5 shall promulgate rules to establish minimum coverage and
6 disclosure requirements. These requirements at a minimum shall
7 include routine physical examinations and immunizations, sick
8 visits, diagnostic x-rays and laboratory services, and
9 emergency outpatient services. Coverage may also include
10 preventive dental services, vision screening and one pair of
11 eyeglasses, prescription drugs, and mental health services.
12 The coverage may include any reasonable co-payments,
13 deductibles, and benefit maximums subject to limitations
14 established by the Director by rule. Coverage shall be limited
15 to children who are 18 years of age or under, who have resided
16 in the State of Illinois for at least 30 days, and who do not
17 qualify for medical assistance under the Illinois Public Aid
18 Code. Any such coverage shall be made available to an adult on
19 behalf of such children and shall not be funded through State
20 appropriations. In counties with populations in excess of
21 3,000,000, the Director shall not approve any arrangement under
22 this Section unless and until an arrangement for at least one
23 health maintenance organization under contract with the
24 Department of Healthcare and Family Services (formerly
25 Illinois Department of Public Aid) for furnishing health
26 services pursuant to Section 5-11 of the Illinois Public Aid

1 Code and for which the requirements of 42 CFR 434.26(a) have
2 been waived is approved.

3 (Source: P.A. 90-376, eff. 8-14-97; 90-655, eff. 7-30-98;
4 revised 12-15-05.)

5 (215 ILCS 125/6-8) (from Ch. 111 1/2, par. 1418.8)

6 Sec. 6-8. Powers and duties of the Association. In addition
7 to the powers and duties enumerated in other Sections of this
8 Article, the Association shall have the powers set forth in
9 this Section.

10 (1) If a domestic organization is an impaired organization,
11 the Association may, subject to any conditions imposed by the
12 Association other than those which impair the contractual
13 obligations of the impaired organization, and approved by the
14 impaired organization and the Director:

15 (a) guarantee or reinsure, or cause to be guaranteed,
16 assumed or reinsured, any or all of the covered health care
17 plan certificates of covered persons of the impaired
18 organization;

19 (b) provide such monies, pledges, notes, guarantees,
20 or other means as are proper to effectuate paragraph (a),
21 and assure payment of the contractual obligations of the
22 impaired organization pending action under paragraph (a);
23 and

24 (c) loan money to the impaired organization.

25 (2) If a domestic, foreign, or alien organization is an

1 insolvent organization, the Association shall, subject to the
2 approval of the Director:

3 (a) guarantee, assume, indemnify or reinsure or cause
4 to be guaranteed, assumed, indemnified or reinsured the
5 covered health care plan benefits of covered persons of the
6 insolvent organization; however, in the event that the
7 Director of Healthcare and Family Services (formerly
8 Director of the Department of Public Aid) assigns
9 individuals that are recipients of public aid from an
10 insolvent organization to another organization, the
11 Director of Healthcare and Family Services ~~the Department~~
12 ~~of Public Aid~~ shall, before fixing the rates to be paid by
13 the Department of Healthcare and Family Services ~~Public Aid~~
14 to the transferee organization on account of such
15 individuals, consult with the Director of the Department of
16 Insurance as to the reasonableness of such rates in light
17 of the health care needs of such individuals and the costs
18 of providing health care services to such individuals;

19 (b) assure payment of the contractual obligations of
20 the insolvent organization to covered persons;

21 (c) make payments to providers of health care, or
22 indemnity payments to covered persons, so as to assure the
23 continued payment of benefits substantially similar to
24 those provided for under covered health care plan
25 certificate issued by the insolvent organization to
26 covered persons; and

1 (d) provide such monies, pledges, notes, guaranties,
2 or other means as are reasonably necessary to discharge
3 such duties.

4 This subsection (2) shall not apply when the Director has
5 determined that the foreign or alien organization's
6 domiciliary jurisdiction or state of entry provides, by
7 statute, protection substantially similar to that provided by
8 this Article for residents of this State and such protection
9 will be provided in a timely manner.

10 (3) There shall be no liability on the part of and no cause
11 of action shall arise against the Association or against any
12 transferee from the Association in connection with the transfer
13 by reinsurance or otherwise of all or any part of an impaired
14 or insolvent organization's business by reason of any action
15 taken or any failure to take any action by the impaired or
16 insolvent organization at any time.

17 (4) If the Association fails to act within a reasonable
18 period of time as provided in subsection (2) of this Section
19 with respect to an insolvent organization, the Director shall
20 have the powers and duties of the Association under this
21 Article with regard to such insolvent organization.

22 (5) The Association or its designated representatives may
23 render assistance and advice to the Director, upon his request,
24 concerning rehabilitation, payment of claims, continuations of
25 coverage, or the performance of other contractual obligations
26 of any impaired or insolvent organization.

1 (6) The Association has standing to appear before any court
2 concerning all matters germane to the powers and duties of the
3 Association, including, but not limited to, proposals for
4 reinsuring or guaranteeing the covered health care plan
5 certificates of the impaired or insolvent organization and the
6 determination of the covered health care plan certificates and
7 contractual obligations.

8 (7) (a) Any person receiving benefits under this Article is
9 deemed to have assigned the rights under the covered health
10 care plan certificates to the Association to the extent of the
11 benefits received because of this Article whether the benefits
12 are payments of contractual obligations or continuation of
13 coverage. The Association may require an assignment to it of
14 such rights by any payee, enrollee or beneficiary as a
15 condition precedent to the receipt of any rights or benefits
16 conferred by this Article upon such person. The Association is
17 subrogated to these rights against the assets of any insolvent
18 organization and against any other party who may be liable to
19 such payee, enrollee or beneficiary.

20 (b) The subrogation rights of the Association under this
21 subsection have the same priority against the assets of the
22 insolvent organization as that possessed by the person entitled
23 to receive benefits under this Article.

24 (8) (a) The contractual obligations of the insolvent
25 organization for which the Association becomes or may become
26 liable are as great as but no greater than the contractual

1 obligations of the insolvent organization would have been in
2 the absence of an insolvency unless such obligations are
3 reduced as permitted by subsection (3), but the aggregate
4 liability of the Association shall not exceed \$300,000 with
5 respect to any one natural person.

6 (b) Furthermore, the Association shall not be required to
7 pay, and shall have no liability to, any provider of health
8 care services to an enrollee:

9 (i) if such provider, or his or its affiliates or
10 members of his immediate family, at any time within the one
11 year prior to the date of the issuance of the first order,
12 by a court of competent jurisdiction, of conservation,
13 rehabilitation or liquidation pertaining to the health
14 maintenance organization:

15 (A) was a securityholder of such organization (but
16 excluding any securityholder holding an equity
17 interest of 5% or less);

18 (B) exercised control over the organization by
19 means such as serving as an officer or director,
20 through a management agreement or as a principal member
21 of a not-for-profit organization;

22 (C) had a representative serving by virtue or his
23 or her official position as a representative of such
24 provider on the board of any entity which exercised
25 control over the organization;

26 (D) received provider payments made by such

1 organization pursuant to a contract which was not a
2 product of arms-length bargaining; or

3 (E) received distributions other than for
4 physician services from a not-for-profit organization
5 on account of such provider's status as a member of
6 such organization.

7 For purposes of this subparagraph (i), the terms
8 "affiliate," "person," "control" and "securityholder"
9 shall have the meanings ascribed to such terms in Section
10 131.1 of the Illinois Insurance Code; or

11 (ii) if and to the extent such a provider has agreed by
12 contract not to seek payment from the enrollee for services
13 provided to such enrollee or if, and to the extent, as a
14 matter of law such provider may not seek payment from the
15 enrollee for services provided to such enrollee.

16 (c) In no event shall the Association be required to pay
17 any provider participating in the insolvent organization any
18 amount for in-plan services rendered by such provider prior to
19 the insolvency of the organization in excess of (1) the amount
20 provided by a capitation contract between a physician provider
21 and the insolvent organization for such services; or (2) the
22 amounts provided by contract between a hospital provider and
23 the Department of Healthcare and Family Services (formerly
24 Department of Public Aid) for similar services to recipients of
25 public aid; or (3) in the event neither (1) nor (2) above is
26 applicable, then the amounts paid under the Medicare area

1 prevailing rate for the area where the services were provided,
2 or if no such rate exists with respect to such services, then
3 80% of the usual and customary rates established by the Health
4 Insurance Association of America. The payments required to be
5 made by the Association under this Section shall constitute
6 full and complete payment for such provider services to the
7 enrollee.

8 (d) The Association shall not be required to pay more than
9 an aggregate of \$300,000 for any organization which is declared
10 to be insolvent prior to July 1, 1987, and such funds shall be
11 distributed first to enrollees who are not public aid
12 recipients pursuant to a plan recommended by the Association
13 and approved by the Director and the court having jurisdiction
14 over the liquidation.

15 (9) The Association may:

16 (a) Enter into such contracts as are necessary or
17 proper to carry out the provisions and purposes of this
18 Article.

19 (b) Sue or be sued, including taking any legal actions
20 necessary or proper for recovery of any unpaid assessments
21 under Section 6-9. The Association shall not be liable for
22 punitive or exemplary damages.

23 (c) Borrow money to effect the purposes of this
24 Article. Any notes or other evidence of indebtedness of the
25 Association not in default are legal investments for
26 domestic organizations and may be carried as admitted

1 assets.

2 (d) Employ or retain such persons as are necessary to
3 handle the financial transactions of the Association, and
4 to perform such other functions as become necessary or
5 proper under this Article.

6 (e) Negotiate and contract with any liquidator,
7 rehabilitator, conservator, or ancillary receiver to carry
8 out the powers and duties of the Association.

9 (f) Take such legal action as may be necessary to avoid
10 payment of improper claims.

11 (g) Exercise, for the purposes of this Article and to
12 the extent approved by the Director, the powers of a
13 domestic organization, but in no case may the Association
14 issue evidence of coverage other than that issued to
15 perform the contractual obligations of the impaired or
16 insolvent organization.

17 (h) Exercise all the rights of the Director under
18 Section 193(4) of the Illinois Insurance Code with respect
19 to covered health care plan certificates after the
20 association becomes obligated by statute.

21 (10) The obligations of the Association under this Article
22 shall not relieve any reinsurer, insurer or other person of its
23 obligations to the insolvent organization (or its conservator,
24 rehabilitator, liquidator or similar official) or its
25 enrollees, including without limitation any reinsurer, insurer
26 or other person liable to the insolvent insurer (or its

1 conservator, rehabilitator, liquidator or similar official) or
2 its enrollees under any contract of reinsurance, any contract
3 providing stop loss coverage or similar coverage or any health
4 care contract. With respect to covered health care plan
5 certificates for which the Association becomes obligated after
6 an entry of an order of liquidation or rehabilitation, the
7 Association may elect to succeed to the rights of the insolvent
8 organization arising after the date of the order of liquidation
9 or rehabilitation under any contract of reinsurance, any
10 contract providing stop loss coverage or similar coverages or
11 any health care service contract to which the insolvent
12 organization was a party, on the terms set forth under such
13 contract, to the extent that such contract provides coverage
14 for health care services provided after the date of the order
15 of liquidation or rehabilitation. As a condition to making this
16 election, the Association must pay premiums for coverage
17 relating to periods after the date of the order of liquidation
18 or rehabilitation.

19 (11) The Association shall be entitled to collect premiums
20 due under or with respect to covered health care certificates
21 for a period from the date on which the domestic, foreign, or
22 alien organization became an insolvent organization until the
23 Association no longer has obligations under subsection (2) of
24 this Section with respect to such certificates. The
25 Association's obligations under subsection (2) of this Section
26 with respect to any covered health care plan certificates shall

1 terminate in the event that all such premiums due under or with
2 respect to such covered health care plan certificates are not
3 paid to the Association (i) within 30 days of the Association's
4 demand therefor, or (ii) in the event that such certificates
5 provide for a longer grace period for payment of premiums after
6 notice of non-payment or demand therefor, within the lesser of
7 (A) the period provided for in such certificates or (B) 60
8 days.

9 (Source: P.A. 90-655, eff. 7-30-98; revised 12-15-05.)

10 Section 675. The Voluntary Health Services Plans Act is
11 amended by changing Sections 2, 10, 15a, and 25 as follows:

12 (215 ILCS 165/2) (from Ch. 32, par. 596)

13 Sec. 2. For the purposes of this Act, the following terms
14 have the respective meanings set forth in this section, unless
15 different meanings are plainly indicated by the context:

16 (a) "Health Services Plan Corporation" means a corporation
17 organized under the terms of this Act for the purpose of
18 establishing and operating a voluntary health services plan and
19 providing other medically related services.

20 (b) "Voluntary health services plan" means either a plan or
21 system under which medical, hospital, nursing and relating
22 health services may be rendered to a subscriber or beneficiary
23 at the expense of a health services plan corporation, or any
24 contractual arrangement to provide, either directly or through

1 arrangements with others, dental care services to subscribers
2 and beneficiaries.

3 (c) "Subscriber" means a natural person to whom a
4 subscription certificate has been issued by a health services
5 plan corporation. Persons eligible under Section 5-2 of the
6 Illinois Public Aid Code may be subscribers if a written
7 agreement exists, as specified in Section 25 of this Act,
8 between the Health Services Plan Corporation and the Department
9 of Healthcare and Family Services ~~Public Aid~~. A subscription
10 certificate may be issued to such persons at no cost.

11 (d) "Beneficiary" means a person designated in a
12 subscription certificate as one entitled to receive health
13 services.

14 (e) "Health services" means those services ordinarily
15 rendered by physicians licensed in Illinois to practice
16 medicine in all of its branches, by podiatrists licensed in
17 Illinois to practice podiatric medicine, by dentists and dental
18 surgeons licensed to practice in Illinois, by nurses registered
19 in Illinois, by dental hygienists licensed to practice in
20 Illinois, and by assistants and technicians acting under
21 professional supervision; it likewise means hospital services
22 as usually and customarily rendered in Illinois, and the
23 compounding and dispensing of drugs and medicines by
24 pharmacists and assistant pharmacists registered in Illinois.

25 (f) "Subscription certificate" means a certificate issued
26 to a subscriber by a health services plan corporation, setting

1 forth the terms and conditions upon which health services shall
2 be rendered to a subscriber or a beneficiary.

3 (g) "Physician rendering service for a plan" means a
4 physician licensed in Illinois to practice medicine in all of
5 its branches who has undertaken or agreed, upon terms and
6 conditions acceptable both to himself and to the health
7 services plan corporation involved, to furnish medical service
8 to the plan's subscribers and beneficiaries.

9 (h) "Dentist or dental surgeon rendering service for a
10 plan" means a dentist or dental surgeon licensed in Illinois to
11 practice dentistry or dental surgery who has undertaken or
12 agreed, upon terms and conditions acceptable both to himself
13 and to the health services plan corporation involved, to
14 furnish dental or dental surgical services to the plan's
15 subscribers and beneficiaries.

16 (i) "Director" means the Director of Insurance of the State
17 of Illinois.

18 (j) "Person" means any of the following: a natural person,
19 corporation, partnership or unincorporated association.

20 (k) "Podiatrist or podiatric surgeon rendering service for
21 a plan" means any podiatrist or podiatric surgeon licensed in
22 Illinois to practice podiatry, who has undertaken or agreed,
23 upon terms and conditions acceptable both to himself and to the
24 health services plan corporation involved, to furnish
25 podiatric or podiatric surgical services to the plan's
26 subscribers and beneficiaries.

1 (Source: P.A. 83-254; revised 12-15-05.)

2 (215 ILCS 165/10) (from Ch. 32, par. 604)

3 Sec. 10. Application of Insurance Code provisions. Health
4 services plan corporations and all persons interested therein
5 or dealing therewith shall be subject to the provisions of
6 Articles IIA and XII 1/2 and Sections 3.1, 133, 140, 143, 143c,
7 149, 155.37, 354, 355.2, 356r, 356t, 356u, 356v, 356w, 356x,
8 356y, 356z.1, 356z.2, 356z.4, 356z.5, 356z.6, 364.01, 367.2,
9 368a, 401, 401.1, 402, 403, 403A, 408, 408.2, and 412, and
10 paragraphs (7) and (15) of Section 367 of the Illinois
11 Insurance Code.

12 (Source: P.A. 92-130, eff. 7-20-01; 92-440, eff. 8-17-01;
13 92-651, eff. 7-11-02; 92-764, eff. 1-1-03; 93-102, eff. 1-1-04;
14 93-529, eff. 8-14-03; 93-853, eff. 1-1-05; 93-1000, eff.
15 1-1-05; revised 10-14-04.)

16 (215 ILCS 165/15a) (from Ch. 32, par. 609a)

17 Sec. 15a. Dependent Coverage Termination.

18 (a) The attainment of a limiting age under a voluntary
19 health services plan which provides that coverage of a
20 dependent of a subscriber terminates upon attainment of the
21 limiting age for dependent persons specified in the
22 subscription certificate does not operate to terminate the
23 coverage of a person who, because of a handicapped condition
24 that occurred before attainment of the limiting age, is

1 incapable of self-sustaining employment and is dependent on his
2 or her parents or other care providers for lifetime care and
3 supervision.

4 (b) For purposes of subsection (a), "dependent on other
5 care providers" is defined as requiring a Community Integrated
6 Living Arrangement, group home, supervised apartment, or other
7 residential services licensed or certified by the Department of
8 Human Services (as successor to the Department of Mental Health
9 and Developmental Disabilities), the Department of Public
10 Health, or the Department of Healthcare and Family Services
11 (formerly Department of Public Aid).

12 (c) The corporation may require, at reasonable intervals
13 from the date of the first claim filed on behalf of the
14 disabled and dependent person or from the date the corporation
15 receives notice of a covered person's disability and
16 dependency, proof of the person's disability and dependency.

17 (d) This amendatory Act of 1969 is applicable to
18 subscription certificates issued or renewed after October 27,
19 1969.

20 (Source: P.A. 88-309; 89-507, eff. 7-1-97; revised 12-15-05.)

21 (215 ILCS 165/25) (from Ch. 32, par. 619)

22 Sec. 25. A health services plan corporation may receive and
23 accept from governmental or private agencies or from other
24 persons as defined in this Act, payments covering all or part
25 of the cost of subscriptions to provide health services for

1 needy and other individuals. However, all contracts for health
2 services concerning persons other than recipients of public aid
3 shall be between the corporation and the person to receive such
4 services. No payments shall be made by the Department of
5 Healthcare and Family Services ~~Public Aid~~ to any Health
6 Services Plan Corporation except where the payment is made for
7 a covered service included in the Medical Assistance Program at
8 the rate established by the Department of Healthcare and Family
9 Services ~~Public Aid~~, and where the service was rendered to a
10 public aid recipient, and where there was in full force and
11 effect, at the time the service was rendered, a written
12 agreement governing such provision of services between such
13 Health Services Plan Corporation and the Department.

14 (Source: P.A. 81-1203; revised 12-15-05.)

15 Section 680. The Public Utilities Act is amended by
16 changing Sections 5-109, 8-206, 13-301.1, and 16-111 as
17 follows:

18 (220 ILCS 5/5-109) (from Ch. 111 2/3, par. 5-109)

19 Sec. 5-109. Reports; false reports; penalty. Each public
20 utility in the State, other than a commercial mobile radio
21 service provider, shall each year furnish to the Commission, in
22 such form as the Commission shall require, annual reports as to
23 all the items mentioned in the preceding Sections of this
24 Article, and in addition such other items, whether of a nature

1 similar to those therein enumerated or otherwise, as the
2 Commission may prescribe. Such annual reports shall contain all
3 the required information for the period of 12 months ending on
4 June 30 in each year, or ending on December 31 in each year, as
5 the Commission may by order prescribe for each class of public
6 utilities, except commercial mobile radio service providers,
7 and shall be filed with the Commission at its office in
8 Springfield within 3 months after the close of the year for
9 which the report is made. The Commission shall have authority
10 to require any public utility to file monthly reports of
11 earnings and expenses of such utility, and to file other
12 periodical or special, or both periodical and special reports
13 concerning any matter about which the Commission is authorized
14 by law to keep itself informed. All reports shall be under
15 oath.

16 When any report is erroneous or defective or appears to the
17 Commission to be erroneous or defective, the Commission may
18 notify the public utility to amend such report within 30 days,
19 and before or after the termination of such period the
20 Commission may examine the officers, agents, or employees, and
21 books, records, accounts, vouchers, plant, equipment and
22 property of such public utility, and correct such items in the
23 report as upon such examination the Commission may find
24 defective or erroneous.

25 All reports made to the Commission by any public utility
26 and the contents thereof shall be open to public inspection,

1 unless otherwise ordered by the Commission. Such reports shall
2 be preserved in the office of the Commission.

3 Any public utility which fails to make and file any report
4 called for by the Commission within the time specified; or to
5 make specific answer to any question propounded by the
6 Commission within 30 days from the time it is lawfully required
7 to do so, or within such further time, not to exceed 90 days,
8 as may in its discretion be allowed by the Commission, shall
9 forfeit up to \$100 for each and every day it may so be in
10 default if the utility collects less than \$100,000 annually in
11 gross revenue; and if the utility collects \$100,000 or more
12 annually in gross revenue, it shall forfeit \$1,000 per day for
13 each and every day it is in default.

14 Any person who willfully makes any false return or report
15 to the Commission or to any member, officer, or employee
16 thereof, any person who willfully, in a return or report,
17 withholds or fails to provide material information to which the
18 Commission is entitled under this Act and which information is
19 either required to be filed by statute, rule, regulation,
20 order, or decision of the Commission or has been requested by
21 the Commission, and any person who willfully aids or abets such
22 person shall be guilty of a Class A misdemeanor.

23 (Source: P.A. 93-132, eff. 7-10-03; 93-457, eff. 8-8-03;
24 revised 9-12-03.)

25 (220 ILCS 5/8-206) (from Ch. 111 2/3, par. 8-206)

1 Sec. 8-206. Winter termination for nonpayment.

2 (a) Notwithstanding any other provision of this Act, no
3 electric or gas public utility shall disconnect service to any
4 residential customer or mastermeters apartment building for
5 nonpayment of a bill or deposit where gas or electricity is
6 used as the primary source of space heating or is used to
7 control or operate the primary source of space heating
8 equipment at the premises during the period of time from
9 December 1 through and including March 31 of the immediately
10 succeeding calendar year, unless:

11 (1) The utility (i) has offered the customer a deferred
12 payment arrangement allowing for payment of past due amounts
13 over a period of not less than 4 months not to extend beyond
14 the following November and the option to enter into a levelized
15 payment plan for the payment of future bills. The maximum down
16 payment requirements shall not exceed 10% of the amount past
17 due and owing at the time of entering into the agreement; and
18 (ii) has provided the customer with the names, addresses and
19 telephone numbers of governmental and private agencies which
20 may provide assistance to customers of public utilities in
21 paying their utility bills; the utility shall obtain the
22 approval of an agency before placing the name of that agency on
23 any list which will be used to provide such information to
24 customers;

25 (2) The customer has refused or failed to enter into a
26 deferred payment arrangement as described in paragraph (1) of

1 this subsection (a); and

2 (3) All notice requirements as provided by law and rules or
3 regulations of the Commission have been met.

4 (b) Prior to termination of service for any residential
5 customer or mastermetered apartment building during the period
6 from December 1 through and including March 31 of the
7 immediately succeeding calendar year, all electric and gas
8 public utilities shall, in addition to all other notices:

9 (1) Notify the customer or an adult residing at the
10 customer's premises by telephone, a personal visit to the
11 customer's premises or by first class mail, informing the
12 customer that:

13 (i) the customer's account is in arrears and the customer's
14 service is subject to termination for nonpayment of a bill;

15 (ii) the customer can avoid disconnection of service by
16 entering into a deferred payment agreement to pay past due
17 amounts over a period not to extend beyond the following
18 November and the customer has the option to enter into a
19 levelized payment plan for the payment of future bills;

20 (iii) the customer may apply for any available assistance
21 to aid in the payment of utility bills from any governmental or
22 private agencies from the list of such agencies provided to the
23 customer by the utility.

24 Provided, however, that a public utility shall be required
25 to make only one such contact with the customer during any such
26 period from December 1 through and including March 31 of the

1 immediately succeeding calendar year.

2 (2) Each public utility shall maintain records which shall
3 include, but not necessarily be limited to, the manner by which
4 the customer was notified and the time, date and manner by
5 which any prior but unsuccessful attempts to contact were made.
6 These records shall also describe the terms of the deferred
7 payment arrangements offered to the customer and those entered
8 into by the utility and customers. These records shall indicate
9 the total amount past due, the down payment, the amount
10 remaining to be paid and the number of months allowed to pay
11 the outstanding balance. No public utility shall be required to
12 retain records pertaining to unsuccessful attempts to contact
13 or deferred payment arrangements rejected by the customer after
14 such customer has entered into a deferred payment arrangement
15 with such utility.

16 (c) No public utility shall disconnect service for
17 nonpayment of a bill until the lapse of 6 business days after
18 making the notification required by paragraph (1) of subsection
19 (b) so as to allow the customer an opportunity to:

20 (1) Enter into a deferred payment arrangement and the
21 option to enter into a levelized payment plan for the payment
22 of future bills.

23 (2) Contact a governmental or private agency that may
24 provide assistance to customers for the payment of public
25 utility bills.

26 (d) Any residential customer who enters into a deferred

1 payment arrangement pursuant to this Act, and subsequently
2 during that period of time set forth in subsection (a) becomes
3 subject to termination, shall be given notice as required by
4 law and any rule or regulation of the Commission prior to
5 termination of service.

6 (e) During that time period set forth in subsection (a), a
7 utility shall not require a down payment for a deposit from a
8 residential customer in excess of 20% of the total deposit
9 requested. An additional 4 months shall be allowed to pay the
10 remainder of the deposit. This provision shall not apply to
11 mastermeters apartment buildings or other nonresidential
12 customers.

13 (f) During that period of time set forth in subsection (a),
14 no utility may refuse to offer a deferred payment agreement to
15 a residential customer who has defaulted on such an agreement
16 within the past 12 months. However, no utility shall be
17 required to enter into more than one deferred payment
18 arrangement under this Section with any residential customer or
19 mastermeters apartment building during the period from
20 December 1 through and including March 31 of the immediately
21 succeeding calendar year.

22 (g) In order to enable customers to take advantage of
23 energy assistance programs, customers who can demonstrate that
24 their applications for a local, state or federal energy
25 assistance program have been approved may request that the
26 amount they will be entitled to receive as a regular energy

1 assistance payment be deducted and set aside from the amount
2 past due on which they make deferred payment arrangements.
3 Payment on the set-aside amount shall be credited when the
4 energy assistance voucher or check is received, according to
5 the utility's common business practice.

6 (h) In no event shall any utility send a final notice to
7 any customer who has entered into a current deferred payment
8 agreement and has not defaulted on that deferred payment
9 agreement, unless the final notice pertains to a deposit
10 request.

11 (i) Each utility shall include with each disconnection
12 notice sent during the period for December 1 through and
13 including March 31 of the immediately succeeding calendar year
14 to a residential customer an insert explaining the above
15 provisions and providing a telephone number of the utility
16 company which the consumer may call to receive further
17 information.

18 (j) Each utility shall file with the Commission prior to
19 December 1 of each year a plan detailing the implementation of
20 this Section. This plan shall contain, but not be limited to:

21 (1) a description of the methods to be used to notify
22 residential customers as required in this Section, including
23 the forms of written and oral notices which shall be required
24 to include all the information contained in subsection (b) of
25 this Section.

26 (2) a listing of the names, addresses and telephone numbers

1 of governmental and private agencies which may provide
2 assistance to residential customers in paying their utility
3 bills;

4 (3) the program of employee education and information which
5 shall be used by the company in the implementation of this
6 Section.

7 (4) a description of methods to be utilized to inform
8 residential customers of those governmental and private
9 agencies and current and planned methods of cooperation with
10 those agencies to identify the customers who qualify for
11 assistance in paying their utility bills.

12 A utility which has a plan on file with the Commission need
13 not resubmit a new plan each year. However, any alteration of
14 the plan on file must be submitted and approved prior to
15 December 1 of any year.

16 All plans are subject to review and approval by the
17 Commission. The Commission may direct a utility to alter its
18 plan to comply with the requirements of this Section.

19 (k) Notwithstanding any other provision of this Act, no
20 electric or gas public utility shall disconnect service to any
21 residential customer who is a participant under Section 6 of
22 the Energy Assistance Act ~~of 1989~~ for nonpayment of a bill or
23 deposit where gas or electricity is used as the primary source
24 of space heating or is used to control or operate the primary
25 source of space heating equipment at the premises during the
26 period of time from December 1 through and including March 31

1 of the immediately succeeding calendar year.

2 (Source: P.A. 93-289, eff. 7-22-03; revised 9-20-06.)

3 (220 ILCS 5/13-301.1) (from Ch. 111 2/3, par. 13-301.1)

4 (Section scheduled to be repealed on July 1, 2007)

5 Sec. 13-301.1. Universal Telephone Service Assistance
6 Program.

7 (a) The Commission shall by rule or regulation establish a
8 Universal Telephone Service Assistance Program for low income
9 residential customers. The program shall provide for a
10 reduction of access line charges, a reduction of connection
11 charges, or any other alternative to increase accessibility to
12 telephone service that the Commission deems advisable subject
13 to the availability of funds for the program as provided in
14 subsection (d). The Commission shall establish eligibility
15 requirements for benefits under the program.

16 (b) The Commission shall adopt rules providing for enhanced
17 enrollment for eligible consumers to receive lifeline service.
18 Enhanced enrollment may include, but is not limited to, joint
19 marketing, joint application, or joint processing with the
20 Low-Income Home Energy Assistance Program, the Medicaid
21 Program, and the Food Stamp Program. The Department of Human
22 Services, the Department of Healthcare and Family Services
23 ~~Public Aid~~, and the Department of Commerce and Economic
24 Opportunity, upon request of the Commission, shall assist in
25 the adoption and implementation of those rules. The Commission

1 and the Department of Human Services, the Department of
2 Healthcare and Family Services ~~Public Aid~~, and the Department
3 of Commerce and Economic Opportunity may enter into memoranda
4 of understanding establishing the respective duties of the
5 Commission and the Departments in relation to enhanced
6 enrollment.

7 (c) In this Section, "lifeline service" means a retail
8 local service offering described by 47 C.F.R. Section
9 54.401(a), as amended.

10 (d) The Commission shall require by rule or regulation that
11 each telecommunications carrier providing local exchange
12 telecommunications services notify its customers that if the
13 customer wishes to participate in the funding of the Universal
14 Telephone Service Assistance Program he may do so by electing
15 to contribute, on a monthly basis, a fixed amount that will be
16 included in the customer's monthly bill. The customer may cease
17 contributing at any time upon providing notice to the
18 telecommunications carrier providing local exchange
19 telecommunications services. The notice shall state that any
20 contribution made will not reduce the customer's bill for
21 telecommunications services. Failure to remit the amount of
22 increased payment will reduce the contribution accordingly.
23 The Commission shall specify the monthly fixed amount or
24 amounts that customers wishing to contribute to the funding of
25 the Universal Telephone Service Assistance Program may choose
26 from in making their contributions. Every telecommunications

1 carrier providing local exchange telecommunications services
2 shall remit the amounts contributed in accordance with the
3 terms of the Universal Telephone Service Assistance Program.

4 (Source: P.A. 94-793, eff. 5-19-06; revised 8-24-06.)

5 (220 ILCS 5/16-111)

6 Sec. 16-111. Rates and restructuring transactions during
7 mandatory transition period.

8 (a) During the mandatory transition period,
9 notwithstanding any provision of Article IX of this Act, and
10 except as provided in subsections (b), (d), (e), and (f) of
11 this Section, the Commission shall not (i) initiate, authorize
12 or order any change by way of increase (other than in
13 connection with a request for rate increase which was filed
14 after September 1, 1997 but prior to October 15, 1997, by an
15 electric utility serving less than 12,500 customers in this
16 State), (ii) initiate or, unless requested by the electric
17 utility, authorize or order any change by way of decrease,
18 restructuring or unbundling (except as provided in Section
19 16-109A), in the rates of any electric utility that were in
20 effect on October 1, 1996, or (iii) in any order approving any
21 application for a merger pursuant to Section 7-204 that was
22 pending as of May 16, 1997, impose any condition requiring any
23 filing for an increase, decrease, or change in, or other review
24 of, an electric utility's rates or enforce any such condition
25 of any such order; provided, however, that this subsection

1 shall not prohibit the Commission from:

2 (1) approving the application of an electric utility to
3 implement an alternative to rate of return regulation or a
4 regulatory mechanism that rewards or penalizes the
5 electric utility through adjustment of rates based on
6 utility performance, pursuant to Section 9-244;

7 (2) authorizing an electric utility to eliminate its
8 fuel adjustment clause and adjust its base rate tariffs in
9 accordance with subsection (b), (d), or (f) of Section
10 9-220 of this Act, to fix its fuel adjustment factor in
11 accordance with subsection (c) of Section 9-220 of this
12 Act, or to eliminate its fuel adjustment clause in
13 accordance with subsection (e) of Section 9-220 of this
14 Act;

15 (3) ordering into effect tariffs for delivery services
16 and transition charges in accordance with Sections 16-104
17 and 16-108, for real-time pricing in accordance with
18 Section 16-107, or the options required by Section 16-110
19 and subsection (n) of 16-112, allowing a billing experiment
20 in accordance with Section 16-106, or modifying delivery
21 services tariffs in accordance with Section 16-109; or

22 (4) ordering or allowing into effect any tariff to
23 recover charges pursuant to Sections 9-201.5, 9-220.1,
24 9-221, 9-222 (except as provided in Section 9-222.1),
25 16-108, and 16-114 of this Act, Section 5-5 of the
26 Electricity Infrastructure Maintenance Fee Law, Section

1 6-5 of the Renewable Energy, Energy Efficiency, and Coal
2 Resources Development Law of 1997, and Section 13 of the
3 Energy Assistance Act.

4 After December 31, 2004, the provisions of this subsection
5 (a) shall not apply to an electric utility whose average
6 residential retail rate was less than or equal to 90% of the
7 average residential retail rate for the "Midwest Utilities", as
8 that term is defined in subsection (b) of this Section, based
9 on data reported on Form 1 to the Federal Energy Regulatory
10 Commission for calendar year 1995, and which served between
11 150,000 and 250,000 retail customers in this State on January
12 1, 1995 unless the electric utility or its holding company has
13 been acquired by or merged with an affiliate of another
14 electric utility subsequent to January 1, 2002. This exemption
15 shall be limited to this subsection (a) and shall not extend to
16 any other provisions of this Act.

17 (b) Notwithstanding the provisions of subsection (a), each
18 Illinois electric utility serving more than 12,500 customers in
19 Illinois shall file tariffs (i) reducing, effective August 1,
20 1998, each component of its base rates to residential retail
21 customers by 15% from the base rates in effect immediately
22 prior to January 1, 1998 and (ii) if the public utility
23 provides electric service to (A) more than 500,000 customers
24 but less than 1,000,000 customers in this State on January 1,
25 1999, reducing, effective May 1, 2002, each component of its
26 base rates to residential retail customers by an additional 5%

1 from the base rates in effect immediately prior to January 1,
2 1998, or (B) at least 1,000,000 customers in this State on
3 January 1, 1999, reducing, effective October 1, 2001, each
4 component of its base rates to residential retail customers by
5 an additional 5% from the base rates in effect immediately
6 prior to January 1, 1998. Provided, however, that (A) if an
7 electric utility's average residential retail rate is less than
8 or equal to the average residential retail rate for a group of
9 Midwest Utilities (consisting of all investor-owned electric
10 utilities with annual system peaks in excess of 1000 megawatts
11 in the States of Illinois, Indiana, Iowa, Kentucky, Michigan,
12 Missouri, Ohio, and Wisconsin), based on data reported on Form
13 1 to the Federal Energy Regulatory Commission for calendar year
14 1995, then it shall only be required to file tariffs (i)
15 reducing, effective August 1, 1998, each component of its base
16 rates to residential retail customers by 5% from the base rates
17 in effect immediately prior to January 1, 1998, (ii) reducing,
18 effective October 1, 2000, each component of its base rates to
19 residential retail customers by the lesser of 5% of the base
20 rates in effect immediately prior to January 1, 1998 or the
21 percentage by which the electric utility's average residential
22 retail rate exceeds the average residential retail rate of the
23 Midwest Utilities, based on data reported on Form 1 to the
24 Federal Energy Regulatory Commission for calendar year 1999,
25 and (iii) reducing, effective October 1, 2002, each component
26 of its base rates to residential retail customers by an

1 additional amount equal to the lesser of 5% of the base rates
2 in effect immediately prior to January 1, 1998 or the
3 percentage by which the electric utility's average residential
4 retail rate exceeds the average residential retail rate of the
5 Midwest Utilities, based on data reported on Form 1 to the
6 Federal Energy Regulatory Commission for calendar year 2001;
7 and (B) if the average residential retail rate of an electric
8 utility serving between 150,000 and 250,000 retail customers in
9 this State on January 1, 1995 is less than or equal to 90% of
10 the average residential retail rate for the Midwest Utilities,
11 based on data reported on Form 1 to the Federal Energy
12 Regulatory Commission for calendar year 1995, then it shall
13 only be required to file tariffs (i) reducing, effective August
14 1, 1998, each component of its base rates to residential retail
15 customers by 2% from the base rates in effect immediately prior
16 to January 1, 1998; (ii) reducing, effective October 1, 2000,
17 each component of its base rates to residential retail
18 customers by 2% from the base rate in effect immediately prior
19 to January 1, 1998; and (iii) reducing, effective October 1,
20 2002, each component of its base rates to residential retail
21 customers by 1% from the base rates in effect immediately prior
22 to January 1, 1998. Provided, further, that any electric
23 utility for which a decrease in base rates has been or is
24 placed into effect between October 1, 1996 and the dates
25 specified in the preceding sentences of this subsection, other
26 than pursuant to the requirements of this subsection, shall be

1 entitled to reduce the amount of any reduction or reductions in
2 its base rates required by this subsection by the amount of
3 such other decrease. The tariffs required under this subsection
4 shall be filed 45 days in advance of the effective date.
5 Notwithstanding anything to the contrary in Section 9-220 of
6 this Act, no restatement of base rates in conjunction with the
7 elimination of a fuel adjustment clause under that Section
8 shall result in a lesser decrease in base rates than customers
9 would otherwise receive under this subsection had the electric
10 utility's fuel adjustment clause not been eliminated.

11 (c) Any utility reducing its base rates by 15% on August 1,
12 1998 pursuant to subsection (b) shall include the following
13 statement on its bills for residential customers from August 1
14 through December 31, 1998: "Effective August 1, 1998, your
15 rates have been reduced by 15% by the Electric Service Customer
16 Choice and Rate Relief Law of 1997 passed by the Illinois
17 General Assembly.". Any utility reducing its base rates by 5%
18 on August 1, 1998, pursuant to subsection (b) shall include the
19 following statement on its bills for residential customers from
20 August 1 through December 31, 1998: "Effective August 1, 1998,
21 your rates have been reduced by 5% by the Electric Service
22 Customer Choice and Rate Relief Law of 1997 passed by the
23 Illinois General Assembly.".

24 Any utility reducing its base rates by 2% on August 1, 1998
25 pursuant to subsection (b) shall include the following
26 statement on its bills for residential customers from August 1

1 through December 31, 1998: "Effective August 1, 1998, your
2 rates have been reduced by 2% by the Electric Service Customer
3 Choice and Rate Relief Law of 1997 passed by the Illinois
4 General Assembly."

5 (d) During the mandatory transition period, but not before
6 January 1, 2000, and notwithstanding the provisions of
7 subsection (a), an electric utility may request an increase in
8 its base rates if the electric utility demonstrates that the
9 2-year average of its earned rate of return on common equity,
10 calculated as its net income applicable to common stock divided
11 by the average of its beginning and ending balances of common
12 equity using data reported in the electric utility's Form 1
13 report to the Federal Energy Regulatory Commission but adjusted
14 to remove the effects of accelerated depreciation or
15 amortization or other transition or mitigation measures
16 implemented by the electric utility pursuant to subsection (g)
17 of this Section and the effect of any refund paid pursuant to
18 subsection (e) of this Section, is below the 2-year average for
19 the same 2 years of the monthly average yields of 30-year U.S.
20 Treasury bonds published by the Board of Governors of the
21 Federal Reserve System in its weekly H.15 Statistical Release
22 or successor publication. The Commission shall review the
23 electric utility's request, and may review the justness and
24 reasonableness of all rates for tariffed services, in
25 accordance with the provisions of Article IX of this Act,
26 provided that the Commission shall consider any special or

1 negotiated adjustments to the revenue requirement agreed to
2 between the electric utility and the other parties to the
3 proceeding. In setting rates under this Section, the Commission
4 shall exclude the costs and revenues that are associated with
5 competitive services and any billing or pricing experiments
6 conducted under Section 16-106.

7 (e) For the purposes of this subsection (e) all
8 calculations and comparisons shall be performed for the
9 Illinois operations of multijurisdictional utilities. During
10 the mandatory transition period, notwithstanding the
11 provisions of subsection (a), if the 2-year average of an
12 electric utility's earned rate of return on common equity,
13 calculated as its net income applicable to common stock divided
14 by the average of its beginning and ending balances of common
15 equity using data reported in the electric utility's Form 1
16 report to the Federal Energy Regulatory Commission but adjusted
17 to remove the effect of any refund paid under this subsection
18 (e), and further adjusted to include the annual amortization of
19 any difference between the consideration received by an
20 affiliated interest of the electric utility in the sale of an
21 asset which had been sold or transferred by the electric
22 utility to the affiliated interest subsequent to the effective
23 date of this amendatory Act of 1997 and the consideration for
24 which such asset had been sold or transferred to the affiliated
25 interest, with such difference to be amortized ratably from the
26 date of the sale by the affiliated interest to December 31,

1 2006, exceeds the 2-year average of the Index for the same 2
2 years by 1.5 or more percentage points, the electric utility
3 shall make refunds to customers beginning the first billing day
4 of April in the following year in the manner described in
5 paragraph (3) of this subsection. For purposes of this
6 subsection (e), the "Index" shall be the sum of (A) the average
7 for the 12 months ended September 30 of the monthly average
8 yields of 30-year U.S. Treasury bonds published by the Board of
9 Governors of the Federal Reserve System in its weekly H.15
10 Statistical Release or successor publication for each year 1998
11 through 2006, and (B) (i) 4.00 percentage points for each of
12 the 12-month periods ending September 30, 1998 through
13 September 30, 1999 or 8.00 percentage points if the electric
14 utility's average residential retail rate is less than or equal
15 to 90% of the average residential retail rate for the "Midwest
16 Utilities", as that term is defined in subsection (b) of this
17 Section, based on data reported on Form 1 to the Federal Energy
18 Regulatory Commission for calendar year 1995, and the electric
19 utility served between 150,000 and 250,000 retail customers on
20 January 1, 1995, (ii) 7.00 percentage points for each of the
21 12-month periods ending September 30, 2000 through September
22 30, 2006 if the electric utility was providing service to at
23 least 1,000,000 customers in this State on January 1, 1999, or
24 9.00 percentage points if the electric utility's average
25 residential retail rate is less than or equal to 90% of the
26 average residential retail rate for the "Midwest Utilities", as

1 that term is defined in subsection (b) of this Section, based
2 on data reported on Form 1 to the Federal Energy Regulatory
3 Commission for calendar year 1995 and the electric utility
4 served between 150,000 and 250,000 retail customers in this
5 State on January 1, 1995, (iii) 11.00 percentage points for
6 each of the 12-month periods ending September 30, 2000 through
7 September 30, 2006, but only if the electric utility's average
8 residential retail rate is less than or equal to 90% of the
9 average residential retail rate for the "Midwest Utilities", as
10 that term is defined in subsection (b) of this Section, based
11 on data reported on Form 1 to the Federal Energy Regulatory
12 Commission for calendar year 1995, the electric utility served
13 between 150,000 and 250,000 retail customers in this State on
14 January 1, 1995, and the electric utility offers delivery
15 services on or before June 1, 2000 to retail customers whose
16 annual electric energy use comprises 33% of the kilowatt hour
17 sales to that group of retail customers that are classified
18 under Division D, Groups 20 through 39 of the Standard
19 Industrial Classifications set forth in the Standard
20 Industrial Classification Manual published by the United
21 States Office of Management and Budget, excluding the kilowatt
22 hour sales to those customers that are eligible for delivery
23 services pursuant to Section 16-104(a)(1)(i), and offers
24 delivery services to its remaining retail customers classified
25 under Division D, Groups 20 through 39 on or before October 1,
26 2000, and, provided further, that the electric utility commits

1 not to petition pursuant to Section 16-108(f) for entry of an
2 order by the Commission authorizing the electric utility to
3 implement transition charges for an additional period after
4 December 31, 2006, or (iv) 5.00 percentage points for each of
5 the 12-month periods ending September 30, 2000 through
6 September 30, 2006 for all other electric utilities or 7.00
7 percentage points for such utilities for each of the 12-month
8 periods ending September 30, 2000 through September 30, 2006
9 for any such utility that commits not to petition pursuant to
10 Section 16-108(f) for entry of an order by the Commission
11 authorizing the electric utility to implement transition
12 charges for an additional period after December 31, 2006 or
13 11.00 percentage points for each of the 12-month periods ending
14 September 30, 2005 and September 30, 2006 for each electric
15 utility providing service to fewer than 6,500, or between
16 75,000 and 150,000, electric retail customers in this State on
17 January 1, 1995 if such utility commits not to petition
18 pursuant to Section 16-108(f) for entry of an order by the
19 Commission authorizing the electric utility to implement
20 transition charges for an additional period after December 31,
21 2006.

22 (1) For purposes of this subsection (e), "excess
23 earnings" means the difference between (A) the 2-year
24 average of the electric utility's earned rate of return on
25 common equity, less (B) the 2-year average of the sum of
26 (i) the Index applicable to each of the 2 years and (ii)

1 1.5 percentage points; provided, that "excess earnings"
2 shall never be less than zero.

3 (2) On or before March 31 of each year 2000 through
4 2007 each electric utility shall file a report with the
5 Commission showing its earned rate of return on common
6 equity, calculated in accordance with this subsection, for
7 the preceding calendar year and the average for the
8 preceding 2 calendar years.

9 (3) If an electric utility has excess earnings,
10 determined in accordance with paragraphs (1) and (2) of
11 this subsection, the refunds which the electric utility
12 shall pay to its customers beginning the first billing day
13 of April in the following year shall be calculated and
14 applied as follows:

15 (i) The electric utility's excess earnings shall
16 be multiplied by the average of the beginning and
17 ending balances of the electric utility's common
18 equity for the 2-year period in which excess earnings
19 occurred.

20 (ii) The result of the calculation in (i) shall be
21 multiplied by 0.50 and then divided by a number equal
22 to 1 minus the electric utility's composite federal and
23 State income tax rate.

24 (iii) The result of the calculation in (ii) shall
25 be divided by the sum of the electric utility's
26 projected total kilowatt-hour sales to retail

1 customers plus projected kilowatt-hours to be
2 delivered to delivery services customers over a one
3 year period beginning with the first billing date in
4 April in the succeeding year to determine a cents per
5 kilowatt-hour refund factor.

6 (iv) The cents per kilowatt-hour refund factor
7 calculated in (iii) shall be credited to the electric
8 utility's customers by applying the factor on the
9 customer's monthly bills to each kilowatt-hour sold or
10 delivered until the total amount calculated in (ii) has
11 been paid to customers.

12 (f) During the mandatory transition period, an electric
13 utility may file revised tariffs reducing the price of any
14 tariffed service offered by the electric utility for all
15 customers taking that tariffed service, which shall be
16 effective 7 days after filing.

17 (g) During the mandatory transition period, an electric
18 utility may, without obtaining any approval of the Commission
19 other than that provided for in this subsection and
20 notwithstanding any other provision of this Act or any rule or
21 regulation of the Commission that would require such approval:

22 (1) implement a reorganization, other than a merger of
23 2 or more public utilities as defined in Section 3-105 or
24 their holding companies;

25 (2) retire generating plants from service;

26 (3) sell, assign, lease or otherwise transfer assets to

1 an affiliated or unaffiliated entity and as part of such
2 transaction enter into service agreements, power purchase
3 agreements, or other agreements with the transferee;
4 provided, however, that the prices, terms and conditions of
5 any power purchase agreement must be approved or allowed
6 into effect by the Federal Energy Regulatory Commission; or

7 (4) use any accelerated cost recovery method including
8 accelerated depreciation, accelerated amortization or
9 other capital recovery methods, or record reductions to the
10 original cost of its assets.

11 In order to implement a reorganization, retire generating
12 plants from service, or sell, assign, lease or otherwise
13 transfer assets pursuant to this Section, the electric utility
14 shall comply with subsections (c) and (d) of Section 16-128, if
15 applicable, and subsection (k) of this Section, if applicable,
16 and provide the Commission with at least 30 days notice of the
17 proposed reorganization or transaction, which notice shall
18 include the following information:

19 (i) a complete statement of the entries that the
20 electric utility will make on its books and records of
21 account to implement the proposed reorganization or
22 transaction together with a certification from an
23 independent certified public accountant that such
24 entries are in accord with generally accepted
25 accounting principles and, if the Commission has
26 previously approved guidelines for cost allocations

1 between the utility and its affiliates, a
2 certification from the chief accounting officer of the
3 utility that such entries are in accord with those cost
4 allocation guidelines;

5 (ii) a description of how the electric utility will
6 use proceeds of any sale, assignment, lease or transfer
7 to retire debt or otherwise reduce or recover the costs
8 of services provided by such electric utility;

9 (iii) a list of all federal approvals or approvals
10 required from departments and agencies of this State,
11 other than the Commission, that the electric utility
12 has or will obtain before implementing the
13 reorganization or transaction;

14 (iv) an irrevocable commitment by the electric
15 utility that it will not, as a result of the
16 transaction, impose any stranded cost charges that it
17 might otherwise be allowed to charge retail customers
18 under federal law or increase the transition charges
19 that it is otherwise entitled to collect under this
20 Article XVI; and

21 (v) if the electric utility proposes to sell,
22 assign, lease or otherwise transfer a generating plant
23 that brings the amount of net dependable generating
24 capacity transferred pursuant to this subsection to an
25 amount equal to or greater than 15% of the electric
26 utility's net dependable capacity as of the effective

1 date of this amendatory Act of 1997, and enters into a
2 power purchase agreement with the entity to which such
3 generating plant is sold, assigned, leased, or
4 otherwise transferred, the electric utility also
5 agrees, if its fuel adjustment clause has not already
6 been eliminated, to eliminate its fuel adjustment
7 clause in accordance with subsection (b) of Section
8 9-220 for a period of time equal to the length of any
9 such power purchase agreement or successor agreement,
10 or until January 1, 2005, whichever is longer; if the
11 capacity of the generating plant so transferred and
12 related power purchase agreement does not result in the
13 elimination of the fuel adjustment clause under this
14 subsection, and the fuel adjustment clause has not
15 already been eliminated, the electric utility shall
16 agree that the costs associated with the transferred
17 plant that are included in the calculation of the rate
18 per kilowatt-hour to be applied pursuant to the
19 electric utility's fuel adjustment clause during such
20 period shall not exceed the per kilowatt-hour cost
21 associated with such generating plant included in the
22 electric utility's fuel adjustment clause during the
23 full calendar year preceding the transfer, with such
24 limit to be adjusted each year thereafter by the Gross
25 Domestic Product Implicit Price Deflator.

26 (vi) In addition, if the electric utility proposes

1 to sell, assign, or lease, (A) either (1) an amount of
2 generating plant that brings the amount of net
3 dependable generating capacity transferred pursuant to
4 this subsection to an amount equal to or greater than
5 15% of its net dependable capacity on the effective
6 date of this amendatory Act of 1997, or (2) one or more
7 generating plants with a total net dependable capacity
8 of 1100 megawatts, or (B) transmission and
9 distribution facilities that either (1) bring the
10 amount of transmission and distribution facilities
11 transferred pursuant to this subsection to an amount
12 equal to or greater than 15% of the electric utility's
13 total depreciated original cost investment in such
14 facilities, or (2) represent an investment of
15 \$25,000,000 in terms of total depreciated original
16 cost, the electric utility shall provide, in addition
17 to the information listed in subparagraphs (i) through
18 (v), the following information: (A) a description of
19 how the electric utility will meet its service
20 obligations under this Act in a safe and reliable
21 manner and (B) the electric utility's projected earned
22 rate of return on common equity, calculated in
23 accordance with subsection (d) of this Section, for
24 each year from the date of the notice through December
25 31, 2006 both with and without the proposed
26 transaction. If the Commission has not issued an order

1 initiating a hearing on the proposed transaction
2 within 30 days after the date the electric utility's
3 notice is filed, the transaction shall be deemed
4 approved. The Commission may, after notice and
5 hearing, prohibit the proposed transaction if it makes
6 either or both of the following findings: (1) that the
7 proposed transaction will render the electric utility
8 unable to provide its tariffed services in a safe and
9 reliable manner, or (2) that there is a strong
10 likelihood that consummation of the proposed
11 transaction will result in the electric utility being
12 entitled to request an increase in its base rates
13 during the mandatory transition period pursuant to
14 subsection (d) of this Section. Any hearing initiated
15 by the Commission into the proposed transaction shall
16 be completed, and the Commission's final order
17 approving or prohibiting the proposed transaction
18 shall be entered, within 90 days after the date the
19 electric utility's notice was filed. Provided,
20 however, that a sale, assignment, or lease of
21 transmission facilities to an independent system
22 operator that meets the requirements of Section 16-126
23 shall not be subject to Commission approval under this
24 Section.

25 In any proceeding conducted by the Commission
26 pursuant to this subparagraph (vi), intervention shall

1 be limited to parties with a direct interest in the
2 transaction which is the subject of the hearing and any
3 statutory consumer protection agency as defined in
4 subsection (d) of Section 9-102.1. Notwithstanding the
5 provisions of Section 10-113 of this Act, any
6 application seeking rehearing of an order issued under
7 this subparagraph (vi), whether filed by the electric
8 utility or by an intervening party, shall be filed
9 within 10 days after service of the order.

10 The Commission shall not in any subsequent proceeding or
11 otherwise, review such a reorganization or other transaction
12 authorized by this Section, but shall retain the authority to
13 allocate costs as stated in Section 16-111(i). An entity to
14 which an electric utility sells, assigns, leases or transfers
15 assets pursuant to this subsection (g) shall not, as a result
16 of the transactions specified in this subsection (g), be deemed
17 a public utility as defined in Section 3-105. Nothing in this
18 subsection (g) shall change any requirement under the
19 jurisdiction of the Illinois Department of Nuclear Safety
20 including, but not limited to, the payment of fees. Nothing in
21 this subsection (g) shall exempt a utility from obtaining a
22 certificate pursuant to Section 8-406 of this Act for the
23 construction of a new electric generating facility. Nothing in
24 this subsection (g) is intended to exempt the transactions
25 hereunder from the operation of the federal or State antitrust
26 laws. Nothing in this subsection (g) shall require an electric

1 utility to use the procedures specified in this subsection for
2 any of the transactions specified herein. Any other procedure
3 available under this Act may, at the electric utility's
4 election, be used for any such transaction.

5 (h) During the mandatory transition period, the Commission
6 shall not establish or use any rates of depreciation, which for
7 purposes of this subsection shall include amortization, for any
8 electric utility other than those established pursuant to
9 subsection (c) of Section 5-104 of this Act or utilized
10 pursuant to subsection (g) of this Section. Provided, however,
11 that in any proceeding to review an electric utility's rates
12 for tariffed services pursuant to Section 9-201, 9-202, 9-250
13 or 16-111(d) of this Act, the Commission may establish new
14 rates of depreciation for the electric utility in the same
15 manner provided in subsection (d) of Section 5-104 of this Act.
16 An electric utility implementing an accelerated cost recovery
17 method including accelerated depreciation, accelerated
18 amortization or other capital recovery methods, or recording
19 reductions to the original cost of its assets, pursuant to
20 subsection (g) of this Section, shall file a statement with the
21 Commission describing the accelerated cost recovery method to
22 be implemented or the reduction in the original cost of its
23 assets to be recorded. Upon the filing of such statement, the
24 accelerated cost recovery method or the reduction in the
25 original cost of assets shall be deemed to be approved by the
26 Commission as though an order had been entered by the

1 Commission.

2 (i) Subsequent to the mandatory transition period, the
3 Commission, in any proceeding to establish rates and charges
4 for tariffed services offered by an electric utility, shall
5 consider only (1) the then current or projected revenues,
6 costs, investments and cost of capital directly or indirectly
7 associated with the provision of such tariffed services; (2)
8 collection of transition charges in accordance with Sections
9 16-102 and 16-108 of this Act; (3) recovery of any employee
10 transition costs as described in Section 16-128 which the
11 electric utility is continuing to incur, including recovery of
12 any unamortized portion of such costs previously incurred or
13 committed, with such costs to be equitably allocated among
14 bundled services, delivery services, and contracts with
15 alternative retail electric suppliers; and (4) recovery of the
16 costs associated with the electric utility's compliance with
17 decommissioning funding requirements; and shall not consider
18 any other revenues, costs, investments or cost of capital of
19 either the electric utility or of any affiliate of the electric
20 utility that are not associated with the provision of tariffed
21 services. In setting rates for tariffed services, the
22 Commission shall equitably allocate joint and common costs and
23 investments between the electric utility's competitive and
24 tariffed services. In determining the justness and
25 reasonableness of the electric power and energy component of an
26 electric utility's rates for tariffed services subsequent to

1 the mandatory transition period and prior to the time that the
2 provision of such electric power and energy is declared
3 competitive, the Commission shall consider the extent to which
4 the electric utility's tariffed rates for such component for
5 each customer class exceed the market value determined pursuant
6 to Section 16-112, and, if the electric power and energy
7 component of such tariffed rate exceeds the market value by
8 more than 10% for any customer class, may establish such
9 electric power and energy component at a rate equal to the
10 market value plus 10%. In any such case, the Commission may
11 also elect to extend the provisions of Section 16-111(e) for
12 any period in which the electric utility is collecting
13 transition charges, using information applicable to such
14 period.

15 (j) During the mandatory transition period, an electric
16 utility may elect to transfer to a non-operating income account
17 under the Commission's Uniform System of Accounts either or
18 both of (i) an amount of unamortized investment tax credit that
19 is in addition to the ratable amount which is credited to the
20 electric utility's operating income account for the year in
21 accordance with Section 46(f)(2) of the federal Internal
22 Revenue Code of 1986, as in effect prior to P.L. 101-508, or
23 (ii) "excess tax reserves", as that term is defined in Section
24 203(e)(2)(A) of the federal Tax Reform Act of 1986, provided
25 that (A) the amount transferred may not exceed the amount of
26 the electric utility's assets that were created pursuant to

1 Statement of Financial Accounting Standards No. 71 which the
2 electric utility has written off during the mandatory
3 transition period, and (B) the transfer shall not be effective
4 until approved by the Internal Revenue Service. An electric
5 utility electing to make such a transfer shall file a statement
6 with the Commission stating the amount and timing of the
7 transfer for which it intends to request approval of the
8 Internal Revenue Service, along with a copy of its proposed
9 request to the Internal Revenue Service for a ruling. The
10 Commission shall issue an order within 14 days after the
11 electric utility's filing approving, subject to receipt of
12 approval from the Internal Revenue Service, the proposed
13 transfer.

14 (k) If an electric utility is selling or transferring to a
15 single buyer 5 or more generating plants located in this State
16 with a total net dependable capacity of 5000 megawatts or more
17 pursuant to subsection (g) of this Section and has obtained a
18 sale price or consideration that exceeds 200% of the book value
19 of such plants, the electric utility must provide to the
20 Governor, the President of the Illinois Senate, the Minority
21 Leader of the Illinois Senate, the Speaker of the Illinois
22 House of Representatives, and the Minority Leader of the
23 Illinois House of Representatives no later than 15 days after
24 filing its notice under subsection (g) of this Section or 5
25 days after the date on which this subsection (k) becomes law,
26 whichever is later, a written commitment in which such electric

1 utility agrees to expend \$2 billion outside the corporate
2 limits of any municipality with 1,000,000 or more inhabitants
3 within such electric utility's service area, over a 6-year
4 period beginning with the calendar year in which the notice is
5 filed, on projects, programs, and improvements within its
6 service area relating to transmission and distribution
7 including, without limitation, infrastructure expansion,
8 repair and replacement, capital investments, operations and
9 maintenance, and vegetation management.

10 (Source: P.A. 91-50, eff. 6-30-99; 92-537, eff. 6-6-02; 92-690,
11 eff. 7-18-02; revised 9-10-02.)

12 Section 685. The Illinois Dental Practice Act is amended by
13 changing Section 23a as follows:

14 (225 ILCS 25/23a) (from Ch. 111, par. 2323a)

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

16 Sec. 23a. The Director of the Department may, upon receipt
17 of a written communication from the Secretary of Human Services
18 or the Director of the Department of Healthcare and Family
19 Services (formerly Department of Public Aid) or Department of
20 Public Health, that continuation of practice of a person
21 licensed under this Act constitutes an immediate danger to the
22 public, immediately suspend the license of such person without
23 a hearing. In instances in which the Director immediately
24 suspends a license under this Section, a hearing upon such

1 person's license must be convened by the Board within 15 days
2 after such suspension and completed without appreciable delay,
3 such hearing held to determine whether to recommend to the
4 Director that the person's license be revoked, suspended,
5 placed on probationary status or reinstated, or such person be
6 subject to other disciplinary action. In such hearing, the
7 written communication and any other evidence submitted
8 therewith may be introduced as evidence against such person;
9 provided however, the person, or his counsel, shall have the
10 opportunity to discredit or impeach such evidence and submit
11 evidence rebutting same.

12 (Source: P.A. 89-507, eff. 7-1-97; revised 12-15-05.)

13 Section 690. The Illinois Funeral or Burial Funds Act is
14 amended by changing Section 4 as follows:

15 (225 ILCS 45/4) (from Ch. 111 1/2, par. 73.104)

16 Sec. 4. Withdrawal of funds; revocability of contract.

17 (a) The amount or amounts so deposited into trust, with
18 interest thereon, if any, shall not be withdrawn until the
19 death of the person or persons for whose funeral or burial such
20 funds were paid, unless sooner withdrawn and repaid to the
21 person who originally paid the money under or in connection
22 with the pre-need contract or to his or her legal
23 representative. The life insurance policies or tax-deferred
24 annuities shall not be surrendered until the death of the

1 person or persons for whose funeral or burial the policies or
2 annuities were purchased, unless sooner surrendered and repaid
3 to the owner of the policy purchased under or in connection
4 with the pre-need contract or to his or her legal
5 representative. If, however, the agreement or series of
6 agreements provides for forfeiture and retention of any or all
7 payments as and for liquidated damages as provided in Section
8 6, then the trustee may withdraw the deposits. In addition,
9 nothing in this Section (i) prohibits the change of depositary
10 by the trustee and the transfer of trust funds from one
11 depositary to another or (ii) prohibits a contract purchaser
12 who is or may become eligible for public assistance under any
13 applicable federal or State law or local ordinance including,
14 but not limited to, eligibility under 24 C.F.R., Part 913
15 relating to family insurance under federal Housing and Urban
16 Development Policy from irrevocably waiving, in writing, and
17 renouncing the right to cancel a pre-need contract for funeral
18 services in an amount prescribed by rule of the ~~Illinois~~
19 Department of Healthcare and Family Services ~~Public Aid~~. No
20 guaranteed price pre-need funeral contract may prohibit a
21 purchaser from making a contract irrevocable to the extent that
22 federal law or regulations require that such a contract be
23 irrevocable for purposes of the purchaser's eligibility for
24 Supplemental Security Income benefits, Medicaid, or another
25 public assistance program, as permitted under federal law.

26 (b) If for any reason a seller or provider who has engaged

1 in pre-need sales has refused, cannot, or does not comply with
2 the terms of the pre-need contract within a reasonable time
3 after he or she is required to do so, the purchaser or his or
4 her heirs or assigns or duly authorized representative shall
5 have the right to a refund of an amount equal to the sales
6 price paid for undelivered merchandise or services plus
7 otherwise earned undistributed interest amounts held in trust
8 attributable to the contract, within 30 days of the filing of a
9 sworn affidavit with the trustee setting forth the existence of
10 the contract and the fact of breach. A copy of this affidavit
11 shall be filed with the Comptroller and the seller. In the
12 event a seller is prevented from performing by strike, shortage
13 of materials, civil disorder, natural disaster, or any like
14 occurrence beyond the control of the seller or provider, the
15 seller or provider's time for performance shall be extended by
16 the length of the delay. Nothing in this Section shall relieve
17 the seller or provider from any liability for non-performance
18 of his or her obligations under the pre-need contract.

19 (c) After final payment on a pre-need contract, any
20 purchaser may, upon written demand to a seller, demand that the
21 pre-need contract with the seller be terminated. The seller
22 shall, within 30 days, initiate a refund to the purchaser of
23 the entire amount held in trust attributable to undelivered
24 merchandise and unperformed services, including otherwise
25 earned undistributed interest earned thereon or the cash
26 surrender value of a life insurance policy or tax-deferred

1 annuity.

2 (c-5) If no funeral merchandise or services are provided or
3 if the funeral is conducted by another person, the seller may
4 keep no more than 10% of the payments made under the pre-need
5 contract or \$300, whichever sum is less. The remainder of the
6 trust funds or insurance or annuity proceeds shall be forwarded
7 to the legal heirs of the deceased or as determined by probate
8 action.

9 (d) The placement and retention of all or a portion of a
10 casket, combination casket-vault, urn, or outer burial
11 container comprised of materials which are designed to
12 withstand prolonged storage in the manner set forth in this
13 paragraph without adversely affecting the structural integrity
14 or aesthetic characteristics of such merchandise in a specific
15 burial space in which the person or persons for whose funeral
16 or burial the merchandise was intended has a right of
17 interment, or the placement of the merchandise in a specific
18 mausoleum crypt or lawn crypt in which such person has a right
19 of entombment, or the placement of the merchandise in a
20 specific niche in which such person has a right of inurnment,
21 or delivery to such person and retention by such person until
22 the time of need shall constitute actual delivery to the person
23 who originally paid the money under or in connection with said
24 agreement or series of agreements. Actual delivery shall
25 eliminate, from and after the date of actual delivery, any
26 requirement under this Act to place or retain in trust any

1 funds received for the sale of such merchandise. The delivery,
2 prior to the time of need, of any funeral or burial merchandise
3 in any manner other than authorized by this Section shall not
4 constitute actual delivery and shall not eliminate any
5 requirement under this Act to place or retain in trust any
6 funds received for the sale of such merchandise.

7 (Source: P.A. 92-419, eff. 1-1-02; revised 12-15-05.)

8 Section 695. The Health Care Worker Background Check Act is
9 amended by changing Sections 15, 65, and 70 as follows:

10 (225 ILCS 46/15)

11 Sec. 15. Definitions. For the purposes of this Act, the
12 following definitions apply:

13 "Applicant" means an individual seeking employment with a
14 health care employer who has received a bona fide conditional
15 offer of employment.

16 "Conditional offer of employment" means a bona fide offer
17 of employment by a health care employer to an applicant, which
18 is contingent upon the receipt of a report from the Department
19 of State Police indicating that the applicant does not have a
20 record of conviction of any of the criminal offenses enumerated
21 in Section 25.

22 "Direct care" means the provision of nursing care or
23 assistance with feeding, dressing, movement, bathing,
24 toileting, or other personal needs, including home services as

1 defined in the Home Health, Home Services, and Home Nursing
2 Agency Licensing Act. The entity responsible for inspecting and
3 licensing, certifying, or registering the health care employer
4 may, by administrative rule, prescribe guidelines for
5 interpreting this definition with regard to the health care
6 employers that it licenses.

7 "Health care employer" means:

8 (1) the owner or licensee of any of the following:

9 (i) a community living facility, as defined in the
10 Community Living Facilities Act;

11 (ii) a life care facility, as defined in the Life
12 Care Facilities Act;

13 (iii) a long-term care facility, as defined in the
14 Nursing Home Care Act;

15 (iv) a home health agency, home services agency, or
16 home nursing agency as defined in the Home Health, Home
17 Services, and Home Nursing Agency Licensing Act;

18 (v) a comprehensive hospice program or volunteer
19 hospice program, as defined in the Hospice Program
20 Licensing Act;

21 (vi) a hospital, as defined in the Hospital
22 Licensing Act;

23 (vii) a community residential alternative, as
24 defined in the Community Residential Alternatives
25 Licensing Act;

26 (viii) a nurse agency, as defined in the Nurse

1 Agency Licensing Act;

2 (ix) a respite care provider, as defined in the
3 Respite Program Act;

4 (ix-a) an establishment licensed under the
5 Assisted Living and Shared Housing Act;

6 (x) a supportive living program, as defined in the
7 Illinois Public Aid Code;

8 (xi) early childhood intervention programs as
9 described in 59 Ill. Adm. Code 121;

10 (xii) the University of Illinois Hospital,
11 Chicago;

12 (xiii) programs funded by the Department on Aging
13 through the Community Care Program;

14 (xiv) programs certified to participate in the
15 Supportive Living Program authorized pursuant to
16 Section 5-5.01a of the Illinois Public Aid Code;

17 (xv) programs listed by the Emergency Medical
18 Services (EMS) Systems Act as Freestanding Emergency
19 Centers;

20 (xvi) locations licensed under the Alternative
21 Health Care Delivery Act;

22 (2) a day training program certified by the Department
23 of Human Services;

24 (3) a community integrated living arrangement operated
25 by a community mental health and developmental service
26 agency, as defined in the Community-Integrated Living

1 Arrangements Licensing and Certification Act; or
2 (4) the State Long Term Care Ombudsman Program,
3 including any regional long term care ombudsman programs
4 under Section 4.04 of the Illinois Act on the Aging, only
5 for the purpose of securing background checks.

6 "Initiate" means the obtaining of the authorization for a
7 record check from a student, applicant, or employee. The
8 educational entity or health care employer or its designee
9 shall transmit all necessary information and fees to the
10 Illinois State Police within 10 working days after receipt of
11 the authorization.

12 "Long-term care facility" means a facility licensed by the
13 State or certified under federal law as a long-term care
14 facility, a supportive living facility, an assisted living
15 establishment, or a shared housing establishment or registered
16 as a board and care home.

17 (Source: P.A. 93-878, eff. 1-1-05; 94-379, eff. 1-1-06; 94-570,
18 eff. 8-12-05; 94-665, eff. 1-1-06; revised 8-29-05.)

19 (225 ILCS 46/65)

20 Sec. 65. Health Care Worker Task Force. A Health Care
21 Worker Task Force shall be appointed to study and make
22 recommendations on statutory changes to this Act.

23 (a) The Task Force shall monitor the status of the
24 implementation of this Act and monitor complaint
25 investigations relating to this Act by the Department on Aging,

1 Department of Public Health, Department of Professional
2 Regulation, and the Department of Human Services to determine
3 the criminal background, if any, of health care workers who
4 have had findings of abuse, theft, or exploitation.

5 (b) The Task Force shall make recommendations concerning
6 modifications to the list of offenses enumerated in Section 25,
7 including time limits on all or some of the disqualifying
8 offenses, and any other necessary or desirable changes to the
9 Act.

10 (c) The Task Force shall issue an interim report to the
11 Governor and General Assembly no later than January 1, 2004.
12 The final report shall be issued no later than September 30,
13 2005, and shall include specific statutory changes
14 recommended, if any.

15 (d) The Task Force shall be composed of the following
16 members, who shall serve without pay:

17 (1) a chairman knowledgeable about health care issues,
18 who shall be appointed by the Governor;

19 (2) the Director of Public Health or his or her
20 designee;

21 (3) the Director of State Police or his or her
22 designee;

23 (3.5) the Director of Healthcare and Family Services
24 ~~Public Aid~~ or his or her designee;

25 (3.6) the Secretary of Human Services or his or her
26 designee;

- 1 (3.7) the Director of Aging or his or her designee;
- 2 (4) 2 representatives of health care providers, who
- 3 shall be appointed by the Governor;
- 4 (5) 2 representatives of health care employees, who
- 5 shall be appointed by the Governor;
- 6 (5.5) a representative of a Community Care homemaker
- 7 program, who shall be appointed by the Governor;
- 8 (6) a representative of the general public who has an
- 9 interest in health care, who shall be appointed by the
- 10 Governor; and
- 11 (7) 4 members of the General Assembly, one appointed by
- 12 the Speaker of the House, one appointed by the House
- 13 Minority Leader, one appointed by the President of the
- 14 Senate, and one appointed by the Senate Minority Leader.

15 (Source: P.A. 93-224, eff. 7-18-03; revised 12-15-05.)

16 (225 ILCS 46/70)

17 Sec. 70. Centers for Medicare and Medicaid Services (CMMS)

18 grant.

19 (a) In this Section:

20 "Centers for Medicare and Medicaid Services (CMMS) grant"

21 means the grant awarded to and distributed by the Department of

22 Public Health to enhance the conduct of criminal history

23 records checks of certain health care employees. The CMMS grant

24 is authorized by Section 307 of the federal Medicare

25 Prescription Drug, Improvement, and Modernization Act of 2003,

1 which establishes the framework for a program to evaluate
2 national and state background checks on prospective employees
3 with direct access to patients of long-term care facilities or
4 providers.

5 "Selected health care employer" means any of the following
6 selected to participate in the CMMS grant:

7 (1) a community living facility as defined in the
8 Community Living Facility Act;

9 (2) a long-term care facility as defined in the Nursing
10 Home Care Act;

11 (3) a home health agency as defined in the Home Health,
12 Home Services, and Home Nursing Agency Licensing Act;

13 (4) a full hospice as defined in the Hospice Licensing
14 Act;

15 (5) an establishment licensed under the Assisted
16 Living and Shared Housing Act;

17 (6) a supportive living facility as defined in the
18 Illinois Public Aid Code;

19 (7) a day training program certified by the Department
20 of Human Services;

21 (8) a community integrated living arrangement operated
22 by a community mental health and developmental service
23 agency as defined in the Community Integrated Living
24 Arrangements Licensing and Certification Act; or

25 (9) a long-term care hospital or hospital with swing
26 beds.

1 (b) Selected health care employers shall be phased in to
2 participate in the CMMS grant between January 1, 2006 and
3 January 1, 2007, as prescribed by the Department of Public
4 Health by rule.

5 (c) With regards to individuals hired on or after January
6 1, 2006 who have direct access to residents, patients, or
7 clients of the selected health care employer, selected health
8 care employers must comply with Section 25 of this Act.

9 "Individuals who have direct access" includes, but is not
10 limited to, (i) direct care workers as described in subsection
11 (a) of Section 25; (ii) individuals licensed by the Department
12 of Financial and Professional Regulation, such as nurses,
13 social workers, physical therapists, occupational therapists,
14 and pharmacists; (iii) individuals who provide services on
15 site, through contract; and (iv) non-direct care workers, such
16 as those who work in environmental services, food service, and
17 administration.

18 "Individuals who have direct access" does not include
19 physicians or volunteers.

20 The Department of Public Health may further define
21 "individuals who have direct access" by rule.

22 (d) Each applicant seeking employment in a position
23 described in subsection (c) of this Section with a selected
24 health care employer shall, as a condition of employment, have
25 his or her fingerprints submitted to the Department of State
26 Police in an electronic format that complies with the form and

1 manner for requesting and furnishing criminal history record
2 information by the Department of State Police and the Federal
3 Bureau of Investigation criminal history record databases now
4 and hereafter filed. The Department of State Police shall
5 forward the fingerprints to the Federal Bureau of Investigation
6 for a national criminal history records check. The Department
7 of State Police shall charge a fee for conducting the criminal
8 history records check, which shall not exceed the actual cost
9 of the records check and shall be deposited into the State
10 Police Services Fund. The Department of State Police shall
11 furnish, pursuant to positive identification, records of
12 Illinois convictions to the Department of Public Health.

13 (e) A selected health care employer who makes a conditional
14 offer of employment to an applicant shall:

15 (1) ensure that the applicant has complied with the
16 fingerprinting requirements of this Section;

17 (2) complete documentation relating to any criminal
18 history record, as revealed by the applicant, as prescribed
19 by rule by the Department of Public Health;

20 (3) complete documentation of the applicant's personal
21 identifiers as prescribed by rule by the Department of
22 Public Health; and

23 (4) provide supervision, as prescribed by rule by the
24 licensing agency, if the applicant is hired and allowed to
25 work prior to the results of the criminal history records
26 check being obtained.

1 (f) A selected health care employer having actual knowledge
2 from a source that an individual with direct access to a
3 resident, patient, or client has been convicted of committing
4 or attempting to commit one of the offenses enumerated in
5 Section 25 of this Act shall contact the licensing agency or
6 follow other instructions as prescribed by administrative
7 rule.

8 (g) A fingerprint-based criminal history records check
9 submitted in accordance with subsection (d) of this Section
10 must be submitted as a fee applicant inquiry in the form and
11 manner prescribed by the Department of State Police.

12 (h) This Section shall be inapplicable upon the conclusion
13 of the CMMS grant.

14 (Source: P.A. 94-665, eff. 1-1-06; 94-931, eff. 6-26-06;
15 revised 10-19-06.)

16 Section 700. The Medical Practice Act of 1987 is amended by
17 changing Sections 22 and 25 as follows:

18 (225 ILCS 60/22) (from Ch. 111, par. 4400-22)

19 (Section scheduled to be repealed on January 1, 2007)

20 Sec. 22. Disciplinary action.

21 (A) The Department may revoke, suspend, place on
22 probationary status, refuse to renew, or take any other
23 disciplinary action as the Department may deem proper with
24 regard to the license or visiting professor permit of any

1 person issued under this Act to practice medicine, or to treat
2 human ailments without the use of drugs and without operative
3 surgery upon any of the following grounds:

4 (1) Performance of an elective abortion in any place,
5 locale, facility, or institution other than:

6 (a) a facility licensed pursuant to the Ambulatory
7 Surgical Treatment Center Act;

8 (b) an institution licensed under the Hospital
9 Licensing Act; or

10 (c) an ambulatory surgical treatment center or
11 hospitalization or care facility maintained by the
12 State or any agency thereof, where such department or
13 agency has authority under law to establish and enforce
14 standards for the ambulatory surgical treatment
15 centers, hospitalization, or care facilities under its
16 management and control; or

17 (d) ambulatory surgical treatment centers,
18 hospitalization or care facilities maintained by the
19 Federal Government; or

20 (e) ambulatory surgical treatment centers,
21 hospitalization or care facilities maintained by any
22 university or college established under the laws of
23 this State and supported principally by public funds
24 raised by taxation.

25 (2) Performance of an abortion procedure in a wilful
26 and wanton manner on a woman who was not pregnant at the

1 time the abortion procedure was performed.

2 (3) The conviction of a felony in this or any other
3 jurisdiction, except as otherwise provided in subsection B
4 of this Section, whether or not related to practice under
5 this Act, or the entry of a guilty or nolo contendere plea
6 to a felony charge.

7 (4) Gross negligence in practice under this Act.

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

11 (6) Obtaining any fee by fraud, deceit, or
12 misrepresentation.

13 (7) Habitual or excessive use or abuse of drugs defined
14 in law as controlled substances, of alcohol, or of any
15 other substances which results in the inability to practice
16 with reasonable judgment, skill or safety.

17 (8) Practicing under a false or, except as provided by
18 law, an assumed name.

19 (9) Fraud or misrepresentation in applying for, or
20 procuring, a license under this Act or in connection with
21 applying for renewal of a license under this Act.

22 (10) Making a false or misleading statement regarding
23 their skill or the efficacy or value of the medicine,
24 treatment, or remedy prescribed by them at their direction
25 in the treatment of any disease or other condition of the
26 body or mind.

1 (11) Allowing another person or organization to use
2 their license, procured under this Act, to practice.

3 (12) Disciplinary action of another state or
4 jurisdiction against a license or other authorization to
5 practice as a medical doctor, doctor of osteopathy, doctor
6 of osteopathic medicine or doctor of chiropractic, a
7 certified copy of the record of the action taken by the
8 other state or jurisdiction being prima facie evidence
9 thereof.

10 (13) Violation of any provision of this Act or of the
11 Medical Practice Act prior to the repeal of that Act, or
12 violation of the rules, or a final administrative action of
13 the Secretary, after consideration of the recommendation
14 of the Disciplinary Board.

15 (14) Dividing with anyone other than physicians with
16 whom the licensee practices in a partnership, Professional
17 Association, limited liability company, or Medical or
18 Professional Corporation any fee, commission, rebate or
19 other form of compensation for any professional services
20 not actually and personally rendered. Nothing contained in
21 this subsection prohibits persons holding valid and
22 current licenses under this Act from practicing medicine in
23 partnership under a partnership agreement, including a
24 limited liability partnership, in a limited liability
25 company under the Limited Liability Company Act, in a
26 corporation authorized by the Medical Corporation Act, as

1 an association authorized by the Professional Association
2 Act, or in a corporation under the Professional Corporation
3 Act or from pooling, sharing, dividing or apportioning the
4 fees and monies received by them or by the partnership,
5 corporation or association in accordance with the
6 partnership agreement or the policies of the Board of
7 Directors of the corporation or association. Nothing
8 contained in this subsection prohibits 2 or more
9 corporations authorized by the Medical Corporation Act,
10 from forming a partnership or joint venture of such
11 corporations, and providing medical, surgical and
12 scientific research and knowledge by employees of these
13 corporations if such employees are licensed under this Act,
14 or from pooling, sharing, dividing, or apportioning the
15 fees and monies received by the partnership or joint
16 venture in accordance with the partnership or joint venture
17 agreement. Nothing contained in this subsection shall
18 abrogate the right of 2 or more persons, holding valid and
19 current licenses under this Act, to each receive adequate
20 compensation for concurrently rendering professional
21 services to a patient and divide a fee; provided, the
22 patient has full knowledge of the division, and, provided,
23 that the division is made in proportion to the services
24 performed and responsibility assumed by each.

25 (15) A finding by the Medical Disciplinary Board that
26 the registrant after having his or her license placed on

1 probationary status or subjected to conditions or
2 restrictions violated the terms of the probation or failed
3 to comply with such terms or conditions.

4 (16) Abandonment of a patient.

5 (17) Prescribing, selling, administering,
6 distributing, giving or self-administering any drug
7 classified as a controlled substance (designated product)
8 or narcotic for other than medically accepted therapeutic
9 purposes.

10 (18) Promotion of the sale of drugs, devices,
11 appliances or goods provided for a patient in such manner
12 as to exploit the patient for financial gain of the
13 physician.

14 (19) Offering, undertaking or agreeing to cure or treat
15 disease by a secret method, procedure, treatment or
16 medicine, or the treating, operating or prescribing for any
17 human condition by a method, means or procedure which the
18 licensee refuses to divulge upon demand of the Department.

19 (20) Immoral conduct in the commission of any act
20 including, but not limited to, commission of an act of
21 sexual misconduct related to the licensee's practice.

22 (21) Wilfully making or filing false records or reports
23 in his or her practice as a physician, including, but not
24 limited to, false records to support claims against the
25 medical assistance program of the Department of Healthcare
26 and Family Services (formerly Department of Public Aid)

1 under the Illinois Public Aid Code.

2 (22) Wilful omission to file or record, or wilfully
3 impeding the filing or recording, or inducing another
4 person to omit to file or record, medical reports as
5 required by law, or wilfully failing to report an instance
6 of suspected abuse or neglect as required by law.

7 (23) Being named as a perpetrator in an indicated
8 report by the Department of Children and Family Services
9 under the Abused and Neglected Child Reporting Act, and
10 upon proof by clear and convincing evidence that the
11 licensee has caused a child to be an abused child or
12 neglected child as defined in the Abused and Neglected
13 Child Reporting Act.

14 (24) Solicitation of professional patronage by any
15 corporation, agents or persons, or profiting from those
16 representing themselves to be agents of the licensee.

17 (25) Gross and wilful and continued overcharging for
18 professional services, including filing false statements
19 for collection of fees for which services are not rendered,
20 including, but not limited to, filing such false statements
21 for collection of monies for services not rendered from the
22 medical assistance program of the Department of Healthcare
23 and Family Services (formerly Department of Public Aid)
24 under the Illinois Public Aid Code.

25 (26) A pattern of practice or other behavior which
26 demonstrates incapacity or incompetence to practice under

1 this Act.

2 (27) Mental illness or disability which results in the
3 inability to practice under this Act with reasonable
4 judgment, skill or safety.

5 (28) Physical illness, including, but not limited to,
6 deterioration through the aging process, or loss of motor
7 skill which results in a physician's inability to practice
8 under this Act with reasonable judgment, skill or safety.

9 (29) Cheating on or attempt to subvert the licensing
10 examinations administered under this Act.

11 (30) Wilfully or negligently violating the
12 confidentiality between physician and patient except as
13 required by law.

14 (31) The use of any false, fraudulent, or deceptive
15 statement in any document connected with practice under
16 this Act.

17 (32) Aiding and abetting an individual not licensed
18 under this Act in the practice of a profession licensed
19 under this Act.

20 (33) Violating state or federal laws or regulations
21 relating to controlled substances, legend drugs, or
22 ephedra, as defined in the Ephedra Prohibition Act.

23 (34) Failure to report to the Department any adverse
24 final action taken against them by another licensing
25 jurisdiction (any other state or any territory of the
26 United States or any foreign state or country), by any peer

1 review body, by any health care institution, by any
2 professional society or association related to practice
3 under this Act, by any governmental agency, by any law
4 enforcement agency, or by any court for acts or conduct
5 similar to acts or conduct which would constitute grounds
6 for action as defined in this Section.

7 (35) Failure to report to the Department surrender of a
8 license or authorization to practice as a medical doctor, a
9 doctor of osteopathy, a doctor of osteopathic medicine, or
10 doctor of chiropractic in another state or jurisdiction, or
11 surrender of membership on any medical staff or in any
12 medical or professional association or society, while
13 under disciplinary investigation by any of those
14 authorities or bodies, for acts or conduct similar to acts
15 or conduct which would constitute grounds for action as
16 defined in this Section.

17 (36) Failure to report to the Department any adverse
18 judgment, settlement, or award arising from a liability
19 claim related to acts or conduct similar to acts or conduct
20 which would constitute grounds for action as defined in
21 this Section.

22 (37) Failure to transfer copies of medical records as
23 required by law.

24 (38) Failure to furnish the Department, its
25 investigators or representatives, relevant information,
26 legally requested by the Department after consultation

1 with the Chief Medical Coordinator or the Deputy Medical
2 Coordinator.

3 (39) Violating the Health Care Worker Self-Referral
4 Act.

5 (40) Willful failure to provide notice when notice is
6 required under the Parental Notice of Abortion Act of 1995.

7 (41) Failure to establish and maintain records of
8 patient care and treatment as required by this law.

9 (42) Entering into an excessive number of written
10 collaborative agreements with licensed advanced practice
11 nurses resulting in an inability to adequately collaborate
12 and provide medical direction.

13 (43) Repeated failure to adequately collaborate with
14 or provide medical direction to a licensed advanced
15 practice nurse.

16 Except for actions involving the ground numbered (26), all
17 proceedings to suspend, revoke, place on probationary status,
18 or take any other disciplinary action as the Department may
19 deem proper, with regard to a license on any of the foregoing
20 grounds, must be commenced within 5 years next after receipt by
21 the Department of a complaint alleging the commission of or
22 notice of the conviction order for any of the acts described
23 herein. Except for the grounds numbered (8), (9), (26), and
24 (29), no action shall be commenced more than 10 years after the
25 date of the incident or act alleged to have violated this
26 Section. For actions involving the ground numbered (26), a

1 pattern of practice or other behavior includes all incidents
2 alleged to be part of the pattern of practice or other behavior
3 that occurred or a report pursuant to Section 23 of this Act
4 received within the 10-year period preceding the filing of the
5 complaint. In the event of the settlement of any claim or cause
6 of action in favor of the claimant or the reduction to final
7 judgment of any civil action in favor of the plaintiff, such
8 claim, cause of action or civil action being grounded on the
9 allegation that a person licensed under this Act was negligent
10 in providing care, the Department shall have an additional
11 period of 2 years from the date of notification to the
12 Department under Section 23 of this Act of such settlement or
13 final judgment in which to investigate and commence formal
14 disciplinary proceedings under Section 36 of this Act, except
15 as otherwise provided by law. The time during which the holder
16 of the license was outside the State of Illinois shall not be
17 included within any period of time limiting the commencement of
18 disciplinary action by the Department.

19 The entry of an order or judgment by any circuit court
20 establishing that any person holding a license under this Act
21 is a person in need of mental treatment operates as a
22 suspension of that license. That person may resume their
23 practice only upon the entry of a Departmental order based upon
24 a finding by the Medical Disciplinary Board that they have been
25 determined to be recovered from mental illness by the court and
26 upon the Disciplinary Board's recommendation that they be

1 permitted to resume their practice.

2 The Department may refuse to issue or take disciplinary
3 action concerning the license of any person who fails to file a
4 return, or to pay the tax, penalty or interest shown in a filed
5 return, or to pay any final assessment of tax, penalty or
6 interest, as required by any tax Act administered by the
7 Illinois Department of Revenue, until such time as the
8 requirements of any such tax Act are satisfied as determined by
9 the Illinois Department of Revenue.

10 The Department, upon the recommendation of the
11 Disciplinary Board, shall adopt rules which set forth standards
12 to be used in determining:

13 (a) when a person will be deemed sufficiently
14 rehabilitated to warrant the public trust;

15 (b) what constitutes dishonorable, unethical or
16 unprofessional conduct of a character likely to deceive,
17 defraud, or harm the public;

18 (c) what constitutes immoral conduct in the commission
19 of any act, including, but not limited to, commission of an
20 act of sexual misconduct related to the licensee's
21 practice; and

22 (d) what constitutes gross negligence in the practice
23 of medicine.

24 However, no such rule shall be admissible into evidence in
25 any civil action except for review of a licensing or other
26 disciplinary action under this Act.

1 In enforcing this Section, the Medical Disciplinary Board,
2 upon a showing of a possible violation, may compel any
3 individual licensed to practice under this Act, or who has
4 applied for licensure or a permit pursuant to this Act, to
5 submit to a mental or physical examination, or both, as
6 required by and at the expense of the Department. The examining
7 physician or physicians shall be those specifically designated
8 by the Disciplinary Board. The Medical Disciplinary Board or
9 the Department may order the examining physician to present
10 testimony concerning this mental or physical examination of the
11 licensee or applicant. No information shall be excluded by
12 reason of any common law or statutory privilege relating to
13 communication between the licensee or applicant and the
14 examining physician. The individual to be examined may have, at
15 his or her own expense, another physician of his or her choice
16 present during all aspects of the examination. Failure of any
17 individual to submit to mental or physical examination, when
18 directed, shall be grounds for suspension of his or her license
19 until such time as the individual submits to the examination if
20 the Disciplinary Board finds, after notice and hearing, that
21 the refusal to submit to the examination was without reasonable
22 cause. If the Disciplinary Board finds a physician unable to
23 practice because of the reasons set forth in this Section, the
24 Disciplinary Board shall require such physician to submit to
25 care, counseling, or treatment by physicians approved or
26 designated by the Disciplinary Board, as a condition for

1 continued, reinstated, or renewed licensure to practice. Any
2 physician, whose license was granted pursuant to Sections 9,
3 17, or 19 of this Act, or, continued, reinstated, renewed,
4 disciplined or supervised, subject to such terms, conditions or
5 restrictions who shall fail to comply with such terms,
6 conditions or restrictions, or to complete a required program
7 of care, counseling, or treatment, as determined by the Chief
8 Medical Coordinator or Deputy Medical Coordinators, shall be
9 referred to the Secretary for a determination as to whether the
10 licensee shall have their license suspended immediately,
11 pending a hearing by the Disciplinary Board. In instances in
12 which the Secretary immediately suspends a license under this
13 Section, a hearing upon such person's license must be convened
14 by the Disciplinary Board within 15 days after such suspension
15 and completed without appreciable delay. The Disciplinary
16 Board shall have the authority to review the subject
17 physician's record of treatment and counseling regarding the
18 impairment, to the extent permitted by applicable federal
19 statutes and regulations safeguarding the confidentiality of
20 medical records.

21 An individual licensed under this Act, affected under this
22 Section, shall be afforded an opportunity to demonstrate to the
23 Disciplinary Board that they can resume practice in compliance
24 with acceptable and prevailing standards under the provisions
25 of their license.

26 The Department may promulgate rules for the imposition of

1 fines in disciplinary cases, not to exceed \$10,000 for each
2 violation of this Act. Fines may be imposed in conjunction with
3 other forms of disciplinary action, but shall not be the
4 exclusive disposition of any disciplinary action arising out of
5 conduct resulting in death or injury to a patient. Any funds
6 collected from such fines shall be deposited in the Medical
7 Disciplinary Fund.

8 (B) The Department shall revoke the license or visiting
9 permit of any person issued under this Act to practice medicine
10 or to treat human ailments without the use of drugs and without
11 operative surgery, who has been convicted a second time of
12 committing any felony under the Illinois Controlled Substances
13 Act or the Methamphetamine Control and Community Protection
14 Act, or who has been convicted a second time of committing a
15 Class 1 felony under Sections 8A-3 and 8A-6 of the Illinois
16 Public Aid Code. A person whose license or visiting permit is
17 revoked under this subsection B of Section 22 of this Act shall
18 be prohibited from practicing medicine or treating human
19 ailments without the use of drugs and without operative
20 surgery.

21 (C) The Medical Disciplinary Board shall recommend to the
22 Department civil penalties and any other appropriate
23 discipline in disciplinary cases when the Board finds that a
24 physician willfully performed an abortion with actual
25 knowledge that the person upon whom the abortion has been
26 performed is a minor or an incompetent person without notice as

1 required under the Parental Notice of Abortion Act of 1995.
2 Upon the Board's recommendation, the Department shall impose,
3 for the first violation, a civil penalty of \$1,000 and for a
4 second or subsequent violation, a civil penalty of \$5,000.
5 (Source: P.A. 94-556, eff. 9-11-05; 94-677, eff. 8-25-05;
6 revised 12-15-05.)

7 (225 ILCS 60/25) (from Ch. 111, par. 4400-25)

8 (Section scheduled to be repealed on January 1, 2007)

9 Sec. 25. The Director of the Department may, upon receipt
10 of a written communication from the Secretary of Human
11 Services, the Director of Healthcare and Family Services
12 (formerly Director of Public Aid), or the Director of Public
13 Health that continuation of practice of a person licensed under
14 this Act constitutes an immediate danger to the public, and
15 after consultation with the Chief Medical Coordinator or Deputy
16 Medical Coordinator, immediately suspend the license of such
17 person without a hearing. In instances in which the Director
18 immediately suspends a license under this Section, a hearing
19 upon such person's license must be convened by the Disciplinary
20 Board within 15 days after such suspension and completed
21 without appreciable delay. Such hearing is to be held to
22 determine whether to recommend to the Director that the
23 person's license be revoked, suspended, placed on probationary
24 status or reinstated, or whether such person should be subject
25 to other disciplinary action. In the hearing, the written

1 communication and any other evidence submitted therewith may be
2 introduced as evidence against such person; provided however,
3 the person, or their counsel, shall have the opportunity to
4 discredit, impeach and submit evidence rebutting such
5 evidence.

6 (Source: P.A. 89-507, eff. 7-1-97; revised 12-15-05.)

7 Section 705. The Naprapathic Practice Act is amended by
8 changing Section 110 as follows:

9 (225 ILCS 63/110)

10 (Section scheduled to be repealed on January 1, 2013)

11 Sec. 110. Grounds for disciplinary action; refusal,
12 revocation, suspension.

13 (a) The Department may refuse to issue or to renew, or may
14 revoke, suspend, place on probation, reprimand or take other
15 disciplinary action as the Department may deem proper,
16 including fines not to exceed \$5,000 for each violation, with
17 regard to any licensee or license for any one or combination of
18 the following causes:

19 (1) Violations of this Act or its rules.

20 (2) Material misstatement in furnishing information to
21 the Department.

22 (3) Conviction of any crime under the laws of any U.S.
23 jurisdiction that is (i) a felony, (ii) a misdemeanor, an
24 essential element of which is dishonesty, or (iii) directly

1 related to the practice of the profession.

2 (4) Making any misrepresentation for the purpose of
3 obtaining a license.

4 (5) Professional incompetence or gross negligence.

5 (6) Gross malpractice.

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

8 (8) Failing to provide information within 60 days in
9 response to a written request made by the Department.

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

13 (10) Habitual or excessive use or addiction to alcohol,
14 narcotics, stimulants, or any other chemical agent or drug
15 that results in the inability to practice with reasonable
16 judgment, skill, or safety.

17 (11) Discipline by another U.S. jurisdiction or
18 foreign nation if at least one of the grounds for the
19 discipline is the same or substantially equivalent to those
20 set forth in this Act.

21 (12) Directly or indirectly giving to or receiving from
22 any person, firm, corporation, partnership, or association
23 any fee, commission, rebate, or other form of compensation
24 for any professional services not actually or personally
25 rendered. This shall not be deemed to include rent or other
26 remunerations paid to an individual, partnership, or

1 corporation by a naprapath for the lease, rental, or use of
2 space, owned or controlled by the individual, partnership,
3 corporation or association.

4 (13) Using the title "Doctor" or its abbreviation
5 without further clarifying that title or abbreviation with
6 the word "naprapath" or "naprapathy" or the designation
7 "D.N."

8 (14) A finding by the Department that the licensee,
9 after having his or her license placed on probationary
10 status, has violated the terms of probation.

11 (15) Abandonment of a patient without cause.

12 (16) Willfully making or filing false records or
13 reports relating to a licensee's practice, including but
14 not limited to, false records filed with State agencies or
15 departments.

16 (17) Willfully failing to report an instance of
17 suspected child abuse or neglect as required by the Abused
18 and Neglected Child Reporting Act.

19 (18) Physical illness, including but not limited to,
20 deterioration through the aging process or loss of motor
21 skill that results in the inability to practice the
22 profession with reasonable judgment, skill, or safety.

23 (19) Solicitation of professional services by means
24 other than permitted advertising.

25 (20) Failure to provide a patient with a copy of his or
26 her record upon the written request of the patient.

1 (21) Conviction by any court of competent
2 jurisdiction, either within or without this State, of any
3 violation of any law governing the practice of naprapathy,
4 conviction in this or another state of any crime which is a
5 felony under the laws of this State or conviction of a
6 felony in a federal court, if the Department determines,
7 after investigation, that the person has not been
8 sufficiently rehabilitated to warrant the public trust.

9 (22) A finding that licensure has been applied for or
10 obtained by fraudulent means.

11 (23) Continued practice by a person knowingly having an
12 infectious or contagious disease.

13 (24) Being named as a perpetrator in an indicated
14 report by the Department of Children and Family Services
15 under the Abused and Neglected Child Reporting Act and upon
16 proof by clear and convincing evidence that the licensee
17 has caused a child to be an abused child or a neglected
18 child as defined in the Abused and Neglected Child
19 Reporting Act.

20 (25) Practicing or attempting to practice under a name
21 other than the full name shown on the license.

22 (26) Immoral conduct in the commission of any act, such
23 as sexual abuse, sexual misconduct, or sexual
24 exploitation, related to the licensee's practice.

25 (27) Maintaining a professional relationship with any
26 person, firm, or corporation when the naprapath knows, or

1 should know, that the person, firm, or corporation is
2 violating this Act.

3 (28) Promotion of the sale of food supplements,
4 devices, appliances, or goods provided for a client or
5 patient in such manner as to exploit the patient or client
6 for financial gain of the licensee.

7 (29) Having treated ailments of human beings other than
8 by the practice of naprapathy as defined in this Act, or
9 having treated ailments of human beings as a licensed
10 naprapath independent of a documented referral or
11 documented current and relevant diagnosis from a
12 physician, dentist, or podiatrist, or having failed to
13 notify the physician, dentist, or podiatrist who
14 established a documented current and relevant diagnosis
15 that the patient is receiving naprapathic treatment
16 pursuant to that diagnosis.

17 (30) Use by a registered naprapath of the word
18 "infirmary", "hospital", "school", "university", in
19 English or any other language, in connection with the place
20 where naprapathy may be practiced or demonstrated.

21 (31) Continuance of a naprapath in the employ of any
22 person, firm, or corporation, or as an assistant to any
23 naprapath or naprapaths, directly or indirectly, after his
24 or her employer or superior has been found guilty of
25 violating or has been enjoined from violating the laws of
26 the State of Illinois relating to the practice of

1 naprapathy when the employer or superior persists in that
2 violation.

3 (32) The performance of naprapathic service in
4 conjunction with a scheme or plan with another person,
5 firm, or corporation known to be advertising in a manner
6 contrary to this Act or otherwise violating the laws of the
7 State of Illinois concerning the practice of naprapathy.

8 (33) Failure to provide satisfactory proof of having
9 participated in approved continuing education programs as
10 determined by the Committee and approved by the Director.
11 Exceptions for extreme hardships are to be defined by the
12 rules of the Department.

13 (34) Willfully making or filing false records or
14 reports in the practice of naprapathy, including, but not
15 limited to, false records to support claims against the
16 medical assistance program of the Department of Healthcare
17 and Family Services (formerly Department of Public Aid)
18 under the Illinois Public Aid Code.

19 (35) Gross or willful overcharging for professional
20 services including filing false statements for collection
21 of fees for which services are not rendered, including, but
22 not limited to, filing false statements for collection of
23 monies for services not rendered from the medical
24 assistance program of the Department of Healthcare and
25 Family Services (formerly Department of Public Aid) under
26 the Illinois Public Aid Code.

1 (36) Mental illness, including, but not limited to,
2 deterioration through the aging process or loss of motor
3 skill that results in the inability to practice the
4 profession with reasonable judgment, skill, or safety.

5 The Department may refuse to issue or may suspend the
6 license of any person who fails to (i) file a return or to pay
7 the tax, penalty or interest shown in a filed return or (ii)
8 pay any final assessment of the tax, penalty, or interest as
9 required by any tax Act administered by the Illinois Department
10 of Revenue, until the time that the requirements of that tax
11 Act are satisfied.

12 (b) The determination by a circuit court that a licensee is
13 subject to involuntary admission or judicial admission as
14 provided in the Mental Health and Developmental Disabilities
15 Code operates as an automatic suspension. The suspension will
16 end only upon a finding by a court that the patient is no
17 longer subject to involuntary admission or judicial admission,
18 the issuance of an order so finding and discharging the
19 patient, and the recommendation of the Committee to the
20 Director that the licensee be allowed to resume his or her
21 practice.

22 (c) In enforcing this Section, the Department, upon a
23 showing of a possible violation, may compel any person licensed
24 to practice under this Act or who has applied for licensure or
25 certification pursuant to this Act to submit to a mental or
26 physical examination, or both, as required by and at the

1 expense of the Department. The examining physicians shall be
2 those specifically designated by the Department. The
3 Department may order the examining physician to present
4 testimony concerning this mental or physical examination of the
5 licensee or applicant. No information shall be excluded by
6 reason of any common law or statutory privilege relating to
7 communications between the licensee or applicant and the
8 examining physician. The person to be examined may have, at his
9 or her own expense, another physician of his or her choice
10 present during all aspects of the examination. Failure of any
11 person to submit to a mental or physical examination, when
12 directed, shall be grounds for suspension of a license until
13 the person submits to the examination if the Department finds,
14 after notice and hearing, that the refusal to submit to the
15 examination was without reasonable cause.

16 If the Department finds an individual unable to practice
17 because of the reasons set forth in this Section, the
18 Department may require that individual to submit to care,
19 counseling, or treatment by physicians approved or designated
20 by the Department, as a condition, term, or restriction for
21 continued, reinstated, or renewed licensure to practice or, in
22 lieu of care, counseling, or treatment, the Department may file
23 a complaint to immediately suspend, revoke, or otherwise
24 discipline the license of the individual.

25 Any person whose license was granted, continued,
26 reinstated, renewed, disciplined, or supervised subject to

1 such terms, conditions, or restrictions and who fails to comply
2 with such terms, conditions, or restrictions shall be referred
3 to the Director for a determination as to whether the person
4 shall have his or her license suspended immediately, pending a
5 hearing by the Department.

6 In instances in which the Director immediately suspends a
7 person's license under this Section, a hearing on that person's
8 license must be convened by the Department within 15 days after
9 the suspension and completed without appreciable delay. The
10 Department shall have the authority to review the subject
11 person's record of treatment and counseling regarding the
12 impairment, to the extent permitted by applicable federal
13 statutes and regulations safeguarding the confidentiality of
14 medical records.

15 A person licensed under this Act and affected under this
16 Section shall be afforded an opportunity to demonstrate to the
17 Department that he or she can resume practice in compliance
18 with acceptable and prevailing standards under the provisions
19 of his or her license.

20 (Source: P.A. 92-655, eff. 7-16-02; revised 12-15-05.)

21 Section 710. The Nursing and Advanced Practice Nursing Act
22 is amended by changing Sections 10-45, 20-40, and 20-55 as
23 follows:

24 (225 ILCS 65/10-45)

1 (Section scheduled to be repealed on January 1, 2008)

2 Sec. 10-45. Grounds for disciplinary action.

3 (a) The Department may, upon recommendation of the Board,
4 refuse to issue or to renew, or may revoke, suspend, place on
5 probation, reprimand, or take other disciplinary action as the
6 Department may deem appropriate with regard to a license for
7 any one or combination of the causes set forth in subsection
8 (b) below. Fines up to \$2,500 may be imposed in conjunction
9 with other forms of disciplinary action for those violations
10 that result in monetary gain for the licensee. Fines shall not
11 be the exclusive disposition of any disciplinary action arising
12 out of conduct resulting in death or injury to a patient. Fines
13 shall not be assessed in disciplinary actions involving mental
14 or physical illness or impairment. All fines collected under
15 this Section shall be deposited in the Nursing Dedicated and
16 Professional Fund.

17 (b) Grounds for disciplinary action include the following:

18 (1) Material deception in furnishing information to
19 the Department.

20 (2) Material violations of any provision of this Act or
21 violation of the rules of or final administrative action of
22 the Director, after consideration of the recommendation of
23 the Board.

24 (3) Conviction of any crime under the laws of any
25 jurisdiction of the United States: (i) which is a felony;
26 or (ii) which is a misdemeanor, an essential element of

1 which is dishonesty, or (iii) of any crime which is
2 directly related to the practice of the profession.

3 (4) A pattern of practice or other behavior which
4 demonstrates incapacity or incompetency to practice under
5 this Act.

6 (5) Knowingly aiding or assisting another person in
7 violating any provision of this Act or rules.

8 (6) Failing, within 90 days, to provide a response to a
9 request for information in response to a written request
10 made by the Department by certified mail.

11 (7) Engaging in dishonorable, unethical or
12 unprofessional conduct of a character likely to deceive,
13 defraud or harm the public, as defined by rule.

14 (8) Unlawful sale or distribution of any drug,
15 narcotic, or prescription device, or unlawful conversion
16 of any drug, narcotic or prescription device.

17 (9) Habitual or excessive use or addiction to alcohol,
18 narcotics, stimulants, or any other chemical agent or drug
19 which results in a licensee's inability to practice with
20 reasonable judgment, skill or safety.

21 (10) Discipline by another U.S. jurisdiction or
22 foreign nation, if at least one of the grounds for the
23 discipline is the same or substantially equivalent to those
24 set forth in this Section.

25 (11) A finding that the licensee, after having her or
26 his license placed on probationary status, has violated the

1 terms of probation.

2 (12) Being named as a perpetrator in an indicated
3 report by the Department of Children and Family Services
4 and under the Abused and Neglected Child Reporting Act, and
5 upon proof by clear and convincing evidence that the
6 licensee has caused a child to be an abused child or
7 neglected child as defined in the Abused and Neglected
8 Child Reporting Act.

9 (13) Willful omission to file or record, or willfully
10 impeding the filing or recording or inducing another person
11 to omit to file or record medical reports as required by
12 law or willfully failing to report an instance of suspected
13 child abuse or neglect as required by the Abused and
14 Neglected Child Reporting Act.

15 (14) Gross negligence in the practice of nursing.

16 (15) Holding oneself out to be practicing nursing under
17 any name other than one's own.

18 (16) Fraud, deceit or misrepresentation in applying
19 for or procuring a license under this Act or in connection
20 with applying for renewal of a license under this Act.

21 (17) Allowing another person or organization to use the
22 licensees' license to deceive the public.

23 (18) Willfully making or filing false records or
24 reports in the licensee's practice, including but not
25 limited to false records to support claims against the
26 medical assistance program of the Department of Healthcare

1 and Family Services (formerly Department of Public Aid)
2 under the Illinois Public Aid Code.

3 (19) Attempting to subvert or cheat on a nurse
4 licensing examination administered under this Act.

5 (20) Immoral conduct in the commission of an act, such
6 as sexual abuse, sexual misconduct, or sexual
7 exploitation, related to the licensee's practice.

8 (21) Willfully or negligently violating the
9 confidentiality between nurse and patient except as
10 required by law.

11 (22) Practicing under a false or assumed name, except
12 as provided by law.

13 (23) The use of any false, fraudulent, or deceptive
14 statement in any document connected with the licensee's
15 practice.

16 (24) Directly or indirectly giving to or receiving from
17 a person, firm, corporation, partnership, or association a
18 fee, commission, rebate, or other form of compensation for
19 professional services not actually or personally rendered.

20 (25) Failure of a licensee to report to the Department
21 any adverse final action taken against such licensee by
22 another licensing jurisdiction (any other jurisdiction of
23 the United States or any foreign state or country), by any
24 peer review body, by any health care institution, by any
25 professional or nursing society or association, by any
26 governmental agency, by any law enforcement agency, or by

1 any court or a nursing liability claim related to acts or
2 conduct similar to acts or conduct that would constitute
3 grounds for action as defined in this Section.

4 (26) Failure of a licensee to report to the Department
5 surrender by the licensee of a license or authorization to
6 practice nursing in another state or jurisdiction, or
7 current surrender by the licensee of membership on any
8 nursing staff or in any nursing or professional association
9 or society while under disciplinary investigation by any of
10 those authorities or bodies for acts or conduct similar to
11 acts or conduct that would constitute grounds for action as
12 defined by this Section.

13 (27) A violation of the Health Care Worker
14 Self-Referral Act.

15 (28) Physical illness, including but not limited to
16 deterioration through the aging process or loss of motor
17 skill, mental illness, or disability that results in the
18 inability to practice the profession with reasonable
19 judgment, skill, or safety.

20 (c) The determination by a circuit court that a licensee is
21 subject to involuntary admission or judicial admission as
22 provided in the Mental Health and Developmental Disabilities
23 Code, as amended, operates as an automatic suspension. The
24 suspension will end only upon a finding by a court that the
25 patient is no longer subject to involuntary admission or
26 judicial admission and issues an order so finding and

1 discharging the patient; and upon the recommendation of the
2 Board to the Director that the licensee be allowed to resume
3 his or her practice.

4 (d) The Department may refuse to issue or may suspend the
5 license of any person who fails to file a return, or to pay the
6 tax, penalty or interest shown in a filed return, or to pay any
7 final assessment of the tax, penalty, or interest as required
8 by any tax Act administered by the Illinois Department of
9 Revenue, until such time as the requirements of any such tax
10 Act are satisfied.

11 (e) In enforcing this Section, the Department or Board upon
12 a showing of a possible violation may compel an individual
13 licensed to practice under this Act, or who has applied for
14 licensure under this Act, to submit to a mental or physical
15 examination, or both, as required by and at the expense of the
16 Department. The Department or Board may order the examining
17 physician to present testimony concerning the mental or
18 physical examination of the licensee or applicant. No
19 information shall be excluded by reason of any common law or
20 statutory privilege relating to communications between the
21 licensee or applicant and the examining physician. The
22 examining physicians shall be specifically designated by the
23 Board or Department. The individual to be examined may have, at
24 his or her own expense, another physician of his or her choice
25 present during all aspects of this examination. Failure of an
26 individual to submit to a mental or physical examination, when

1 directed, shall be grounds for suspension of his or her license
2 until the individual submits to the examination if the
3 Department finds, after notice and hearing, that the refusal to
4 submit to the examination was without reasonable cause.

5 If the Department or Board finds an individual unable to
6 practice because of the reasons set forth in this Section, the
7 Department or Board may require that individual to submit to
8 care, counseling, or treatment by physicians approved or
9 designated by the Department or Board, as a condition, term, or
10 restriction for continued, reinstated, or renewed licensure to
11 practice; or, in lieu of care, counseling, or treatment, the
12 Department may file, or the Board may recommend to the
13 Department to file, a complaint to immediately suspend, revoke,
14 or otherwise discipline the license of the individual. An
15 individual whose license was granted, continued, reinstated,
16 renewed, disciplined or supervised subject to such terms,
17 conditions, or restrictions, and who fails to comply with such
18 terms, conditions, or restrictions, shall be referred to the
19 Director for a determination as to whether the individual shall
20 have his or her license suspended immediately, pending a
21 hearing by the Department.

22 In instances in which the Director immediately suspends a
23 person's license under this Section, a hearing on that person's
24 license must be convened by the Department within 15 days after
25 the suspension and completed without appreciable delay. The
26 Department and Board shall have the authority to review the

1 subject individual's record of treatment and counseling
2 regarding the impairment to the extent permitted by applicable
3 federal statutes and regulations safeguarding the
4 confidentiality of medical records.

5 An individual licensed under this Act and affected under
6 this Section shall be afforded an opportunity to demonstrate to
7 the Department or Board that he or she can resume practice in
8 compliance with acceptable and prevailing standards under the
9 provisions of his or her license.

10 (Source: P.A. 90-742, eff. 8-13-98; revised 12-15-05.)

11 (225 ILCS 65/20-40)

12 (Section scheduled to be repealed on January 1, 2008)

13 Sec. 20-40. Fund. There is hereby created within the State
14 Treasury the Nursing Dedicated and Professional Fund. The
15 monies in the Fund may be used by and at the direction of the
16 Department for the administration and enforcement of this Act,
17 including but not limited to:

18 (a) Distribution and publication of the Nursing and
19 Advanced Practice Nursing Act and the rules at the time of
20 renewal to all persons licensed by the Department under
21 this Act.

22 (b) Employment of secretarial, nursing,
23 administrative, enforcement, and other staff for the
24 administration of this Act.

25 (c) Conducting a survey, as prescribed by rule of the

1 Department, once every 4 years during the license renewal
2 period.

3 (d) Conducting of training seminars for licensees
4 under this Act relating to the obligations,
5 responsibilities, enforcement and other provisions of the
6 Act and its rules.

7 (e) Disposition of Fees:

8 (i) (Blank).

9 (ii) All of the fees and fines collected pursuant
10 to this Act shall be deposited in the Nursing Dedicated
11 and Professional Fund.

12 (iii) For the fiscal year beginning July 1, 1988,
13 the moneys deposited in the Nursing Dedicated and
14 Professional Fund shall be appropriated to the
15 Department for expenses of the Department and the Board
16 in the administration of this Act. All earnings
17 received from investment of moneys in the Nursing
18 Dedicated and Professional Fund shall be deposited in
19 the Nursing Dedicated and Professional Fund and shall
20 be used for the same purposes as fees deposited in the
21 Fund.

22 (iv) For the fiscal year beginning July 1, 2004 and
23 for each fiscal year thereafter, \$1,200,000 of the
24 moneys deposited in the Nursing Dedicated and
25 Professional Fund each year shall be set aside and
26 appropriated to the Illinois Department of Public

1 Health for nursing scholarships awarded pursuant to
2 the Nursing Education Scholarship Law. Representatives
3 of the Department and the Nursing Education
4 Scholarship Program Advisory Council shall review this
5 requirement and the scholarship awards every 2 years.

6 (v) Moneys in the Fund may be transferred to the
7 Professions Indirect Cost Fund as authorized under
8 Section 2105-300 of the Department of Professional
9 Regulation Law (20 ILCS 2105/2105-300).

10 (f) Moneys set aside for nursing scholarships awarded
11 pursuant to the Nursing Education Scholarship Law as
12 provided in item (iv) of subsection (e) of this Section may
13 not be transferred under Section 8h of the State Finance
14 Act.

15 (Source: P.A. 92-46, eff. 7-1-01; 93-806, eff. 7-24-04;
16 93-1054, eff. 11-18-04; revised 12-1-04.)

17 (225 ILCS 65/20-55)

18 (Section scheduled to be repealed on January 1, 2008)

19 Sec. 20-55. Suspension for imminent danger. The Director of
20 the Department may, upon receipt of a written communication
21 from the Secretary of Human Services, the Director of
22 Healthcare and Family Services (formerly Director of Public
23 Aid), or the Director of Public Health that continuation of
24 practice of a person licensed under this Act constitutes an
25 immediate danger to the public, immediately suspend the license

1 of such person without a hearing. In instances in which the
2 Director immediately suspends a license under this Section, a
3 hearing upon such person's license must be convened by the
4 Department within 30 days after such suspension and completed
5 without appreciable delay, such hearing held to determine
6 whether to recommend to the Director that the person's license
7 be revoked, suspended, placed on probationary status or
8 reinstated, or such person be subject to other disciplinary
9 action. In such hearing, the written communication and any
10 other evidence submitted therewith may be introduced as
11 evidence against such person; provided, however, the person, or
12 his or her counsel, shall have the opportunity to discredit or
13 impeach and submit evidence rebutting such evidence.

14 (Source: P.A. 89-507, eff. 7-1-97; 90-61, eff. 12-30-97;
15 90-742, eff. 8-13-98; revised 12-15-05.)

16 Section 715. The Mail Order Contact Lens Act is amended by
17 changing Section 20 as follows:

18 (225 ILCS 83/20)

19 Sec. 20. Nonresident mail-order ophthalmic ~~ophthalmic~~
20 provider registration.

21 (a) The Department shall require and provide for an annual
22 registration for all mail-order ophthalmic providers located
23 outside of this State, including those providing services via
24 the Internet, that dispense contact lenses to Illinois

1 residents. A mail-order ophthalmic provider's registration
2 shall be granted by the Department upon the disclosure and
3 certification by a mail-order ophthalmic provider of all of the
4 following:

5 (1) That it is licensed or registered to distribute
6 contact lenses in the state in which the dispensing
7 facility is located and from which the contact lenses are
8 dispensed, if required.

9 (2) The location, names, and titles of all principal
10 corporate officers and the person who is responsible for
11 overseeing the dispensing of contact lenses to residents of
12 this State.

13 (3) That it complies with all lawful directions and
14 appropriate requests for information from the appropriate
15 agency of each state in which it is licensed or registered.

16 (4) That it will respond directly to all communications
17 from the Department concerning emergency circumstances
18 arising from the dispensing of contact lenses to residents
19 of this State.

20 (5) That it maintains its records of contact lenses
21 dispensed to residents of this State so that the records
22 are readily retrievable.

23 (6) That it cooperates with the Department in providing
24 information to the appropriate agency of the state in which
25 it is licensed or registered concerning matters related to
26 the dispensing of contact lenses to residents of this

1 State.

2 (7) That it conducts business in a manner that conforms
3 with Section 10 of this Act.

4 (8) That it provides a toll-free telephone service for
5 responding to patient questions and complaints during its
6 regular hours of operation. The toll-free number shall be
7 included in literature provided with mailed contact
8 lenses. All questions relating to eye care for the lenses
9 prescribed shall be referred back to the contact lens
10 prescriber.

11 (9) That it provides the following or a substantially
12 equivalent written notification to the patient whenever
13 contact lenses are supplied: WARNING: IF YOU ARE HAVING ANY
14 OF THE FOLLOWING SYMPTOMS REMOVE YOUR LENSES IMMEDIATELY
15 AND CONSULT YOUR EYE CARE PRACTITIONER BEFORE WEARING YOUR
16 LENSES AGAIN: UNEXPLAINED EYE DISCOMFORT, WATERING, VISION
17 CHANGE, OR REDNESS.

18 (b) The Department shall provide a copy of this Act and its
19 rules, and the Illinois Optometric Practice Act of 1987 and its
20 rules, with each application for registration.

21 (Source: P.A. 91-421, eff. 1-1-00; revised 10-13-05.)

22 Section 720. The Pharmacy Practice Act of 1987 is amended
23 by changing Sections 30 and 33 as follows:

24 (225 ILCS 85/30) (from Ch. 111, par. 4150)

1 (Section scheduled to be repealed on January 1, 2008)

2 Sec. 30. (a) In accordance with Section 11 of this Act, the
3 Department may refuse to issue, restore, or renew, or may
4 revoke, suspend, place on probation, reprimand or take other
5 disciplinary action as the Department may deem proper with
6 regard to any license or certificate of registration for any
7 one or combination of the following causes:

8 1. Material misstatement in furnishing information to
9 the Department.

10 2. Violations of this Act, or the rules promulgated
11 hereunder.

12 3. Making any misrepresentation for the purpose of
13 obtaining licenses.

14 4. A pattern of conduct which demonstrates
15 incompetence or unfitness to practice.

16 5. Aiding or assisting another person in violating any
17 provision of this Act or rules.

18 6. Failing, within 60 days, to respond to a written
19 request made by the Department for information.

20 7. Engaging in dishonorable, unethical or
21 unprofessional conduct of a character likely to deceive,
22 defraud or harm the public.

23 8. Discipline by another U.S. jurisdiction or foreign
24 nation, if at least one of the grounds for the discipline
25 is the same or substantially equivalent to those set forth
26 herein.

1 9. Directly or indirectly giving to or receiving from
2 any person, firm, corporation, partnership or association
3 any fee, commission, rebate or other form of compensation
4 for any professional services not actually or personally
5 rendered.

6 10. A finding by the Department that the licensee,
7 after having his license placed on probationary status has
8 violated the terms of probation.

9 11. Selling or engaging in the sale of drug samples
10 provided at no cost by drug manufacturers.

11 12. Physical illness, including but not limited to,
12 deterioration through the aging process, or loss of motor
13 skill which results in the inability to practice the
14 profession with reasonable judgment, skill or safety.

15 13. A finding that licensure or registration has been
16 applied for or obtained by fraudulent means.

17 14. The applicant, or licensee has been convicted in
18 state or federal court of any crime which is a felony or
19 any misdemeanor related to the practice of pharmacy, of
20 which an essential element is dishonesty.

21 15. Habitual or excessive use or addiction to alcohol,
22 narcotics, stimulants or any other chemical agent or drug
23 which results in the inability to practice with reasonable
24 judgment, skill or safety.

25 16. Willfully making or filing false records or reports
26 in the practice of pharmacy, including, but not limited to

1 false records to support claims against the medical
2 assistance program of the Department of Healthcare and
3 Family Services (formerly Department of Public Aid) under
4 the Public Aid Code.

5 17. Gross and willful overcharging for professional
6 services including filing false statements for collection
7 of fees for which services are not rendered, including, but
8 not limited to, filing false statements for collection of
9 monies for services not rendered from the medical
10 assistance program of the Department of Healthcare and
11 Family Services (formerly Department of Public Aid) under
12 the Public Aid Code.

13 18. Repetitiously dispensing prescription drugs
14 without receiving a written or oral prescription.

15 19. Upon a finding of a substantial discrepancy in a
16 Department audit of a prescription drug, including
17 controlled substances, as that term is defined in this Act
18 or in the Illinois Controlled Substances Act.

19 20. Physical illness which results in the inability to
20 practice with reasonable judgment, skill or safety, or
21 mental incompetency as declared by a court of competent
22 jurisdiction.

23 21. Violation of the Health Care Worker Self-Referral
24 Act.

25 22. Failing to sell or dispense any drug, medicine, or
26 poison in good faith. "Good faith", for the purposes of

1 this Section, has the meaning ascribed to it in subsection
2 (u) of Section 102 of the Illinois Controlled Substances
3 Act.

4 23. Interfering with the professional judgment of a
5 pharmacist by any registrant under this Act, or his or her
6 agents or employees.

7 (b) The Department may refuse to issue or may suspend the
8 license or registration of any person who fails to file a
9 return, or to pay the tax, penalty or interest shown in a filed
10 return, or to pay any final assessment of tax, penalty or
11 interest, as required by any tax Act administered by the
12 Illinois Department of Revenue, until such time as the
13 requirements of any such tax Act are satisfied.

14 (c) The Department shall revoke the license or certificate
15 of registration issued under the provisions of this Act or any
16 prior Act of this State of any person who has been convicted a
17 second time of committing any felony under the Illinois
18 Controlled Substances Act, or who has been convicted a second
19 time of committing a Class 1 felony under Sections 8A-3 and
20 8A-6 of the Illinois Public Aid Code. A person whose license or
21 certificate of registration issued under the provisions of this
22 Act or any prior Act of this State is revoked under this
23 subsection (c) shall be prohibited from engaging in the
24 practice of pharmacy in this State.

25 (d) In any order issued in resolution of a disciplinary
26 proceeding, the Board may request any licensee found guilty of

1 a charge involving a significant violation of subsection (a) of
2 Section 5, or paragraph 19 of Section 30 as it pertains to
3 controlled substances, to pay to the Department a fine not to
4 exceed \$2,000.

5 (e) In any order issued in resolution of a disciplinary
6 proceeding, in addition to any other disciplinary action, the
7 Board may request any licensee found guilty of noncompliance
8 with the continuing education requirements of Section 12 to pay
9 the Department a fine not to exceed \$1000.

10 (f) The Department shall issue quarterly to the Board a
11 status of all complaints related to the profession received by
12 the Department.

13 (Source: P.A. 92-880, eff. 1-1-04; revised 12-15-05.)

14 (225 ILCS 85/33) (from Ch. 111, par. 4153)

15 (Section scheduled to be repealed on January 1, 2008)

16 Sec. 33. The Director of the Department may, upon receipt
17 of a written communication from the Secretary of Human
18 Services, the Director of Healthcare and Family Services
19 (formerly Director of Public Aid), or the Director of Public
20 Health that continuation of practice of a person licensed or
21 registered under this Act constitutes an immediate danger to
22 the public, immediately suspend the license or registration of
23 such person without a hearing. In instances in which the
24 Director immediately suspends a license or registration under
25 this Act, a hearing upon such person's license must be convened

1 by the Board within 15 days after such suspension and completed
2 without appreciable delay, such hearing held to determine
3 whether to recommend to the Director that the person's license
4 be revoked, suspended, placed on probationary status or
5 reinstated, or such person be subject to other disciplinary
6 action. In such hearing, the written communication and any
7 other evidence submitted therewith may be introduced as
8 evidence against such person; provided however, the person, or
9 his counsel, shall have the opportunity to discredit or impeach
10 such evidence and submit evidence rebutting same.

11 (Source: P.A. 89-507, eff. 7-1-97; 90-655, eff. 7-30-98;
12 revised 12-15-05.)

13 Section 725. The Podiatric Medical Practice Act of 1987 is
14 amended by changing Section 24 as follows:

15 (225 ILCS 100/24) (from Ch. 111, par. 4824)

16 (Section scheduled to be repealed on January 1, 2008)

17 Sec. 24. Refusal to issue or suspension or revocation of
18 license; grounds. The Department may refuse to issue, may
19 refuse to renew, may refuse to restore, may suspend, or may
20 revoke any license, or may place on probation, reprimand or
21 take other disciplinary action as the Department may deem
22 proper, including fines not to exceed \$5,000 for each violation
23 upon anyone licensed under this Act for any of the following
24 reasons:

1 (1) Making a material misstatement in furnishing
2 information to the Department.

3 (2) Violations of this Act, or of the rules or regulations
4 promulgated hereunder.

5 (3) Conviction of any crime under the laws of any United
6 States jurisdiction that is a felony or a misdemeanor, of which
7 an essential element is dishonesty, or of any crime that is
8 directly related to the practice of the profession.

9 (4) Making any misrepresentation for the purpose of
10 obtaining licenses, or violating any provision of this Act or
11 the rules promulgated thereunder pertaining to advertising.

12 (5) Professional incompetence.

13 (6) Gross or repeated malpractice or negligence.

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

16 (8) Failing, within 60 days, to provide information in
17 response to a written request made by the Department.

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

21 (10) Habitual or excessive use of alcohol, narcotics,
22 stimulants or other chemical agent or drug that results in the
23 inability to practice podiatric medicine with reasonable
24 judgment, skill or safety.

25 (11) Discipline by another United States jurisdiction if at
26 least one of the grounds for the discipline is the same or

1 substantially equivalent to those set forth in this Section.

2 (12) Directly or indirectly giving to or receiving from any
3 person, firm, corporation, partnership or association any fee,
4 commission, rebate or other form of compensation for any
5 professional services not actually or personally rendered.
6 This shall not be deemed to include rent or other remunerations
7 paid to an individual, partnership, or corporation, by a
8 licensee, for the lease, rental or use of space, owned or
9 controlled, by the individual, partnership or corporation.

10 (13) A finding by the Podiatric Medical Licensing Board
11 that the licensee, after having his or her license placed on
12 probationary status, has violated the terms of probation.

13 (14) Abandonment of a patient.

14 (15) Willfully making or filing false records or reports in
15 his or her practice, including but not limited to false records
16 filed with state agencies or departments.

17 (16) Willfully failing to report an instance of suspected
18 child abuse or neglect as required by the Abused and Neglected
19 Child Report Act.

20 (17) Physical illness, including but not limited to,
21 deterioration through the aging process, or loss of motor skill
22 that results in the inability to practice the profession with
23 reasonable judgment, skill or safety.

24 (18) Solicitation of professional services other than
25 permitted advertising.

26 (19) The determination by a circuit court that a licensed

1 podiatric physician is subject to involuntary admission or
2 judicial admission as provided in the Mental Health and
3 Developmental Disabilities Code operates as an automatic
4 suspension. Such suspension will end only upon a finding by a
5 court that the patient is no longer subject to involuntary
6 admission or judicial admission and issues an order so finding
7 and discharging the patient; and upon the recommendation of the
8 Podiatric Medical Licensing Board to the Director that the
9 licensee be allowed to resume his or her practice.

10 (20) Holding oneself out to treat human ailments under any
11 name other than his or her own, or the impersonation of any
12 other physician.

13 (21) Revocation or suspension or other action taken with
14 respect to a podiatric medical license in another jurisdiction
15 that would constitute disciplinary action under this Act.

16 (22) Promotion of the sale of drugs, devices, appliances or
17 goods provided for a patient in such manner as to exploit the
18 patient for financial gain of the podiatric physician.

19 (23) Gross, willful, and continued overcharging for
20 professional services including filing false statements for
21 collection of fees for those services, including, but not
22 limited to, filing false statement for collection of monies for
23 services not rendered from the medical assistance program of
24 the Department of Healthcare and Family Services (formerly
25 Department of Public Aid) under the Illinois Public Aid Code or
26 other private or public third party payor.

1 (24) Being named as a perpetrator in an indicated report by
2 the Department of Children and Family Services under the Abused
3 and Neglected Child Reporting Act, and upon proof by clear and
4 convincing evidence that the licensee has caused a child to be
5 an abused child or neglected child as defined in the Abused and
6 Neglected Child Reporting Act.

7 (25) Willfully making or filing false records or reports in
8 the practice of podiatric medicine, including, but not limited
9 to, false records to support claims against the medical
10 assistance program of the Department of Healthcare and Family
11 Services (formerly Department of Public Aid) under the Illinois
12 Public Aid Code.

13 (26) Mental illness or disability that results in the
14 inability to practice with reasonable judgment, skill or
15 safety.

16 (27) Immoral conduct in the commission of any act
17 including, sexual abuse, sexual misconduct, or sexual
18 exploitation, related to the licensee's practice.

19 (28) Violation of the Health Care Worker Self-Referral Act.

20 (29) Failure to report to the Department any adverse final
21 action taken against him or her by another licensing
22 jurisdiction (another state or a territory of the United States
23 or a foreign state or country) by a peer review body, by any
24 health care institution, by a professional society or
25 association related to practice under this Act, by a
26 governmental agency, by a law enforcement agency, or by a court

1 for acts or conduct similar to acts or conduct that would
2 constitute grounds for action as defined in this Section.

3 The Department may refuse to issue or may suspend the
4 license of any person who fails to file a return, or to pay the
5 tax, penalty or interest shown in a filed return, or to pay any
6 final assessment of tax, penalty or interest, as required by
7 any tax Act administered by the Illinois Department of Revenue,
8 until such time as the requirements of any such tax Act are
9 satisfied.

10 Upon receipt of a written communication from the Secretary
11 of Human Services, the Director of Healthcare and Family
12 Services (formerly Director of Public Aid), or the Director of
13 Public Health that continuation of practice of a person
14 licensed under this Act constitutes an immediate danger to the
15 public, the Director may immediately suspend the license of
16 such person without a hearing. In instances in which the
17 Director immediately suspends a license under this Section, a
18 hearing upon such person's license must be convened by the
19 Board within 15 days after such suspension and completed
20 without appreciable delay, such hearing held to determine
21 whether to recommend to the Director that the person's license
22 be revoked, suspended, placed on probationary status or
23 reinstated, or such person be subject to other disciplinary
24 action. In such hearing, the written communication and any
25 other evidence submitted therewith may be introduced as
26 evidence against such person; provided, however, the person or

1 his counsel shall have the opportunity to discredit or impeach
2 such evidence and submit evidence rebutting the same.

3 All proceedings to suspend, revoke, place on probationary
4 status, or take any other disciplinary action as the Department
5 may deem proper, with regard to a license on any of the
6 foregoing grounds, must be commenced within 3 years after
7 receipt by the Department of a complaint alleging the
8 commission of or notice of the conviction order for any of the
9 acts described in this Section. Except for fraud in procuring a
10 license, no action shall be commenced more than 5 years after
11 the date of the incident or act alleged to have been a
12 violation of this Section. In the event of the settlement of
13 any claim or cause of action in favor of the claimant or the
14 reduction to final judgment of any civil action in favor of the
15 plaintiff, such claim, cause of action, or civil action being
16 grounded on the allegation that a person licensed under this
17 Act was negligent in providing care, the Department shall have
18 an additional period of one year from the date of notification
19 to the Department under Section 26 of this Act of such
20 settlement or final judgment in which to investigate and
21 commence formal disciplinary proceedings under Section 24 of
22 this Act, except as otherwise provided by law. The time during
23 which the holder of the license was outside the State of
24 Illinois shall not be included within any period of time
25 limiting the commencement of disciplinary action by the
26 Department.

1 In enforcing this Section, the Department or Board upon a
2 showing of a possible violation may compel an individual
3 licensed to practice under this Act, or who has applied for
4 licensure under this Act, to submit to a mental or physical
5 examination, or both, as required by and at the expense of the
6 Department. The Department or Board may order the examining
7 physician to present testimony concerning the mental or
8 physical examination of the licensee or applicant. No
9 information shall be excluded by reason of any common law or
10 statutory privilege relating to communications between the
11 licensee or applicant and the examining physician. The
12 examining physicians shall be specifically designated by the
13 Board or Department. The individual to be examined may have, at
14 his or her own expense, another physician of his or her choice
15 present during all aspects of this examination. Failure of an
16 individual to submit to a mental or physical examination, when
17 directed, shall be grounds for suspension of his or her license
18 until the individual submits to the examination if the
19 Department finds, after notice and hearing, that the refusal to
20 submit to the examination was without reasonable cause.

21 If the Department or Board finds an individual unable to
22 practice because of the reasons set forth in this Section, the
23 Department or Board may require that individual to submit to
24 care, counseling, or treatment by physicians approved or
25 designated by the Department or Board, as a condition, term, or
26 restriction for continued, reinstated, or renewed licensure to

1 practice; or, in lieu of care, counseling, or treatment, the
2 Department may file, or the Board may recommend to the
3 Department to file, a complaint to immediately suspend, revoke,
4 or otherwise discipline the license of the individual. An
5 individual whose license was granted, continued, reinstated,
6 renewed, disciplined or supervised subject to such terms,
7 conditions, or restrictions, and who fails to comply with such
8 terms, conditions, or restrictions, shall be referred to the
9 Director for a determination as to whether the individual shall
10 have his or her license suspended immediately, pending a
11 hearing by the Department.

12 In instances in which the Director immediately suspends a
13 person's license under this Section, a hearing on that person's
14 license must be convened by the Department within 15 days after
15 the suspension and completed without appreciable delay. The
16 Department and Board shall have the authority to review the
17 subject individual's record of treatment and counseling
18 regarding the impairment to the extent permitted by applicable
19 federal statutes and regulations safeguarding the
20 confidentiality of medical records.

21 An individual licensed under this Act and affected under
22 this Section shall be afforded an opportunity to demonstrate to
23 the Department or Board that he or she can resume practice in
24 compliance with acceptable and prevailing standards under the
25 provisions of his or her license.

26 (Source: P.A. 89-507, eff. 7-1-97; 90-76, eff. 12-30-97;

1 revised 12-15-05.)

2 Section 730. The Illinois Speech-Language Pathology and
3 Audiology Practice Act is amended by changing Section 16 as
4 follows:

5 (225 ILCS 110/16) (from Ch. 111, par. 7916)

6 (Section scheduled to be repealed on January 1, 2008)

7 Sec. 16. Refusal, revocation or suspension of licenses.

8 (1) The Department may refuse to issue or renew, or may
9 revoke, suspend, place on probation, censure, reprimand or take
10 other disciplinary action as the Department may deem proper,
11 including fines not to exceed \$5,000 for each violation, with
12 regard to any license for any one or combination of the
13 following causes:

14 (a) Fraud in procuring the license.

15 (b) Habitual intoxication or addiction to the use of
16 drugs.

17 (c) Willful or repeated violations of the rules of the
18 Department of Public Health.

19 (d) Division of fees or agreeing to split or divide the
20 fees received for speech-language pathology or audiology
21 services with any person for referring an individual, or
22 assisting in the care or treatment of an individual,
23 without the knowledge of the individual or his or her legal
24 representative.

1 (e) Employing, procuring, inducing, aiding or abetting
2 a person not licensed as a speech-language pathologist or
3 audiologist to engage in the unauthorized practice of
4 speech-language pathology or audiology.

5 (e-5) Employing, procuring, inducing, aiding, or
6 abetting a person not licensed as a speech-language
7 pathology assistant to perform the functions and duties of
8 a speech-language pathology assistant.

9 (f) Making any misrepresentations or false promises,
10 directly or indirectly, to influence, persuade or induce
11 patronage.

12 (g) Professional connection or association with, or
13 lending his or her name to another for the illegal practice
14 of speech-language pathology or audiology by another, or
15 professional connection or association with any person,
16 firm or corporation holding itself out in any manner
17 contrary to this Act.

18 (h) Obtaining or seeking to obtain checks, money, or
19 any other things of value by false or fraudulent
20 representations, including but not limited to, engaging in
21 such fraudulent practice to defraud the medical assistance
22 program of the Department of Healthcare and Family Services
23 (formerly Department of Public Aid).

24 (i) Practicing under a name other than his or her own.

25 (j) Improper, unprofessional or dishonorable conduct
26 of a character likely to deceive, defraud or harm the

1 public.

2 (k) Conviction in this or another state of any crime
3 which is a felony under the laws of this State or
4 conviction of a felony in a federal court, if the
5 Department determines, after investigation, that such
6 person has not been sufficiently rehabilitated to warrant
7 the public trust.

8 (l) Permitting a person under his or her supervision to
9 perform any function not authorized by this Act.

10 (m) A violation of any provision of this Act or rules
11 promulgated thereunder.

12 (n) Revocation by another state, the District of
13 Columbia, territory, or foreign nation of a license to
14 practice speech-language pathology or audiology or a
15 license to practice as a speech-language pathology
16 assistant in its jurisdiction if at least one of the
17 grounds for that revocation is the same as or the
18 equivalent of one of the grounds for revocation set forth
19 herein.

20 (o) Willfully failing to report an instance of
21 suspected child abuse or neglect as required by the Abused
22 and Neglected Child Reporting Act.

23 (p) Gross or repeated malpractice resulting in injury
24 or death of an individual.

25 (q) Willfully making or filing false records or reports
26 in his or her practice as a speech-language pathologist,

1 speech-language pathology assistant, or audiologist,
2 including, but not limited to, false records to support
3 claims against the public assistance program of the
4 Department of Healthcare and Family Services (formerly
5 Illinois Department of Public Aid).

6 (r) Professional incompetence as manifested by poor
7 standards of care or mental incompetence as declared by a
8 court of competent jurisdiction.

9 (s) Repeated irregularities in billing a third party
10 for services rendered to an individual. For purposes of
11 this Section, "irregularities in billing" shall include:

12 (i) reporting excessive charges for the purpose of
13 obtaining a total payment in excess of that usually
14 received by the speech-language pathologist,
15 speech-language pathology assistant, or audiologist
16 for the services rendered;

17 (ii) reporting charges for services not rendered;

18 or

19 (iii) incorrectly reporting services rendered for
20 the purpose of obtaining payment not earned.

21 (t) (Blank).

22 (u) Violation of the Health Care Worker Self-Referral
23 Act.

24 (v) Physical illness, including but not limited to
25 deterioration through the aging process or loss of motor
26 skill, mental illness, or disability that results in the

1 inability to practice the profession with reasonable
2 judgment, skill, or safety.

3 (w) Violation of the Hearing Instrument Consumer
4 Protection Act.

5 (x) Failure by a speech-language pathology assistant
6 and supervising speech-language pathologist to comply with
7 the supervision requirements set forth in Section 8.8.

8 (y) Wilfully exceeding the scope of duties customarily
9 undertaken by speech-language pathology assistants set
10 forth in Section 8.7 that results in, or may result in,
11 harm to the public.

12 (2) The Department shall deny a license or renewal
13 authorized by this Act to any person who has defaulted on an
14 educational loan guaranteed by the Illinois State Scholarship
15 Commission; however, the Department may issue a license or
16 renewal if the aforementioned persons have established a
17 satisfactory repayment record as determined by the Illinois
18 State Scholarship Commission.

19 (3) The entry of an order by a circuit court establishing
20 that any person holding a license under this Act is subject to
21 involuntary admission or judicial admission as provided for in
22 the Mental Health and Developmental Disabilities Code,
23 operates as an automatic suspension of that license. That
24 person may have his or her license restored only upon the
25 determination by a circuit court that the patient is no longer
26 subject to involuntary admission or judicial admission and the

1 issuance of an order so finding and discharging the patient,
2 and upon the Board's recommendation to the Department that the
3 license be restored. Where the circumstances so indicate, the
4 Board may recommend to the Department that it require an
5 examination prior to restoring any license automatically
6 suspended under this subsection.

7 (4) The Department may refuse to issue or may suspend the
8 license of any person who fails to file a return, or to pay the
9 tax, penalty, or interest shown in a filed return, or to pay
10 any final assessment of the tax penalty or interest, as
11 required by any tax Act administered by the Department of
12 Revenue, until such time as the requirements of any such tax
13 Act are satisfied.

14 (5) In enforcing this Section, the Board upon a showing of
15 a possible violation may compel an individual licensed to
16 practice under this Act, or who has applied for licensure
17 pursuant to this Act, to submit to a mental or physical
18 examination, or both, as required by and at the expense of the
19 Department. The examining physicians or clinical psychologists
20 shall be those specifically designated by the Board. The
21 individual to be examined may have, at his or her own expense,
22 another physician or clinical psychologist of his or her choice
23 present during all aspects of this examination. Failure of any
24 individual to submit to a mental or physical examination, when
25 directed, shall be grounds for suspension of his or her license
26 until the individual submits to the examination if the Board

1 finds, after notice and hearing, that the refusal to submit to
2 the examination was without reasonable cause.

3 If the Board finds an individual unable to practice because
4 of the reasons set forth in this Section, the Board may require
5 that individual to submit to care, counseling, or treatment by
6 physicians or clinical psychologists approved or designated by
7 the Board, as a condition, term, or restriction for continued,
8 reinstated, or renewed licensure to practice; or, in lieu of
9 care, counseling, or treatment, the Board may recommend to the
10 Department to file a complaint to immediately suspend, revoke,
11 or otherwise discipline the license of the individual. Any
12 individual whose license was granted, continued, reinstated,
13 renewed, disciplined or supervised subject to such terms,
14 conditions, or restrictions, and who fails to comply with such
15 terms, conditions, or restrictions, shall be referred to the
16 Director for a determination as to whether the individual shall
17 have his or her license suspended immediately, pending a
18 hearing by the Board.

19 In instances in which the Director immediately suspends a
20 person's license under this Section, a hearing on that person's
21 license must be convened by the Board within 15 days after the
22 suspension and completed without appreciable delay. The Board
23 shall have the authority to review the subject individual's
24 record of treatment and counseling regarding the impairment to
25 the extent permitted by applicable federal statutes and
26 regulations safeguarding the confidentiality of medical

1 records.

2 An individual licensed under this Act and affected under
3 this Section shall be afforded an opportunity to demonstrate to
4 the Board that he or she can resume practice in compliance with
5 acceptable and prevailing standards under the provisions of his
6 or her license.

7 (Source: P.A. 91-949, eff. 2-9-01; 92-510, eff. 6-1-02; revised
8 12-15-05.)

9 Section 735. The Pyrotechnic Distributor and Operator
10 Licensing Act is amended by changing Section 5 and by
11 renumbering Section 99 as follows:

12 (225 ILCS 227/5)

13 Sec. 5. Definitions. In this Act:

14 "1.3G fireworks" means fireworks that are used for
15 professional outdoor displays and classified as fireworks
16 UN0333, UN0334, or UN0335 by the United States Department of
17 Transportation under 49 C.F.R. 172.101.

18 "BATFE" means the federal Bureau of Alcohol, Tobacco and
19 Firearms Enforcement.

20 "Consumer fireworks" means fireworks that must comply with
21 the construction, chemical composition, and labeling
22 regulations of the U.S. Consumer Products Safety Commission, as
23 set forth in 16 C.F.R. Parts 1500 and 1507, and classified as
24 fireworks UN0336 or UN0337 by the United States Department of

1 Transportation under 49 C.F.R. 172.101. "Consumer fireworks"
2 does not include a substance or article exempted under the
3 Fireworks Use Act.

4 "Display fireworks" means 1.3G explosive or special
5 effects fireworks.

6 "Facility" means an area being used for the conducting of a
7 pyrotechnic display business, but does not include residential
8 premises except for the portion of any residential premises
9 that is actually used in the conduct of a pyrotechnic display
10 business.

11 "Flame effect" means the detonation, ignition, or
12 deflagration of flammable gases, liquids, or special materials
13 to produce a thermal, physical, visual, or audible effect
14 before the public, invitees, or licensees, regardless of
15 whether admission is charged in accordance with NFPA 160.

16 "Lead pyrotechnic operator" means the individual with
17 overall responsibility for the safety, setup, discharge, and
18 supervision of a pyrotechnic display.

19 "Office" means Office of the State Fire Marshal.

20 "Person" means an individual, firm, corporation,
21 association, partnership, company, consortium, joint venture,
22 commercial entity, state, municipality, or political
23 subdivision of a state or any agency, department, or
24 instrumentality of the United States and any officer, agent, or
25 employee of these entities.

26 "Pyrotechnic display" or "display" means the detonation,

1 ignition, or deflagration of display fireworks or flame effects
2 to produce a visual or audible effect of an exhibitional nature
3 before the public, invitees, or licensees, regardless of
4 whether admission is charged.

5 "Pyrotechnic distributor" means any person, company,
6 association, group of persons, or corporation who distributes
7 display fireworks for sale in the State of Illinois or provides
8 them as part of a pyrotechnic display service in the State of
9 Illinois or provides only pyrotechnic services.

10 "Special effects fireworks" means pyrotechnic devices used
11 for special effects by professionals in the performing arts in
12 conjunction with theatrical, musical, or other productions
13 that are similar to consumer fireworks in chemical compositions
14 and construction, but are not intended for consumer use and are
15 not labeled as such or identified as "intended for indoor use".
16 "Special effects fireworks" are classified as fireworks UN0431
17 or UN0432 by the United States Department of Transportation
18 under 49 C.F.R. 172.101.

19 (Source: P.A. 93-263, eff. 7-22-03; 94-385, eff. 7-29-05;
20 94-658, eff. 1-1-06; revised 8-29-05.)

21 (225 ILCS 227/999) (was 225 ILCS 227/99)

22 Sec. 999 ~~99~~. Effective date. This Act takes effect upon
23 becoming law.

24 (Source: P.A. 93-263, eff. 7-22-03; revised 9-19-03.)

1 Section 740. The Illinois Plumbing License Law is amended
2 by changing Section 13.1 as follows:

3 (225 ILCS 320/13.1)

4 Sec. 13.1. Plumbing contractors; registration;
5 applications.

6 (1) On and after May 1, 2002, all persons or corporations
7 desiring to engage in the business of plumbing contractor,
8 other than any entity that maintains an audited net worth of
9 shareholders' equity equal to or exceeding \$100,000,000, shall
10 register in accordance with the provisions of this Act.

11 (2) Application for registration shall be filed with the
12 Department each year, on or before the last day of September,
13 in writing and on forms prepared and furnished by the
14 Department. All plumbing contractor registrations expire on
15 the last day of September of each year.

16 (3) Applications shall contain the name, address, and
17 telephone number of the person and the plumbing license of (i)
18 the individual, if a sole proprietorship; (ii) the partner, if
19 a partnership; or (iii) an officer, if a corporation. The
20 application shall contain the business name, address, and
21 telephone number, a current copy of the plumbing license, and
22 any other information the Department may require by rule.

23 (4) Applicants shall submit an original certificate of
24 insurance documenting that the contractor carries general
25 liability insurance with a minimum of \$100,000 per occurrence,

1 a minimum of \$300,000 aggregate for bodily injury, property
2 damage insurance with a minimum of \$50,000 or a minimum of
3 \$300,000 combined single limit, and workers compensation
4 insurance with a minimum \$500,000 employer's liability. No
5 registration may be issued in the absence of this certificate.
6 Certificates must be in force at all times for registration to
7 remain valid.

8 (5) Applicants shall submit, on a form provided by the
9 Department, an indemnification bond in the amount of \$20,000 or
10 a letter of credit in the same amount for work performed in
11 accordance with this Act and the rules promulgated under this
12 Act.

13 (6) All employees of a registered plumbing contractor who
14 engage in plumbing work shall be licensed plumbers or
15 apprentice plumbers in accordance with this Act.

16 (7) Plumbing contractors shall submit an annual
17 registration fee in an amount to be established by rule.

18 (8) The Department shall be notified in advance of any
19 changes in the business structure, name, or location or of the
20 addition or deletion of the owner or officer who is the
21 licensed plumber listed on the application. Failure to notify
22 the Department of this information is grounds for suspension or
23 revocation of the plumbing contractor's registration.

24 (9) In the event that the plumber's license on the
25 application for registration of a plumbing contractor is a
26 license issued by the City of Chicago, it shall be the

1 responsibility of the applicant to forward a copy of the
2 plumber's license to the Department, noting the name of the
3 registered plumbing contractor, when it is renewed.

4 (Source: P.A. 94-55, eff. 6-17-05; 94-258, eff. 7-19-05;
5 revised 8-19-05.)

6 Section 745. The Auction License Act is amended by changing
7 Sections 10-40 and 20-20 as follows:

8 (225 ILCS 407/10-40)

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

10 Sec. 10-40. Restoration.

11 (a) A licensee whose license has lapsed or expired shall
12 have 2 years from the expiration date to restore his or her
13 license without examination. The expired licensee shall make
14 application to the OBRE on forms provided by the OBRE,
15 including a properly completed 45-day permit sponsor card,
16 provide evidence of successful completion of 12 hours of
17 approved continuing education during the period of time the
18 license had lapsed, and pay all lapsed fees and penalties as
19 established by administrative rule.

20 (b) Notwithstanding any other provisions of this Act to the
21 contrary, any licensee whose license under this Act has expired
22 is eligible to restore such license without paying any lapsed
23 fees and penalties provided that the license expired while the
24 licensee was:

1 (1) on active duty with the United States Army, United
2 States ~~State~~ Marine Corps, United States Navy, United
3 States Air Force, United States Coast Guard, the State
4 Militia called into service or training;

5 (2) engaged in training or education under the
6 supervision of the United States prior to induction into
7 military service; or

8 (3) serving as an employee of the OBRE, while the
9 employee was required to surrender his or her license due
10 to a possible conflict of interest.

11 A licensee shall be eligible to restore a license under the
12 provisions of this subsection for a period of 2 years following
13 the termination of the service, education, or training by
14 providing a properly completed application and 45-day permit
15 sponsor card, provided that the termination was by other than
16 dishonorable discharge and provided that the licensee
17 furnishes the OBRE with an affidavit specifying that the
18 licensee has been so engaged.

19 (c) At any time after the suspension, revocation, placement
20 on probationary status, or other disciplinary action taken
21 under this Act with reference to any license, the OBRE may
22 restore the license to the licensee without examination upon
23 the order of the Commissioner, if the licensee submits a
24 properly completed application and 45-day permit sponsor card,
25 pays appropriate fees, and otherwise complies with the
26 conditions of the order.

1 (Source: P.A. 91-603, eff. 1-1-00; revised 10-11-05.)

2 (225 ILCS 407/20-20)

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

4 Sec. 20-20. Termination without hearing for failure to pay
5 taxes, child support, or a student loan. OBRE may terminate or
6 otherwise discipline any license issued under this Act without
7 hearing if the appropriate administering agency provides
8 adequate information and proof that the licensee has:

9 (1) failed to file a return, to pay the tax, penalty,
10 or interest shown in a filed return, or to pay any final
11 assessment of tax, penalty, or interest, as required by any
12 tax act administered by the Illinois Department of Revenue
13 until the requirements of the tax act are satisfied;

14 (2) failed to pay any court ordered child support as
15 determined by a court order or by referral from the
16 Department of Healthcare and Family Services (formerly
17 Illinois Department of Public Aid); or

18 (3) failed to repay any student loan or assistance as
19 determined by the Illinois Student Assistance
20 Commission. If a license is terminated or otherwise
21 disciplined pursuant to this Section, the licensee may
22 request a hearing as provided by this Act within 30 days of
23 notice of termination or discipline.

24 (Source: P.A. 91-603, eff. 1-1-00; revised 12-15-05.)

1 Section 750. The Home Inspector License Act is amended by
2 changing Section 15-50 as follows:

3 (225 ILCS 441/15-50)

4 (Section scheduled to be repealed on January 1, 2012)

5 Sec. 15-50. Nonpayment of child support. In cases where the
6 Department of Healthcare and Family Services (formerly
7 Department of Public Aid) has previously determined that a
8 licensee or a potential licensee is more than 30 days
9 delinquent in the payment of child support and has subsequently
10 certified the delinquency to OBRE, OBRE may refuse to issue or
11 renew or may revoke or suspend that person's license or may
12 take other disciplinary action against that person based solely
13 upon the certification of delinquency made by the Department of
14 Healthcare and Family Services (formerly Department of Public
15 Aid). Redetermination of the delinquency by OBRE shall not be
16 required. In cases regarding the renewal of a license, OBRE
17 shall not renew any license if the Department of Healthcare and
18 Family Services (formerly Department of Public Aid) has
19 certified the licensee to be more than 30 days delinquent in
20 the payment of child support unless the licensee has arranged
21 for payment of past and current child support obligations in a
22 manner satisfactory to the Department of Healthcare and Family
23 Services (formerly Department of Public Aid). OBRE may impose
24 conditions, restrictions, or disciplinary action upon that
25 renewal.

1 (Source: P.A. 92-239, eff. 8-3-01; revised 12-15-05.)

2 Section 755. The Private Detective, Private Alarm, Private
3 Security, and Locksmith Act of 2004 is amended by changing
4 Sections 35-30 and 40-40 as follows:

5 (225 ILCS 447/35-30)

6 (Section scheduled to be repealed on January 1, 2014)

7 Sec. 35-30. Employee requirements. All employees of a
8 licensed agency, other than those exempted, shall apply for a
9 permanent employee registration card. The holder of an agency
10 license issued under this Act, known in this Section as
11 "employer", may employ in the conduct of his or her business
12 employees under the following provisions:

13 (a) ~~(1)~~ No person shall be issued a permanent employee
14 registration card who:

15 (1) ~~(A)~~ Is younger than 18 years of age.

16 (2) ~~(B)~~ Is younger than 21 years of age if the services
17 will include being armed.

18 (3) ~~(C)~~ Has been determined by the Department to be
19 unfit by reason of conviction of an offense in this or
20 another state, other than a traffic offense. The Department
21 shall adopt rules for making those determinations that
22 shall afford the applicant due process of law.

23 (4) ~~(D)~~ Has had a license or permanent employee
24 registration card denied, suspended, or revoked under this

1 Act (i) within one year before the date the person's
2 application for permanent employee registration card is
3 received by the Department; and (ii) that refusal, denial,
4 suspension, or revocation was based on any provision of
5 this Act other than Section 40-50, item (6) or (8) of
6 subsection (a) of Section 15-10, subsection (b) of Section
7 15-10, item (6) or (8) of subsection (a) of Section 20-10,
8 subsection (b) of Section 20-10, item (6) or (8) of
9 subsection (a) of Section 25-10, subsection (b) of Section
10 25-10, item (7) of subsection (a) of Section 30-10,
11 subsection (b) of Section 30-10, or Section 10-40.

12 (5) ~~(E)~~ Has been declared incompetent by any court of
13 competent jurisdiction by reason of mental disease or
14 defect and has not been restored.

15 (6) ~~(F)~~ Has been dishonorably discharged from the armed
16 services of the United States.

17 (b) ~~(2)~~ No person may be employed by a private detective
18 agency, private security contractor agency, private alarm
19 contractor agency, or locksmith agency under this Section until
20 he or she has executed and furnished to the employer, on forms
21 furnished by the Department, a verified statement to be known
22 as "Employee's Statement" setting forth:

23 (1) ~~(A)~~ The person's full name, age, and residence
24 address.

25 (2) ~~(B)~~ The business or occupation engaged in for the 5
26 years immediately before the date of the execution of the

1 statement, the place where the business or occupation was
2 engaged in, and the names of employers, if any.

3 (3) ~~(C)~~ That the person has not had a license or
4 employee registration denied, revoked, or suspended under
5 this Act (i) within one year before the date the person's
6 application for permanent employee registration card is
7 received by the Department; and (ii) that refusal, denial,
8 suspension, or revocation was based on any provision of
9 this Act other than Section 40-50, item (6) or (8) of
10 subsection (a) of Section 15-10, subsection (b) of Section
11 15-10, item (6) or (8) of subsection (a) of Section 20-10,
12 subsection (b) of Section 20-10, item (6) or (8) of
13 subsection (a) of Section 25-10, subsection (b) of Section
14 25-10, item (7) of subsection (a) of Section 30-10,
15 subsection (b) of Section 30-10, or Section 10-40.

16 (4) ~~(D)~~ Any conviction of a felony or misdemeanor.

17 (5) ~~(E)~~ Any declaration of incompetence by a court of
18 competent jurisdiction that has not been restored.

19 (6) ~~(F)~~ Any dishonorable discharge from the armed
20 services of the United States.

21 (7) ~~(G)~~ Any other information as may be required by any
22 rule of the Department to show the good character,
23 competency, and integrity of the person executing the
24 statement.

25 (c) Each applicant for a permanent employee registration
26 card shall have his or her fingerprints submitted to the

1 Department of State Police in an electronic format that
2 complies with the form and manner for requesting and furnishing
3 criminal history record information as prescribed by the
4 Department of State Police. These fingerprints shall be checked
5 against the Department of State Police and Federal Bureau of
6 Investigation criminal history record databases now and
7 hereafter filed. The Department of State Police shall charge
8 applicants a fee for conducting the criminal history records
9 check, which shall be deposited in the State Police Services
10 Fund and shall not exceed the actual cost of the records check.
11 The Department of State Police shall furnish, pursuant to
12 positive identification, records of Illinois convictions to
13 the Department. The Department may require applicants to pay a
14 separate fingerprinting fee, either to the Department or
15 directly to the vendor. The Department, in its discretion, may
16 allow an applicant who does not have reasonable access to a
17 designated vendor to provide his or her fingerprints in an
18 alternative manner. The Department, in its discretion, may also
19 use other procedures in performing or obtaining criminal
20 background checks of applicants. Instead of submitting his or
21 her fingerprints, an individual may submit proof that is
22 satisfactory to the Department that an equivalent security
23 clearance has been conducted. Also, an individual who has
24 retired as a peace officer within 12 months of application may
25 submit verification, on forms provided by the Department and
26 signed by his or her employer, of his or her previous full-time

1 employment as a peace officer.

2 (d) The Department shall issue a permanent employee
3 registration card, in a form the Department prescribes, to all
4 qualified applicants. The holder of a permanent employee
5 registration card shall carry the card at all times while
6 actually engaged in the performance of the duties of his or her
7 employment. Expiration and requirements for renewal of
8 permanent employee registration cards shall be established by
9 rule of the Department. Possession of a permanent employee
10 registration card does not in any way imply that the holder of
11 the card is employed by an agency unless the permanent employee
12 registration card is accompanied by the employee
13 identification card required by subsection (f) of this Section.

14 (e) Each employer shall maintain a record of each employee
15 that is accessible to the duly authorized representatives of
16 the Department. The record shall contain the following
17 information:

18 (1) A photograph taken within 10 days of the date that
19 the employee begins employment with the employer. The
20 photograph shall be replaced with a current photograph
21 every 3 calendar years.

22 (2) The Employee's Statement specified in subsection
23 (b) of this Section.

24 (3) All correspondence or documents relating to the
25 character and integrity of the employee received by the
26 employer from any official source or law enforcement

1 agency.

2 (4) In the case of former employees, the employee
3 identification card of that person issued under subsection
4 (f) of this Section. Each employee record shall duly note
5 if the employee is employed in an armed capacity. Armed
6 employee files shall contain a copy of an active firearm
7 owner's identification card and a copy of an active firearm
8 authorization card. Each employer shall maintain a record
9 for each armed employee of each instance in which the
10 employee's weapon was discharged during the course of his
11 or her professional duties or activities. The record shall
12 be maintained on forms provided by the Department, a copy
13 of which must be filed with the Department within 15 days
14 of an instance. The record shall include the date and time
15 of the occurrence, the circumstances involved in the
16 occurrence, and any other information as the Department may
17 require. Failure to provide this information to the
18 Department or failure to maintain the record as a part of
19 each armed employee's permanent file is grounds for
20 disciplinary action. The Department, upon receipt of a
21 report, shall have the authority to make any investigation
22 it considers appropriate into any occurrence in which an
23 employee's weapon was discharged and to take disciplinary
24 action as may be appropriate.

25 (5) The Department may, by rule, prescribe further
26 record requirements.

1 (f) Every employer shall furnish an employee
2 identification card to each of his or her employees. This
3 employee identification card shall contain a recent photograph
4 of the employee, the employee's name, the name and agency
5 license number of the employer, the employee's personal
6 description, the signature of the employer, the signature of
7 that employee, the date of issuance, and an employee
8 identification card number.

9 (g) No employer may issue an employee identification card
10 to any person who is not employed by the employer in accordance
11 with this Section or falsely state or represent that a person
12 is or has been in his or her employ. It is unlawful for an
13 applicant for registered employment to file with the Department
14 the fingerprints of a person other than himself or herself.

15 (h) Every employer shall obtain the identification card of
16 every employee who terminates employment with him or her.

17 (i) Every employer shall maintain a separate roster of the
18 names of all employees currently working in an armed capacity
19 and submit the roster to the Department on request.

20 (j) No agency may employ any person to perform a licensed
21 activity under this Act unless the person possesses a valid
22 permanent employee registration card or a valid license under
23 this Act, or is exempt pursuant to subsection (n).

24 (k) Notwithstanding the provisions of subsection (j), an
25 agency may employ a person in a temporary capacity if all of
26 the following conditions are met:

1 (1) The agency completes in its entirety and submits to
2 the Department an application for a permanent employee
3 registration card, including the required fingerprint
4 receipt and fees.

5 (2) The agency has verification from the Department
6 that the applicant has no record of any criminal conviction
7 pursuant to the criminal history check conducted by the
8 Department of State Police. The agency shall maintain the
9 verification of the results of the Department of State
10 Police criminal history check as part of the employee
11 record as required under subsection (e) of this Section.

12 (3) The agency exercises due diligence to ensure that
13 the person is qualified under the requirements of the Act
14 to be issued a permanent employee registration card.

15 (4) The agency maintains a separate roster of the names
16 of all employees whose applications are currently pending
17 with the Department and submits the roster to the
18 Department on a monthly basis. Rosters are to be maintained
19 by the agency for a period of at least 24 months.

20 An agency may employ only a permanent employee applicant
21 for which it either submitted a permanent employee application
22 and all required forms and fees or it confirms with the
23 Department that a permanent employee application and all
24 required forms and fees have been submitted by another agency,
25 licensee or the permanent employee and all other requirements
26 of this Section are met.

1 The Department shall have the authority to revoke, without
2 a hearing, the temporary authority of an individual to work
3 upon receipt of Federal Bureau of Investigation fingerprint
4 data or a report of another official authority indicating a
5 criminal conviction. If the Department has not received a
6 temporary employee's Federal Bureau of Investigation
7 fingerprint data within 120 days of the date the Department
8 received the Department of State Police fingerprint data, the
9 Department may, at its discretion, revoke the employee's
10 temporary authority to work with 15 days written notice to the
11 individual and the employing agency.

12 An agency may not employ a person in a temporary capacity
13 if it knows or reasonably should have known that the person has
14 been convicted of a crime under the laws of this State, has
15 been convicted in another state of any crime that is a crime
16 under the laws of this State, has been convicted of any crime
17 in a federal court, or has been posted as an unapproved
18 applicant by the Department. Notice by the Department to the
19 agency, via certified mail, personal delivery, electronic
20 mail, or posting on the Department's Internet site accessible
21 to the agency that the person has been convicted of a crime
22 shall be deemed constructive knowledge of the conviction on the
23 part of the agency. The Department may adopt rules to implement
24 this subsection (k).

25 (1) No person may be employed under this Section in any
26 capacity if:

1 (1) the person, while so employed, is being paid by the
2 United States or any political subdivision for the time so
3 employed in addition to any payments he or she may receive
4 from the employer; or

5 (2) the person wears any portion of his or her official
6 uniform, emblem of authority, or equipment while so
7 employed.

8 (m) If information is discovered affecting the
9 registration of a person whose fingerprints were submitted
10 under this Section, the Department shall so notify the agency
11 that submitted the fingerprints on behalf of that person.

12 (n) Peace officers shall be exempt from the requirements of
13 this Section relating to permanent employee registration
14 cards. The agency shall remain responsible for any peace
15 officer employed under this exemption, regardless of whether
16 the peace officer is compensated as an employee or as an
17 independent contractor and as further defined by rule.

18 (o) Persons who have no access to confidential or security
19 information and who otherwise do not provide traditional
20 security services are exempt from employee registration.
21 Examples of exempt employees include, but are not limited to,
22 employees working in the capacity of ushers, directors, ticket
23 takers, cashiers, drivers, and reception personnel.
24 Confidential or security information is that which pertains to
25 employee files, scheduling, client contracts, or technical
26 security and alarm data.

1 (Source: P.A. 93-438, eff. 8-5-03; revised 10-18-05.)

2 (225 ILCS 447/40-40)

3 (Section scheduled to be repealed on January 1, 2014)

4 Sec. 40-40. Nonpayment of child support. In cases where the
5 Department of Healthcare and Family Services (formerly
6 Department of Public Aid) or any circuit court has previously
7 determined that a licensee or a potential licensee is more than
8 30 days delinquent in the payment of child support and has
9 subsequently certified the delinquency to the Department, the
10 Department may refuse to issue or renew or may revoke or
11 suspend that person's license or may take other disciplinary
12 action against that person based solely upon the certification
13 of delinquency made by the Department of Healthcare and Family
14 Services (formerly Department of Public Aid) or a circuit
15 court. Redetermination of the delinquency by the Department
16 shall not be required. In cases regarding the renewal of a
17 license, the Department shall not renew any license if the
18 Department of Healthcare and Family Services (formerly
19 Department of Public Aid) or a circuit court has certified the
20 licensee to be more than 30 days delinquent in the payment of
21 child support, unless the licensee has arranged for payment of
22 past and current child support obligations in a manner
23 satisfactory to the Department of Healthcare and Family
24 Services (formerly Department of Public Aid) or circuit court.
25 The Department may impose conditions, restrictions or

1 disciplinary action upon that renewal in accordance with
2 Section 40-10 of this Act.

3 (Source: P.A. 93-438, eff. 8-5-03; revised 12-15-05.)

4 Section 760. The Illinois Public Accounting Act is amended
5 by changing Sections 14.1 and 28 as follows:

6 (225 ILCS 450/14.1)

7 (Section scheduled to be repealed on January 1, 2014)

8 Sec. 14.1. Foreign accountants. The Department shall issue
9 a license to a holder of a foreign designation, granted in a
10 foreign country entitling the holder thereof to engage in the
11 practice of public accounting, provided that:

12 (a) the applicant is the holder of a certificate as a
13 certified public accountant from the Board or a
14 registration as a registered certified public accountant
15 from the Department issued under this Act; ~~and~~

16 (b) the foreign authority that granted the designation
17 makes similar provision to allow a person who holds a valid
18 license issued by this State to obtain a foreign
19 authority's comparable designation; ~~and~~

20 (c) the foreign designation (i) was duly issued by a
21 foreign authority that regulates the practice of public
22 accounting and the foreign designation has not expired or
23 been revoked or suspended; (ii) entitles the holder to
24 issue reports upon financial statements; and (iii) was

1 issued upon the basis of educational, examination, and
2 experience requirements established by the foreign
3 authority or by law; and

4 (d) the applicant (i) received the designation based on
5 standards substantially equivalent to those in effect in
6 this State at the time the foreign designation was granted;
7 and (ii) completed an experience requirement,
8 substantially equivalent to the requirement set out in
9 Section 14, in the jurisdiction that granted the foreign
10 designation or has completed 5 years of experience in the
11 practice of public accounting in this State, or meets
12 equivalent requirements prescribed by the Department by
13 rule, within the 10 years immediately preceding the
14 application.

15 ~~(e)~~ Applicants have 3 years from the date of application to
16 complete the application process. If the process has not been
17 completed in 3 years, the application shall be denied, the fee
18 shall be forfeited, and the applicant must reapply and meet the
19 requirements in effect at the time of reapplication.

20 (Source: P.A. 92-457, eff. 7-1-04; 93-683, eff. 7-2-04; revised
21 10-11-05.)

22 (225 ILCS 450/28) (from Ch. 111, par. 5534)

23 (Section scheduled to be repealed on January 1, 2014)

24 Sec. 28. Penalties. Each of the following acts perpetrated
25 in the State of Illinois is a Class B misdemeanor.

1 (a) The practice of public accounting insofar as it
2 consists in rendering service as described in Section 8,
3 without licensure, in violation of the provisions of this
4 Act;

5 (b) The obtaining or attempting to obtain licensure as
6 a licensed certified public accountant or registration as a
7 registered certified public accountant by fraud;

8 (c) The use of the title "Certified Public Accountant"
9 or the abbreviation "C.P.A." or use of any similar words or
10 letters indicating the user is a certified public
11 accountant, the title "Registered Certified Public
12 Accountant", the abbreviation "R.C.P.A.", any similar
13 words or letters indicating the user is a certified public
14 accountant or a registered certified public accountant by
15 any person in contravention of this Act;

16 (c-5) The use of the title "Certified Public
17 Accountant" or "Licensed Certified Public Accountant" or
18 the abbreviation "C.P.A." or "L.C.P.A." or any similar
19 words or letters indicating the user is a certified public
20 accountant by any person in contravention with this Act;

21 (d) The use of the title "Certified Public Accountant"
22 or the abbreviation "C.P.A." or any similar words or
23 letters indicating that the members are certified public
24 accountants, by any partnership, limited liability
25 company, corporation, or other entity unless all members
26 thereof personally engaged in the practice of public

1 accounting in this State are licensed as licensed certified
2 public accountants by the Department, and are holders of an
3 effective unrevoked license, and the partnership, limited
4 liability company, corporation, or other entity is
5 licensed as licensed certified public accountants by the
6 Board with an effective unrevoked license;

7 (e) The use of the title "Licensed Certified Public
8 Accountant", or the abbreviation "L.C.P.A." or any similar
9 words or letters indicating such person is a licensed
10 certified public accountant, by any person not licensed as
11 a licensed certified public accountant by the Department,
12 and holding an effective unrevoked license; provided
13 nothing in this Act shall prohibit the use of the title
14 "Accountant" or "Bookkeeper" by any person;

15 (f) The use of the title "Licensed Certified Public
16 Accountants", "Public Accountants" or the abbreviation
17 "P.A.'s" or any similar words or letters indicating that
18 the members are public accountants by any partnership,
19 limited liability company, corporation, or other entity
20 unless all members thereof personally engaged in the
21 practice of public accounting in this State are licensed as
22 licensed certified public accountants by the Department
23 and are holders of effective unrevoked licenses, and the
24 partnership is licensed as a public accounting firm by the
25 Department with an effective unrevoked license ~~licenses~~;

26 (g) Making false statements to the Department

1 regarding compliance with continuing professional
2 education requirements;

3 (h) The use of the title "Certified Public Accountant"
4 or the abbreviation "C.P.A." or any similar words or
5 letters indicating that the members are certified public
6 accountants, by any partnership unless all members thereof
7 personally engaged in the practice of public accounting in
8 this State have received certificates as certified public
9 accountants from the Board, are licensed as public
10 accountants by the Department, and are holders of an
11 effective unrevoked license, and the partnership is
12 licensed as public accountants by the Department with an
13 effective unrevoked license.

14 This Section does not prohibit a firm partnership, limited
15 liability company, corporation, or other entity who does not
16 practice public accounting as set forth in Section 8 of this
17 Act and whose members residing in Illinois are registered with
18 the Department from using the title "Certified Public
19 Accountant" or the abbreviation "C.P.A." or "CPA" or similar
20 words or letters indicating that the members are certified
21 public accountants.

22 (Source: P.A. 92-457, eff. 7-1-04; 93-683, eff. 7-2-04; revised
23 11-5-04.)

24 Section 765. The Real Estate License Act of 2000 is amended
25 by changing Section 20-45 as follows:

1 (225 ILCS 454/20-45)

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

3 Sec. 20-45. Nonpayment of child support. In cases in which
4 the Department of Healthcare and Family Services (formerly
5 Department of Public Aid) has previously determined that a
6 licensee or a potential licensee is more than 30 days
7 delinquent in the payment of child support and has subsequently
8 certified the delinquency to OBRE, OBRE may refuse to issue or
9 renew or may revoke or suspend that person's license or may
10 take other disciplinary action against that person based solely
11 upon the certification of delinquency made by the Department of
12 Healthcare and Family Services (formerly Department of Public
13 Aid). Redetermination of the delinquency by OBRE shall not be
14 required. In cases regarding the renewal of a license, OBRE
15 shall not renew any license if the Department of Healthcare and
16 Family Services (formerly Department of Public Aid) has
17 certified the licensee to be more than 30 days delinquent in
18 the payment of child support unless the licensee has arranged
19 for payment of past and current child support obligations in a
20 manner satisfactory to the Department of Healthcare and Family
21 Services (formerly Department of Public Aid). OBRE may impose
22 conditions, restrictions, or disciplinary action upon that
23 renewal.

24 (Source: P.A. 91-245, eff. 12-31-99; revised 12-15-05.)

1 Section 770. The Real Estate Appraiser Licensing Act of
2 2002 is amended by changing Section 15-50 as follows:

3 (225 ILCS 458/15-50)

4 (Section scheduled to be repealed on January 1, 2012)

5 Sec. 15-50. Nonpayment of child support. In cases where the
6 Department of Healthcare and Family Services (formerly
7 Department of Public Aid) has previously determined that a
8 licensee or a potential licensee is more than 30 days
9 delinquent in the payment of child support and has subsequently
10 certified the delinquency to OBRE, OBRE may refuse to issue or
11 renew or may revoke or suspend that person's license or may
12 take other disciplinary action against that person based solely
13 upon the certification of delinquency made by the Department of
14 Healthcare and Family Services (formerly Department of Public
15 Aid). Redetermination of the delinquency by OBRE shall not be
16 required. In cases regarding the renewal of a license, OBRE
17 shall not renew any license if the Department of Healthcare and
18 Family Services (formerly Department of Public Aid) has
19 certified the licensee to be more than 30 days delinquent in
20 the payment of child support, unless the licensee has arranged
21 for payment of past and current child support obligations in a
22 manner satisfactory to the Department of Healthcare and Family
23 Services (formerly Department of Public Aid). OBRE may impose
24 conditions, restrictions, or disciplinary action upon that
25 renewal.

1 (Source: P.A. 92-180, eff. 7-1-02; revised 12-15-05.)

2 Section 775. The Illinois Petroleum Education and
3 Marketing Act is amended by changing Section 10 as follows:

4 (225 ILCS 728/10)

5 (Section scheduled to be repealed on January 1, 2008)

6 Sec. 10. Illinois Petroleum Resources Board.

7 (a) There is hereby created until January 1, 2008, the
8 Illinois Petroleum Resources Board which shall be subject to
9 the provisions of the Regulatory Sunset Act. The purpose of the
10 Board is to coordinate a program designed to demonstrate to the
11 general public the importance of the Illinois oil exploration
12 and production industry, to encourage the wise and efficient
13 use of energy, to promote environmentally sound production
14 methods and technologies, to develop existing supplies of State
15 oil resources, and to support research and educational
16 activities concerning the oil exploration and production
17 industry.

18 (b) The Board shall be composed of 12 members to be
19 appointed by the Governor. The Governor shall make appointments
20 from a list of names submitted by qualified producer
21 associations, of which 10 shall be oil and gas producers.

22 (c) A member of the Board shall:

23 (1) be at least 25 years of age;

24 (2) be a resident of the State of Illinois; and

1 (3) have at least 5 years of active experience in the
2 oil industry.

3 (d) Members shall serve for a term of 3 years, except that
4 of the initial appointments, 4 members shall serve for one
5 year, 4 members for 2 years, and 4 members for 3 years.

6 (e) Vacancies shall be filled for the unexpired term of
7 office in the same manner as the original appointment.

8 (f) The Board shall, at its first meeting, elect one of its
9 members as chairperson, who shall preside over meetings of the
10 Board and perform other duties that may be required by the
11 Board. The first meeting of the Board shall be called by the
12 Governor.

13 (g) No member of the Board shall receive a salary or
14 reimbursement for duties performed as a member of the Board,
15 except that members are eligible to receive reimbursement for
16 travel expenses incurred in the performance of Board duties.

17 (Source: P.A. 92-610, eff. 7-1-02; 92-651, eff. 7-11-02;
18 revised 8-12-02.)

19 Section 780. The Illinois Horse Racing Act of 1975 is
20 amended by changing Section 1.3 as follows:

21 (230 ILCS 5/1.3)

22 Sec. 1.3. Legislative findings.

23 (a) The General Assembly finds that the Illinois gaming
24 industry is a single industry consisting of horse racing and

1 riverboat gambling. Reports issued by the Economic and Fiscal
2 Commission (now Commission on Government Forecasting and
3 Accountability) in 1992, 1994, and 1998 have found that horse
4 racing and riverboat gambling:

5 (1) "share many of the same characteristics" and are
6 "more alike than different";

7 (2) are planned events;

8 (3) have similar odds of winning;

9 (4) occur in similar settings; and

10 (5) compete with each other for limited gaming dollars.

11 (b) The General Assembly declares it to be the public
12 policy of this State to ensure the viability of both horse
13 racing and riverboat aspects of the Illinois gaming industry.

14 (Source: P.A. 93-1067, eff. 1-15-05; revised 10-11-05.)

15 Section 785. The Riverboat Gambling Act is amended by
16 changing Sections 4 and 13 as follows:

17 (230 ILCS 10/4) (from Ch. 120, par. 2404)

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

19 (a) "Board" means the Illinois Gaming Board.

20 (b) "Occupational license" means a license issued by the
21 Board to a person or entity to perform an occupation which the
22 Board has identified as requiring a license to engage in
23 riverboat gambling in Illinois.

24 (c) "Gambling game" includes, but is not limited to,

1 baccarat, twenty-one, poker, craps, slot machine, video game of
2 chance, roulette wheel, klondike table, punchboard, faro
3 layout, keno layout, numbers ticket, push card, jar ticket, or
4 pull tab which is authorized by the Board as a wagering device
5 under this Act.

6 (d) "Riverboat" means a self-propelled excursion boat, a
7 permanently moored barge, or permanently moored barges that are
8 permanently fixed together to operate as one vessel, on which
9 lawful gambling is authorized and licensed as provided in this
10 Act.

11 (e) "Managers license" means a license issued by the Board
12 to a person or entity to manage gambling operations conducted
13 by the State pursuant to Section 7.3 ~~7.2~~.

14 (f) "Dock" means the location where a riverboat moors for
15 the purpose of embarking passengers for and disembarking
16 passengers from the riverboat.

17 (g) "Gross receipts" means the total amount of money
18 exchanged for the purchase of chips, tokens or electronic cards
19 by riverboat patrons.

20 (h) "Adjusted gross receipts" means the gross receipts less
21 winnings paid to wagerers.

22 (i) "Cheat" means to alter the selection of criteria which
23 determine the result of a gambling game or the amount or
24 frequency of payment in a gambling game.

25 (j) "Department" means the Department of Revenue.

26 (k) "Gambling operation" means the conduct of authorized

1 gambling games upon a riverboat.

2 (l) "License bid" means the lump sum amount of money that
3 an applicant bids and agrees to pay the State in return for an
4 owners license that is re-issued on or after July 1, 2003.

5 (m) The terms "minority person" and "female" shall have the
6 same meaning as defined in Section 2 of the Business Enterprise
7 for Minorities, Females, and Persons with Disabilities Act.

8 (Source: P.A. 92-600, eff. 6-28-02; 93-28, eff. 6-20-03;
9 revised 1-28-04.)

10 (230 ILCS 10/13) (from Ch. 120, par. 2413)

11 Sec. 13. Wagering tax; rate; distribution.

12 (a) Until January 1, 1998, a tax is imposed on the adjusted
13 gross receipts received from gambling games authorized under
14 this Act at the rate of 20%.

15 (a-1) From January 1, 1998 until July 1, 2002, a privilege
16 tax is imposed on persons engaged in the business of conducting
17 riverboat gambling operations, based on the adjusted gross
18 receipts received by a licensed owner from gambling games
19 authorized under this Act at the following rates:

20 15% of annual adjusted gross receipts up to and
21 including \$25,000,000;

22 20% of annual adjusted gross receipts in excess of
23 \$25,000,000 but not exceeding \$50,000,000;

24 25% of annual adjusted gross receipts in excess of
25 \$50,000,000 but not exceeding \$75,000,000;

1 30% of annual adjusted gross receipts in excess of
2 \$75,000,000 but not exceeding \$100,000,000;

3 35% of annual adjusted gross receipts in excess of
4 \$100,000,000.

5 (a-2) From July 1, 2002 until July 1, 2003, a privilege tax
6 is imposed on persons engaged in the business of conducting
7 riverboat gambling operations, other than licensed managers
8 conducting riverboat gambling operations on behalf of the
9 State, based on the adjusted gross receipts received by a
10 licensed owner from gambling games authorized under this Act at
11 the following rates:

12 15% of annual adjusted gross receipts up to and
13 including \$25,000,000;

14 22.5% of annual adjusted gross receipts in excess of
15 \$25,000,000 but not exceeding \$50,000,000;

16 27.5% of annual adjusted gross receipts in excess of
17 \$50,000,000 but not exceeding \$75,000,000;

18 32.5% of annual adjusted gross receipts in excess of
19 \$75,000,000 but not exceeding \$100,000,000;

20 37.5% of annual adjusted gross receipts in excess of
21 \$100,000,000 but not exceeding \$150,000,000;

22 45% of annual adjusted gross receipts in excess of
23 \$150,000,000 but not exceeding \$200,000,000;

24 50% of annual adjusted gross receipts in excess of
25 \$200,000,000.

26 (a-3) Beginning July 1, 2003, a privilege tax is imposed on

1 persons engaged in the business of conducting riverboat
2 gambling operations, other than licensed managers conducting
3 riverboat gambling operations on behalf of the State, based on
4 the adjusted gross receipts received by a licensed owner from
5 gambling games authorized under this Act at the following
6 rates:

7 15% of annual adjusted gross receipts up to and
8 including \$25,000,000;

9 27.5% of annual adjusted gross receipts in excess of
10 \$25,000,000 but not exceeding \$37,500,000;

11 32.5% of annual adjusted gross receipts in excess of
12 \$37,500,000 but not exceeding \$50,000,000;

13 37.5% of annual adjusted gross receipts in excess of
14 \$50,000,000 but not exceeding \$75,000,000;

15 45% of annual adjusted gross receipts in excess of
16 \$75,000,000 but not exceeding \$100,000,000;

17 50% of annual adjusted gross receipts in excess of
18 \$100,000,000 but not exceeding \$250,000,000;

19 70% of annual adjusted gross receipts in excess of
20 \$250,000,000.

21 An amount equal to the amount of wagering taxes collected
22 under this subsection (a-3) that are in addition to the amount
23 of wagering taxes that would have been collected if the
24 wagering tax rates under subsection (a-2) were in effect shall
25 be paid into the Common School Fund.

26 The privilege tax imposed under this subsection (a-3) shall

1 no longer be imposed beginning on the earlier of (i) July 1,
2 2005; (ii) the first date after June 20, 2003 that riverboat
3 gambling operations are conducted pursuant to a dormant
4 license; or (iii) the first day that riverboat gambling
5 operations are conducted under the authority of an owners
6 license that is in addition to the 10 owners licenses initially
7 authorized under this Act. For the purposes of this subsection
8 (a-3), the term "dormant license" means an owners license that
9 is authorized by this Act under which no riverboat gambling
10 operations are being conducted on June 20, 2003.

11 (a-4) Beginning on the first day on which the tax imposed
12 under subsection (a-3) is no longer imposed, a privilege tax is
13 imposed on persons engaged in the business of conducting
14 riverboat gambling operations, other than licensed managers
15 conducting riverboat gambling operations on behalf of the
16 State, based on the adjusted gross receipts received by a
17 licensed owner from gambling games authorized under this Act at
18 the following rates:

19 15% of annual adjusted gross receipts up to and
20 including \$25,000,000;

21 22.5% of annual adjusted gross receipts in excess of
22 \$25,000,000 but not exceeding \$50,000,000;

23 27.5% of annual adjusted gross receipts in excess of
24 \$50,000,000 but not exceeding \$75,000,000;

25 32.5% of annual adjusted gross receipts in excess of
26 \$75,000,000 but not exceeding \$100,000,000;

1 37.5% of annual adjusted gross receipts in excess of
2 \$100,000,000 but not exceeding \$150,000,000;

3 45% of annual adjusted gross receipts in excess of
4 \$150,000,000 but not exceeding \$200,000,000;

5 50% of annual adjusted gross receipts in excess of
6 \$200,000,000.

7 (a-8) Riverboat gambling operations conducted by a
8 licensed manager on behalf of the State are not subject to the
9 tax imposed under this Section.

10 (a-10) The taxes imposed by this Section shall be paid by
11 the licensed owner to the Board not later than 3:00 o'clock
12 p.m. of the day after the day when the wagers were made.

13 (a-15) If the privilege tax imposed under subsection (a-3)
14 is no longer imposed pursuant to item (i) of the last paragraph
15 of subsection (a-3), then by June 15 of each year, each owners
16 licensee, other than an owners licensee that admitted 1,000,000
17 persons or fewer in calendar year 2004, must, in addition to
18 the payment of all amounts otherwise due under this Section,
19 pay to the Board a reconciliation payment in the amount, if
20 any, by which the licensed owner's base amount exceeds the
21 amount of net privilege tax paid by the licensed owner to the
22 Board in the then current State fiscal year. A licensed owner's
23 net privilege tax obligation due for the balance of the State
24 fiscal year shall be reduced up to the total of the amount paid
25 by the licensed owner in its June 15 reconciliation payment.
26 The obligation imposed by this subsection (a-15) is binding on

1 any person, firm, corporation, or other entity that acquires an
2 ownership interest in any such owners license. The obligation
3 imposed under this subsection (a-15) terminates on the earliest
4 of: (i) July 1, 2007, (ii) the first day after the effective
5 date of this amendatory Act of the 94th General Assembly that
6 riverboat gambling operations are conducted pursuant to a
7 dormant license, (iii) the first day that riverboat gambling
8 operations are conducted under the authority of an owners
9 license that is in addition to the 10 owners licenses initially
10 authorized under this Act, or (iv) the first day that a
11 licensee under the Illinois Horse Racing Act of 1975 conducts
12 gaming operations with slot machines or other electronic gaming
13 devices. The Board must reduce the obligation imposed under
14 this subsection (a-15) by an amount the Board deems reasonable
15 for any of the following reasons: (A) an act or acts of God,
16 (B) an act of bioterrorism or terrorism or a bioterrorism or
17 terrorism threat that was investigated by a law enforcement
18 agency, or (C) a condition beyond the control of the owners
19 licensee that does not result from any act or omission by the
20 owners licensee or any of its agents and that poses a hazardous
21 threat to the health and safety of patrons. If an owners
22 licensee pays an amount in excess of its liability under this
23 Section, the Board shall apply the overpayment to future
24 payments required under this Section.

25 For purposes of this subsection (a-15):

26 "Act of God" means an incident caused by the operation of

1 an extraordinary force that cannot be foreseen, that cannot be
2 avoided by the exercise of due care, and for which no person
3 can be held liable.

4 "Base amount" means the following:

5 For a riverboat in Alton, \$31,000,000.

6 For a riverboat in East Peoria, \$43,000,000.

7 For the Empress riverboat in Joliet, \$86,000,000.

8 For a riverboat in Metropolis, \$45,000,000.

9 For the Harrah's riverboat in Joliet, \$114,000,000.

10 For a riverboat in Aurora, \$86,000,000.

11 For a riverboat in East St. Louis, \$48,500,000.

12 For a riverboat in Elgin, \$198,000,000.

13 "Dormant license" has the meaning ascribed to it in
14 subsection (a-3).

15 "Net privilege tax" means all privilege taxes paid by a
16 licensed owner to the Board under this Section, less all
17 payments made from the State Gaming Fund pursuant to subsection
18 (b) of this Section.

19 The changes made to this subsection (a-15) by Public Act
20 94-839 ~~this amendatory Act of the 94th General Assembly~~ are
21 intended to restate and clarify the intent of Public Act 94-673
22 with respect to the amount of the payments required to be made
23 under this subsection by an owners licensee to the Board.

24 (b) Until January 1, 1998, 25% of the tax revenue deposited
25 in the State Gaming Fund under this Section shall be paid,
26 subject to appropriation by the General Assembly, to the unit

1 of local government which is designated as the home dock of the
2 riverboat. Beginning January 1, 1998, from the tax revenue
3 deposited in the State Gaming Fund under this Section, an
4 amount equal to 5% of adjusted gross receipts generated by a
5 riverboat 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. From the tax
8 revenue deposited in the State Gaming Fund pursuant to
9 riverboat gambling operations conducted by a licensed manager
10 on behalf of the State, an amount equal to 5% of adjusted gross
11 receipts generated pursuant to those riverboat gambling
12 operations shall be paid monthly, subject to appropriation by
13 the General Assembly, to the unit of local government that is
14 designated as the home dock of the riverboat upon which those
15 riverboat gambling operations are conducted.

16 (c) Appropriations, as approved by the General Assembly,
17 may be made from the State Gaming Fund to the Department of
18 Revenue and the Department of State Police for the
19 administration and enforcement of this Act, or to the
20 Department of Human Services for the administration of programs
21 to treat problem gambling.

22 (c-5) Before May 26, 2006 (the effective date of Public Act
23 94-804) ~~this amendatory Act of the 94th General Assembly~~ and
24 beginning 2 years after May 26, 2006 (the effective date of
25 Public Act 94-804) ~~this amendatory Act of the 94th General~~
26 ~~Assembly~~, after the payments required under subsections (b) and

1 (c) have been made, an amount equal to 15% of the adjusted
2 gross receipts of (1) an owners licensee that relocates
3 pursuant to Section 11.2, (2) an owners licensee conducting
4 riverboat gambling operations pursuant to an owners license
5 that is initially issued after June 25, 1999, or (3) the first
6 riverboat gambling operations conducted by a licensed manager
7 on behalf of the State under Section 7.3, whichever comes
8 first, shall be paid from the State Gaming Fund into the Horse
9 Racing Equity Fund.

10 (c-10) Each year the General Assembly shall appropriate
11 from the General Revenue Fund to the Education Assistance Fund
12 an amount equal to the amount paid into the Horse Racing Equity
13 Fund pursuant to subsection (c-5) in the prior calendar year.

14 (c-15) After the payments required under subsections (b),
15 (c), and (c-5) have been made, an amount equal to 2% of the
16 adjusted gross receipts of (1) an owners licensee that
17 relocates pursuant to Section 11.2, (2) an owners licensee
18 conducting riverboat gambling operations pursuant to an owners
19 license that is initially issued after June 25, 1999, or (3)
20 the first riverboat gambling operations conducted by a licensed
21 manager on behalf of the State under Section 7.3, whichever
22 comes first, shall be paid, subject to appropriation from the
23 General Assembly, from the State Gaming Fund to each home rule
24 county with a population of over 3,000,000 inhabitants for the
25 purpose of enhancing the county's criminal justice system.

26 (c-20) Each year the General Assembly shall appropriate

1 from the General Revenue Fund to the Education Assistance Fund
2 an amount equal to the amount paid to each home rule county
3 with a population of over 3,000,000 inhabitants pursuant to
4 subsection (c-15) in the prior calendar year.

5 (c-25) After the payments required under subsections (b),
6 (c), (c-5) and (c-15) have been made, an amount equal to 2% of
7 the adjusted gross receipts of (1) an owners licensee that
8 relocates pursuant to Section 11.2, (2) an owners licensee
9 conducting riverboat gambling operations pursuant to an owners
10 license that is initially issued after June 25, 1999, or (3)
11 the first riverboat gambling operations conducted by a licensed
12 manager on behalf of the State under Section 7.3, whichever
13 comes first, shall be paid from the State Gaming Fund to
14 Chicago State University.

15 (d) From time to time, the Board shall transfer the
16 remainder of the funds generated by this Act into the Education
17 Assistance Fund, created by Public Act 86-0018, of the State of
18 Illinois.

19 (e) Nothing in this Act shall prohibit the unit of local
20 government designated as the home dock of the riverboat from
21 entering into agreements with other units of local government
22 in this State or in other states to share its portion of the
23 tax revenue.

24 (f) To the extent practicable, the Board shall administer
25 and collect the wagering taxes imposed by this Section in a
26 manner consistent with the provisions of Sections 4, 5, 5a, 5b,

1 5c, 5d, 5e, 5f, 5g, 5i, 5j, 6, 6a, 6b, 6c, 8, 9, and 10 of the
2 Retailers' Occupation Tax Act and Section 3-7 of the Uniform
3 Penalty and Interest Act.

4 (Source: P.A. 93-27, eff. 6-20-03; 93-28, eff. 6-20-03; 94-673,
5 eff. 8-23-05; 94-804, eff. 5-26-06; 94-839, eff. 6-6-06;
6 revised 8-3-06.)

7 Section 790. The Liquor Control Act of 1934 is amended by
8 changing Sections 5-1, 6-2, 6-11, 6-16.2, 7-5, 7-6, and 12-4
9 and by setting forth and renumbering multiple versions of
10 Section 6-33 as follows:

11 (235 ILCS 5/5-1) (from Ch. 43, par. 115)

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

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

19 (b) Distributor's license,

20 (c) Importing Distributor's license,

21 (d) Retailer's license,

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

23 (f) Railroad license,

24 (g) Boat license,

- 1 (h) Non-Beverage User's license,
- 2 (i) Wine-maker's premises license,
- 3 (j) Airplane license,
- 4 (k) Foreign importer's license,
- 5 (l) Broker's license,
- 6 (m) Non-resident dealer's license,
- 7 (n) Brew Pub license,
- 8 (o) Auction liquor license,
- 9 (p) Caterer retailer license,
- 10 (q) Special use permit license.

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

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

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

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

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

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

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

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

1 be issued an additional wine-maker's license by the State
2 Commission.

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

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

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

1 persons acting on its behalf with the State Commission.

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

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

21 (c) An importing distributor's license may be issued to and
22 held by those only who are duly licensed distributors, upon the
23 filing of an application by a duly licensed distributor, with
24 the Commission and the Commission shall, without the payment of
25 any fee, immediately issue such importing distributor's
26 license to the applicant, which shall allow the importation of

1 alcoholic liquor by the licensee into this State from any point
2 in the United States outside this State, and the purchase of
3 alcoholic liquor in barrels, casks or other bulk containers and
4 the bottling of such alcoholic liquors before resale thereof,
5 but all bottles or containers so filled shall be sealed,
6 labeled, stamped and otherwise made to comply with all
7 provisions, rules and regulations governing manufacturers in
8 the preparation and bottling of alcoholic liquors. The
9 importing distributor's license shall permit such licensee to
10 purchase alcoholic liquor from Illinois licensed non-resident
11 dealers and foreign importers only.

12 (d) A retailer's license shall allow the licensee to sell
13 and offer for sale at retail, only in the premises specified in
14 the license, alcoholic liquor for use or consumption, but not
15 for resale in any form: Provided that any retail license issued
16 to a manufacturer shall only permit the manufacturer to sell
17 beer at retail on the premises actually occupied by the
18 manufacturer. For the purpose of further describing the type of
19 business conducted at a retail licensed premises, a retailer's
20 licensee may be designated by the State Commission as (i) an on
21 premise consumption retailer, (ii) an off premise sale
22 retailer, or (iii) a combined on premise consumption and off
23 premise sale retailer.

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

1 under subsection (e).

2 (e) A special event retailer's license (not-for-profit)
3 shall permit the licensee to purchase alcoholic liquors from an
4 Illinois licensed distributor (unless the licensee purchases
5 less than \$500 of alcoholic liquors for the special event, in
6 which case the licensee may purchase the alcoholic liquors from
7 a licensed retailer) and shall allow the licensee to sell and
8 offer for sale, at retail, alcoholic liquors for use or
9 consumption, but not for resale in any form and only at the
10 location and on the specific dates designated for the special
11 event in the license. An applicant for a special event retailer
12 license must (i) furnish with the application: (A) a resale
13 number issued under Section 2c of the Retailers' Occupation Tax
14 Act or evidence that the applicant is registered under Section
15 2a of the Retailers' Occupation Tax Act, (B) a current, valid
16 exemption identification number issued under Section 1g of the
17 Retailers' Occupation Tax Act, and a certification to the
18 Commission that the purchase of alcoholic liquors will be a
19 tax-exempt purchase, or (C) a statement that the applicant is
20 not registered under Section 2a of the Retailers' Occupation
21 Tax Act, does not hold a resale number under Section 2c of the
22 Retailers' Occupation Tax Act, and does not hold an exemption
23 number under Section 1g of the Retailers' Occupation Tax Act,
24 in which event the Commission shall set forth on the special
25 event retailer's license a statement to that effect; (ii)
26 submit with the application proof satisfactory to the State

1 Commission that the applicant will provide dram shop liability
2 insurance in the maximum limits; and (iii) show proof
3 satisfactory to the State Commission that the applicant has
4 obtained local authority approval.

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

26 (g) A boat license shall allow the sale of alcoholic liquor

1 in individual drinks, on any passenger boat regularly operated
 2 as a common carrier on navigable waters in this State or on any
 3 riverboat operated under the Riverboat Gambling Act, which boat
 4 or riverboat maintains a public dining room or restaurant
 5 thereon.

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

- 16 Class 1, not to exceed 500 gallons
- 17 Class 2, not to exceed 1,000 gallons
- 18 Class 3, not to exceed 5,000 gallons
- 19 Class 4, not to exceed 10,000 gallons
- 20 Class 5, not to exceed 50,000 gallons

21 (i) A wine-maker's premises license shall allow a licensee
 22 that concurrently holds a first-class wine-maker's license to
 23 sell and offer for sale at retail in the premises specified in
 24 such license not more than 50,000 gallons of the first-class
 25 wine-maker's wine that is made at the first-class wine-maker's
 26 licensed premises per year for use or consumption, but not for

1 resale in any form. A wine-maker's premises license shall allow
2 a licensee who concurrently holds a second-class wine-maker's
3 license to sell and offer for sale at retail in the premises
4 specified in such license up to 100,000 gallons of the
5 second-class wine-maker's wine that is made at the second-class
6 wine-maker's licensed premises per year for use or consumption
7 but not for resale in any form. A wine-maker's premises license
8 shall allow a licensee that concurrently holds a first-class
9 wine-maker's license or a second-class wine-maker's license to
10 sell and offer for sale at retail at the premises specified in
11 the wine-maker's premises license, for use or consumption but
12 not for resale in any form, any beer, wine, and spirits
13 purchased from a licensed distributor. Upon approval from the
14 State Commission, a wine-maker's premises license shall allow
15 the licensee to sell and offer for sale at (i) the wine-maker's
16 licensed premises and (ii) at up to 2 additional locations for
17 use and consumption and not for resale. Each location shall
18 require additional licensing per location as specified in
19 Section 5-3 of this Act.

20 (j) An airplane license shall permit the licensee to import
21 alcoholic liquors into this State from any point in the United
22 States outside this State and to store such alcoholic liquors
23 in this State; to make wholesale purchases of alcoholic liquors
24 directly from manufacturers, foreign importers, distributors
25 and importing distributors from within or outside this State;
26 and to store such alcoholic liquors in this State; provided

1 that the above powers may be exercised only in connection with
2 the importation, purchase or storage of alcoholic liquors to be
3 sold or dispensed on an airplane; and provided further, that
4 airplane licensees exercising the above powers shall be subject
5 to all provisions of Article VIII of this Act as applied to
6 importing distributors. An airplane licensee shall also permit
7 the sale or dispensing of alcoholic liquors on any passenger
8 airplane regularly operated by a common carrier in this State,
9 but shall not permit the sale for resale of any alcoholic
10 liquors to any licensee within this State. A single airplane
11 license shall be required of an airline company if liquor
12 service is provided on board aircraft in this State. The annual
13 fee for such license shall be as determined in Section 5-3.

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

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

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

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

22 (ii) A broker's license shall be required of a person
23 within this State, other than a retail licensee, who, for a fee
24 or commission, promotes, solicits, or accepts orders for
25 alcoholic liquor, for use or consumption and not for resale, to
26 be shipped from this State and delivered to residents outside

1 of this State by an express company, common carrier, or
2 contract carrier. This Section does not apply to any person who
3 promotes, solicits, or accepts orders for wine as specifically
4 authorized in Section 6-29 of this Act.

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

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

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

18 (m) A non-resident dealer's license shall permit such
19 licensee to ship into and warehouse alcoholic liquor into this
20 State from any point outside of this State, and to sell such
21 alcoholic liquor to Illinois licensed foreign importers and
22 importing distributors and to no one else in this State;
23 provided that said non-resident dealer shall register with the
24 Illinois Liquor Control Commission each and every brand of
25 alcoholic liquor which it proposes to sell to Illinois
26 licensees during the license period; and further provided that

1 it shall comply with all of the provisions of Section 6-9
2 hereof with respect to registration of such Illinois licensees
3 as may be granted the right to sell such brands at wholesale.

4 (n) A brew pub license shall allow the licensee to
5 manufacture beer only on the premises specified in the license,
6 to make sales of the beer manufactured on the premises to
7 importing distributors, distributors, and to non-licensees for
8 use and consumption, to store the beer upon the premises, and
9 to sell and offer for sale at retail from the licensed
10 premises, provided that a brew pub licensee shall not sell for
11 off-premises consumption more than 50,000 gallons per year.

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

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

25 (q) A special use permit license shall allow an Illinois
26 licensed retailer to transfer a portion of its alcoholic liquor

1 inventory from its retail licensed premises to the premises
2 specified in the license hereby created, and to sell or offer
3 for sale at retail, only in the premises specified in the
4 license hereby created, the transferred alcoholic liquor for
5 use or consumption, but not for resale in any form. A special
6 use permit license may be granted for the following time
7 periods: one day or less; 2 or more days to a maximum of 15 days
8 per location in any 12 month period. An applicant for the
9 special use permit license must also submit with the
10 application proof satisfactory to the State Commission that the
11 applicant will provide dram shop liability insurance to the
12 maximum limits and have local authority approval.

13 (Source: P.A. 92-105, eff. 1-1-02; 92-378, eff. 8-16-01;
14 92-651, eff. 7-11-02; 92-672, eff. 7-16-02; 93-923, eff.
15 8-12-04; 93-1057, eff. 12-2-04; revised 12-6-04.)

16 (235 ILCS 5/6-2) (from Ch. 43, par. 120)

17 Sec. 6-2. Issuance of licenses to certain persons
18 prohibited.

19 (a) Except as otherwise provided in subsection (b) of this
20 Section and in paragraph (1) of subsection (a) of Section 3-12,
21 no license of any kind issued by the State Commission or any
22 local commission shall be issued to:

23 (1) A person who is not a resident of any city, village
24 or county in which the premises covered by the license are
25 located; except in case of railroad or boat licenses.

1 (2) A person who is not of good character and
2 reputation in the community in which he resides.

3 (3) A person who is not a citizen of the United States.

4 (4) A person who has been convicted of a felony under
5 any Federal or State law, unless the Commission determines
6 that such person has been sufficiently rehabilitated to
7 warrant the public trust after considering matters set
8 forth in such person's application and the Commission's
9 investigation. The burden of proof of sufficient
10 rehabilitation shall be on the applicant.

11 (5) A person who has been convicted of being the keeper
12 or is keeping a house of ill fame.

13 (6) A person who has been convicted of pandering or
14 other crime or misdemeanor opposed to decency and morality.

15 (7) A person whose license issued under this Act has
16 been revoked for cause.

17 (8) A person who at the time of application for renewal
18 of any license issued hereunder would not be eligible for
19 such license upon a first application.

20 (9) A copartnership, if any general partnership
21 thereof, or any limited partnership thereof, owning more
22 than 5% of the aggregate limited partner interest in such
23 copartnership would not be eligible to receive a license
24 hereunder for any reason other than residence within the
25 political subdivision, unless residency is required by
26 local ordinance.

1 (10) A corporation or limited liability company, if any
2 member, officer, manager or director thereof, or any
3 stockholder or stockholders owning in the aggregate more
4 than 5% of the stock of such corporation, would not be
5 eligible to receive a license hereunder for any reason
6 other than citizenship and residence within the political
7 subdivision.

8 (10a) A corporation or limited liability company
9 unless it is incorporated or organized in Illinois, or
10 unless it is a foreign corporation or foreign limited
11 liability company which is qualified under the Business
12 Corporation Act of 1983 or the Limited Liability Company
13 Act to transact business in Illinois. The Commission shall
14 permit and accept from an applicant for a license under
15 this Act proof prepared from the Secretary of State's
16 website that the corporation or limited liability company
17 is in good standing and is qualified under the Business
18 Corporation Act of 1983 or the Limited Liability Company
19 Act to transact business in Illinois.

20 (11) A person whose place of business is conducted by a
21 manager or agent unless the manager or agent possesses the
22 same qualifications required by the licensee.

23 (12) A person who has been convicted of a violation of
24 any Federal or State law concerning the manufacture,
25 possession or sale of alcoholic liquor, subsequent to the
26 passage of this Act or has forfeited his bond to appear in

1 court to answer charges for any such violation.

2 (13) A person who does not beneficially own the
3 premises for which a license is sought, or does not have a
4 lease thereon for the full period for which the license is
5 to be issued.

6 (14) Any law enforcing public official, including
7 members of local liquor control commissions, any mayor,
8 alderman, or member of the city council or commission, any
9 president of the village board of trustees, any member of a
10 village board of trustees, or any president or member of a
11 county board; and no such official shall have a direct
12 interest in the manufacture, sale, or distribution of
13 alcoholic liquor, except that a license may be granted to
14 such official in relation to premises that are not located
15 within the territory subject to the jurisdiction of that
16 official if the issuance of such license is approved by the
17 State Liquor Control Commission and except that a license
18 may be granted, in a city or village with a population of
19 50,000 or less, to any alderman, member of a city council,
20 or member of a village board of trustees in relation to
21 premises that are located within the territory subject to
22 the jurisdiction of that official if (i) the sale of
23 alcoholic liquor pursuant to the license is incidental to
24 the selling of food, (ii) the issuance of the license is
25 approved by the State Commission, (iii) the issuance of the
26 license is in accordance with all applicable local

1 ordinances in effect where the premises are located, and
2 (iv) the official granted a license does not vote on
3 alcoholic liquor issues pending before the board or council
4 to which the license holder is elected. Notwithstanding any
5 provision of this paragraph (14) to the contrary, an
6 alderman or member of a city council or commission, a
7 member of a village board of trustees other than the
8 president of the village board of trustees, or a member of
9 a county board other than the president of a county board
10 may have a direct interest in the manufacture, sale, or
11 distribution of alcoholic liquor as long as he or she is
12 not a law enforcing public official, a mayor, a village
13 board president, or president of a county board. To prevent
14 any conflict of interest, the elected official with the
15 direct interest in the manufacture, sale, or distribution
16 of alcoholic liquor cannot participate in any meetings,
17 hearings, or decisions on matters impacting the
18 manufacture, sale, or distribution of alcoholic liquor.

19 (15) A person who is not a beneficial owner of the
20 business to be operated by the licensee.

21 (16) A person who has been convicted of a gambling
22 offense as proscribed by any of subsections (a) (3) through
23 (a) (11) of Section 28-1 of, or as proscribed by Section
24 28-1.1 or 28-3 of, the Criminal Code of 1961, or as
25 proscribed by a statute replaced by any of the aforesaid
26 statutory provisions.

1 (17) A person or entity to whom a federal wagering
2 stamp has been issued by the federal government, unless the
3 person or entity is eligible to be issued a license under
4 the Raffles Act or the Illinois Pull Tabs and Jar Games
5 Act.

6 (18) A person who intends to sell alcoholic liquors for
7 use or consumption on his or her licensed retail premises
8 who does not have liquor liability insurance coverage for
9 that premises in an amount that is at least equal to the
10 maximum liability amounts set out in subsection (a) of
11 Section 6-21.

12 (b) A criminal conviction of a corporation is not grounds
13 for the denial, suspension, or revocation of a license applied
14 for or held by the corporation if the criminal conviction was
15 not the result of a violation of any federal or State law
16 concerning the manufacture, possession or sale of alcoholic
17 liquor, the offense that led to the conviction did not result
18 in any financial gain to the corporation and the corporation
19 has terminated its relationship with each director, officer,
20 employee, or controlling shareholder whose actions directly
21 contributed to the conviction of the corporation. The
22 Commission shall determine if all provisions of this subsection
23 (b) have been met before any action on the corporation's
24 license is initiated.

25 (Source: P.A. 93-266, eff. 1-1-04; 93-1057, eff. 12-2-04; 94-5,
26 eff. 6-3-05; 94-289, eff. 1-1-06; 94-381, eff. 7-29-05; revised

1 8-19-05.)

2 (235 ILCS 5/6-11) (from Ch. 43, par. 127)

3 Sec. 6-11. Sale near churches, schools, and hospitals.

4 (a) No license shall be issued for the sale at retail of
5 any alcoholic liquor within 100 feet of any church, school
6 other than an institution of higher learning, hospital, home
7 for aged or indigent persons or for veterans, their spouses or
8 children or any military or naval station, provided, that this
9 prohibition shall not apply to hotels offering restaurant
10 service, regularly organized clubs, or to restaurants, food
11 shops or other places where sale of alcoholic liquors is not
12 the principal business carried on if the place of business so
13 exempted is not located in a municipality of more than 500,000
14 persons, unless required by local ordinance; nor to the renewal
15 of a license for the sale at retail of alcoholic liquor on
16 premises within 100 feet of any church or school where the
17 church or school has been established within such 100 feet
18 since the issuance of the original license. In the case of a
19 church, the distance of 100 feet shall be measured to the
20 nearest part of any building used for worship services or
21 educational programs and not to property boundaries.

22 (b) Nothing in this Section shall prohibit the issuance of
23 a retail license authorizing the sale of alcoholic liquor to a
24 restaurant, the primary business of which is the sale of goods
25 baked on the premises if (i) the restaurant is newly

1 constructed and located on a lot of not less than 10,000 square
2 feet, (ii) the restaurant costs at least \$1,000,000 to
3 construct, (iii) the licensee is the titleholder to the
4 premises and resides on the premises, and (iv) the construction
5 of the restaurant is completed within 18 months of the
6 effective date of this amendatory Act of 1998.

7 (c) Nothing in this Section shall prohibit the issuance of
8 a retail license authorizing the sale of alcoholic liquor
9 incidental to a restaurant if (1) the primary business of the
10 restaurant consists of the sale of food where the sale of
11 liquor is incidental to the sale of food and the applicant is a
12 completely new owner of the restaurant, (2) the immediately
13 prior owner or operator of the premises where the restaurant is
14 located operated the premises as a restaurant and held a valid
15 retail license authorizing the sale of alcoholic liquor at the
16 restaurant for at least part of the 24 months before the change
17 of ownership, and (3) the restaurant is located 75 or more feet
18 from a school.

19 (d) In the interest of further developing Illinois' economy
20 in the area of commerce, tourism, convention, and banquet
21 business, nothing in this Section shall prohibit issuance of a
22 retail license authorizing the sale of alcoholic beverages to a
23 restaurant, banquet facility, grocery store, or hotel having
24 not fewer than 150 guest room accommodations located in a
25 municipality of more than 500,000 persons, notwithstanding the
26 proximity of such hotel, restaurant, banquet facility, or

1 grocery store to any church or school, if the licensed premises
2 described on the license are located within an enclosed mall or
3 building of a height of at least 6 stories, or 60 feet in the
4 case of a building that has been registered as a national
5 landmark, or in a grocery store having a minimum of 56,010
6 square feet of floor space in a single story building in an
7 open mall of at least 3.96 acres that is adjacent to a public
8 school that opened as a boys technical high school in 1934, or
9 in a grocery store having a minimum of 31,000 square feet of
10 floor space in a single story building located a distance of
11 more than 90 feet but less than 100 feet from a high school
12 that opened in 1928 as a junior high school and became a senior
13 high school in 1933, and in each of these cases if the sale of
14 alcoholic liquors is not the principal business carried on by
15 the licensee.

16 For purposes of this Section, a "banquet facility" is any
17 part of a building that caters to private parties and where the
18 sale of alcoholic liquors is not the principal business.

19 (e) Nothing in this Section shall prohibit the issuance of
20 a license to a church or private school to sell at retail
21 alcoholic liquor if any such sales are limited to periods when
22 groups are assembled on the premises solely for the promotion
23 of some common object other than the sale or consumption of
24 alcoholic liquors.

25 (f) Nothing in this Section shall prohibit a church or
26 church affiliated school located in a home rule municipality or

1 in a municipality with 75,000 or more inhabitants from locating
2 within 100 feet of a property for which there is a preexisting
3 license to sell alcoholic liquor at retail. In these instances,
4 the local zoning authority may, by ordinance adopted
5 simultaneously with the granting of an initial special use
6 zoning permit for the church or church affiliated school,
7 provide that the 100-foot restriction in this Section shall not
8 apply to that church or church affiliated school and future
9 retail liquor licenses.

10 (g) Nothing in this Section shall prohibit the issuance of
11 a retail license authorizing the sale of alcoholic liquor at
12 premises within 100 feet, but not less than 90 feet, of a
13 public school if (1) the premises have been continuously
14 licensed to sell alcoholic liquor for a period of at least 50
15 years, (2) the premises are located in a municipality having a
16 population of over 500,000 inhabitants, (3) the licensee is an
17 individual who is a member of a family that has held the
18 previous 3 licenses for that location for more than 25 years,
19 (4) the principal of the school and the alderman of the ward in
20 which the school is located have delivered a written statement
21 to the local liquor control commissioner stating that they do
22 not object to the issuance of a license under this subsection
23 (g), and (5) the local liquor control commissioner has received
24 the written consent of a majority of the registered voters who
25 live within 200 feet of the premises.

26 (h) Notwithstanding any provision of this Section to the

1 contrary, nothing in this Section shall prohibit the issuance
2 or renewal of a license authorizing the sale of alcoholic
3 liquor within premises and at an outdoor patio area attached to
4 premises that are located in a municipality with a population
5 in excess of 300,000 inhabitants and that are within 100 feet
6 of a church if:

7 (1) the sale of alcoholic liquor at the premises is
8 incidental to the sale of food,

9 (2) the sale of liquor is not the principal business
10 carried on by the licensee at the premises,

11 (3) the premises are less than 1,000 square feet,

12 (4) the premises are owned by the University of
13 Illinois,

14 (5) the premises are immediately adjacent to property
15 owned by a church and are not less than 20 nor more than 40
16 feet from the church space used for worship services, and

17 (6) the principal religious leader at the place of
18 worship has indicated his or her support for the issuance
19 of the license in writing.

20 (i) ~~(h)~~ Notwithstanding any provision in this Section to
21 the contrary, nothing in this Section shall prohibit the
22 issuance or renewal of a license to sell alcoholic liquor at a
23 premises that is located within a municipality with a
24 population in excess of 300,000 inhabitants and is within 100
25 feet of a church, synagogue, or other place of worship if:

26 (1) the primary entrance of the premises and the

1 primary entrance of the church, synagogue, or other place
2 of worship are at least 100 feet apart, on parallel
3 streets, and separated by an alley; and

4 (2) the principal religious leader at the place of
5 worship has not indicated his or her opposition to the
6 issuance or renewal of the license in writing.

7 (j) ~~(h)~~ Notwithstanding any provision in this Section to
8 the contrary, nothing in this Section shall prohibit the
9 issuance of a retail license authorizing the sale of alcoholic
10 liquor at a theater that is within 100 feet of a church if (1)
11 the church owns the theater, (2) the church leases the theater
12 to one or more entities, and (3) the theater is used by at
13 least 5 different not-for-profit theater groups.

14 (Source: P.A. 92-720, eff. 7-25-02; 92-813, eff. 8-21-02;
15 93-687, eff. 7-8-04; 93-688, eff. 7-8-04; 93-780, eff. 1-1-05;
16 revised 10-14-04.)

17 (235 ILCS 5/6-16.2)

18 Sec. 6-16.2. Prohibited entry to a licensed premises. A
19 municipality or county may prohibit a licensee or any officer,
20 associate, member, representative, agent, or employee of a
21 licensee from permitting a person under the age of 21 years to
22 enter and remain in that portion of a licensed premises that
23 sells, gives, or delivers alcoholic liquor for consumption on
24 the premises. No prohibition under this Section, however, shall
25 apply to any licensed premises, such as without limitation a

1 restaurant or food shop, where selling, giving, or delivering
2 alcoholic liquor is not the principal business of the licensee
3 at those premises.

4 In those instances where a person under the age of 21 years
5 is prohibited from entering and remaining on the premises,
6 proof that the defendant-licensee, or his employee or agent,
7 demanded, was shown, and reasonably relied upon adequate
8 written evidence for purposes of entering and remaining on the
9 licensed premises is an affirmative defense in any criminal
10 prosecution therefor or to any proceedings for the suspension
11 or revocation of any license based thereon. It shall not,
12 however, be an affirmative defense if the defendant-licensee
13 ~~defendant-licensee~~, or his agent or employee, accepted the
14 written evidence knowing it to be false or fraudulent.

15 Adequate written evidence of age and identity of the person
16 is a document issued by a federal, state, county, or municipal
17 government, or subdivision or agency thereof, including, but
18 not limited to, a motor vehicle operator's license, a
19 registration certificate issued under the Federal Selective
20 Service Act, or an identification card issued to a member of
21 the armed forces.

22 If a false or fraudulent Illinois driver's license or
23 Illinois identification card is presented by a person less than
24 21 years of age to a licensee or the licensee's agent or
25 employee for the purpose of obtaining entry and remaining on a
26 licensed premises, the law enforcement officer or agency

1 investigating the incident shall, upon the conviction of the
2 person who presented the fraudulent license or identification,
3 make a report of the matter to the Secretary of State on a form
4 provided by the Secretary of State.

5 (Source: P.A. 90-617, eff. 7-10-98; revised 1-14-04.)

6 (235 ILCS 5/6-33)

7 Sec. 6-33. Sealing and removal of open wine bottles from a
8 restaurant. Notwithstanding any other provision of this Act, a
9 restaurant licensed to sell alcoholic liquor in this State may
10 permit a patron to remove one unsealed and partially consumed
11 bottle of wine for off-premise consumption provided that the
12 patron has purchased a meal and consumed a portion of the
13 bottle of wine with the meal on the restaurant premises. A
14 partially consumed bottle of wine that is to be removed from
15 the premises pursuant to this Section shall be securely sealed
16 by the licensee or an agent of the licensee prior to removal
17 from the premises and placed in a transparent one-time use
18 tamper-proof bag. The licensee or agent of the licensee shall
19 provide a dated receipt for the bottle of wine to the patron.
20 Wine that is resealed in accordance with the provisions of this
21 Section and not tampered with shall not be deemed an unsealed
22 container for the purposes of Section 11-502 of the Illinois
23 Vehicle Code.

24 (Source: P.A. 94-1047, eff. 1-1-07.)

1 (235 ILCS 5/6-34)

2 Sec. 6-34 ~~6-33~~. Alcohol without liquid machines.

3 (a) No person shall bring into this State for use or sale
4 any alcohol without liquid machine.

5 (b) For the purposes of this Section, "alcohol without
6 liquid machine" means a device designed or marketed for the
7 purposes of mixing alcohol with oxygen or another gas to
8 produce a mist for inhalation for recreational purposes.

9 (Source: P.A. 94-745, eff. 5-8-06; revised 8-29-06.)

10 (235 ILCS 5/7-5) (from Ch. 43, par. 149)

11 Sec. 7-5. The local liquor control commissioner may revoke
12 or suspend any license issued by him if he determines that the
13 licensee has violated any of the provisions of this Act or of
14 any valid ordinance or resolution enacted by the particular
15 city council, president, or board of trustees or county board
16 (as the case may be) or any applicable rule or regulations
17 established by the local liquor control commissioner or the
18 State commission which is not inconsistent with law. Upon
19 notification by the Illinois Department of Revenue, the State
20 Commission, in accordance with Section 3-12, may refuse the
21 issuance or renewal of a license, fine a licensee, or suspend
22 or revoke any license issued by the State Commission if the
23 licensee or license applicant has violated the provisions of
24 Section 3 of the Retailers' Occupation Tax Act. In addition to
25 the suspension, the local liquor control commissioner in any

1 county or municipality may levy a fine on the licensee for such
2 violations. The fine imposed shall not exceed \$1000 for a first
3 violation within a 12-month period, \$1,500 for a second
4 violation within a 12-month period, and \$2,500 for a third or
5 subsequent violation within a 12-month period. Each day on
6 which a violation continues shall constitute a separate
7 violation. Not more than \$15,000 in fines under this Section
8 may be imposed against any licensee during the period of his
9 license. Proceeds from such fines shall be paid into the
10 general corporate fund of the county or municipal treasury, as
11 the case may be.

12 However, no such license shall be so revoked or suspended
13 and no licensee shall be fined except after a public hearing by
14 the local liquor control commissioner with a 3 day written
15 notice to the licensee affording the licensee an opportunity to
16 appear and defend. All such hearings shall be open to the
17 public and the local liquor control commissioner shall reduce
18 all evidence to writing and shall maintain an official record
19 of the proceedings. If the local liquor control commissioner
20 has reason to believe that any continued operation of a
21 particular licensed premises will immediately threaten the
22 welfare of the community he may, upon the issuance of a written
23 order stating the reason for such conclusion and without notice
24 or hearing order the licensed premises closed for not more than
25 7 days, giving the licensee an opportunity to be heard during
26 that period, except that if such licensee shall also be engaged

1 in the conduct of another business or businesses on the
2 licensed premises such order shall not be applicable to such
3 other business or businesses.

4 The local liquor control commissioner shall within 5 days
5 after such hearing, if he determines after such hearing that
6 the license should be revoked or suspended or that the licensee
7 should be fined, state the reason or reasons for such
8 determination in a written order, and either the amount of the
9 fine, the period of suspension, or that the license has been
10 revoked, and shall serve a copy of such order within the 5 days
11 upon the licensee.

12 If the premises for which the license was issued are
13 located outside of a city, village or incorporated town having
14 a population of 500,000 or more inhabitants, the licensee after
15 the receipt of such order of suspension or revocation shall
16 have the privilege within a period of 20 days after the receipt
17 of such order of suspension or revocation of appealing the
18 order to the State commission for a decision sustaining,
19 reversing or modifying the order of the local liquor control
20 commissioner. If the State commission affirms the local
21 commissioner's order to suspend or revoke the license at the
22 first hearing, the appellant shall cease to engage in the
23 business for which the license was issued, until the local
24 commissioner's order is terminated by its own provisions or
25 reversed upon rehearing or by the courts.

26 If the premises for which the license was issued are

1 located within a city, village or incorporated town having a
2 population of 500,000 or more inhabitants, the licensee shall
3 have the privilege, within a period of 20 days after the
4 receipt of such order of fine, suspension or revocation, of
5 appealing the order to the local license appeal commission and
6 upon the filing of such an appeal by the licensee the license
7 appeal commission shall determine the appeal upon certified
8 record of proceedings of the local liquor commissioner in
9 accordance with the provisions of Section 7-9. Within 30 days
10 after such appeal was heard the license appeal commission shall
11 render a decision sustaining or reversing the order of the
12 local liquor control commissioner.

13 (Source: P.A. 93-22, eff. 6-20-03; 93-926, eff. 8-12-04;
14 93-1057, eff. 12-2-04; revised 12-6-04.)

15 (235 ILCS 5/7-6) (from Ch. 43, par. 150)

16 Sec. 7-6. All proceedings for the revocation or suspension
17 of licenses of manufacturers, distributors, importing
18 distributors, non-resident dealers, foreign importers,
19 non-beverage users, railroads, airplanes and boats shall be
20 before the State Commission. All such proceedings and all
21 proceedings for the revocation or suspension of a retailer's
22 license before the State commission shall be in accordance with
23 rules and regulations established by it not inconsistent with
24 law. However, no such license shall be so revoked or suspended
25 except after a hearing by the State commission with reasonable

1 notice to the licensee served by registered or certified mail
2 with return receipt requested at least 10 days prior to the
3 hearings at the last known place of business of the licensee
4 and after an opportunity to appear and defend. Such notice
5 shall specify the time and place of the hearing, the nature of
6 the charges, the specific provisions of the Act and rules
7 violated, and the specific facts supporting the charges or
8 violation. The findings of the Commission shall be predicated
9 upon competent evidence. The revocation of a local license
10 shall automatically result in the revocation of a State
11 license. Upon notification by the Illinois Department of
12 Revenue, the State Commission, in accordance with Section 3-12,
13 may refuse the issuance or renewal of a license, fine a
14 licensee, or suspend or revoke any license issued by the State
15 Commission if the licensee or license applicant has violated
16 the provisions of Section 3 of the Retailers' Occupation Tax
17 Act. All procedures for the suspension or revocation of a
18 license, as enumerated above, are applicable to the levying of
19 fines for violations of this Act or any rule or regulation
20 issued pursuant thereto.

21 (Source: P.A. 93-22, eff. 6-20-03; 93-926, eff. 8-12-04;
22 93-1057, eff. 12-2-04; revised 12-6-04.)

23 (235 ILCS 5/12-4)

24 Sec. 12-4. Grape and Wine Resources Fund. Beginning July 1,
25 1999 and ending June 30, 2003 ~~2006~~, on the first day of each

1 State fiscal year, or as soon thereafter as may be practical,
2 the State Comptroller shall transfer the sum of \$500,000 from
3 the General Revenue Fund to the Grape and Wine Resources Fund,
4 which is hereby continued as a special fund in the State
5 Treasury. By January 1, 2006, the Department of Commerce and
6 Economic Opportunity ~~Community Affairs~~ shall review the
7 activities of the Council and report to the General Assembly
8 and the Governor its recommendation of whether or not the
9 funding under this Section should be continued.

10 The Grape and Wine Resources Fund shall be administered by
11 the Department of Commerce and Economic Opportunity ~~Community~~
12 ~~Affairs~~, which shall serve as the lead administrative agency
13 for allocation and auditing of funds as well as monitoring
14 program implementation. The Department shall make an annual
15 grant of moneys from the Fund to the Council, which shall be
16 used to pay for the Council's operations and expenses. These
17 moneys shall be used by the Council to achieve the Council's
18 objectives and shall not be used for any political or
19 legislative purpose. Money remaining in the Fund at the end of
20 the fiscal year shall remain in the Fund for use during the
21 following year and shall not be transferred to any other State
22 fund.

23 (Source: P.A. 93-32, eff. 6-20-03; 93-512, eff. 1-1-04; revised
24 12-17-03.)

25 Section 795. The Illinois Public Aid Code is amended by

1 changing Sections 2-12, 2-12.5, 2-14, 4-1.7, 4-4.1, 5-1.1,
2 5-2.05, 5-4, 5-5, 5-5.01, 5-5.1, 5-5.3, 5-5.4, 5-5.4c, 5-5.5,
3 5-5.5a, 5-5.7, 5-5.8a, 5-5.8b, 5-5d, 5-9, 5-11, 5-11.1, 5-16.1,
4 5-16.4, 5-16.8, 5-21, 5-24, 5A-4, 5A-5, 5A-10, 5A-13, 6-11,
5 9-1, 9-13, 9A-7, 9A-9.5, 10-1, 10-10, 10-10.4, 10-15, 10-16.7,
6 10-17.9, 10-24.35, 10-24.40, 10-24.50, 11-3, 11-3.1, 11-3.3,
7 11-9, 11-16, 12-1, 12-4.7c, 12-4.35, 12-4.201, 12-9, 12-10.2a,
8 12-10.4, 12-10.5, 12-13.1, and 12-16 and by setting forth,
9 renumbering, and changing multiple versions of Sections 5-5.23
10 and 9A-15 as follows:

11 (305 ILCS 5/2-12) (from Ch. 23, par. 2-12)

12 Sec. 2-12. "Illinois Department"; "Department". In this
13 Code, "Illinois Department" or "Department", when a particular
14 entity is not specified, means the following:

15 (1) In the case of a function performed before July 1, 1997
16 (the effective date of the Department of Human Services Act),
17 the term means the Department of Public Aid.

18 (2) In the case of a function to be performed on or after
19 July 1, 1997 under Article III, IV, VI, IX, or IXA, the term
20 means the Department of Human Services as successor to the
21 Illinois Department of Public Aid.

22 (3) In the case of a function to be performed on or after
23 July 1, 1997 under Article V, V-A, V-B, V-C, V-D, V-E, X, XIV,
24 or XV, the term means the Department of Healthcare and Family
25 Services (formerly Illinois Department of Public Aid).

1 (4) In the case of a function to be performed on or after
2 July 1, 1997 under Article I, II, VIIIA, XI, XII, or XIII, the
3 term means the Department of Human Services (acting as
4 successor to the Illinois Department of Public Aid) or the
5 Department of Healthcare and Family Services (formerly
6 Illinois Department of Public Aid) or both, according to
7 whether that function, in the specific context, has been
8 allocated to the Department of Human Services or the Department
9 of Healthcare and Family Services (formerly Department of
10 Public Aid) or both of those departments.

11 (Source: P.A. 89-507, eff. 7-1-97; revised 12-15-05.)

12 (305 ILCS 5/2-12.5)

13 Sec. 2-12.5. "Director of the Illinois Department";
14 "Director of the Department"; "Director". In this Code,
15 "Director of the Illinois Department", "Director of the
16 Department", or "Director", when a particular official is not
17 specified, means the following:

18 (1) In the case of a function performed before July 1, 1997
19 (the effective date of the Department of Human Services Act),
20 the term means the Director of Public Aid.

21 (2) In the case of a function to be performed on or after
22 July 1, 1997 under Article III, IV, VI, IX, or IXA, the term
23 means the Secretary of Human Services.

24 (3) In the case of a function to be performed on or after
25 July 1, 1997 under Article V, V-A, V-B, V-C, V-D, V-E, X, XIV,

1 or XV, the term means the Director of Healthcare and Family
2 Services (formerly Director of Public Aid).

3 (4) In the case of a function to be performed on or after
4 July 1, 1997 under Article I, II, VIIIA, XI, XII, or XIII, the
5 term means the Secretary of Human Services or the Director of
6 Healthcare and Family Services (formerly Director of Public
7 Aid) or both, according to whether that function, in the
8 specific context, has been allocated to the Department of Human
9 Services or the Department of Healthcare and Family Services
10 (formerly Department of Public Aid) or both of those
11 departments.

12 (Source: P.A. 89-507, eff. 7-1-97; revised 12-15-05.)

13 (305 ILCS 5/2-14) (from Ch. 23, par. 2-14)

14 Sec. 2-14. "Local governmental unit". Every county, city,
15 village, incorporated town or township charged with the duty of
16 providing public aid under Article VI; and County Veterans
17 Assistance Commissions providing general assistance to
18 indigent war veterans and their families under Section 12-21.13
19 of Article XII.

20 However, should any Section of this Code impose the
21 obligation of providing medical assistance to persons who are
22 non-residents of the State of Illinois upon a local
23 governmental unit, the term "local governmental unit" shall not
24 include townships. In such case the obligation for providing
25 medical assistance to non-residents which would otherwise be

1 the duty of a township shall become the obligation of the
2 ~~Illinois~~ Department of Healthcare and Family Services ~~Public~~
3 ~~Aid~~.

4 (Source: P.A. 81-519; 81-1085; 81-1509; revised 12-15-05.)

5 (305 ILCS 5/4-1.7) (from Ch. 23, par. 4-1.7)

6 Sec. 4-1.7. Enforcement of Parental Child Support
7 Obligation. If the parent or parents of the child are failing
8 to meet or are delinquent in their legal obligation to support
9 the child, the parent or other person having custody of the
10 child or the ~~Illinois~~ Department of Healthcare and Family
11 Services ~~Public Aid~~ may request the law enforcement officer
12 authorized or directed by law to so act to file action for the
13 enforcement of such remedies as the law provides for the
14 fulfillment of the child support obligation.

15 If a parent has a judicial remedy against the other parent
16 to compel child support, or if, as the result of an action
17 initiated by or in behalf of one parent against the other, a
18 child support order has been entered in respect to which there
19 is noncompliance or delinquency, or where the order so entered
20 may be changed upon petition to the court to provide additional
21 support, the parent or other person having custody of the child
22 or the ~~Illinois~~ Department of Healthcare and Family Services
23 ~~Public Aid~~ may request the appropriate law enforcement officer
24 to seek enforcement of the remedy, or of the support order, or
25 a change therein to provide additional support. If the law

1 enforcement officer is not authorized by law to so act in these
2 instances, the parent, or if so authorized by law the other
3 person having custody of the child, or the ~~Illinois~~ Department
4 of Healthcare and Family Services ~~Public Aid~~ may initiate an
5 action to enforce these remedies.

6 A parent or other person having custody of the child must
7 comply with the requirements of Title IV of the federal Social
8 Security Act, and the regulations duly promulgated thereunder,
9 and any rules promulgated by the Illinois Department regarding
10 enforcement of the child support obligation. The ~~Illinois~~
11 Department of Healthcare and Family Services ~~Public Aid~~ and the
12 Department of Human Services may provide by rule for the grant
13 or continuation of aid to the person for a temporary period if
14 he or she accepts counseling or other services designed to
15 increase his or her motivation to seek enforcement of the child
16 support obligation.

17 In addition to any other definition of failure or refusal
18 to comply with the requirements of Title IV of the federal
19 Social Security Act, or Illinois Department rule, in the case
20 of failure to attend court hearings, the parent or other person
21 can show cooperation by attending a court hearing or, if a
22 court hearing cannot be scheduled within 14 days following the
23 court hearing that was missed, by signing a statement that the
24 parent or other person is now willing to cooperate in the child
25 support enforcement process and will appear at any later
26 scheduled court date. The parent or other person can show

1 cooperation by signing such a statement only once. If failure
2 to attend the court hearing or other failure to cooperate
3 results in the case being dismissed, such a statement may be
4 signed after 2 months.

5 No denial or termination of medical assistance pursuant to
6 this Section shall commence during pregnancy of the parent or
7 other person having custody of the child or for 30 days after
8 the termination of such pregnancy. The termination of medical
9 assistance may commence thereafter if the ~~Illinois~~ Department
10 of Healthcare and Family Services ~~Public Aid~~ determines that
11 the failure or refusal to comply with this Section persists.
12 Postponement of denial or termination of medical assistance
13 during pregnancy under this paragraph shall be effective only
14 to the extent it does not conflict with federal law or
15 regulation.

16 Any evidence a parent or other person having custody of the
17 child gives in order to comply with the requirements of this
18 Section shall not render him or her liable to prosecution under
19 Sections 11-7 or 11-8 of the "Criminal Code of 1961", approved
20 July 28, 1961, as amended.

21 When so requested, the ~~Illinois~~ Department of Healthcare
22 and Family Services ~~Public Aid~~ and the Department of Human
23 Services shall provide such services and assistance as the law
24 enforcement officer may require in connection with the filing
25 of any action hereunder.

26 The ~~Illinois~~ Department of Healthcare and Family Services

1 ~~Public Aid~~ and the Department of Human Services, as an expense
2 of administration, may also provide applicants for and
3 recipients of aid with such services and assistance, including
4 assumption of the reasonable costs of prosecuting any action or
5 proceeding, as may be necessary to enable them to enforce the
6 child support liability required hereunder.

7 Nothing in this Section shall be construed as a requirement
8 that an applicant or recipient file an action for dissolution
9 of marriage against his or her spouse.

10 (Source: P.A. 92-651, eff. 7-11-02; revised 12-15-05.)

11 (305 ILCS 5/4-4.1)

12 Sec. 4-4.1. Immunizations.

13 (a) The Department of Healthcare and Family Services
14 (formerly Illinois Department of Public Aid) shall develop and
15 implement and that Department and the Department of Human
16 Services shall jointly continue by rule a program to ensure
17 that children under 5 years of age living in assistance units
18 that receive benefits under this Code are immunized. The
19 Illinois Department of Public Aid shall report to the Governor
20 and the General Assembly on the progress of the program on
21 April 1, 1994 and 1995.

22 (b) Nothing in this Section shall be construed to require
23 immunization of any child in contravention of the stated
24 objections of a parent, guardian, or relative with custody of a
25 child that the administration of immunizing agents conflicts

1 with his or her religious tenets and practices.

2 (Source: P.A. 88-342; 89-507, eff. 7-1-97; revised 12-15-05.)

3 (305 ILCS 5/5-1.1) (from Ch. 23, par. 5-1.1)

4 Sec. 5-1.1. Definitions. The terms defined in this Section
5 shall have the meanings ascribed to them, except when the
6 context otherwise requires.

7 (a) "Skilled nursing facility" means a nursing home
8 eligible to participate as a skilled nursing facility under
9 Title XIX of the federal Social Security Act.

10 (b) "Intermediate care facility" means a nursing home
11 eligible to participate as an intermediate care facility under
12 Title XIX of the federal Social Security Act.

13 (c) "Standard services" means those services required for
14 the care of all patients in the facility and shall as a minimum
15 include the following: (1) administration; (2) dietary
16 (standard); (3) housekeeping; (4) laundry and linen; (5)
17 maintenance of property and equipment, including utilities;
18 (6) medical records; (7) training of employees; (8) utilization
19 review; (9) activities services; (10) social services; (11)
20 disability services; and all other similar services required by
21 either the laws of the State of Illinois or one of its
22 political subdivisions or municipalities or by Title XIX of the
23 Social Security Act.

24 (d) "Patient services" means those which vary with the
25 number of personnel; professional and para-professional skills

1 of the personnel; specialized equipment, and reflect the
2 intensity of the medical and psycho-social needs of the
3 patients. Patient services shall as a minimum include: (1)
4 physical services; (2) nursing services, including restorative
5 nursing; (3) medical direction and patient care planning; (4)
6 health related supportive and habilitative services and all
7 similar services required by either the laws of the State of
8 Illinois or one of its political subdivisions or municipalities
9 or by Title XIX of the Social Security Act.

10 (e) "Ancillary services" means those services which
11 require a specific physician's order and defined as under the
12 medical assistance program as not being routine in nature for
13 skilled nursing and intermediate care facilities. Such
14 services generally must be authorized prior to delivery and
15 payment as provided for under the rules of the Department of
16 Healthcare and Family Services ~~Public Aid~~.

17 (f) "Capital" means the investment in a facility's assets
18 for both debt and non-debt funds. Non-debt capital is the
19 difference between an adjusted replacement value of the assets
20 and the actual amount of debt capital.

21 (g) "Profit" means the amount which shall accrue to a
22 facility as a result of its revenues exceeding its expenses as
23 determined in accordance with generally accepted accounting
24 principles.

25 (h) "Non-institutional services" means those services
26 provided under paragraph (f) of Section 3 of the Disabled

1 Persons Rehabilitation Act and those services provided under
2 Section 4.02 of the Illinois Act on the Aging.

3 (i) "Exceptional medical care" means the level of medical
4 care required by persons who are medically stable for discharge
5 from a hospital but who require acute intensity hospital level
6 care for physician, nurse and ancillary specialist services,
7 including persons with acquired immunodeficiency syndrome
8 (AIDS) or a related condition. Such care shall consist of those
9 services which the Department shall determine by rule.

10 (j) "Institutionalized person" means an individual who is
11 an inpatient in an intermediate care or skilled nursing
12 facility, or who is an inpatient in a medical institution
13 receiving a level of care equivalent to that of an intermediate
14 care or skilled nursing facility, or who is receiving services
15 under Section 1915(c) of the Social Security Act.

16 (k) "Institutionalized spouse" means an institutionalized
17 person who is expected to receive services at the same level of
18 care for at least 30 days and is married to a spouse who is not
19 an institutionalized person.

20 (l) "Community spouse" is the spouse of an
21 institutionalized spouse.

22 (Source: P.A. 89-626, eff. 8-9-96; revised 12-15-05.)

23 (305 ILCS 5/5-2.05)

24 Sec. 5-2.05. Disabled children.

25 (a) The Department of Healthcare and Family Services ~~Public~~

1 ~~Aid~~ may offer, to children with developmental disabilities and
2 severely mentally ill or emotionally disturbed children who
3 otherwise would not qualify for medical assistance under this
4 Article due to family income, home-based and community-based
5 services instead of institutional placement, as allowed under
6 paragraph 7 of Section 5-2.

7 (b) The Department of Public Aid, in conjunction with the
8 Department of Human Services and the Division of Specialized
9 Care for Children, University of Illinois-Chicago, shall ~~also~~
10 report to the Governor and the General Assembly no later than
11 January 1, 2004 regarding the status of existing services
12 offered under paragraph 7 of Section 5-2. This report shall
13 include, but not be limited to, the following information:

14 (1) The number of persons eligible for these services.

15 (2) The number of persons who applied for these
16 services.

17 (3) The number of persons who currently receive these
18 services.

19 (4) The nature, scope, and cost of services provided
20 under paragraph 7 of Section 5-2.

21 (5) The comparative cost of providing those services in
22 a hospital, skilled nursing facility, or intermediate care
23 facility.

24 (6) The funding sources for the provision of services,
25 including federal financial participation.

26 (7) The qualifications, skills, and availability of

1 caregivers for children receiving services.

2 The report shall also include information regarding the
3 extent to which the existing programs could provide coverage
4 for mentally disabled children who are currently being provided
5 services in an institution who could otherwise be served in a
6 less-restrictive, community-based setting for the same or a
7 lower cost.

8 (Source: P.A. 93-599, eff. 8-26-03; revised 12-15-05.)

9 (305 ILCS 5/5-4) (from Ch. 23, par. 5-4)

10 Sec. 5-4. Amount and nature of medical assistance. The
11 amount and nature of medical assistance shall be determined by
12 the County Departments in accordance with the standards, rules,
13 and regulations of the ~~Illinois~~ Department of Healthcare and
14 Family Services ~~Public Aid~~, with due regard to the requirements
15 and conditions in each case, including contributions available
16 from legally responsible relatives. However, the amount and
17 nature of such medical assistance shall not be affected by the
18 payment of any grant under the Senior Citizens and Disabled
19 Persons Property Tax Relief and Pharmaceutical Assistance Act
20 or any distributions or items of income described under
21 subparagraph (X) of paragraph (2) of subsection (a) of Section
22 203 of the Illinois Income Tax Act. The amount and nature of
23 medical assistance shall not be affected by the receipt of
24 donations or benefits from fundraisers in cases of serious
25 illness, as long as neither the person nor members of the

1 person's family have actual control over the donations or
2 benefits or the disbursement of the donations or benefits.

3 In determining the income and assets available to the
4 institutionalized spouse and to the community spouse, the
5 ~~Illinois~~ Department of Healthcare and Family Services ~~Public~~
6 ~~Aid~~ shall follow the procedures established by federal law. The
7 community spouse resource allowance shall be established and
8 maintained at the maximum level permitted pursuant to Section
9 1924(f)(2) of the Social Security Act, as now or hereafter
10 amended, or an amount set after a fair hearing, whichever is
11 greater. The monthly maintenance allowance for the community
12 spouse shall be established and maintained at the maximum level
13 permitted pursuant to Section 1924(d)(3)(C) of the Social
14 Security Act, as now or hereafter amended. Subject to the
15 approval of the Secretary of the United States Department of
16 Health and Human Services, the provisions of this Section shall
17 be extended to persons who but for the provision of home or
18 community-based services under Section 4.02 of the Illinois Act
19 on the Aging, would require the level of care provided in an
20 institution, as is provided for in federal law.

21 The Department of Human Services shall notify in writing
22 each institutionalized spouse who is a recipient of medical
23 assistance under this Article, and each such person's community
24 spouse, of the changes in treatment of income and resources,
25 including provisions for protecting income for a community
26 spouse and permitting the transfer of resources to a community

1 spouse, required by enactment of the federal Medicare
2 Catastrophic Coverage Act of 1988 (Public Law 100-360). The
3 notification shall be in language likely to be easily
4 understood by those persons. The Department of Human Services
5 also shall reassess the amount of medical assistance for which
6 each such recipient is eligible as a result of the enactment of
7 that federal Act, whether or not a recipient requests such a
8 reassessment.

9 (Source: P.A. 90-655, eff. 7-30-98; 91-676, eff. 12-23-99;
10 revised 12-15-05.)

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

12 Sec. 5-5. Medical services. The Illinois Department, by
13 rule, shall determine the quantity and quality of and the rate
14 of reimbursement for the medical assistance for which payment
15 will be authorized, and the medical services to be provided,
16 which may include all or part of the following: (1) inpatient
17 hospital services; (2) outpatient hospital services; (3) other
18 laboratory and X-ray services; (4) skilled nursing home
19 services; (5) physicians' services whether furnished in the
20 office, the patient's home, a hospital, a skilled nursing home,
21 or elsewhere; (6) medical care, or any other type of remedial
22 care furnished by licensed practitioners; (7) home health care
23 services; (8) private duty nursing service; (9) clinic
24 services; (10) dental services, including prevention and
25 treatment of periodontal disease and dental caries disease for

1 pregnant women; (11) physical therapy and related services;
2 (12) prescribed drugs, dentures, and prosthetic devices; and
3 eyeglasses prescribed by a physician skilled in the diseases of
4 the eye, or by an optometrist, whichever the person may select;
5 (13) other diagnostic, screening, preventive, and
6 rehabilitative services; (14) transportation and such other
7 expenses as may be necessary; (15) medical treatment of sexual
8 assault survivors, as defined in Section 1a of the Sexual
9 Assault Survivors Emergency Treatment Act, for injuries
10 sustained as a result of the sexual assault, including
11 examinations and laboratory tests to discover evidence which
12 may be used in criminal proceedings arising from the sexual
13 assault; (16) the diagnosis and treatment of sickle cell
14 anemia; and (17) any other medical care, and any other type of
15 remedial care recognized under the laws of this State, but not
16 including abortions, or induced miscarriages or premature
17 births, unless, in the opinion of a physician, such procedures
18 are necessary for the preservation of the life of the woman
19 seeking such treatment, or except an induced premature birth
20 intended to produce a live viable child and such procedure is
21 necessary for the health of the mother or her unborn child. The
22 Illinois Department, by rule, shall prohibit any physician from
23 providing medical assistance to anyone eligible therefor under
24 this Code where such physician has been found guilty of
25 performing an abortion procedure in a wilful and wanton manner
26 upon a woman who was not pregnant at the time such abortion

1 procedure was performed. The term "any other type of remedial
2 care" shall include nursing care and nursing home service for
3 persons who rely on treatment by spiritual means alone through
4 prayer for healing.

5 Notwithstanding any other provision of this Section, a
6 comprehensive tobacco use cessation program that includes
7 purchasing prescription drugs or prescription medical devices
8 approved by the Food and Drug administration shall be covered
9 under the medical assistance program under this Article for
10 persons who are otherwise eligible for assistance under this
11 Article.

12 Notwithstanding any other provision of this Code, the
13 Illinois Department may not require, as a condition of payment
14 for any laboratory test authorized under this Article, that a
15 physician's handwritten signature appear on the laboratory
16 test order form. The Illinois Department may, however, impose
17 other appropriate requirements regarding laboratory test order
18 documentation.

19 The ~~Illinois~~ Department of Healthcare and Family Services
20 ~~Public Aid~~ shall provide the following services to persons
21 eligible for assistance under this Article who are
22 participating in education, training or employment programs
23 operated by the Department of Human Services as successor to
24 the Department of Public Aid:

25 (1) dental services, which shall include but not be
26 limited to prosthodontics; and

1 (2) eyeglasses prescribed by a physician skilled in the
2 diseases of the eye, or by an optometrist, whichever the
3 person may select.

4 The Illinois Department, by rule, may distinguish and
5 classify the medical services to be provided only in accordance
6 with the classes of persons designated in Section 5-2.

7 The Illinois Department shall authorize the provision of,
8 and shall authorize payment for, screening by low-dose
9 mammography for the presence of occult breast cancer for women
10 35 years of age or older who are eligible for medical
11 assistance under this Article, as follows: a baseline mammogram
12 for women 35 to 39 years of age and an annual mammogram for
13 women 40 years of age or older. All screenings shall include a
14 physical breast exam, instruction on self-examination and
15 information regarding the frequency of self-examination and
16 its value as a preventative tool. As used in this Section,
17 "low-dose mammography" means the x-ray examination of the
18 breast using equipment dedicated specifically for mammography,
19 including the x-ray tube, filter, compression device, image
20 receptor, and cassettes, with an average radiation exposure
21 delivery of less than one rad mid-breast, with 2 views for each
22 breast.

23 Any medical or health care provider shall immediately
24 recommend, to any pregnant woman who is being provided prenatal
25 services and is suspected of drug abuse or is addicted as
26 defined in the Alcoholism and Other Drug Abuse and Dependency

1 Act, referral to a local substance abuse treatment provider
2 licensed by the Department of Human Services or to a licensed
3 hospital which provides substance abuse treatment services.
4 The Department of Healthcare and Family Services ~~Public Aid~~
5 shall assure coverage for the cost of treatment of the drug
6 abuse or addiction for pregnant recipients in accordance with
7 the Illinois Medicaid Program in conjunction with the
8 Department of Human Services.

9 All medical providers providing medical assistance to
10 pregnant women under this Code shall receive information from
11 the Department on the availability of services under the Drug
12 Free Families with a Future or any comparable program providing
13 case management services for addicted women, including
14 information on appropriate referrals for other social services
15 that may be needed by addicted women in addition to treatment
16 for addiction.

17 The Illinois Department, in cooperation with the
18 Departments of Human Services (as successor to the Department
19 of Alcoholism and Substance Abuse) and Public Health, through a
20 public awareness campaign, may provide information concerning
21 treatment for alcoholism and drug abuse and addiction, prenatal
22 health care, and other pertinent programs directed at reducing
23 the number of drug-affected infants born to recipients of
24 medical assistance.

25 Neither the ~~Illinois~~ Department of Healthcare and Family
26 Services ~~Public Aid~~ nor the Department of Human Services shall

1 sanction the recipient solely on the basis of her substance
2 abuse.

3 The Illinois Department shall establish such regulations
4 governing the dispensing of health services under this Article
5 as it shall deem appropriate. The Department should seek the
6 advice of formal professional advisory committees appointed by
7 the Director of the Illinois Department for the purpose of
8 providing regular advice on policy and administrative matters,
9 information dissemination and educational activities for
10 medical and health care providers, and consistency in
11 procedures to the Illinois Department.

12 The Illinois Department may develop and contract with
13 Partnerships of medical providers to arrange medical services
14 for persons eligible under Section 5-2 of this Code.
15 Implementation of this Section may be by demonstration projects
16 in certain geographic areas. The Partnership shall be
17 represented by a sponsor organization. The Department, by rule,
18 shall develop qualifications for sponsors of Partnerships.
19 Nothing in this Section shall be construed to require that the
20 sponsor organization be a medical organization.

21 The sponsor must negotiate formal written contracts with
22 medical providers for physician services, inpatient and
23 outpatient hospital care, home health services, treatment for
24 alcoholism and substance abuse, and other services determined
25 necessary by the Illinois Department by rule for delivery by
26 Partnerships. Physician services must include prenatal and

1 obstetrical care. The Illinois Department shall reimburse
2 medical services delivered by Partnership providers to clients
3 in target areas according to provisions of this Article and the
4 Illinois Health Finance Reform Act, except that:

5 (1) Physicians participating in a Partnership and
6 providing certain services, which shall be determined by
7 the Illinois Department, to persons in areas covered by the
8 Partnership may receive an additional surcharge for such
9 services.

10 (2) The Department may elect to consider and negotiate
11 financial incentives to encourage the development of
12 Partnerships and the efficient delivery of medical care.

13 (3) Persons receiving medical services through
14 Partnerships may receive medical and case management
15 services above the level usually offered through the
16 medical assistance program.

17 Medical providers shall be required to meet certain
18 qualifications to participate in Partnerships to ensure the
19 delivery of high quality medical services. These
20 qualifications shall be determined by rule of the Illinois
21 Department and may be higher than qualifications for
22 participation in the medical assistance program. Partnership
23 sponsors may prescribe reasonable additional qualifications
24 for participation by medical providers, only with the prior
25 written approval of the Illinois Department.

26 Nothing in this Section shall limit the free choice of

1 practitioners, hospitals, and other providers of medical
2 services by clients. In order to ensure patient freedom of
3 choice, the Illinois Department shall immediately promulgate
4 all rules and take all other necessary actions so that provided
5 services may be accessed from therapeutically certified
6 optometrists to the full extent of the Illinois Optometric
7 Practice Act of 1987 without discriminating between service
8 providers.

9 The Department shall apply for a waiver from the United
10 States Health Care Financing Administration to allow for the
11 implementation of Partnerships under this Section.

12 The Illinois Department shall require health care
13 providers to maintain records that document the medical care
14 and services provided to recipients of Medical Assistance under
15 this Article. The Illinois Department shall require health care
16 providers to make available, when authorized by the patient, in
17 writing, the medical records in a timely fashion to other
18 health care providers who are treating or serving persons
19 eligible for Medical Assistance under this Article. All
20 dispensers of medical services shall be required to maintain
21 and retain business and professional records sufficient to
22 fully and accurately document the nature, scope, details and
23 receipt of the health care provided to persons eligible for
24 medical assistance under this Code, in accordance with
25 regulations promulgated by the Illinois Department. The rules
26 and regulations shall require that proof of the receipt of

1 prescription drugs, dentures, prosthetic devices and
2 eyeglasses by eligible persons under this Section accompany
3 each claim for reimbursement submitted by the dispenser of such
4 medical services. No such claims for reimbursement shall be
5 approved for payment by the Illinois Department without such
6 proof of receipt, unless the Illinois Department shall have put
7 into effect and shall be operating a system of post-payment
8 audit and review which shall, on a sampling basis, be deemed
9 adequate by the Illinois Department to assure that such drugs,
10 dentures, prosthetic devices and eyeglasses for which payment
11 is being made are actually being received by eligible
12 recipients. Within 90 days after the effective date of this
13 amendatory Act of 1984, the Illinois Department shall establish
14 a current list of acquisition costs for all prosthetic devices
15 and any other items recognized as medical equipment and
16 supplies reimbursable under this Article and shall update such
17 list on a quarterly basis, except that the acquisition costs of
18 all prescription drugs shall be updated no less frequently than
19 every 30 days as required by Section 5-5.12.

20 The rules and regulations of the Illinois Department shall
21 require that a written statement including the required opinion
22 of a physician shall accompany any claim for reimbursement for
23 abortions, or induced miscarriages or premature births. This
24 statement shall indicate what procedures were used in providing
25 such medical services.

26 The Illinois Department shall require all dispensers of

1 medical services, other than an individual practitioner or
2 group of practitioners, desiring to participate in the Medical
3 Assistance program established under this Article to disclose
4 all financial, beneficial, ownership, equity, surety or other
5 interests in any and all firms, corporations, partnerships,
6 associations, business enterprises, joint ventures, agencies,
7 institutions or other legal entities providing any form of
8 health care services in this State under this Article.

9 The Illinois Department may require that all dispensers of
10 medical services desiring to participate in the medical
11 assistance program established under this Article disclose,
12 under such terms and conditions as the Illinois Department may
13 by rule establish, all inquiries from clients and attorneys
14 regarding medical bills paid by the Illinois Department, which
15 inquiries could indicate potential existence of claims or liens
16 for the Illinois Department.

17 Enrollment of a vendor that provides non-emergency medical
18 transportation, defined by the Department by rule, shall be
19 conditional for 180 days. During that time, the Department of
20 Healthcare and Family Services ~~Public Aid~~ may terminate the
21 vendor's eligibility to participate in the medical assistance
22 program without cause. That termination of eligibility is not
23 subject to the Department's hearing process.

24 The Illinois Department shall establish policies,
25 procedures, standards and criteria by rule for the acquisition,
26 repair and replacement of orthotic and prosthetic devices and

1 durable medical equipment. Such rules shall provide, but not be
2 limited to, the following services: (1) immediate repair or
3 replacement of such devices by recipients without medical
4 authorization; and (2) rental, lease, purchase or
5 lease-purchase of durable medical equipment in a
6 cost-effective manner, taking into consideration the
7 recipient's medical prognosis, the extent of the recipient's
8 needs, and the requirements and costs for maintaining such
9 equipment. Such rules shall enable a recipient to temporarily
10 acquire and use alternative or substitute devices or equipment
11 pending repairs or replacements of any device or equipment
12 previously authorized for such recipient by the Department.

13 The Department shall execute, relative to the nursing home
14 prescreening project, written inter-agency agreements with the
15 Department of Human Services and the Department on Aging, to
16 effect the following: (i) intake procedures and common
17 eligibility criteria for those persons who are receiving
18 non-institutional services; and (ii) the establishment and
19 development of non-institutional services in areas of the State
20 where they are not currently available or are undeveloped.

21 The Illinois Department shall develop and operate, in
22 cooperation with other State Departments and agencies and in
23 compliance with applicable federal laws and regulations,
24 appropriate and effective systems of health care evaluation and
25 programs for monitoring of utilization of health care services
26 and facilities, as it affects persons eligible for medical

1 assistance under this Code.

2 The Illinois Department shall report annually to the
3 General Assembly, no later than the second Friday in April of
4 1979 and each year thereafter, in regard to:

5 (a) actual statistics and trends in utilization of
6 medical services by public aid recipients;

7 (b) actual statistics and trends in the provision of
8 the various medical services by medical vendors;

9 (c) current rate structures and proposed changes in
10 those rate structures for the various medical vendors; and

11 (d) efforts at utilization review and control by the
12 Illinois Department.

13 The period covered by each report shall be the 3 years
14 ending on the June 30 prior to the report. The report shall
15 include suggested legislation for consideration by the General
16 Assembly. The filing of one copy of the report with the
17 Speaker, one copy with the Minority Leader and one copy with
18 the Clerk of the House of Representatives, one copy with the
19 President, one copy with the Minority Leader and one copy with
20 the Secretary of the Senate, one copy with the Legislative
21 Research Unit, and such additional copies with the State
22 Government Report Distribution Center for the General Assembly
23 as is required under paragraph (t) of Section 7 of the State
24 Library Act shall be deemed sufficient to comply with this
25 Section.

26 (Source: P.A. 92-16, eff. 6-28-01; 92-651, eff. 7-11-02;

1 92-789, eff. 8-6-02; 93-632, eff. 2-1-04; 93-841, eff. 7-30-04;
2 93-981, eff. 8-23-04; revised 12-15-05.)

3 (305 ILCS 5/5-5.01) (from Ch. 23, par. 5-5.01)

4 Sec. 5-5.01. The Department of Healthcare and Family
5 Services ~~Public Aid~~ may establish and implement a pilot project
6 for determining the feasibility of authorizing medical
7 assistance payments for the costs of diagnosis and treatment of
8 Alzheimer's disease.

9 (Source: P.A. 84-773; revised 12-15-05.)

10 (305 ILCS 5/5-5.1) (from Ch. 23, par. 5-5.1)

11 Sec. 5-5.1. Grouping of Facilities. The Department of
12 Healthcare and Family Services ~~Public Aid~~ shall, for purposes
13 of payment, provide for groupings of nursing facilities.
14 Factors to be considered in grouping facilities may include,
15 but are not limited to, size, age, patient mix or geographical
16 area.

17 The groupings developed under this Section shall be
18 considered in determining reasonable cost reimbursement
19 formulas. However, this Section shall not preclude the
20 Department from recognizing and evaluating the cost of capital
21 on a facility-by-facility basis.

22 (Source: P.A. 80-1142; revised 12-15-05.)

23 (305 ILCS 5/5-5.3) (from Ch. 23, par. 5-5.3)

1 Sec. 5-5.3. Conditions of Payment - Prospective Rates -
2 Accounting Principles. This amendatory Act establishes certain
3 conditions for the Department of Public Aid (now Healthcare and
4 Family Services) in instituting rates for the care of
5 recipients of medical assistance in skilled nursing facilities
6 and intermediate care facilities. Such conditions shall assure
7 a method under which the payment for skilled nursing and
8 intermediate care services, provided to recipients under the
9 Medical Assistance Program shall be on a reasonable cost
10 related basis, which is prospectively determined annually by
11 the Department of Public Aid (now Healthcare and Family
12 Services). The annually established payment rate shall take
13 effect on July 1 in 1984 and subsequent years. There shall be
14 no rate increase during calendar year 1983 and the first six
15 months of calendar year 1984.

16 The determination of the payment shall be made on the basis
17 of generally accepted accounting principles that shall take
18 into account the actual costs to the facility of providing
19 skilled nursing and intermediate care services to recipients
20 under the medical assistance program.

21 The resultant total rate for a specified type of service
22 shall be an amount which shall have been determined to be
23 adequate to reimburse allowable costs of a facility that is
24 economically and efficiently operated. The Department shall
25 establish an effective date for each facility or group of
26 facilities after which rates shall be paid on a reasonable cost

1 related basis which shall be no sooner than the effective date
2 of this amendatory Act of 1977.

3 (Source: P.A. 91-357, eff. 7-29-99; revised 12-15-05.)

4 (305 ILCS 5/5-5.4) (from Ch. 23, par. 5-5.4)

5 Sec. 5-5.4. Standards of Payment - Department of Healthcare
6 and Family Services. The Department of Healthcare and Family
7 Services shall develop standards of payment of skilled nursing
8 and intermediate care services in facilities providing such
9 services under this Article which:

10 (1) Provide for the determination of a facility's payment
11 for skilled nursing and intermediate care services on a
12 prospective basis. The amount of the payment rate for all
13 nursing facilities certified by the Department of Public Health
14 under the Nursing Home Care Act as Intermediate Care for the
15 Developmentally Disabled facilities, Long Term Care for Under
16 Age 22 facilities, Skilled Nursing facilities, or Intermediate
17 Care facilities under the medical assistance program shall be
18 prospectively established annually on the basis of historical,
19 financial, and statistical data reflecting actual costs from
20 prior years, which shall be applied to the current rate year
21 and updated for inflation, except that the capital cost element
22 for newly constructed facilities shall be based upon projected
23 budgets. The annually established payment rate shall take
24 effect on July 1 in 1984 and subsequent years. No rate increase
25 and no update for inflation shall be provided on or after July

1 1, 1994 and before July 1, 2007, unless specifically provided
2 for in this Section. The changes made by Public Act 93-841
3 extending the duration of the prohibition against a rate
4 increase or update for inflation are effective retroactive to
5 July 1, 2004.

6 For facilities licensed by the Department of Public Health
7 under the Nursing Home Care Act as Intermediate Care for the
8 Developmentally Disabled facilities or Long Term Care for Under
9 Age 22 facilities, the rates taking effect on July 1, 1998
10 shall include an increase of 3%. For facilities licensed by the
11 Department of Public Health under the Nursing Home Care Act as
12 Skilled Nursing facilities or Intermediate Care facilities,
13 the rates taking effect on July 1, 1998 shall include an
14 increase of 3% plus \$1.10 per resident-day, as defined by the
15 Department. For facilities licensed by the Department of Public
16 Health under the Nursing Home Care Act as Intermediate Care
17 Facilities for the Developmentally Disabled or Long Term Care
18 for Under Age 22 facilities, the rates taking effect on January
19 1, 2006 shall include an increase of 3%.

20 For facilities licensed by the Department of Public Health
21 under the Nursing Home Care Act as Intermediate Care for the
22 Developmentally Disabled facilities or Long Term Care for Under
23 Age 22 facilities, the rates taking effect on July 1, 1999
24 shall include an increase of 1.6% plus \$3.00 per resident-day,
25 as defined by the Department. For facilities licensed by the
26 Department of Public Health under the Nursing Home Care Act as

1 Skilled Nursing facilities or Intermediate Care facilities,
2 the rates taking effect on July 1, 1999 shall include an
3 increase of 1.6% and, for services provided on or after October
4 1, 1999, shall be increased by \$4.00 per resident-day, as
5 defined by the Department.

6 For facilities licensed by the Department of Public Health
7 under the Nursing Home Care Act as Intermediate Care for the
8 Developmentally Disabled facilities or Long Term Care for Under
9 Age 22 facilities, the rates taking effect on July 1, 2000
10 shall include an increase of 2.5% per resident-day, as defined
11 by the Department. For facilities licensed by the Department of
12 Public Health under the Nursing Home Care Act as Skilled
13 Nursing facilities or Intermediate Care facilities, the rates
14 taking effect on July 1, 2000 shall include an increase of 2.5%
15 per resident-day, as defined by the Department.

16 For facilities licensed by the Department of Public Health
17 under the Nursing Home Care Act as skilled nursing facilities
18 or intermediate care facilities, a new payment methodology must
19 be implemented for the nursing component of the rate effective
20 July 1, 2003. The Department of Public Aid (now Healthcare and
21 Family Services) shall develop the new payment methodology
22 using the Minimum Data Set (MDS) as the instrument to collect
23 information concerning nursing home resident condition
24 necessary to compute the rate. The Department shall develop the
25 new payment methodology to meet the unique needs of Illinois
26 nursing home residents while remaining subject to the

1 appropriations provided by the General Assembly. A transition
2 period from the payment methodology in effect on June 30, 2003
3 to the payment methodology in effect on July 1, 2003 shall be
4 provided for a period not exceeding 3 years and 184 days after
5 implementation of the new payment methodology as follows:

6 (A) For a facility that would receive a lower nursing
7 component rate per patient day under the new system than
8 the facility received effective on the date immediately
9 preceding the date that the Department implements the new
10 payment methodology, the nursing component rate per
11 patient day for the facility shall be held at the level in
12 effect on the date immediately preceding the date that the
13 Department implements the new payment methodology until a
14 higher nursing component rate of reimbursement is achieved
15 by that facility.

16 (B) For a facility that would receive a higher nursing
17 component rate per patient day under the payment
18 methodology in effect on July 1, 2003 than the facility
19 received effective on the date immediately preceding the
20 date that the Department implements the new payment
21 methodology, the nursing component rate per patient day for
22 the facility shall be adjusted.

23 (C) Notwithstanding paragraphs (A) and (B), the
24 nursing component rate per patient day for the facility
25 shall be adjusted subject to appropriations provided by the
26 General Assembly.

1 For facilities licensed by the Department of Public Health
2 under the Nursing Home Care Act as Intermediate Care for the
3 Developmentally Disabled facilities or Long Term Care for Under
4 Age 22 facilities, the rates taking effect on March 1, 2001
5 shall include a statewide increase of 7.85%, as defined by the
6 Department.

7 For facilities licensed by the Department of Public Health
8 under the Nursing Home Care Act as Intermediate Care for the
9 Developmentally Disabled facilities or Long Term Care for Under
10 Age 22 facilities, the rates taking effect on April 1, 2002
11 shall include a statewide increase of 2.0%, as defined by the
12 Department. This increase terminates on July 1, 2002; beginning
13 July 1, 2002 these rates are reduced to the level of the rates
14 in effect on March 31, 2002, as defined by the Department.

15 For facilities licensed by the Department of Public Health
16 under the Nursing Home Care Act as skilled nursing facilities
17 or intermediate care facilities, the rates taking effect on
18 July 1, 2001 shall be computed using the most recent cost
19 reports on file with the Department of Public Aid no later than
20 April 1, 2000, updated for inflation to January 1, 2001. For
21 rates effective July 1, 2001 only, rates shall be the greater
22 of the rate computed for July 1, 2001 or the rate effective on
23 June 30, 2001.

24 Notwithstanding any other provision of this Section, for
25 facilities licensed by the Department of Public Health under
26 the Nursing Home Care Act as skilled nursing facilities or

1 intermediate care facilities, the Illinois Department shall
2 determine by rule the rates taking effect on July 1, 2002,
3 which shall be 5.9% less than the rates in effect on June 30,
4 2002.

5 Notwithstanding any other provision of this Section, for
6 facilities licensed by the Department of Public Health under
7 the Nursing Home Care Act as skilled nursing facilities or
8 intermediate care facilities, if the payment methodologies
9 required under Section 5A-12 and the waiver granted under 42
10 CFR 433.68 are approved by the United States Centers for
11 Medicare and Medicaid Services, the rates taking effect on July
12 1, 2004 shall be 3.0% greater than the rates in effect on June
13 30, 2004. These rates shall take effect only upon approval and
14 implementation of the payment methodologies required under
15 Section 5A-12.

16 Notwithstanding any other provisions of this Section, for
17 facilities licensed by the Department of Public Health under
18 the Nursing Home Care Act as skilled nursing facilities or
19 intermediate care facilities, the rates taking effect on
20 January 1, 2005 shall be 3% more than the rates in effect on
21 December 31, 2004.

22 Notwithstanding any other provisions of this Section, for
23 facilities licensed by the Department of Public Health under
24 the Nursing Home Care Act as intermediate care facilities that
25 are federally defined as Institutions for Mental Disease, a
26 socio-development component rate equal to 6.6% of the

1 facility's nursing component rate as of January 1, 2006 shall
2 be established and paid effective July 1, 2006. The Illinois
3 Department may by rule adjust these socio-development
4 component rates, but in no case may such rates be diminished.

5 For facilities licensed by the Department of Public Health
6 under the Nursing Home Care Act as Intermediate Care for the
7 Developmentally Disabled facilities or as long-term care
8 facilities for residents under 22 years of age, the rates
9 taking effect on July 1, 2003 shall include a statewide
10 increase of 4%, as defined by the Department.

11 Notwithstanding any other provision of this Section, for
12 facilities licensed by the Department of Public Health under
13 the Nursing Home Care Act as skilled nursing facilities or
14 intermediate care facilities, effective January 1, 2005,
15 facility rates shall be increased by the difference between (i)
16 a facility's per diem property, liability, and malpractice
17 insurance costs as reported in the cost report filed with the
18 Department of Public Aid and used to establish rates effective
19 July 1, 2001 and (ii) those same costs as reported in the
20 facility's 2002 cost report. These costs shall be passed
21 through to the facility without caps or limitations, except for
22 adjustments required under normal auditing procedures.

23 Rates established effective each July 1 shall govern
24 payment for services rendered throughout that fiscal year,
25 except that rates established on July 1, 1996 shall be
26 increased by 6.8% for services provided on or after January 1,

1 1997. Such rates will be based upon the rates calculated for
2 the year beginning July 1, 1990, and for subsequent years
3 thereafter until June 30, 2001 shall be based on the facility
4 cost reports for the facility fiscal year ending at any point
5 in time during the previous calendar year, updated to the
6 midpoint of the rate year. The cost report shall be on file
7 with the Department no later than April 1 of the current rate
8 year. Should the cost report not be on file by April 1, the
9 Department shall base the rate on the latest cost report filed
10 by each skilled care facility and intermediate care facility,
11 updated to the midpoint of the current rate year. In
12 determining rates for services rendered on and after July 1,
13 1985, fixed time shall not be computed at less than zero. The
14 Department shall not make any alterations of regulations which
15 would reduce any component of the Medicaid rate to a level
16 below what that component would have been utilizing in the rate
17 effective on July 1, 1984.

18 (2) Shall take into account the actual costs incurred by
19 facilities in providing services for recipients of skilled
20 nursing and intermediate care services under the medical
21 assistance program.

22 (3) Shall take into account the medical and psycho-social
23 characteristics and needs of the patients.

24 (4) Shall take into account the actual costs incurred by
25 facilities in meeting licensing and certification standards
26 imposed and prescribed by the State of Illinois, any of its

1 political subdivisions or municipalities and by the U.S.
2 Department of Health and Human Services pursuant to Title XIX
3 of the Social Security Act.

4 The Department of Healthcare and Family Services shall
5 develop precise standards for payments to reimburse nursing
6 facilities for any utilization of appropriate rehabilitative
7 personnel for the provision of rehabilitative services which is
8 authorized by federal regulations, including reimbursement for
9 services provided by qualified therapists or qualified
10 assistants, and which is in accordance with accepted
11 professional practices. Reimbursement also may be made for
12 utilization of other supportive personnel under appropriate
13 supervision.

14 (Source: P.A. 93-20, eff. 6-20-03; 93-649, eff. 1-8-04; 93-659,
15 eff. 2-3-04; 93-841, eff. 7-30-04; 93-1087, eff. 2-28-05;
16 94-48, eff. 7-1-05; 94-85, eff. 6-28-05; 94-697, eff. 11-21-05;
17 94-838, eff. 6-6-06; 94-964, eff. 6-28-06; revised 8-3-06.)

18 (305 ILCS 5/5-5.4c)

19 Sec. 5-5.4c. Bed reserves; approval. The Department of
20 Healthcare and Family Services ~~Public Aid~~ shall approve bed
21 reserves at a daily rate of 75% of an individual's current
22 Medicaid per diem, for nursing facilities 90% or more of whose
23 residents are Medicaid recipients and that have occupancy
24 levels of at least 93% for resident bed reserves not exceeding
25 10 days.

1 (Source: P.A. 93-841, eff. 7-30-04; revised 12-15-05.)

2 (305 ILCS 5/5-5.5) (from Ch. 23, par. 5-5.5)

3 Sec. 5-5.5. Elements of Payment Rate.

4 (a) The Department of Healthcare and Family Services ~~Public~~
5 ~~Aid~~ shall develop a prospective method for determining payment
6 rates for skilled nursing and intermediate care services in
7 nursing facilities composed of the following cost elements:

8 (1) Standard Services, with the cost of this component
9 being determined by taking into account the actual costs to
10 the facilities of these services subject to cost ceilings
11 to be defined in the Department's rules.

12 (2) Resident Services, with the cost of this component
13 being determined by taking into account the actual costs,
14 needs and utilization of these services, as derived from an
15 assessment of the resident needs in the nursing facilities.
16 The Department shall adopt rules governing reimbursement
17 for resident services as listed in Section 5-1.1. Surveys
18 or assessments of resident needs under this Section shall
19 include a review by the facility of the results of such
20 assessments and a discussion of issues in dispute with
21 authorized survey staff, unless the facility elects not to
22 participate in such a review process. Surveys or
23 assessments of resident needs under this Section may be
24 conducted semi-annually and payment rates relating to
25 resident services may be changed on a semi-annual basis.

1 The Illinois Department shall initiate a project, either on
2 a pilot basis or Statewide, to reimburse the cost of
3 resident services based on a methodology which utilizes an
4 assessment of resident needs to determine the level of
5 reimbursement. This methodology shall be different from
6 the payment criteria for resident services utilized by the
7 Illinois Department on July 1, 1981. On March 1, 1982, and
8 each year thereafter, until such time when the Illinois
9 Department adopts the methodology used in such project for
10 use statewide, the Illinois Department shall report to the
11 General Assembly on the implementation and progress of such
12 project. The report shall include:

13 (A) A statement of the Illinois Department's goals
14 and objectives for such project;

15 (B) A description of such project, including the
16 number and type of nursing facilities involved in the
17 project;

18 (C) A description of the methodology used in such
19 project;

20 (D) A description of the Illinois Department's
21 application of the methodology;

22 (E) A statement on the methodology's effect on the
23 quality of care given to residents in the sample
24 nursing facilities; and

25 (F) A statement on the cost of the methodology used
26 in such project and a comparison of this cost with the

1 cost of the current payment criteria.

2 (3) Ancillary Services, with the payment rate being
3 developed for each individual type of service. Payment
4 shall be made only when authorized under procedures
5 developed by the Department of Healthcare and Family
6 Services ~~Public Aid~~.

7 (4) Nurse's Aide Training, with the cost of this
8 component being determined by taking into account the
9 actual cost to the facilities of such training.

10 (5) Real Estate Taxes, with the cost of this component
11 being determined by taking into account the figures
12 contained in the most currently available cost reports
13 (with no imposition of maximums) updated to the midpoint of
14 the current rate year for long term care services rendered
15 between July 1, 1984 and June 30, 1985, and with the cost
16 of this component being determined by taking into account
17 the actual 1983 taxes for which the nursing homes were
18 assessed (with no imposition of maximums) updated to the
19 midpoint of the current rate year for long term care
20 services rendered between July 1, 1985 and June 30, 1986.

21 (b) In developing a prospective method for determining
22 payment rates for skilled nursing and intermediate care
23 services in nursing facilities, the Department of Healthcare
24 and Family Services ~~Public Aid~~ shall consider the following
25 cost elements:

26 (1) Reasonable capital cost determined by utilizing

1 incurred interest rate and the current value of the
2 investment, including land, utilizing composite rates, or
3 by utilizing such other reasonable cost related methods
4 determined by the Department. However, beginning with the
5 rate reimbursement period effective July 1, 1987, the
6 Department shall be prohibited from establishing,
7 including, and implementing any depreciation factor in
8 calculating the capital cost element.

9 (2) Profit, with the actual amount being produced and
10 accruing to the providers in the form of a return on their
11 total investment, on the basis of their ability to
12 economically and efficiently deliver a type of service. The
13 method of payment may assure the opportunity for a profit,
14 but shall not guarantee or establish a specific amount as a
15 cost.

16 (c) The Illinois Department may implement the amendatory
17 changes to this Section made by this amendatory Act of 1991
18 through the use of emergency rules in accordance with the
19 provisions of Section 5.02 of the Illinois Administrative
20 Procedure Act. For purposes of the Illinois Administrative
21 Procedure Act, the adoption of rules to implement the
22 amendatory changes to this Section made by this amendatory Act
23 of 1991 shall be deemed an emergency and necessary for the
24 public interest, safety and welfare.

25 (d) No later than January 1, 2001, the Department of Public
26 Aid shall file with the Joint Committee on Administrative

1 Rules, pursuant to the Illinois Administrative Procedure Act, a
2 proposed rule, or a proposed amendment to an existing rule,
3 regarding payment for appropriate services, including
4 assessment, care planning, discharge planning, and treatment
5 provided by nursing facilities to residents who have a serious
6 mental illness.

7 (Source: P.A. 93-632, eff. 2-1-04; revised 12-15-05.)

8 (305 ILCS 5/5-5.5a) (from Ch. 23, par. 5-5.5a)

9 Sec. 5-5.5a. Kosher kitchen and food service.

10 (a) The Department of Healthcare and Family Services ~~Public~~
11 ~~Aid~~ may develop in its rate structure for skilled nursing
12 facilities and intermediate care facilities an accommodation
13 for fully kosher kitchen and food service operations,
14 rabbinically approved or certified on an annual basis for a
15 facility in which the only kitchen or all kitchens are fully
16 kosher (a fully kosher facility). Beginning in the fiscal year
17 after the fiscal year when this amendatory Act of 1990 becomes
18 effective, the rate structure may provide for an additional
19 payment to such facility not to exceed 50 cents per resident
20 per day if 60% or more of the residents in the facility request
21 kosher foods or food products prepared in accordance with
22 Jewish religious dietary requirements for religious purposes
23 in a fully kosher facility. Based upon food cost reports of the
24 Illinois Department of Agriculture regarding kosher and
25 non-kosher food available in the various regions of the State,

1 this rate structure may be periodically adjusted by the
2 Department but may not exceed the maximum authorized under this
3 subsection (a).

4 (b) The Department shall by rule determine how a facility
5 with a fully kosher kitchen and food service may be determined
6 to be eligible and apply for the rate accommodation specified
7 in subsection (a).

8 (Source: P.A. 86-1464; revised 12-15-05.)

9 (305 ILCS 5/5-5.7) (from Ch. 23, par. 5-5.7)

10 Sec. 5-5.7. Cost Reports - Audits. The Department of
11 Healthcare and Family Services ~~Public Aid~~ shall work with the
12 Department of Public Health to use cost report information
13 currently being collected under provisions of the "Nursing Home
14 Care Act", approved August 23, 1979, as amended. The Department
15 of Healthcare and Family Services ~~Public Aid~~ may, in
16 conjunction with the Department of Public Health, develop in
17 accordance with generally accepted accounting principles a
18 uniform chart of accounts which each facility providing
19 services under the medical assistance program shall adopt,
20 after a reasonable period.

21 Nursing homes licensed under the Nursing Home Care Act and
22 providers of adult developmental training services certified
23 by the Department of Human Services pursuant to Section 15.2 of
24 the Mental Health and Developmental Disabilities
25 Administrative Act which provide services to clients eligible

1 for medical assistance under this Article are responsible for
2 submitting the required annual cost report to the Department of
3 Healthcare and Family Services ~~Public Aid~~.

4 The Department of Healthcare and Family Services ~~Public Aid~~
5 shall audit the financial and statistical records of each
6 provider participating in the medical assistance program as a
7 skilled nursing or intermediate care facility over a 3 year
8 period, beginning with the close of the first cost reporting
9 year. Following the end of this 3-year term, audits of the
10 financial and statistical records will be performed each year
11 in at least 20% of the facilities participating in the medical
12 assistance program with at least 10% being selected on a random
13 sample basis, and the remainder selected on the basis of
14 exceptional profiles. All audits shall be conducted in
15 accordance with generally accepted auditing standards.

16 The Department of Healthcare and Family Services ~~Public Aid~~
17 shall establish prospective payment rates for categories of
18 service needed within the skilled nursing and intermediate care
19 levels of services, in order to more appropriately recognize
20 the individual needs of patients in nursing facilities.

21 The Department of Healthcare and Family Services ~~Public Aid~~
22 shall provide, during the process of establishing the payment
23 rate for skilled nursing and intermediate care services, or
24 when a substantial change in rates is proposed, an opportunity
25 for public review and comment on the proposed rates prior to
26 their becoming effective.

1 (Source: P.A. 89-507, eff. 7-1-97; revised 12-15-05.)

2 (305 ILCS 5/5-5.8a) (from Ch. 23, par. 5-5.8a)

3 Sec. 5-5.8a. Payment for exceptional care.

4 (a) For the provision of exceptional medical care, the
5 ~~Illinois~~ Department of Healthcare and Family Services ~~Public~~
6 ~~Aid~~ may make payments only to skilled nursing facilities that
7 substantially meet the licensure and certification
8 requirements prescribed by the Department of Public Health.
9 Only the Department of Public Health shall be responsible for
10 determining whether licensure and certification requirements
11 for skilled nursing care facilities have been substantially
12 met. The rate of payment shall be negotiated with the
13 facilities offering to provide the exceptional medical care. A
14 facility's costs of providing exceptional care shall not be
15 considered in determining the rate of payment to skilled
16 nursing facilities under Sections 5-5.3 through 5-5.5. Payment
17 for exceptional medical care shall not exceed the rate that the
18 Illinois Department would be required to pay under the Medical
19 Assistance Program for the same care in a hospital.

20 (b) The Illinois Department shall adopt rules and
21 regulations under the Illinois Administrative Procedure Act to
22 implement this Section. Those rules and regulations shall set
23 forth the procedures to be followed by facilities when
24 submitting an initial exceptional medical care certification
25 request and exceptional medical care payment requests. The

1 rules and regulations shall also include the procedures and
2 criteria used by the Illinois Department in determining whether
3 to approve a skilled nursing facility's initial exceptional
4 medical care certification request and exceptional medical
5 care payment requests. The rules shall provide that the
6 Illinois Department, upon receipt of a facility's request for
7 payment for exceptional medical care and all necessary
8 documentation, shall, after negotiations between the Illinois
9 Department and the facility are completed, determine and notify
10 the facility whether the request has been approved or denied.
11 (Source: P.A. 88-412; revised 12-15-05.)

12 (305 ILCS 5/5-5.8b) (from Ch. 23, par. 5-5.8b)
13 Sec. 5-5.8b. Payment to Campus Facilities. There is hereby
14 established a separate payment category for campus facilities.
15 A "campus facility" is defined as an entity which consists of a
16 long term care facility (or group of facilities if the
17 facilities are on the same contiguous parcel of real estate)
18 which meets all of the following criteria as of May 1, 1987:
19 the entity provides care for both children and adults;
20 residents of the entity reside in three or more separate
21 buildings with congregate and small group living arrangements
22 on a single campus; the entity provides three or more separate
23 licensed levels of care; the entity (or a part of the entity)
24 is enrolled with the Department of Public Aid (now Department
25 of Healthcare and Family Services) as a provider of long term

1 care services and receives payments from that ~~the~~ Department ~~of~~
2 ~~Public Aid~~; the entity (or a part of the entity) receives
3 funding from the Department of Mental Health and Developmental
4 Disabilities (now the Department of Human Services); and the
5 entity (or a part of the entity) holds a current license as a
6 child care institution issued by the Department of Children and
7 Family Services.

8 The Department of Healthcare and Family Services ~~Public~~
9 ~~Aid~~, the Department of Human Services, and the Department of
10 Children and Family Services shall develop jointly a rate
11 methodology or methodologies for campus facilities. Such
12 methodology or methodologies may establish a single rate to be
13 paid by all the agencies, or a separate rate to be paid by each
14 agency, or separate components to be paid to different parts of
15 the campus facility. All campus facilities shall receive the
16 same rate of payment for similar services. Any methodology
17 developed pursuant to this section shall take into account the
18 actual costs to the facility of providing services to
19 residents, and shall be adequate to reimburse the allowable
20 costs of a campus facility which is economically and
21 efficiently operated. Any methodology shall be established on
22 the basis of historical, financial, and statistical data
23 submitted by campus facilities, and shall take into account the
24 actual costs incurred by campus facilities in providing
25 services, and in meeting licensing and certification standards
26 imposed and prescribed by the State of Illinois, any of its

1 political subdivisions or municipalities and by the United
2 States Department of Health and Human Services. Rates may be
3 established on a prospective or retrospective basis. Any
4 methodology shall provide reimbursement for appropriate
5 payment elements, including the following: standard services,
6 patient services, real estate taxes, and capital costs.

7 (Source: P.A. 89-507, eff. 7-1-97; revised 12-15-05.)

8 (305 ILCS 5/5-5.23)

9 Sec. 5-5.23. Children's mental health services.

10 (a) The Department of Healthcare and Family Services ~~Public~~
11 ~~Aid~~, by rule, shall require the screening and assessment of a
12 child prior to any Medicaid-funded admission to an inpatient
13 hospital for psychiatric services to be funded by Medicaid. The
14 screening and assessment shall include a determination of the
15 appropriateness and availability of out-patient support
16 services for necessary treatment. The Department, by rule,
17 shall establish methods and standards of payment for the
18 screening, assessment, and necessary alternative support
19 services.

20 (b) The Department of Healthcare and Family Services ~~Public~~
21 ~~Aid~~, to the extent allowable under federal law, shall secure
22 federal financial participation for Individual Care Grant
23 expenditures made by the Department of Human Services for the
24 Medicaid optional service authorized under Section 1905(h) of
25 the federal Social Security Act, pursuant to the provisions of

1 Section 7.1 of the Mental Health and Developmental Disabilities
2 Administrative Act.

3 (c) The Department of Healthcare and Family Services ~~Public~~
4 ~~Aid~~ shall work jointly with the Department of Human Services to
5 implement subsections (a) and (b).

6 (Source: P.A. 93-495, eff. 8-8-03; revised 12-15-05.)

7 (305 ILCS 5/5-5.24)

8 Sec. 5-5.24 ~~5-5.23~~. Prenatal and perinatal care. The
9 Department of Healthcare and Family Services ~~Public Aid~~ may
10 provide reimbursement under this Article for all prenatal and
11 perinatal health care services that are provided for the
12 purpose of preventing low-birthweight infants, reducing the
13 need for neonatal intensive care hospital services, and
14 promoting perinatal health. These services may include
15 comprehensive risk assessments for pregnant women, women with
16 infants, and infants, lactation counseling, nutrition
17 counseling, childbirth support, psychosocial counseling,
18 treatment and prevention of periodontal disease, and other
19 support services that have been proven to improve birth
20 outcomes. The Department shall maximize the use of preventive
21 prenatal and perinatal health care services consistent with
22 federal statutes, rules, and regulations. The Department of
23 Public Aid (now Department of Healthcare and Family Services)
24 shall develop a plan for prenatal and perinatal preventive
25 health care and shall present the plan to the General Assembly

1 by January 1, 2004. On or before January 1, 2006 and every 2
2 years thereafter, the Department shall report to the General
3 Assembly concerning the effectiveness of prenatal and
4 perinatal health care services reimbursed under this Section in
5 preventing low-birthweight infants and reducing the need for
6 neonatal intensive care hospital services. Each such report
7 shall include an evaluation of how the ratio of expenditures
8 for treating low-birthweight infants compared with the
9 investment in promoting healthy births and infants in local
10 community areas throughout Illinois relates to healthy infant
11 development in those areas.

12 (Source: P.A. 93-536, eff. 8-18-03; revised 12-15-05.)

13 (305 ILCS 5/5-5d)

14 Sec. 5-5d. Enhanced transition and follow-up services. The
15 Department of Healthcare and Family Services ~~Public Aid~~ shall
16 apply for any necessary waivers pursuant to Section 1915(c) of
17 the Social Security Act to facilitate the transition from one
18 residential setting to another and follow-up services. Nothing
19 in this Section shall be construed ~~considered~~ as limiting
20 current similar programs by the Department of Human Services or
21 the Department on Aging.

22 (Source: P.A. 93-902, eff. 8-10-04; 93-1031, eff. 8-27-04;
23 revised 12-15-05.)

24 (305 ILCS 5/5-9) (from Ch. 23, par. 5-9)

1 Sec. 5-9. Choice of Medical Dispensers. Applicants and
2 recipients shall be entitled to free choice of those qualified
3 practitioners, hospitals, nursing homes, and other dispensers
4 of medical services meeting the requirements and complying with
5 the rules and regulations of the Illinois Department. However,
6 the Director of Healthcare and Family Services ~~Public Aid~~ may,
7 after providing reasonable notice and opportunity for hearing,
8 deny, suspend or terminate any otherwise qualified person,
9 firm, corporation, association, agency, institution, or other
10 legal entity, from participation as a vendor of goods or
11 services under the medical assistance program authorized by
12 this Article if the Director finds such vendor of medical
13 services in violation of this Act or the policy or rules and
14 regulations issued pursuant to this Act. Any physician who has
15 been convicted of performing an abortion procedure in a wilful
16 and wanton manner upon a woman who was not pregnant at the time
17 such abortion procedure was performed shall be automatically
18 removed from the list of physicians qualified to participate as
19 a vendor of medical services under the medical assistance
20 program authorized by this Article.

21 (Source: P.A. 82-263; revised 12-15-05.)

22 (305 ILCS 5/5-11) (from Ch. 23, par. 5-11)

23 Sec. 5-11. Co-operative arrangements; contracts with other
24 State agencies, health care and rehabilitation organizations,
25 and fiscal intermediaries.

1 (a) The Illinois Department may enter into co-operative
2 arrangements with State agencies responsible for administering
3 or supervising the administration of health services and
4 vocational rehabilitation services to the end that there may be
5 maximum utilization of such services in the provision of
6 medical assistance.

7 The Illinois Department shall, not later than June 30,
8 1993, enter into one or more co-operative arrangements with the
9 Department of Mental Health and Developmental Disabilities
10 providing that the Department of Mental Health and
11 Developmental Disabilities will be responsible for
12 administering or supervising all programs for services to
13 persons in community care facilities for persons with
14 developmental disabilities, including but not limited to
15 intermediate care facilities, that are supported by State funds
16 or by funding under Title XIX of the federal Social Security
17 Act. The responsibilities of the Department of Mental Health
18 and Developmental Disabilities under these agreements are
19 transferred to the Department of Human Services as provided in
20 the Department of Human Services Act.

21 The Department may also contract with such State health and
22 rehabilitation agencies and other public or private health care
23 and rehabilitation organizations to act for it in supplying
24 designated medical services to persons eligible therefor under
25 this Article. Any contracts with health services or health
26 maintenance organizations shall be restricted to organizations

1 which have been certified as being in compliance with standards
2 promulgated pursuant to the laws of this State governing the
3 establishment and operation of health services or health
4 maintenance organizations. The Department shall renegotiate
5 the contracts with health maintenance organizations and
6 managed care community networks that took effect August 1,
7 2003, so as to produce \$70,000,000 savings to the Department
8 net of resulting increases to the fee-for-service program for
9 State fiscal year 2006. The Department may also contract with
10 insurance companies or other corporate entities serving as
11 fiscal intermediaries in this State for the Federal Government
12 in respect to Medicare payments under Title XVIII of the
13 Federal Social Security Act to act for the Department in paying
14 medical care suppliers. The provisions of Section 9 of "An Act
15 in relation to State finance", approved June 10, 1919, as
16 amended, notwithstanding, such contracts with State agencies,
17 other health care and rehabilitation organizations, or fiscal
18 intermediaries may provide for advance payments.

19 (b) For purposes of this subsection (b), "managed care
20 community network" means an entity, other than a health
21 maintenance organization, that is owned, operated, or governed
22 by providers of health care services within this State and that
23 provides or arranges primary, secondary, and tertiary managed
24 health care services under contract with the Illinois
25 Department exclusively to persons participating in programs
26 administered by the Illinois Department.

1 The Illinois Department may certify managed care community
2 networks, including managed care community networks owned,
3 operated, managed, or governed by State-funded medical
4 schools, as risk-bearing entities eligible to contract with the
5 Illinois Department as Medicaid managed care organizations.
6 The Illinois Department may contract with those managed care
7 community networks to furnish health care services to or
8 arrange those services for individuals participating in
9 programs administered by the Illinois Department. The rates for
10 those provider-sponsored organizations may be determined on a
11 prepaid, capitated basis. A managed care community network may
12 choose to contract with the Illinois Department to provide only
13 pediatric health care services. The Illinois Department shall
14 by rule adopt the criteria, standards, and procedures by which
15 a managed care community network may be permitted to contract
16 with the Illinois Department and shall consult with the
17 Department of Insurance in adopting these rules.

18 A county provider as defined in Section 15-1 of this Code
19 may contract with the Illinois Department to provide primary,
20 secondary, or tertiary managed health care services as a
21 managed care community network without the need to establish a
22 separate entity and shall be deemed a managed care community
23 network for purposes of this Code only to the extent it
24 provides services to participating individuals. A county
25 provider is entitled to contract with the Illinois Department
26 with respect to any contracting region located in whole or in

1 part within the county. A county provider is not required to
2 accept enrollees who do not reside within the county.

3 In order to (i) accelerate and facilitate the development
4 of integrated health care in contracting areas outside counties
5 with populations in excess of 3,000,000 and counties adjacent
6 to those counties and (ii) maintain and sustain the high
7 quality of education and residency programs coordinated and
8 associated with local area hospitals, the Illinois Department
9 may develop and implement a demonstration program from managed
10 care community networks owned, operated, managed, or governed
11 by State-funded medical schools. The Illinois Department shall
12 prescribe by rule the criteria, standards, and procedures for
13 effecting this demonstration program.

14 A managed care community network that contracts with the
15 Illinois Department to furnish health care services to or
16 arrange those services for enrollees participating in programs
17 administered by the Illinois Department shall do all of the
18 following:

19 (1) Provide that any provider affiliated with the
20 managed care community network may also provide services on
21 a fee-for-service basis to Illinois Department clients not
22 enrolled in such managed care entities.

23 (2) Provide client education services as determined
24 and approved by the Illinois Department, including but not
25 limited to (i) education regarding appropriate utilization
26 of health care services in a managed care system, (ii)

1 written disclosure of treatment policies and restrictions
2 or limitations on health services, including, but not
3 limited to, physical services, clinical laboratory tests,
4 hospital and surgical procedures, prescription drugs and
5 biologics, and radiological examinations, and (iii)
6 written notice that the enrollee may receive from another
7 provider those covered services that are not provided by
8 the managed care community network.

9 (3) Provide that enrollees within the system may choose
10 the site for provision of services and the panel of health
11 care providers.

12 (4) Not discriminate in enrollment or disenrollment
13 practices among recipients of medical services or
14 enrollees based on health status.

15 (5) Provide a quality assurance and utilization review
16 program that meets the requirements established by the
17 Illinois Department in rules that incorporate those
18 standards set forth in the Health Maintenance Organization
19 Act.

20 (6) Issue a managed care community network
21 identification card to each enrollee upon enrollment. The
22 card must contain all of the following:

23 (A) The enrollee's health plan.

24 (B) The name and telephone number of the enrollee's
25 primary care physician or the site for receiving
26 primary care services.

1 (C) A telephone number to be used to confirm
2 eligibility for benefits and authorization for
3 services that is available 24 hours per day, 7 days per
4 week.

5 (7) Ensure that every primary care physician and
6 pharmacy in the managed care community network meets the
7 standards established by the Illinois Department for
8 accessibility and quality of care. The Illinois Department
9 shall arrange for and oversee an evaluation of the
10 standards established under this paragraph (7) and may
11 recommend any necessary changes to these standards.

12 (8) Provide a procedure for handling complaints that
13 meets the requirements established by the Illinois
14 Department in rules that incorporate those standards set
15 forth in the Health Maintenance Organization Act.

16 (9) Maintain, retain, and make available to the
17 Illinois Department records, data, and information, in a
18 uniform manner determined by the Illinois Department,
19 sufficient for the Illinois Department to monitor
20 utilization, accessibility, and quality of care.

21 (10) Provide that the pharmacy formulary used by the
22 managed care community network and its contract providers
23 be no more restrictive than the Illinois Department's
24 pharmaceutical program on the effective date of this
25 amendatory Act of 1998 and as amended after that date.

26 The Illinois Department shall contract with an entity or

1 entities to provide external peer-based quality assurance
2 review for the managed health care programs administered by the
3 Illinois Department. The entity shall be representative of
4 Illinois physicians licensed to practice medicine in all its
5 branches and have statewide geographic representation in all
6 specialities of medical care that are provided in managed
7 health care programs administered by the Illinois Department.
8 The entity may not be a third party payer and shall maintain
9 offices in locations around the State in order to provide
10 service and continuing medical education to physician
11 participants within those managed health care programs
12 administered by the Illinois Department. The review process
13 shall be developed and conducted by Illinois physicians
14 licensed to practice medicine in all its branches. In
15 consultation with the entity, the Illinois Department may
16 contract with other entities for professional peer-based
17 quality assurance review of individual categories of services
18 other than services provided, supervised, or coordinated by
19 physicians licensed to practice medicine in all its branches.
20 The Illinois Department shall establish, by rule, criteria to
21 avoid conflicts of interest in the conduct of quality assurance
22 activities consistent with professional peer-review standards.
23 All quality assurance activities shall be coordinated by the
24 Illinois Department.

25 Each managed care community network must demonstrate its
26 ability to bear the financial risk of serving individuals under

1 this program. The Illinois Department shall by rule adopt
2 standards for assessing the solvency and financial soundness of
3 each managed care community network. Any solvency and financial
4 standards adopted for managed care community networks shall be
5 no more restrictive than the solvency and financial standards
6 adopted under Section 1856(a) of the Social Security Act for
7 provider-sponsored organizations under Part C of Title XVIII of
8 the Social Security Act.

9 The Illinois Department may implement the amendatory
10 changes to this Code made by this amendatory Act of 1998
11 through the use of emergency rules in accordance with Section
12 5-45 of the Illinois Administrative Procedure Act. For purposes
13 of that Act, the adoption of rules to implement these changes
14 is deemed an emergency and necessary for the public interest,
15 safety, and welfare.

16 (c) Not later than June 30, 1996, the Illinois Department
17 shall enter into one or more cooperative arrangements with the
18 Department of Public Health for the purpose of developing a
19 single survey for nursing facilities, including but not limited
20 to facilities funded under Title XVIII or Title XIX of the
21 federal Social Security Act or both, which shall be
22 administered and conducted solely by the Department of Public
23 Health. The Departments shall test the single survey process on
24 a pilot basis, with both the Departments of Public Aid and
25 Public Health represented on the consolidated survey team. The
26 pilot will sunset June 30, 1997. After June 30, 1997, unless

1 otherwise determined by the Governor, a single survey shall be
2 implemented by the Department of Public Health which would not
3 preclude staff from the Department of Healthcare and Family
4 Services (formerly Department of Public Aid) from going on-site
5 to nursing facilities to perform necessary audits and reviews
6 which shall not replicate the single State agency survey
7 required by this Act. This Section shall not apply to community
8 or intermediate care facilities for persons with developmental
9 disabilities.

10 (d) Nothing in this Code in any way limits or otherwise
11 impairs the authority or power of the Illinois Department to
12 enter into a negotiated contract pursuant to this Section with
13 a managed care community network or a health maintenance
14 organization, as defined in the Health Maintenance
15 Organization Act, that provides for termination or nonrenewal
16 of the contract without cause, upon notice as provided in the
17 contract, and without a hearing.

18 (Source: P.A. 94-48, eff. 7-1-05; revised 12-15-05.)

19 (305 ILCS 5/5-11.1)

20 Sec. 5-11.1. Cooperative arrangements; contracts. The
21 Illinois Department may enter into cooperative arrangements
22 with State agencies responsible for administering or
23 supervising the administration of health services and
24 vocational rehabilitation services to maximize utilization of
25 these services in the provision of medical assistance.

1 The Illinois Department shall, not later than June 30,
2 1994, enter into one or more cooperative arrangements with the
3 Department of Mental Health and Developmental Disabilities
4 providing that the Department of Mental Health and
5 Developmental Disabilities will be responsible for
6 administering or supervising all programs for services to
7 persons in community care facilities for persons with mental
8 illness, including but not limited to intermediate care
9 facilities, that are supported by State funds or by funding
10 under Title XIX of the federal Social Security Act. The
11 responsibilities of the Department of Mental Health and
12 Developmental Disabilities under these agreements are
13 transferred to the Department of Human Services as provided in
14 the Department of Human Services Act.

15 The Department may also contract with State health and
16 rehabilitation agencies and other public or private health care
17 and rehabilitation organizations to act for it in supplying
18 designated medical services to persons eligible under this
19 Section. Any contracts with health services or health
20 maintenance organizations shall be restricted to organizations
21 which have been certified as being in compliance with standards
22 promulgated under the laws of this State governing the
23 establishment and operation of health services or health
24 maintenance organizations. The Department may also contract
25 with insurance companies or other corporate entities serving as
26 fiscal intermediaries in this State for the federal government

1 in respect to Medicare payments under Title XVIII of the
2 federal Social Security Act to act for the Department in paying
3 medical care suppliers. Nothing in this Section shall be
4 construed to abrogate any existing doctor/patient
5 relationships with ~~Illinois~~ Department of Healthcare and
6 Family Services ~~Public Aid~~ recipients or the free choice of
7 clients or their guardians to select a physician to provide
8 medical care. The provisions of Section 9 of the State Finance
9 Act notwithstanding, such contracts with State agencies, other
10 health care and rehabilitation organizations, or fiscal
11 intermediaries may provide for advance payments.

12 (Source: P.A. 91-357, eff. 7-29-99; revised 12-15-05.)

13 (305 ILCS 5/5-16.1) (from Ch. 23, par. 5-16.1)

14 Sec. 5-16.1. Case Management Services. The Illinois
15 Department may develop, implement and evaluate a Case
16 Management Services Program which provides services consistent
17 with the provisions of this Section, and the Inter-Agency
18 Agreement between the Department of Healthcare and Family
19 Services (formerly Department of Public Aid) and the Department
20 of Public Health, for a targeted population on a less than
21 Statewide basis in the State of Illinois. The purpose of this
22 Case Management Services Program shall be to assist eligible
23 participants in gaining access to needed medical, social,
24 educational and other services thereby reducing the likelihood
25 of long-term welfare dependency. The Case Management Services

1 Program shall have the following characteristics:

2 (a) It shall be conducted for a period of no less than
3 5 consecutive fiscal years in one urban area containing a
4 high proportion, as determined by Department of Healthcare
5 and Family Services ~~Public Aid~~ and Department of Public
6 Health records, of Medicaid eligible pregnant or parenting
7 girls under 17 years of age at the time of the initial
8 assessment and in one rural area containing a high
9 proportion, as determined by Department of Healthcare and
10 Family Services ~~Public Aid~~ and Department of Public Health
11 records, of Medicaid eligible pregnant or parenting girls
12 under 17 years of age at the time of the initial
13 assessment.

14 (b) Providers participating in the program shall be
15 paid an amount per patient per month, to be set by the
16 Illinois Department, for the case management services
17 provided.

18 (c) Providers eligible to participate in the program
19 shall be nurses or social workers, licensed to practice in
20 Illinois, who comply with the rules and regulations
21 established by the Illinois Department and the
22 Inter-Agency Agreement between the Department of
23 Healthcare and Family Services (formerly Department of
24 Public Aid) and the Department of Public Health. The
25 Illinois Department may terminate a provider's
26 participation in the program if the provider is determined

1 to have failed to comply with any applicable program
2 standard or procedure established by the Illinois
3 Department.

4 (d) Each eligible participant in an area where the Case
5 Management Services Program is being conducted may
6 voluntarily designate a case manager, of her own choosing
7 to assume responsibility for her care.

8 (e) A participant may change her designated case
9 manager provided that she informs the Illinois Department
10 by the 20th day of the month in order for the change to be
11 effective in the following month.

12 (f) The Illinois Department shall, by rule, establish
13 procedures for providing case management services when the
14 designated source becomes unavailable or wishes to
15 withdraw from any obligation as case management services
16 provider.

17 (g) In accordance with rules adopted by the Illinois
18 Department, a participant may discontinue participation in
19 the program upon timely notice to the Illinois Department,
20 in which case the participant shall remain eligible for
21 assistance under all applicable provisions of Article V of
22 this Code.

23 The Illinois Department shall take any necessary steps to
24 obtain authorization or waiver under federal law to implement a
25 Case Management Services Program. Participation shall be
26 voluntary for the provider and the recipient.

1 (Source: P.A. 87-685; revised 12-15-05.)

2 (305 ILCS 5/5-16.4)

3 Sec. 5-16.4. Medical Assistance Provider Payment Fund.

4 (a) There is created in the State treasury the Medical
5 Assistance Provider Payment Fund. Interest earned by the Fund
6 shall be credited to the Fund.

7 (b) The Fund is created for the purpose of disbursing
8 moneys as follows:

9 (1) For medical services provided to recipients of aid
10 under Articles V, VI, and XII.

11 (2) For payment of administrative expenses incurred by
12 the Illinois Department or its agent in performing the
13 activities authorized by this Section.

14 (3) For making transfers to the General Obligation Bond
15 Retirement and Interest Fund, as those transfers are
16 authorized in the proceedings authorizing debt under the
17 Medicaid Liability Liquidity Borrowing Act, but transfers
18 made under this paragraph (3) may not exceed the principal
19 amount of debt issued under that Act.

20 Disbursements from the Fund, other than transfers to the
21 General Obligation Bond Retirement and Interest Fund (which
22 shall be made in accordance with the provisions of the Medicaid
23 Liability Liquidity Borrowing Act), shall be by warrants drawn
24 by the State Comptroller upon receipt of vouchers duly executed
25 and certified by the Illinois Department.

1 (c) The Fund shall consist of the following:

2 (1) All federal matching funds received by the Illinois
3 Department as a result of expenditures made by the Illinois
4 Department that are attributable to moneys deposited into
5 the Fund.

6 (2) Proceeds from any short-term borrowing directed to
7 the Fund by the Governor pursuant to the Medicaid Liability
8 Liquidity Borrowing Act.

9 (3) Amounts transferred into the Fund under subsection
10 (d) of this Section.

11 (4) All other moneys received for the Fund from any
12 other source, including interest earned on those moneys.

13 (d) Beginning July 1, 1995, on the 13th and 26th days of
14 each month the State Comptroller and Treasurer shall transfer
15 from the General Revenue Fund to the Medical Assistance
16 Provider Payment Fund an amount equal to 1/48th of the annual
17 Medical Assistance appropriation to the Department of
18 Healthcare and Family Services (formerly Illinois Department
19 of Public Aid) from the Medical Assistance Provider Payment
20 Fund, plus cumulative deficiencies from those prior transfers.
21 In addition to those transfers, the State Comptroller and
22 Treasurer may transfer from the General Revenue Fund to the
23 Medical Assistance Provider Payment Fund as much as is
24 necessary to pay claims pursuant to the new twice-monthly
25 payment schedule established in Section 5-16.5 and to avoid
26 interest liabilities under the State Prompt Payment Act. No

1 transfers made pursuant to this subsection shall interfere with
2 the timely payment of the general State aid payment made
3 pursuant to Section 18-11 of the School Code.

4 (Source: P.A. 88-554, eff. 7-26-94; revised 12-15-05.)

5 (305 ILCS 5/5-16.8)

6 Sec. 5-16.8. Required health benefits. The medical
7 assistance program shall (i) provide the post-mastectomy care
8 benefits required to be covered by a policy of accident and
9 health insurance under Section 356t and the coverage required
10 under Sections 356u, 356w, 356x, and 356z.6 of the Illinois
11 Insurance Code and (ii) be subject to the provisions of Section
12 364.01 of the Illinois Insurance Code.

13 (Source: P.A. 93-853, eff. 1-1-05; 93-1000, eff. 1-1-05;
14 revised 10-14-04.)

15 (305 ILCS 5/5-21)

16 Sec. 5-21. Immunization. By July 1, 1994, the Illinois
17 Department shall, in cooperation with the Department of Public
18 Health, establish and implement a pilot program that will
19 provide immunization services for children on a walk-in basis
20 at local public aid offices. The Director shall determine the
21 number and location of the local public aid offices that will
22 participate in the pilot program. The Illinois Department shall
23 submit a report on the effectiveness of the program to the
24 General Assembly on or before December 31, 1995. The Department

1 of Healthcare and Family Services (formerly Department of
2 Public Aid) and the Department of Human Services, in
3 cooperation with the Department of Public Health, shall
4 continue to implement the pilot program after the effective
5 date of this amendatory Act of 1996.

6 (Source: P.A. 88-493; 88-670, eff. 12-2-94; 89-507, eff.
7 7-1-97; revised 12-15-05.)

8 (305 ILCS 5/5-24)

9 (Section scheduled to be repealed on January 1, 2014)

10 Sec. 5-24. Disease management programs and services for
11 chronic conditions; pilot project.

12 (a) In this Section, "disease management programs and
13 services" means services administered to patients in order to
14 improve their overall health and to prevent clinical
15 exacerbations and complications, using cost-effective,
16 evidence-based practice guidelines and patient self-management
17 strategies. Disease management programs and services include
18 all of the following:

19 (1) A population identification process.

20 (2) Evidence-based or consensus-based clinical
21 practice guidelines, risk identification, and matching of
22 interventions with clinical need.

23 (3) Patient self-management and disease education.

24 (4) Process and outcomes measurement, evaluation,
25 management, and reporting.

1 (b) Subject to appropriations, the Department of
2 Healthcare and Family Services ~~Public Aid~~ may undertake a pilot
3 project to study patient outcomes, for patients with chronic
4 diseases, associated with the use of disease management
5 programs and services for chronic condition management.
6 "Chronic diseases" include, but are not limited to, diabetes,
7 congestive heart failure, and chronic obstructive pulmonary
8 disease.

9 (c) The disease management programs and services pilot
10 project shall examine whether chronic disease management
11 programs and services for patients with specific chronic
12 conditions do any or all of the following:

13 (1) Improve the patient's overall health in a more
14 expeditious manner.

15 (2) Lower costs in other aspects of the medical
16 assistance program, such as hospital admissions, days in
17 skilled nursing homes, emergency room visits, or more
18 frequent physician office visits.

19 (d) In carrying out the pilot project, the Department of
20 Healthcare and Family Services ~~Public Aid~~ shall examine all
21 relevant scientific literature and shall consult with health
22 care practitioners including, but not limited to, physicians,
23 surgeons, registered pharmacists, and registered nurses.

24 (e) The Department of Healthcare and Family Services ~~Public~~
25 ~~Aid~~ shall consult with medical experts, disease advocacy
26 groups, and academic institutions to develop criteria to be

1 used in selecting a vendor for the pilot project.

2 (f) The Department of Healthcare and Family Services ~~Public~~
3 ~~Aid~~ may adopt rules to implement this Section.

4 (g) This Section is repealed 10 years after the effective
5 date of this amendatory Act of the 93rd General Assembly.

6 (Source: P.A. 93-518, eff. 1-1-04; revised 12-15-05.)

7 (305 ILCS 5/5A-4) (from Ch. 23, par. 5A-4)

8 Sec. 5A-4. Payment of assessment; penalty.

9 (a) The annual assessment imposed by Section 5A-2 for State
10 fiscal year 2004 shall be due and payable on June 18 of the
11 year. The assessment imposed by Section 5A-2 for State fiscal
12 year 2005 shall be due and payable in quarterly installments,
13 each equalling one-fourth of the assessment for the year, on
14 July 19, October 19, January 18, and April 19 of the year. The
15 assessment imposed by Section 5A-2 for State fiscal year 2006
16 and each subsequent State fiscal year shall be due and payable
17 in quarterly installments, each equaling one-fourth of the
18 assessment for the year, on the fourteenth State business day
19 of September, December, March, and May. No installment payment
20 of an assessment imposed by Section 5A-2 shall be due and
21 payable, however, until after: (i) the hospital provider
22 receives written notice from the Department of Healthcare and
23 Family Services (formerly Department of Public Aid) that the
24 payment methodologies to hospitals required under Section
25 5A-12 or Section 5A-12.1, whichever is applicable for that

1 fiscal year, have been approved by the Centers for Medicare and
2 Medicaid Services of the U.S. Department of Health and Human
3 Services and the waiver under 42 CFR 433.68 for the assessment
4 imposed by Section 5A-2, if necessary, has been granted by the
5 Centers for Medicare and Medicaid Services of the U.S.
6 Department of Health and Human Services; and (ii) the hospital
7 has received the payments required under Section 5A-12 or
8 Section 5A-12.1, whichever is applicable for that fiscal year.
9 Upon notification to the Department of approval of the payment
10 methodologies required under Section 5A-12 or Section 5A-12.1,
11 whichever is applicable for that fiscal year, and the waiver
12 granted under 42 CFR 433.68, all quarterly installments
13 otherwise due under Section 5A-2 prior to the date of
14 notification shall be due and payable to the Department upon
15 written direction from the Department and receipt of the
16 payments required under Section 5A-12.1.

17 (b) The Illinois Department is authorized to establish
18 delayed payment schedules for hospital providers that are
19 unable to make installment payments when due under this Section
20 due to financial difficulties, as determined by the Illinois
21 Department.

22 (c) If a hospital provider fails to pay the full amount of
23 an installment when due (including any extensions granted under
24 subsection (b)), there shall, unless waived by the Illinois
25 Department for reasonable cause, be added to the assessment
26 imposed by Section 5A-2 a penalty assessment equal to the

1 lesser of (i) 5% of the amount of the installment not paid on
2 or before the due date plus 5% of the portion thereof remaining
3 unpaid on the last day of each 30-day period thereafter or (ii)
4 100% of the installment amount not paid on or before the due
5 date. For purposes of this subsection, payments will be
6 credited first to unpaid installment amounts (rather than to
7 penalty or interest), beginning with the most delinquent
8 installments.

9 (Source: P.A. 93-659, eff. 2-3-04; 93-841, eff. 7-30-04;
10 93-1066, eff. 1-15-05; 94-242, eff. 7-18-05; revised
11 12-15-05.)

12 (305 ILCS 5/5A-5) (from Ch. 23, par. 5A-5)

13 Sec. 5A-5. Notice; penalty; maintenance of records.

14 (a) The Department of Healthcare and Family Services ~~Public~~
15 ~~Aid~~ shall send a notice of assessment to every hospital
16 provider subject to assessment under this Article. The notice
17 of assessment shall notify the hospital of its assessment and
18 shall be sent after receipt by the Department of notification
19 from the Centers for Medicare and Medicaid Services of the U.S.
20 Department of Health and Human Services that the payment
21 methodologies required under Section 5A-12 or Section 5A-12.1,
22 whichever is applicable for that fiscal year, and, if
23 necessary, the waiver granted under 42 CFR 433.68 have been
24 approved. The notice shall be on a form prepared by the
25 Illinois Department and shall state the following:

1 (1) The name of the hospital provider.

2 (2) The address of the hospital provider's principal
3 place of business from which the provider engages in the
4 occupation of hospital provider in this State, and the name
5 and address of each hospital operated, conducted, or
6 maintained by the provider in this State.

7 (3) The occupied bed days or adjusted gross hospital
8 revenue of the hospital provider (whichever is
9 applicable), the amount of assessment imposed under
10 Section 5A-2 for the State fiscal year for which the notice
11 is sent, and the amount of each quarterly installment to be
12 paid during the State fiscal year.

13 (4) (Blank).

14 (5) Other reasonable information as determined by the
15 Illinois Department.

16 (b) If a hospital provider conducts, operates, or maintains
17 more than one hospital licensed by the Illinois Department of
18 Public Health, the provider shall pay the assessment for each
19 hospital separately.

20 (c) Notwithstanding any other provision in this Article, in
21 the case of a person who ceases to conduct, operate, or
22 maintain a hospital in respect of which the person is subject
23 to assessment under this Article as a hospital provider, the
24 assessment for the State fiscal year in which the cessation
25 occurs shall be adjusted by multiplying the assessment computed
26 under Section 5A-2 by a fraction, the numerator of which is the

1 number of days in the year during which the provider conducts,
2 operates, or maintains the hospital and the denominator of
3 which is 365. Immediately upon ceasing to conduct, operate, or
4 maintain a hospital, the person shall pay the assessment for
5 the year as so adjusted (to the extent not previously paid).

6 (d) Notwithstanding any other provision in this Article, a
7 provider who commences conducting, operating, or maintaining a
8 hospital, upon notice by the Illinois Department, shall pay the
9 assessment computed under Section 5A-2 and subsection (e) in
10 installments on the due dates stated in the notice and on the
11 regular installment due dates for the State fiscal year
12 occurring after the due dates of the initial notice.

13 (e) Notwithstanding any other provision in this Article,
14 for State fiscal years 2004 and 2005, in the case of a hospital
15 provider that did not conduct, operate, or maintain a hospital
16 throughout calendar year 2001, the assessment for that State
17 fiscal year shall be computed on the basis of hypothetical
18 occupied bed days for the full calendar year as determined by
19 the Illinois Department. Notwithstanding any other provision
20 in this Article, for State fiscal years after 2005, in the case
21 of a hospital provider that did not conduct, operate, or
22 maintain a hospital in 2003, the assessment for that State
23 fiscal year shall be computed on the basis of hypothetical
24 adjusted gross hospital revenue for the hospital's first full
25 fiscal year as determined by the Illinois Department (which may
26 be based on annualization of the provider's actual revenues for

1 a portion of the year, or revenues of a comparable hospital for
2 the year, including revenues realized by a prior provider of
3 the same hospital during the year).

4 (f) Every hospital provider subject to assessment under
5 this Article shall keep sufficient records to permit the
6 determination of adjusted gross hospital revenue for the
7 hospital's fiscal year. All such records shall be kept in the
8 English language and shall, at all times during regular
9 business hours of the day, be subject to inspection by the
10 Illinois Department or its duly authorized agents and
11 employees.

12 (g) The Illinois Department may, by rule, provide a
13 hospital provider a reasonable opportunity to request a
14 clarification or correction of any clerical or computational
15 errors contained in the calculation of its assessment, but such
16 corrections shall not extend to updating the cost report
17 information used to calculate the assessment.

18 (h) (Blank).

19 (Source: P.A. 93-659, eff. 2-3-04; 93-841, eff. 7-30-04;
20 94-242, eff. 7-18-05; revised 12-15-05.)

21 (305 ILCS 5/5A-10) (from Ch. 23, par. 5A-10)

22 Sec. 5A-10. Applicability.

23 (a) The assessment imposed by Section 5A-2 shall not take
24 effect or shall cease to be imposed, and any moneys remaining
25 in the Fund shall be refunded to hospital providers in

1 proportion to the amounts paid by them, if:

2 (1) the sum of the appropriations for State fiscal
3 years 2004 and 2005 from the General Revenue Fund for
4 hospital payments under the medical assistance program is
5 less than \$4,500,000,000 or the appropriation for each of
6 State fiscal years 2006, 2007 and 2008 from the General
7 Revenue Fund for hospital payments under the medical
8 assistance program is less than \$2,500,000,000 increased
9 annually to reflect any increase in the number of
10 recipients; or

11 (2) the Department of Healthcare and Family Services
12 (formerly Department of Public Aid) makes changes in its
13 rules that reduce the hospital inpatient or outpatient
14 payment rates, including adjustment payment rates, in
15 effect on October 1, 2004, except for hospitals described
16 in subsection (b) of Section 5A-3 and except for changes in
17 the methodology for calculating outlier payments to
18 hospitals for exceptionally costly stays, so long as those
19 changes do not reduce aggregate expenditures below the
20 amount expended in State fiscal year 2005 for such
21 services; or

22 (3) the payments to hospitals required under Section
23 5A-12 are changed or are not eligible for federal matching
24 funds under Title XIX or XXI of the Social Security Act.

25 (b) The assessment imposed by Section 5A-2 shall not take
26 effect or shall cease to be imposed if the assessment is

1 determined to be an impermissible tax under Title XIX of the
2 Social Security Act. Moneys in the Hospital Provider Fund
3 derived from assessments imposed prior thereto shall be
4 disbursed in accordance with Section 5A-8 to the extent federal
5 matching is not reduced due to the impermissibility of the
6 assessments, and any remaining moneys shall be refunded to
7 hospital providers in proportion to the amounts paid by them.

8 (Source: P.A. 93-659, eff. 2-3-04; 94-242, eff. 7-18-05;
9 revised 12-15-05.)

10 (305 ILCS 5/5A-13)

11 Sec. 5A-13. Emergency rulemaking. The Department of
12 Healthcare and Family Services (formerly Department of Public
13 Aid) may adopt rules necessary to implement this amendatory Act
14 of the 94th General Assembly through the use of emergency
15 rulemaking in accordance with Section 5-45 of the Illinois
16 Administrative Procedure Act. For purposes of that Act, the
17 General Assembly finds that the adoption of rules to implement
18 this amendatory Act of the 94th General Assembly is deemed an
19 emergency and necessary for the public interest, safety, and
20 welfare.

21 (Source: P.A. 93-659, eff. 2-3-04; 94-242, eff. 7-18-05;
22 revised 12-15-05.)

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

24 Sec. 6-11. State funded General Assistance.

1 (a) Effective July 1, 1992, all State funded General
2 Assistance and related medical benefits shall be governed by
3 this Section. Other parts of this Code or other laws related to
4 General Assistance shall remain in effect to the extent they do
5 not conflict with the provisions of this Section. If any other
6 part of this Code or other laws of this State conflict with the
7 provisions of this Section, the provisions of this Section
8 shall control.

9 (b) State funded General Assistance shall consist of 2
10 separate programs. One program shall be for adults with no
11 children and shall be known as State Transitional Assistance.
12 The other program shall be for families with children and for
13 pregnant women and shall be known as State Family and Children
14 Assistance.

15 (c) (1) To be eligible for State Transitional Assistance on
16 or after July 1, 1992, an individual must be ineligible for
17 assistance under any other Article of this Code, must be
18 determined chronically needy, and must be one of the following:

19 (A) age 18 or over or

20 (B) married and living with a spouse, regardless of
21 age.

22 (2) The Illinois Department or the local governmental unit
23 shall determine whether individuals are chronically needy as
24 follows:

25 (A) Individuals who have applied for Supplemental
26 Security Income (SSI) and are awaiting a decision on

1 eligibility for SSI who are determined disabled by the
2 Illinois Department using the SSI standard shall be
3 considered chronically needy, except that individuals
4 whose disability is based solely on substance addictions
5 (drug abuse and alcoholism) and whose disability would
6 cease were their addictions to end shall be eligible only
7 for medical assistance and shall not be eligible for cash
8 assistance under the State Transitional Assistance
9 program.

10 (B) If an individual has been denied SSI due to a
11 finding of "not disabled" (either at the Administrative Law
12 Judge level or above, or at a lower level if that
13 determination was not appealed), the Illinois Department
14 shall adopt that finding and the individual shall not be
15 eligible for State Transitional Assistance or any related
16 medical benefits. Such an individual may not be determined
17 disabled by the Illinois Department for a period of 12
18 months, unless the individual shows that there has been a
19 substantial change in his or her medical condition or that
20 there has been a substantial change in other factors, such
21 as age or work experience, that might change the
22 determination of disability.

23 (C) The Illinois Department, by rule, may specify other
24 categories of individuals as chronically needy; nothing in
25 this Section, however, shall be deemed to require the
26 inclusion of any specific category other than as specified

1 in paragraphs (A) and (B).

2 (3) For individuals in State Transitional Assistance,
3 medical assistance shall be provided in an amount and nature
4 determined by the ~~Illinois~~ Department of Healthcare and Family
5 Services ~~Public Aid~~ by rule. The amount and nature of medical
6 assistance provided need not be the same as that provided under
7 paragraph (4) of subsection (d) of this Section, and nothing in
8 this paragraph (3) shall be construed to require the coverage
9 of any particular medical service. In addition, the amount and
10 nature of medical assistance provided may be different for
11 different categories of individuals determined chronically
12 needy.

13 (4) The Illinois Department shall determine, by rule, those
14 assistance recipients under Article VI who shall be subject to
15 employment, training, or education programs including
16 Earnfare, the content of those programs, and the penalties for
17 failure to cooperate in those programs.

18 (5) The Illinois Department shall, by rule, establish
19 further eligibility requirements, including but not limited to
20 residence, need, and the level of payments.

21 (d) (1) To be eligible for State Family and Children
22 Assistance, a family unit must be ineligible for assistance
23 under any other Article of this Code and must contain a child
24 who is:

25 (A) under age 18 or

26 (B) age 18 and a full-time student in a secondary

1 school or the equivalent level of vocational or technical
2 training, and who may reasonably be expected to complete
3 the program before reaching age 19.

4 Those children shall be eligible for State Family and
5 Children Assistance.

6 (2) The natural or adoptive parents of the child living in
7 the same household may be eligible for State Family and
8 Children Assistance.

9 (3) A pregnant woman whose pregnancy has been verified
10 shall be eligible for income maintenance assistance under the
11 State Family and Children Assistance program.

12 (4) The amount and nature of medical assistance provided
13 under the State Family and Children Assistance program shall be
14 determined by the ~~Illinois~~ Department of Healthcare and Family
15 Services ~~Public Aid~~ by rule. The amount and nature of medical
16 assistance provided need not be the same as that provided under
17 paragraph (3) of subsection (c) of this Section, and nothing in
18 this paragraph (4) shall be construed to require the coverage
19 of any particular medical service.

20 (5) The Illinois Department shall, by rule, establish
21 further eligibility requirements, including but not limited to
22 residence, need, and the level of payments.

23 (e) A local governmental unit that chooses to participate
24 in a General Assistance program under this Section shall
25 provide funding in accordance with Section 12-21.13 of this
26 Act. Local governmental funds used to qualify for State funding

1 may only be expended for clients eligible for assistance under
2 this Section 6-11 and related administrative expenses.

3 (f) In order to qualify for State funding under this
4 Section, a local governmental unit shall be subject to the
5 supervision and the rules and regulations of the Illinois
6 Department.

7 (g) Notwithstanding any other provision in this Code, the
8 Illinois Department is authorized to reduce payment levels used
9 to determine cash grants provided to recipients of State
10 Transitional Assistance at any time within a Fiscal Year in
11 order to ensure that cash benefits for State Transitional
12 Assistance do not exceed the amounts appropriated for those
13 cash benefits. Changes in payment levels may be accomplished by
14 emergency rule under Section 5-45 of the Illinois
15 Administrative Procedure Act, except that the limitation on the
16 number of emergency rules that may be adopted in a 24-month
17 period shall not apply and the provisions of Sections 5-115 and
18 5-125 of the Illinois Administrative Procedure Act shall not
19 apply. This provision shall also be applicable to any reduction
20 in payment levels made upon implementation of this amendatory
21 Act of 1995.

22 (Source: P.A. 92-111, eff. 1-1-02; revised 12-15-05.)

23 (305 ILCS 5/9-1) (from Ch. 23, par. 9-1)

24 Sec. 9-1. Declaration of Purpose. It is the purpose of this
25 Article to aid applicants for and recipients of public aid

1 under Articles III, IV, V, and VI, to increase their capacities
2 for self-support, self-care, and responsible citizenship, and
3 to assist them in maintaining and strengthening family life. If
4 authorized pursuant to Section 9-8, this Article may be
5 extended to former and potential recipients and to persons
6 whose income does not exceed the standard established to
7 determine eligibility for aid as a medically indigent person
8 under Article V. The Department, with the written consent of
9 the Governor, may also:

10 (a) extend this Article to individuals and their families
11 with income closely related to national indices of poverty who
12 have special needs resulting from institutionalization of a
13 family member or conditions that may lead to
14 institutionalization or who live in impoverished areas or in
15 facilities developed to serve persons of low income;

16 (b) establish, where indicated, schedules of payment for
17 service provided based on ability to pay;

18 (c) provide for the coordinated delivery of the services
19 described in this Article and related services offered by other
20 public or private agencies or institutions, and cooperate with
21 the Illinois Department on Aging to enable it to properly
22 execute and fulfill its duties pursuant to the provisions of
23 Section 4.01 of the "Illinois Act on the Aging", as now or
24 hereafter amended;

25 (d) provide in-home care services, such as chore and
26 housekeeping services or homemaker services, to recipients of

1 public aid under Articles IV and VI, the scope and eligibility
2 criteria for such services to be determined by rule;

3 (e) contract with other State agencies for the purchase of
4 social service under Title XX of the Social Security Act, such
5 services to be provided pursuant to such other agencies'
6 enabling legislation; and

7 (f) cooperate with the ~~Illinois~~ Department of Healthcare
8 and Family Services ~~Public Aid~~ to provide services to public
9 aid recipients for the treatment and prevention of alcoholism
10 and substance abuse.

11 (Source: P.A. 92-16, eff. 6-28-01; 92-111, eff. 1-1-02; 92-651,
12 eff. 7-11-02; revised 12-15-05.)

13 (305 ILCS 5/9-13)

14 Sec. 9-13. Survey of teen parent services. The Social
15 Services Advisory Committee shall conduct a survey of all
16 policy related to the provision of teen parent services and
17 make administrative and legislative recommendations to prevent
18 duplication, correct inconsistencies, and generally improve
19 the provision of services to teen parents within the Department
20 of Public Aid (now Healthcare and Family Services). The results
21 of the survey, including recommendations shall be submitted in
22 written form to the General Assembly, no later than December 1,
23 1994.

24 (Source: P.A. 88-412; revised 12-15-05.)

1 (305 ILCS 5/9A-7) (from Ch. 23, par. 9A-7)

2 Sec. 9A-7. Good Cause and Pre-Sanction Process.

3 (a) The Department shall establish by rule what constitutes
4 good cause for failure to participate in education, training
5 and employment programs, failure to accept suitable employment
6 or terminating employment or reducing earnings.

7 The Department shall establish, by rule, a pre-sanction
8 process to assist in resolving disputes over proposed sanctions
9 and in determining if good cause exists. Good cause shall
10 include, but not be limited to:

11 (1) temporary illness for its duration;

12 (2) court required appearance or temporary
13 incarceration;

14 (3) (blank);

15 (4) death in the family;

16 (5) (blank);

17 (6) (blank);

18 (7) (blank);

19 (8) (blank);

20 (9) extreme inclement weather;

21 (10) (blank);

22 (11) lack of any support service even though the
23 necessary service is not specifically provided under the
24 Department program, to the extent the lack of the needed
25 service presents a significant barrier to participation;

26 (12) if an individual is engaged in employment or

1 training or both that is consistent with the employment
2 related goals of the program, if such employment and
3 training is later approved by Department staff;

4 (13) (blank);

5 (14) failure of Department staff to correctly forward
6 the information to other Department staff;

7 (15) failure of the participant to cooperate because of
8 attendance at a test or a mandatory class or function at an
9 educational program (including college), when an education
10 or training program is officially approved by the
11 Department;

12 (16) failure of the participant due to his or her
13 illiteracy;

14 (17) failure of the participant because it is
15 determined that he or she should be in a different
16 activity;

17 (18) non-receipt by the participant of a notice
18 advising him or her of a participation requirement. If the
19 non-receipt of mail occurs frequently, the Department
20 shall explore an alternative means of providing notices of
21 participation requests to participants;

22 (19) (blank);

23 (20) non-comprehension of English, either written or
24 oral or both;

25 (21) (blank);

26 (22) (blank);

1 (23) child care (or day care for an incapacitated
2 individual living in the same home as a dependent child) is
3 necessary for the participation or employment and such care
4 is not available for a child under age 13;

5 (24) failure to participate in an activity due to a
6 scheduled job interview, medical appointment for the
7 participant or a household member, or school appointment;

8 (25) the individual is homeless. Homeless individuals
9 (including the family) have no current residence and no
10 expectation of acquiring one in the next 30 days. This
11 includes individuals residing in overnight and
12 transitional (temporary) shelters. This does not include
13 individuals who are sharing a residence with friends or
14 relatives on a continuing basis;

15 (26) circumstances beyond the control of the
16 participant which prevent the participant from completing
17 program requirements; or

18 (27) (blank).

19 (b) (Blank).

20 (c) (1) The Department shall establish a reconciliation
21 procedure to assist in resolving disputes related to any
22 aspect of participation, including exemptions, good cause,
23 sanctions or proposed sanctions, supportive services,
24 assessments, responsibility and service plans, assignment
25 to activities, suitability of employment, or refusals of
26 offers of employment. Through the reconciliation process

1 the Department shall have a mechanism to identify good
2 cause, ensure that the client is aware of the issue, and
3 enable the client to perform required activities without
4 facing sanction.

5 (2) A participant may request reconciliation and
6 receive notice in writing of a meeting. At least one
7 face-to-face meeting may be scheduled to resolve
8 misunderstandings or disagreements related to program
9 participation and situations which may lead to a potential
10 sanction. The meeting will address the underlying reason
11 for the dispute and plan a resolution to enable the
12 individual to participate in TANF employment and work
13 activity requirements.

14 (2.5) If the individual fails to appear at the
15 reconciliation meeting without good cause, the
16 reconciliation is unsuccessful and a sanction shall be
17 imposed.

18 (3) The reconciliation process shall continue after it
19 is determined that the individual did not have good cause
20 for non-cooperation. Any necessary demonstration of
21 cooperation on the part of the participant will be part of
22 the reconciliation process. Failure to demonstrate
23 cooperation will result in immediate sanction.

24 (4) For the first instance of non-cooperation, if the
25 client reaches agreement to cooperate, the client shall be
26 allowed 30 days to demonstrate cooperation before any

1 sanction activity may be imposed. In any subsequent
2 instances of non-cooperation, the client shall be provided
3 the opportunity to show good cause or remedy the situation
4 by immediately complying with the requirement.

5 (5) The Department shall document in the case record
6 the proceedings of the reconciliation and provide the
7 client in writing with a reconciliation agreement.

8 (6) If reconciliation resolves the dispute, no
9 sanction shall be imposed. If the client fails to comply
10 with the reconciliation agreement, the Department shall
11 then immediately impose the original sanction. If the
12 dispute cannot be resolved during reconciliation, a
13 sanction shall not be imposed until the reconciliation
14 process is complete.

15 (Source: P.A. 93-598, eff. 8-26-03; revised 10-9-03.)

16 (305 ILCS 5/9A-9.5)

17 Sec. 9A-9.5. Health care advocates; committee. The
18 Department of Human Services and the Department of Healthcare
19 and Family Services ~~Public Aid~~ shall jointly establish an
20 interagency committee to do the following:

21 (1) Assist the departments in making recommendations
22 on incorporating health care advocates into education,
23 training, and placement programs under this Article. The
24 advocates should be individuals who are knowledgeable
25 about various types of health insurance programs.

1 (2) Develop more outreach and educational materials to
2 help TANF families make informed choices concerning health
3 insurance and health care. The materials should target
4 families that are transitioning from receipt of public aid
5 to employment.

6 (3) Develop methods to simplify the process of applying
7 for medical assistance under Article V.

8 (Source: P.A. 93-150, eff. 7-10-03; revised 12-15-05.)

9 (305 ILCS 5/9A-15)

10 Sec. 9A-15. College education assistance; pilot program.

11 (a) Subject to appropriation, the Department of Human
12 Services shall establish a pilot program to provide recipients
13 of assistance under Article IV with additional assistance in
14 obtaining a post-secondary education degree to the extent
15 permitted by the federal law governing the Temporary Assistance
16 for Needy Families Program. This assistance may include, but is
17 not limited to, moneys for the payment of tuition, but the
18 Department may not use any moneys appropriated for the
19 Temporary Assistance for Needy Families Program (TANF) under
20 Article IV to pay for tuition under the pilot program. In
21 addition to criteria, standards, and procedures related to
22 post-secondary education required by rules applicable to the
23 TANF program, the Department shall provide that the time that a
24 pilot program participant spends in post-secondary classes
25 shall apply toward the time that the recipient is required to

1 spend in education, placement, and training activities under
2 this Article.

3 The Department shall define the pilot program by rule,
4 including a determination of its duration and scope, the nature
5 of the assistance to be provided, and the criteria, standards,
6 and procedures for participation.

7 (b) The Department shall enter into an interagency
8 agreement with the Illinois Student Assistance Commission for
9 the administration of the pilot program.

10 (c) The Department shall evaluate the pilot program and
11 report its findings and recommendations after 2 years of its
12 operation to the Governor and the General Assembly, including
13 proposed rules to modify or extend the pilot program beyond the
14 scope and schedule upon which it was originally established.

15 (Source: P.A. 94-371, eff. 1-1-06.)

16 (305 ILCS 5/9A-16)

17 Sec. 9A-16 ~~9A-15~~. Work activity; applicable minimum wage.
18 The State or federal minimum wage, whichever is higher, shall
19 be used to calculate the required number of hours of
20 participation in any earnfare or pay-after-performance
21 activity under Section 9A-9 or any other Section of this Code
22 in which a recipient of public assistance performs work as a
23 condition of receiving the public assistance and the recipient
24 is not paid wages for the work.

25 (Source: P.A. 94-533, eff. 8-10-05; revised 9-22-05.)

1 (305 ILCS 5/10-1) (from Ch. 23, par. 10-1)

2 Sec. 10-1. Declaration of Public Policy - Persons Eligible
3 for Child Support Enforcement Services - Fees for
4 Non-Applicants and Non-Recipients.) It is the intent of this
5 Code that the financial aid and social welfare services herein
6 provided supplement rather than supplant the primary and
7 continuing obligation of the family unit for self-support to
8 the fullest extent permitted by the resources available to it.
9 This primary and continuing obligation applies whether the
10 family unit of parents and children or of husband and wife
11 remains intact and resides in a common household or whether the
12 unit has been broken by absence of one or more members of the
13 unit. The obligation of the family unit is particularly
14 applicable when a member is in necessitous circumstances and
15 lacks the means of a livelihood compatible with health and
16 well-being.

17 It is the purpose of this Article to provide for locating
18 an absent parent or spouse, for determining his financial
19 circumstances, and for enforcing his legal obligation of
20 support, if he is able to furnish support, in whole or in part.
21 The ~~Illinois~~ Department of Healthcare and Family Services
22 ~~Public Aid~~ shall give priority to establishing, enforcing and
23 collecting the current support obligation, and then to past due
24 support owed to the family unit, except with respect to
25 collections effected through the intercept programs provided

1 for in this Article.

2 The child support enforcement services provided hereunder
3 shall be furnished dependents of an absent parent or spouse who
4 are applicants for or recipients of financial aid under this
5 Code. It is not, however, a condition of eligibility for
6 financial aid that there be no responsible relatives who are
7 reasonably able to provide support. Nor, except as provided in
8 Sections 4-1.7 and 10-8, shall the existence of such relatives
9 or their payment of support contributions disqualify a needy
10 person for financial aid.

11 By accepting financial aid under this Code, a spouse or a
12 parent or other person having custody of a child shall be
13 deemed to have made assignment to the Illinois Department for
14 aid under Articles III, IV, V and VII or to a local
15 governmental unit for aid under Article VI of any and all
16 rights, title, and interest in any support obligation,
17 including statutory interest thereon, up to the amount of
18 financial aid provided. The rights to support assigned to the
19 Department of Healthcare and Family Services (formerly
20 Illinois Department of Public Aid) or local governmental unit
21 shall constitute an obligation owed the State or local
22 governmental unit by the person who is responsible for
23 providing the support, and shall be collectible under all
24 applicable processes.

25 The ~~Illinois~~ Department of Healthcare and Family Services
26 ~~Public Aid~~ shall also furnish the child support enforcement

1 services established under this Article in behalf of persons
2 who are not applicants for or recipients of financial aid under
3 this Code in accordance with the requirements of Title IV, Part
4 D of the Social Security Act. The Department may establish a
5 schedule of reasonable fees, to be paid for the services
6 provided and may deduct a collection fee, not to exceed 10% of
7 the amount collected, from such collection. The ~~Illinois~~
8 Department of Healthcare and Family Services ~~Public Aid~~ shall
9 cause to be published and distributed publications reasonably
10 calculated to inform the public that individuals who are not
11 recipients of or applicants for public aid under this Code are
12 eligible for the child support enforcement services under this
13 Article X. Such publications shall set forth an explanation, in
14 plain language, that the child support enforcement services
15 program is independent of any public aid program under the Code
16 and that the receiving of child support enforcement services in
17 no way implies that the person receiving such services is
18 receiving public aid.

19 (Source: P.A. 94-90, eff. 1-1-06; revised 12-15-05.)

20 (305 ILCS 5/10-10) (from Ch. 23, par. 10-10)

21 Sec. 10-10. Court enforcement; applicability also to
22 persons who are not applicants or recipients. Except where the
23 Illinois Department, by agreement, acts for the local
24 governmental unit, as provided in Section 10-3.1, local
25 governmental units shall refer to the State's Attorney or to

1 the proper legal representative of the governmental unit, for
2 judicial enforcement as herein provided, instances of
3 non-support or insufficient support when the dependents are
4 applicants or recipients under Article VI. The Child and Spouse
5 Support Unit established by Section 10-3.1 may institute in
6 behalf of the Illinois Department any actions under this
7 Section for judicial enforcement of the support liability when
8 the dependents are (a) applicants or recipients under Articles
9 III, IV, V or VII; (b) applicants or recipients in a local
10 governmental unit when the Illinois Department, by agreement,
11 acts for the unit; or (c) non-applicants or non-recipients who
12 are receiving child support enforcement services under this
13 Article X, as provided in Section 10-1. Where the Child and
14 Spouse Support Unit has exercised its option and discretion not
15 to apply the provisions of Sections 10-3 through 10-8, the
16 failure by the Unit to apply such provisions shall not be a bar
17 to bringing an action under this Section.

18 Action shall be brought in the circuit court to obtain
19 support, or for the recovery of aid granted during the period
20 such support was not provided, or both for the obtainment of
21 support and the recovery of the aid provided. Actions for the
22 recovery of aid may be taken separately or they may be
23 consolidated with actions to obtain support. Such actions may
24 be brought in the name of the person or persons requiring
25 support, or may be brought in the name of the Illinois
26 Department or the local governmental unit, as the case

1 requires, in behalf of such persons.

2 The court may enter such orders for the payment of moneys
3 for the support of the person as may be just and equitable and
4 may direct payment thereof for such period or periods of time
5 as the circumstances require, including support for a period
6 before the date the order for support is entered. The order may
7 be entered against any or all of the defendant responsible
8 relatives and may be based upon the proportionate ability of
9 each to contribute to the person's support.

10 The Court shall determine the amount of child support
11 (including child support for a period before the date the order
12 for child support is entered) by using the guidelines and
13 standards set forth in subsection (a) of Section 505 and in
14 Section 505.2 of the Illinois Marriage and Dissolution of
15 Marriage Act. For purposes of determining the amount of child
16 support to be paid for a period before the date the order for
17 child support is entered, there is a rebuttable presumption
18 that the responsible relative's net income for that period was
19 the same as his or her net income at the time the order is
20 entered.

21 If (i) the responsible relative was properly served with a
22 request for discovery of financial information relating to the
23 responsible relative's ability to provide child support, (ii)
24 the responsible relative failed to comply with the request,
25 despite having been ordered to do so by the court, and (iii)
26 the responsible relative is not present at the hearing to

1 determine support despite having received proper notice, then
2 any relevant financial information concerning the responsible
3 relative's ability to provide child support that was obtained
4 pursuant to subpoena and proper notice shall be admitted into
5 evidence without the need to establish any further foundation
6 for its admission.

7 An order entered under this Section shall include a
8 provision requiring the obligor to report to the obligee and to
9 the clerk of court within 10 days each time the obligor obtains
10 new employment, and each time the obligor's employment is
11 terminated for any reason. The report shall be in writing and
12 shall, in the case of new employment, include the name and
13 address of the new employer. Failure to report new employment
14 or the termination of current employment, if coupled with
15 nonpayment of support for a period in excess of 60 days, is
16 indirect criminal contempt. For any obligor arrested for
17 failure to report new employment bond shall be set in the
18 amount of the child support that should have been paid during
19 the period of unreported employment. An order entered under
20 this Section shall also include a provision requiring the
21 obligor and obligee parents to advise each other of a change in
22 residence within 5 days of the change except when the court
23 finds that the physical, mental, or emotional health of a party
24 or that of a minor child, or both, would be seriously
25 endangered by disclosure of the party's address.

26 The Court shall determine the amount of maintenance using

1 the standards set forth in Section 504 of the Illinois Marriage
2 and Dissolution of Marriage Act.

3 Any new or existing support order entered by the court
4 under this Section shall be deemed to be a series of judgments
5 against the person obligated to pay support thereunder, each
6 such judgment to be in the amount of each payment or
7 installment of support and each such judgment to be deemed
8 entered as of the date the corresponding payment or installment
9 becomes due under the terms of the support order. Each such
10 judgment shall have the full force, effect and attributes of
11 any other judgment of this State, including the ability to be
12 enforced. Any such judgment is subject to modification or
13 termination only in accordance with Section 510 of the Illinois
14 Marriage and Dissolution of Marriage Act. A lien arises by
15 operation of law against the real and personal property of the
16 noncustodial parent for each installment of overdue support
17 owed by the noncustodial parent.

18 When an order is entered for the support of a minor, the
19 court may provide therein for reasonable visitation of the
20 minor by the person or persons who provided support pursuant to
21 the order. Whoever willfully refuses to comply with such
22 visitation order or willfully interferes with its enforcement
23 may be declared in contempt of court and punished therefor.

24 Except where the local governmental unit has entered into
25 an agreement with the Illinois Department for the Child and
26 Spouse Support Unit to act for it, as provided in Section

1 10-3.1, support orders entered by the court in cases involving
2 applicants or recipients under Article VI shall provide that
3 payments thereunder be made directly to the local governmental
4 unit. Orders for the support of all other applicants or
5 recipients shall provide that payments thereunder be made
6 directly to the Illinois Department. In accordance with federal
7 law and regulations, the Illinois Department may continue to
8 collect current maintenance payments or child support
9 payments, or both, after those persons cease to receive public
10 assistance and until termination of services under Article X.
11 The Illinois Department shall pay the net amount collected to
12 those persons after deducting any costs incurred in making the
13 collection or any collection fee from the amount of any
14 recovery made. In both cases the order shall permit the local
15 governmental unit or the Illinois Department, as the case may
16 be, to direct the responsible relative or relatives to make
17 support payments directly to the needy person, or to some
18 person or agency in his behalf, upon removal of the person from
19 the public aid rolls or upon termination of services under
20 Article X.

21 If the notice of support due issued pursuant to Section
22 10-7 directs that support payments be made directly to the
23 needy person, or to some person or agency in his behalf, and
24 the recipient is removed from the public aid rolls, court
25 action may be taken against the responsible relative hereunder
26 if he fails to furnish support in accordance with the terms of

1 such notice.

2 Actions may also be brought under this Section in behalf of
3 any person who is in need of support from responsible
4 relatives, as defined in Section 2-11 of Article II who is not
5 an applicant for or recipient of financial aid under this Code.
6 In such instances, the State's Attorney of the county in which
7 such person resides shall bring action against the responsible
8 relatives hereunder. If the Illinois Department, as authorized
9 by Section 10-1, extends the child support enforcement services
10 provided by this Article to spouses and dependent children who
11 are not applicants or recipients under this Code, the Child and
12 Spouse Support Unit established by Section 10-3.1 shall bring
13 action against the responsible relatives hereunder and any
14 support orders entered by the court in such cases shall provide
15 that payments thereunder be made directly to the Illinois
16 Department.

17 Whenever it is determined in a proceeding to establish or
18 enforce a child support or maintenance obligation that the
19 person owing a duty of support is unemployed, the court may
20 order the person to seek employment and report periodically to
21 the court with a diary, listing or other memorandum of his or
22 her efforts in accordance with such order. Additionally, the
23 court may order the unemployed person to report to the
24 Department of Employment Security for job search services or to
25 make application with the local Job Training Partnership Act
26 provider for participation in job search, training or work

1 programs and where the duty of support is owed to a child
2 receiving child support enforcement services under this
3 Article X, the court may order the unemployed person to report
4 to the Illinois Department for participation in job search,
5 training or work programs established under Section 9-6 and
6 Article IXA of this Code.

7 Whenever it is determined that a person owes past-due
8 support for a child receiving assistance under this Code, the
9 court shall order at the request of the Illinois Department:

10 (1) that the person pay the past-due support in
11 accordance with a plan approved by the court; or

12 (2) if the person owing past-due support is unemployed,
13 is subject to such a plan, and is not incapacitated, that
14 the person participate in such job search, training, or
15 work programs established under Section 9-6 and Article IXA
16 of this Code as the court deems appropriate.

17 A determination under this Section shall not be
18 administratively reviewable by the procedures specified in
19 Sections 10-12, and 10-13 to 10-13.10. Any determination under
20 these Sections, if made the basis of court action under this
21 Section, shall not affect the de novo judicial determination
22 required under this Section.

23 A one-time charge of 20% is imposable upon the amount of
24 past-due child support owed on July 1, 1988 which has accrued
25 under a support order entered by the court. The charge shall be
26 imposed in accordance with the provisions of Section 10-21 of

1 this Code and shall be enforced by the court upon petition.

2 All orders for support, when entered or modified, shall
3 include a provision requiring the non-custodial parent to
4 notify the court and, in cases in which a party is receiving
5 child support enforcement services under this Article X, the
6 Illinois Department, within 7 days, (i) of the name, address,
7 and telephone number of any new employer of the non-custodial
8 parent, (ii) whether the non-custodial parent has access to
9 health insurance coverage through the employer or other group
10 coverage and, if so, the policy name and number and the names
11 of persons covered under the policy, and (iii) of any new
12 residential or mailing address or telephone number of the
13 non-custodial parent. In any subsequent action to enforce a
14 support order, upon a sufficient showing that a diligent effort
15 has been made to ascertain the location of the non-custodial
16 parent, service of process or provision of notice necessary in
17 the case may be made at the last known address of the
18 non-custodial parent in any manner expressly provided by the
19 Code of Civil Procedure or this Code, which service shall be
20 sufficient for purposes of due process.

21 An order for support shall include a date on which the
22 current support obligation terminates. The termination date
23 shall be no earlier than the date on which the child covered by
24 the order will attain the age of 18. However, if the child will
25 not graduate from high school until after attaining the age of
26 18, then the termination date shall be no earlier than the

1 earlier of the date on which the child's high school graduation
2 will occur or the date on which the child will attain the age
3 of 19. The order for support shall state that the termination
4 date does not apply to any arrearage that may remain unpaid on
5 that date. Nothing in this paragraph shall be construed to
6 prevent the court from modifying the order or terminating the
7 order in the event the child is otherwise emancipated.

8 If there is an unpaid arrearage or delinquency (as those
9 terms are defined in the Income Withholding for Support Act)
10 equal to at least one month's support obligation on the
11 termination date stated in the order for support or, if there
12 is no termination date stated in the order, on the date the
13 child attains the age of majority or is otherwise emancipated,
14 then the periodic amount required to be paid for current
15 support of that child immediately prior to that date shall
16 automatically continue to be an obligation, not as current
17 support but as periodic payment toward satisfaction of the
18 unpaid arrearage or delinquency. That periodic payment shall be
19 in addition to any periodic payment previously required for
20 satisfaction of the arrearage or delinquency. The total
21 periodic amount to be paid toward satisfaction of the arrearage
22 or delinquency may be enforced and collected by any method
23 provided by law for the enforcement and collection of child
24 support, including but not limited to income withholding under
25 the Income Withholding for Support Act. Each order for support
26 entered or modified on or after the effective date of this

1 amendatory Act of the 93rd General Assembly must contain a
2 statement notifying the parties of the requirements of this
3 paragraph. Failure to include the statement in the order for
4 support does not affect the validity of the order or the
5 operation of the provisions of this paragraph with regard to
6 the order. This paragraph shall not be construed to prevent or
7 affect the establishment or modification of an order for the
8 support of a minor child or the establishment or modification
9 of an order for the support of a non-minor child or educational
10 expenses under Section 513 of the Illinois Marriage and
11 Dissolution of Marriage Act.

12 Payments under this Section to the Illinois Department
13 pursuant to the Child Support Enforcement Program established
14 by Title IV-D of the Social Security Act shall be paid into the
15 Child Support Enforcement Trust Fund. All payments under this
16 Section to the Illinois Department of Human Services shall be
17 deposited in the DHS Recoveries Trust Fund. Disbursements from
18 these funds shall be as provided in Sections 12-9.1 and 12-10.2
19 of this Code. Payments received by a local governmental unit
20 shall be deposited in that unit's General Assistance Fund.

21 To the extent the provisions of this Section are
22 inconsistent with the requirements pertaining to the State
23 Disbursement Unit under Sections 10-10.4 and 10-26 of this
24 Code, the requirements pertaining to the State Disbursement
25 Unit shall apply.

26 (Source: P.A. 93-1061, eff. 1-1-05; 94-88, eff. 1-1-06; revised

1 8-9-05.)

2 (305 ILCS 5/10-10.4)

3 Sec. 10-10.4. Payment of Support to State Disbursement
4 Unit.

5 (a) As used in this Section:

6 "Order for support", "obligor", "obligee", and "payor"
7 mean those terms as defined in the Income Withholding for
8 Support Act, except that "order for support" shall not mean
9 orders providing for spousal maintenance under which there is
10 no child support obligation.

11 (b) Notwithstanding any other provision of this Code to the
12 contrary, each court or administrative order for support
13 entered or modified on or after October 1, 1999 shall require
14 that support payments be made to the State Disbursement Unit
15 established under Section 10-26 if:

16 (1) a party to the order is receiving child support
17 enforcement services under this Article X; or

18 (2) no party to the order is receiving child support
19 enforcement services, but the support payments are made
20 through income withholding.

21 (c) Support payments shall be made to the State
22 Disbursement Unit if:

23 (1) the order for support was entered before October 1,
24 1999, and a party to the order is receiving child support
25 enforcement services under this Article X; or

1 (2) no party to the order is receiving child support
2 enforcement services, and the support payments are being
3 made through income withholding.

4 (c-5) If no party to the order is receiving child support
5 enforcement services under this Article X, and the support
6 payments are not being made through income withholding, then
7 support payments shall be made as directed in the order for
8 support.

9 (c-10) At any time, and notwithstanding the existence of an
10 order directing payments to be made elsewhere, the Department
11 of Healthcare and Family Services ~~Public Aid~~ may provide notice
12 to the obligor and, where applicable, to the obligor's payor:

13 (1) to make support payments to the State Disbursement
14 Unit if:

15 (A) a party to the order for support is receiving
16 child support enforcement services under this Article
17 X; or

18 (B) no party to the order for support is receiving
19 child support enforcement services under this Article
20 X, but the support payments are made through income
21 withholding; or

22 (2) to make support payments to the State Disbursement
23 Unit of another state upon request of another state's Title
24 IV-D child support enforcement agency, in accordance with
25 the requirements of Title IV, Part D of the Social Security
26 Act and regulations promulgated under that Part D.

1 (c-15) Within 15 days after the effective date of this
2 amendatory Act of the 91st General Assembly, the clerk of the
3 circuit court shall provide written notice to the obligor to
4 make payments directly to the clerk of the circuit court if no
5 party to the order is receiving child support enforcement
6 services under this Article X, the support payments are not
7 made through income withholding, and the order for support
8 requires support payments to be made directly to the clerk of
9 the circuit court.

10 (c-20) If the State Disbursement Unit receives a support
11 payment that was not appropriately made to the Unit under this
12 Section, the Unit shall immediately return the payment to the
13 sender, including, if possible, instructions detailing where
14 to send the support payments.

15 (d) The notices under subsections (c-10) and (c-15) may be
16 sent by ordinary mail, certified mail, return receipt
17 requested, facsimile transmission, or other electronic
18 process, or may be served upon the obligor or payor using any
19 method provided by law for service of a summons. A copy of the
20 notice shall be provided to the obligee and, when the order for
21 support was entered by the court, to the clerk of the court.

22 (Source: P.A. 91-212, eff. 7-20-99; 91-677, eff. 1-5-00;
23 92-590, eff. 7-1-02; revised 12-15-05.)

24 (305 ILCS 5/10-15) (from Ch. 23, par. 10-15)

25 Sec. 10-15. Enforcement of administrative order; costs and

1 fees. If a responsible relative refuses, neglects, or fails to
2 comply with a final administrative support or reimbursement
3 order of the Illinois Department entered by the Child and
4 Spouse Support Unit pursuant to Sections 10-11 or 10-11.1 or
5 registered pursuant to Section 10-17.1, the Child and Spouse
6 Support Unit may file suit against the responsible relative or
7 relatives to secure compliance with the administrative order.

8 Suits shall be instituted in the name of the People of the
9 State of Illinois on the relation of the Department of
10 Healthcare and Family Services ~~Public Aid~~ of the State of
11 Illinois and the spouse or dependent children for whom the
12 support order has been issued.

13 The court shall order the payment of the support
14 obligation, or orders for reimbursement of moneys for support
15 provided, directly to the Illinois Department but the order
16 shall permit the Illinois Department to direct the responsible
17 relative or relatives to make payments of support directly to
18 the spouse or dependent children, or to some person or agency
19 in his or their behalf, as provided in Section 10-8 or 10-10,
20 as applicable.

21 Whenever it is determined in a proceeding to enforce an
22 administrative order that the responsible relative is
23 unemployed, and support is sought on behalf of applicants for
24 or recipients of financial aid under Article IV of this Code or
25 other persons who are given access to the child support
26 enforcement services of this Article as provided in Section

1 10-1, the court may order the responsible relative to seek
2 employment and report periodically to the court with a diary,
3 listing or other memorandum of his or her efforts in accordance
4 with such order. In addition, the court may order the
5 unemployed responsible relative to report to the Illinois
6 Department for participation in job search, training or work
7 programs established under Section 9-6 of this Code or to the
8 Illinois Department of Employment Security for job search
9 services or to make application with the local Job Training
10 Partnership Act provider for participation in job search,
11 training or work programs.

12 Charges imposed in accordance with the provisions of
13 Section 10-21 shall be enforced by the Court in a suit filed
14 under this Section.

15 To the extent the provisions of this Section are
16 inconsistent with the requirements pertaining to the State
17 Disbursement Unit under Sections 10-10.4 and 10-26 of this
18 Code, the requirements pertaining to the State Disbursement
19 Unit shall apply.

20 (Source: P.A. 91-212, eff. 7-20-99; 92-16, eff. 6-28-01;
21 92-590, eff. 7-1-02; revised 12-15-05.)

22 (305 ILCS 5/10-16.7)

23 Sec. 10-16.7. Child support enforcement debit
24 authorization.

25 (a) For purposes of this Section:

1 "Financial institution" and "account" are defined as set
2 forth in Section 10-24.

3 "Payor" is defined as set forth in Section 15 of the Income
4 Withholding for Support Act.

5 "Order for support" means any order for periodic payment of
6 funds to the State Disbursement Unit for the support of a child
7 or, where applicable, for support of a child and a parent with
8 whom the child resides, that is entered or modified under this
9 Code or under the Illinois Marriage and Dissolution of Marriage
10 Act, the Non-Support of Spouse and Children Act, the
11 Non-Support Punishment Act, or the Illinois Parentage Act of
12 1984, or that is entered or registered for modification or
13 enforcement under the Uniform Interstate Family Support Act.

14 "Obligor" means an individual who owes a duty to make
15 payments under an order for support in a case in which child
16 support enforcement services are being provided under this
17 Article X.

18 (b) The Department of Public Aid (now Healthcare and Family
19 Services) shall adopt a child support enforcement debit
20 authorization form that, upon being signed by an obligor,
21 authorizes a financial institution holding an account on the
22 obligor's behalf to debit the obligor's account periodically in
23 an amount equal to the amount of child support that the obligor
24 is required to pay periodically and transfer that amount to the
25 State Disbursement Unit. The form shall include instructions to
26 the financial institution concerning the debiting of accounts

1 held on behalf of obligors and the transfer of the debited
2 amounts to the State Disbursement Unit. In adopting the form,
3 the Department may consult with the Office of Banks and Real
4 Estate and the Department of Financial Institutions. The
5 Department must adopt the form within 6 months after the
6 effective date of this amendatory Act of the 93rd General
7 Assembly. Promptly after adopting the form, the Department must
8 notify each financial institution conducting business in this
9 State that the form has been adopted and is ready for use.

10 (c) An obligor who does not have a payor may sign a child
11 support debit authorization form adopted by the Department
12 under this Section. The obligor may sign a form in relation to
13 any or all of the financial institutions holding an account on
14 the obligor's behalf. Promptly after an obligor signs a child
15 support debit authorization form, the Department shall send the
16 original signed form to the appropriate financial institution.
17 Subject to subsection (e), upon receiving the form, the
18 financial institution shall debit the account and transfer the
19 debited amounts to the State Disbursement Unit according to the
20 instructions in the form. A financial institution that complies
21 with a child support debit authorization form signed by an
22 obligor and issued under this Section shall not be subject to
23 civil liability with respect to any individual or any agency.

24 (d) The signing and issuance of a child support debit
25 authorization form under this Section does not relieve the
26 obligor from responsibility for compliance with any

1 requirement under the order for support.

2 (e) A financial institution is obligated to debit the
3 account of an obligor pursuant to this Section only if or to
4 the extent:

5 (1) the financial institution reasonably believes the
6 debit authorization form is a true and authentic original
7 document;

8 (2) there are finally collected funds in the account;
9 and

10 (3) the account is not subject to offsetting claims of
11 the financial institution, whether due at the time of
12 receipt of the debit authorization form or thereafter to
13 become due and whether liquidated or unliquidated.

14 To the extent the account of the obligor is pledged or held
15 by the financial institution as security for a loan or other
16 obligation, or that the financial institution has any other
17 claim or lien against the account, the financial institution is
18 entitled to retain the account.

19 (Source: P.A. 93-736, eff. 7-14-04; revised 12-15-05.)

20 (305 ILCS 5/10-17.9)

21 Sec. 10-17.9. Past due support information to State
22 Department of Revenue.

23 (a) The Illinois Department may provide by rule for
24 certification to the Illinois Department of Revenue of past due
25 support owed by responsible relatives under a support order

1 entered by a court or administrative body of this or any other
2 State on behalf of resident or non-resident persons. The rule
3 shall provide for notice to and an opportunity to be heard by
4 each responsible relative affected. Any final administrative
5 decision rendered by the Department shall be reviewed only
6 under and in accordance with the Administrative Review Law. A
7 responsible relative may avoid certification to the Illinois
8 Department of Revenue by establishing a satisfactory repayment
9 record as determined by the Illinois Department of Healthcare
10 and Family Services ~~Public Aid~~.

11 (b) A certified past due support amount shall be final. The
12 certified amount shall be payable to the Illinois Department of
13 Revenue upon written notification of the certification to the
14 responsible relative by the Illinois Department of Revenue.

15 (c) In the event a responsible relative overpays pursuant
16 to collection under this Section and the applicable Sections of
17 the Illinois Income Tax Act, the overpayment shall be a credit
18 against future support obligations. If the current support
19 obligation of the responsible relative has terminated under
20 operation of law or court order, any moneys overpaid but still
21 in the possession of the Department shall be promptly returned
22 to the responsible relative.

23 (d) Except as otherwise provided in this Article, any child
24 support delinquency certified to the Illinois Department of
25 Revenue shall be treated as a child support delinquency for all
26 other purposes, and any collection action by the State's

1 Attorney or the Illinois Department of Revenue with respect to
2 any delinquency certified under this Article shall have the
3 same priority against attachment, execution, assignment, or
4 other collection action as is provided by any other provision
5 of State law.

6 (e) Any child support delinquency collected by the Illinois
7 Department of Revenue, including those amounts that result in
8 overpayment of a child support delinquency, shall be paid to
9 the State Disbursement Unit established under Section 10-26.

10 (Source: P.A. 91-212, eff. 7-20-99; revised 12-15-05.)

11 (305 ILCS 5/10-24.35)

12 Sec. 10-24.35. Accommodation of financial institutions.
13 The Illinois Department ~~of Public Aid~~ shall make a reasonable
14 effort to accommodate those financial institutions on which the
15 requirements of this Article X would impose a hardship. In the
16 case of a non-automated financial institution, a paper copy
17 including either social security numbers or tax identification
18 numbers is an acceptable format. In order to allow for data
19 processing implementation, no agreement shall become effective
20 earlier than 90 days after its execution.

21 (Source: P.A. 90-18, eff. 7-1-97; revised 12-15-05.)

22 (305 ILCS 5/10-24.40)

23 Sec. 10-24.40. Financial institution's charges on account.

24 (a) If the Illinois Department ~~of Public Aid~~ requests a

1 financial institution to hold or encumber assets in an account
2 as defined in Section 10-24, the financial institution at which
3 the account as defined in Section 10-24 is maintained may
4 charge and collect its normally scheduled account activity fees
5 to maintain the account during the period of time the account
6 assets are held or encumbered.

7 (b) If the Illinois Department ~~of Public Aid~~ takes any
8 action to enforce a lien or levy imposed on an account, as
9 defined in Section 10-24, under Section 10-25.5, the financial
10 institution at which the account is maintained may charge to
11 the account a fee of up to \$50 and shall deduct the amount of
12 the fee from the account before remitting any moneys from the
13 account to the Illinois Department ~~of Public Aid~~.

14 (Source: P.A. 90-18, eff. 7-1-97; revised 12-15-05.)

15 (305 ILCS 5/10-24.50)

16 Sec. 10-24.50. Financial institution's freedom from
17 liability. A financial institution that provides information
18 under Sections 10-24 through 10-24.50 shall not be liable to
19 any account holder, owner, or other person in any civil,
20 criminal, or administrative action for any of the following:

21 (1) Disclosing the required information to the
22 Illinois Department ~~of Public Aid~~, any other provisions of
23 the law notwithstanding.

24 (2) Holding, encumbering, or surrendering any of an
25 individual's accounts as defined in Section 10-24 in

1 response to a lien or order to withhold and deliver issued
2 by:

3 (A) the Illinois Department ~~of Public Aid~~ under
4 Sections 10-25 and 10-25.5; or

5 (B) a person or entity acting on behalf of the
6 Illinois Department ~~of Public Aid~~.

7 (3) Any other action taken or omission made in good
8 faith to comply with Sections 10-24 through 10-24.50,
9 including individual or mechanical errors, provided that
10 the action or omission does not constitute gross negligence
11 or willful misconduct.

12 (Source: P.A. 90-18, eff. 7-1-97; revised 12-15-05.)

13 (305 ILCS 5/11-3) (from Ch. 23, par. 11-3)

14 Sec. 11-3. Assignment and attachment of aid prohibited.
15 Except as provided below in this Section and in Section 11-3.3,
16 all financial aid given under Articles III, IV, V, and VI and
17 money payments for child care services provided by a child care
18 provider under Articles IX and IXA shall not be subject to
19 assignment, sale, attachment, garnishment, or otherwise.
20 Provided, however, that a medical vendor may use his right to
21 receive vendor payments as collateral for loans from financial
22 institutions so long as such arrangements do not constitute any
23 activity prohibited under Section 1902(a)(32) of the Social
24 Security Act and regulations promulgated thereunder, or any
25 other applicable laws or regulations. Provided further,

1 however, that a medical or other vendor or a service provider
2 may assign, reassign, sell, pledge or grant a security interest
3 in any such financial aid, vendor payments or money payments or
4 grants which he has a right to receive ~~to the Illinois Finance~~
5 ~~Authority, in connection with any financing program undertaken~~
6 ~~by the Illinois Finance Authority, or to the Illinois Finance~~
7 Authority, in connection with any financing program undertaken
8 by the Illinois Finance Authority. Each Authority may utilize a
9 trustee or agent to accept, accomplish, effectuate or realize
10 upon any such assignment, reassignment, sale, pledge or grant
11 on that Authority's behalf. Provided further, however, that
12 nothing herein shall prevent the Illinois Department from
13 collecting any assessment, fee, interest or penalty due under
14 Article V-A, V-B, V-C, or V-E by withholding financial aid as
15 payment of such assessment, fee, interest, or penalty. Any
16 alienation in contravention of this statute does not diminish
17 and does not affect the validity, legality or enforceability of
18 any underlying obligations for which such alienation may have
19 been made as collateral between the parties to the alienation.
20 This amendatory Act shall be retroactive in application and
21 shall pertain to obligations existing prior to its enactment.

22 (Source: P.A. 92-111, eff. 1-1-02; 93-205 (Sections 890-25 and
23 890-40), eff. 1-1-04; revised 9-23-03.)

24 (305 ILCS 5/11-3.1) (from Ch. 23, par. 11-3.1)

25 Sec. 11-3.1. Any recipient of financial aid which is

1 payable to the recipient at regular intervals may elect to have
2 the aid deposited, and the Illinois Department of Human
3 Services is authorized to deposit the aid, directly in the
4 recipient's savings account or checking account or in any
5 electronic benefits transfer account or accounts in a financial
6 institution approved by the Illinois Department of Human
7 Services and in accordance with the rules and regulations of
8 the Department of Human Services. The Illinois Department of
9 Human Services and any electronic benefits transfer financial
10 institutions or contractor shall encourage financial
11 institutions to provide checking account and savings account
12 services to recipients of public aid.

13 Any recipient of financial aid or benefits distributed by
14 means other than electronic benefits transfer under Articles
15 III, IV, and VI of this Code may elect to receive the aid by
16 means of direct deposit transmittals to his or her account
17 maintained at a bank, savings and loan association, or credit
18 union or by means of electronic benefits transfer in a
19 financial institution approved by the Illinois Department of
20 Human Services and in accordance with rules and regulations of
21 the Illinois Department of Human Services. The Illinois
22 Department of Human Services may distribute financial aid or
23 food stamp benefits by means of electronic benefits transfer
24 and may require recipients to receive financial aid or food
25 stamp benefits by means of electronic benefits transfer,
26 provided that any electronic benefits transfer made under this

1 Section shall be accomplished in compliance with the Electronic
2 Fund Transfer Act and any relevant rules promulgated
3 thereunder. The Illinois Department of Human Services may
4 provide for a method of compensation for services in accordance
5 with the rules and regulations of the Illinois Department of
6 Human Services, the United States Department of Agriculture,
7 the United States Department of Health and Human Services, and
8 the State Comptroller and the State Treasurer. The Illinois
9 Department of Human Services shall require a convenient density
10 of distribution points for recipients of public aid to have
11 adequate options to access aid held in an electronic benefits
12 transfer account. No fee may be charged to recipients for
13 reasonable access to public aid benefits held in such an
14 account. Deposits into a financial institution for electronic
15 benefits transfer accounts shall be subject to community
16 reinvestment and to serving public benefits recipients
17 pursuant to relevant criteria of the State Treasurer,
18 Comptroller, and the Illinois Department of Human Services. The
19 Electronic Benefits Transfer Fund is hereby created for the
20 purpose of electronically disbursing public aid benefits.

21 The electronic benefits transfer contractor shall inform
22 the Department of Human Services whenever it has distributed
23 financial aid to individuals by means of electronic benefits
24 transfer. The Illinois Department of Human Services shall
25 determine the amount to be reimbursed to the contractor and
26 shall direct the State Treasurer to transfer this portion of

1 the amount previously vouchered by the Department of Human
2 Services and approved by the Comptroller pursuant to Section
3 9.05(c) of the State Comptroller Act to the contractor from the
4 Electronic Benefits Transfer Fund created under Section
5 9.05(b) of the State Comptroller Act in accordance with the
6 rules and regulations of the Illinois Department of Human
7 Services, the United States Department of Agriculture, the
8 United States ~~State~~ Department of Health and Human Services,
9 the State Comptroller, and the State Treasurer.

10 (Source: P.A. 88-412; 89-310, eff. 1-1-96; 89-507, eff. 7-1-97;
11 revised 10-11-05.)

12 (305 ILCS 5/11-3.3) (from Ch. 23, par. 11-3.3)

13 Sec. 11-3.3. Payment to provider or governmental agency or
14 entity. Payments under this Code shall be made to the
15 provider, except that the Department may issue or may agree to
16 issue the payment directly to ~~the Illinois Finance Authority,~~
17 the Illinois Finance Authority⁷ or any other governmental
18 agency or entity, including any bond trustee for that agency or
19 entity, to whom the provider has assigned, reassigned, sold,
20 pledged or granted a security interest in the payments that the
21 provider has a right to receive, provided that the issuance or
22 agreement to issue is not prohibited under Section 1902(a)(32)
23 of the Social Security Act.

24 (Source: P.A. 93-205 (Sections 890-25 and 890-40), eff. 1-1-04;
25 revised 9-23-03.)

1 (305 ILCS 5/11-9) (from Ch. 23, par. 11-9)

2 Sec. 11-9. Protection of records - Exceptions. For the
3 protection of applicants and recipients, the Illinois
4 Department, the county departments and local governmental
5 units and their respective officers and employees are
6 prohibited, except as hereinafter provided, from disclosing
7 the contents of any records, files, papers and communications,
8 except for purposes directly connected with the administration
9 of public aid under this Code.

10 In any judicial proceeding, except a proceeding directly
11 concerned with the administration of programs provided for in
12 this Code, such records, files, papers and communications, and
13 their contents shall be deemed privileged communications and
14 shall be disclosed only upon the order of the court, where the
15 court finds such to be necessary in the interest of justice.

16 The Illinois Department shall establish and enforce
17 reasonable rules and regulations governing the custody, use and
18 preservation of the records, papers, files, and communications
19 of the Illinois Department, the county departments and local
20 governmental units receiving State or Federal funds or aid. The
21 governing body of other local governmental units shall in like
22 manner establish and enforce rules and regulations governing
23 the same matters.

24 The contents of case files pertaining to recipients under
25 Articles IV, V, and VI shall be made available without subpoena

1 or formal notice to the officers of any court, to all law
2 enforcing agencies, and to such other persons or agencies as
3 from time to time may be authorized by any court. In
4 particular, the contents of those case files shall be made
5 available upon request to a law enforcement agency for the
6 purpose of determining the current address of a recipient with
7 respect to whom an arrest warrant is outstanding, and the
8 current address of a recipient who was a victim of a felony or
9 a witness to a felony shall be made available upon request to a
10 State's Attorney of this State or a State's Attorney's
11 investigator. Information shall also be disclosed to the
12 Illinois State Scholarship Commission pursuant to an
13 investigation or audit by the Illinois State Scholarship
14 Commission of a delinquent student loan or monetary award.

15 This Section does not prevent the Illinois Department and
16 local governmental units from reporting to appropriate law
17 enforcement officials the desertion or abandonment by a parent
18 of a child, as a result of which financial aid has been
19 necessitated under Articles IV, V, or VI, or reporting to
20 appropriate law enforcement officials instances in which a
21 mother under age 18 has a child out of wedlock and is an
22 applicant for or recipient of aid under any Article of this
23 Code. The Illinois Department may provide by rule for the
24 county departments and local governmental units to initiate
25 proceedings under the Juvenile Court Act of 1987 to have
26 children declared to be neglected when they deem such action

1 necessary to protect the children from immoral influences
2 present in their home or surroundings.

3 This Section does not preclude the full exercise of the
4 powers of the Board of Public Aid Commissioners to inspect
5 records and documents, as provided for all advisory boards
6 pursuant to Section 5-505 of the Departments of State
7 Government Law (20 ILCS 5/5-505).

8 This Section does not preclude exchanges of information
9 among the Department of Healthcare and Family Services
10 (formerly Illinois Department of Public Aid), the Department of
11 Human Services (as successor to the Department of Public Aid),
12 and the Illinois Department of Revenue for the purpose of
13 verifying sources and amounts of income and for other purposes
14 directly connected with the administration of this Code and of
15 the Illinois Income Tax Act.

16 The provisions of this Section and of Section 11-11 as they
17 apply to applicants and recipients of public aid under Article
18 V shall be operative only to the extent that they do not
19 conflict with any Federal law or regulation governing Federal
20 grants to this State for such programs.

21 The ~~Illinois~~ Department of Healthcare and Family Services
22 ~~Public Aid~~ and the Department of Human Services (as successor
23 to the Illinois Department of Public Aid) shall enter into an
24 inter-agency agreement with the Department of Children and
25 Family Services to establish a procedure by which employees of
26 the Department of Children and Family Services may have

1 immediate access to records, files, papers, and communications
2 (except medical, alcohol or drug assessment or treatment,
3 mental health, or any other medical records) of the Illinois
4 Department, county departments, and local governmental units
5 receiving State or federal funds or aid, if the Department of
6 Children and Family Services determines the information is
7 necessary to perform its duties under the Abused and Neglected
8 Child Reporting Act, the Child Care Act of 1969, and the
9 Children and Family Services Act.

10 (Source: P.A. 92-111, eff. 1-1-02; 93-311, eff. 1-1-04; revised
11 12-15-05.)

12 (305 ILCS 5/11-16) (from Ch. 23, par. 11-16)

13 Sec. 11-16. Changes in grants; cancellations, revocations,
14 suspensions.

15 (a) All grants of financial aid under this Code shall be
16 considered as frequently as may be required by the rules of the
17 Illinois Department. The Department of Healthcare and Family
18 Services ~~Public Aid~~ shall consider grants of financial aid to
19 children who are eligible under Article V of this Code at least
20 annually and shall take into account those reports filed, or
21 required to be filed, pursuant to Sections 11-18 and 11-19.
22 After such investigation as may be necessary, the amount and
23 manner of giving aid may be changed or the aid may be entirely
24 withdrawn if the County Department, local governmental unit, or
25 Illinois Department finds that the recipient's circumstances

1 have altered sufficiently to warrant such action. Financial aid
2 may at any time be canceled or revoked for cause or suspended
3 for such period as may be proper.

4 (b) Whenever any such grant of financial aid is cancelled,
5 revoked, reduced, or terminated because of the failure of the
6 recipient to cooperate with the Department, including but not
7 limited to the failure to keep an appointment, attend a
8 meeting, or produce proof or verification of eligibility or
9 need, the grant shall be reinstated in full, retroactive to the
10 date of the change in or termination of the grant, provided
11 that within 10 working days after the first day the financial
12 aid would have been available, the recipient cooperates with
13 the Department and is not otherwise ineligible for benefits for
14 the period in question. This subsection (b) does not apply to
15 sanctions imposed for the failure of any recipient to
16 participate as required in the child support enforcement
17 program or in any educational, training, or employment program
18 under this Code or any other sanction under Section 4-21, nor
19 does this subsection (b) apply to any cancellation, revocation,
20 reduction, termination, or sanction imposed for the failure of
21 any recipient to cooperate in the monthly reporting process or
22 the quarterly reporting process.

23 (Source: P.A. 91-357, eff. 7-29-99; 92-597, eff. 6-28-02;
24 revised 12-15-05.)

1 Sec. 12-1. Administration of Code; ~~Illinois~~ Department of
2 Healthcare and Family Services ~~Public Aid~~.

3 (a) This Code shall be administered by the Department of
4 Human Services and the Department of Healthcare and Family
5 Services (formerly Illinois Department of Public Aid) as
6 provided in the Department of Human Services Act.

7 (b) The Department of Healthcare and Family Services ~~Public~~
8 ~~Aid~~ shall be under the supervision and direction of the
9 Director of Healthcare and Family Services ~~Public Aid~~, as
10 provided in Section 5-20 of the Departments of State Government
11 Law (20 ILCS 5/5-20). The Director shall be appointed pursuant
12 to the provisions of Section 5-605 and meet the qualifications
13 of Section 5-230 of that Law.

14 The Assistant Director of Healthcare and Family Services
15 ~~Public Aid~~, created by Section 5-165 of the Departments of
16 State Government Law (20 ILCS 5/5-165), shall be appointed
17 pursuant to the provisions of Section 5-605 of that Law and
18 shall meet the qualifications prescribed in Section 5-230 of
19 that Law.

20 The salaries of the Director and the Assistant Director
21 shall be those specified in Section 5-395 of the Departments of
22 State Government Law (20 ILCS 5/5-395).

23 The ~~Illinois~~ Department of Healthcare and Family Services
24 ~~Public Aid~~ and the Director of Healthcare and Family Services
25 ~~Public Aid~~ shall comply with other provisions of the Civil
26 Administrative Code of Illinois which are generally applicable

1 to the several departments of the State Government created by
2 that Code.

3 (Source: P.A. 91-239, eff. 1-1-00; revised 12-15-05.)

4 (305 ILCS 5/12-4.7c)

5 Sec. 12-4.7c. Exchange of information after July 1, 1997.

6 (a) The Department of Human Services shall exchange with
7 the ~~Illinois~~ Department of Healthcare and Family Services
8 ~~Public Aid~~ information that may be necessary for the
9 enforcement of child support orders entered pursuant to
10 Sections 10-10 and 10-11 of this Code or pursuant to the
11 Illinois Marriage and Dissolution of Marriage Act, the
12 Non-Support of Spouse and Children Act, the Non-Support
13 Punishment Act, the Revised Uniform Reciprocal Enforcement of
14 Support Act, the Uniform Interstate Family Support Act, or the
15 Illinois Parentage Act of 1984.

16 (b) Notwithstanding any provisions in this Code to the
17 contrary, the Department of Human Services shall not be liable
18 to any person for any disclosure of information to the
19 Department of Healthcare and Family Services (formerly
20 Illinois Department of Public Aid) under subsection (a) or for
21 any other action taken in good faith to comply with the
22 requirements of subsection (a).

23 (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 10-1-99; revised
24 12-15-05.)

1 (305 ILCS 5/12-4.35)

2 Sec. 12-4.35. Medical services for certain noncitizens.

3 (a) Notwithstanding Section 1-11 of this Code or Section
4 20(a) of the Children's Health Insurance Program Act, the
5 Department of Healthcare and Family Services ~~Public Aid~~ may
6 provide medical services to noncitizens who have not yet
7 attained 19 years of age and who are not eligible for medical
8 assistance under Article V of this Code or under the Children's
9 Health Insurance Program created by the Children's Health
10 Insurance Program Act due to their not meeting the otherwise
11 applicable provisions of Section 1-11 of this Code or Section
12 20(a) of the Children's Health Insurance Program Act. The
13 medical services available, standards for eligibility, and
14 other conditions of participation under this Section shall be
15 established by rule by the Department; however, any such rule
16 shall be at least as restrictive as the rules for medical
17 assistance under Article V of this Code or the Children's
18 Health Insurance Program created by the Children's Health
19 Insurance Program Act.

20 (b) The Department is authorized to take any action,
21 including without limitation cessation of enrollment,
22 reduction of available medical services, and changing
23 standards for eligibility, that is deemed necessary by the
24 Department during a State fiscal year to assure that payments
25 under this Section do not exceed available funds.

26 (c) Continued enrollment of individuals into the program

1 created under this Section in any fiscal year is contingent
2 upon continued enrollment of individuals into the Children's
3 Health Insurance Program during that fiscal year.

4 (d) (Blank).

5 (Source: P.A. 94-48, eff. 7-1-05; revised 12-15-05.)

6 (305 ILCS 5/12-4.201)

7 Sec. 12-4.201. (a) Data warehouse concerning medical and
8 related services. The ~~Illinois~~ Department of Healthcare and
9 Family Services ~~Public Aid~~ may purchase services and materials
10 associated with the costs of developing and implementing a data
11 warehouse comprised of management and decision making
12 information in regard to the liability associated with, and
13 utilization of, medical and related services, out of moneys
14 available for that purpose.

15 (b) The Department of Healthcare and Family Services ~~Public~~
16 ~~Aid~~ shall perform all necessary administrative functions to
17 expand its linearly-scalable data warehouse to encompass other
18 healthcare data sources at both the Department of Human
19 Services and the Department of Public Health. The Department of
20 Healthcare and Family Services ~~Public Aid~~ shall leverage the
21 inherent capabilities of the data warehouse to accomplish this
22 expansion with marginal additional technical administration.
23 The purpose of this expansion is to allow for programmatic
24 review and analysis including the interrelatedness among the
25 various healthcare programs in order to ascertain

1 effectiveness toward, and ultimate impact on, clients.
2 Beginning July 1, 2005, the Department of Healthcare and Family
3 Services (formerly Department of Public Aid) shall supply
4 quarterly reports to the Commission on Government Forecasting
5 and Accountability detailing progress toward this mandate.

6 (Source: P.A. 94-267, eff. 7-19-05; revised 12-15-05.)

7 (305 ILCS 5/12-9) (from Ch. 23, par. 12-9)

8 Sec. 12-9. Public Aid Recoveries Trust Fund; uses. The
9 Public Aid Recoveries Trust Fund shall consist of (1)
10 recoveries by the Department of Healthcare and Family Services
11 (formerly Illinois Department of Public Aid) authorized by this
12 Code in respect to applicants or recipients under Articles III,
13 IV, V, and VI, including recoveries made by the Department of
14 Healthcare and Family Services (formerly Illinois Department
15 of Public Aid) from the estates of deceased recipients, (2)
16 recoveries made by the Department of Healthcare and Family
17 Services (formerly Illinois Department of Public Aid) in
18 respect to applicants and recipients under the Children's
19 Health Insurance Program, and (3) federal funds received on
20 behalf of and earned by State universities and local
21 governmental entities for services provided to applicants or
22 recipients covered under this Code. The Fund shall be held as a
23 special fund in the State Treasury.

24 Disbursements from this Fund shall be only (1) for the
25 reimbursement of claims collected by the Department of

1 Healthcare and Family Services (formerly Illinois Department
2 of Public Aid) through error or mistake, (2) for payment to
3 persons or agencies designated as payees or co-payees on any
4 instrument, whether or not negotiable, delivered to the
5 Department of Healthcare and Family Services (formerly
6 Illinois Department of Public Aid) as a recovery under this
7 Section, such payment to be in proportion to the respective
8 interests of the payees in the amount so collected, (3) for
9 payments to the Department of Human Services for collections
10 made by the Department of Healthcare and Family Services
11 (formerly Illinois Department of Public Aid) on behalf of the
12 Department of Human Services under this Code, (4) for payment
13 of administrative expenses incurred in performing the
14 activities authorized under this Code, (5) for payment of fees
15 to persons or agencies in the performance of activities
16 pursuant to the collection of monies owed the State that are
17 collected under this Code, (6) for payments of any amounts
18 which are reimbursable to the federal government which are
19 required to be paid by State warrant by either the State or
20 federal government, and (7) for payments to State universities
21 and local governmental entities of federal funds for services
22 provided to applicants or recipients covered under this Code.
23 Disbursements from this Fund for purposes of items (4) and (5)
24 of this paragraph shall be subject to appropriations from the
25 Fund to the Department of Healthcare and Family Services
26 (formerly Illinois Department of Public Aid).

1 The balance in this Fund on the first day of each calendar
2 quarter, after payment therefrom of any amounts reimbursable to
3 the federal government, and minus the amount reasonably
4 anticipated to be needed to make the disbursements during that
5 quarter authorized by this Section, shall be certified by the
6 Director of Healthcare and Family Services ~~the Illinois~~
7 ~~Department of Public Aid~~ and transferred by the State
8 Comptroller to the Drug Rebate Fund or the General Revenue Fund
9 in the State Treasury, as appropriate, within 30 days of the
10 first day of each calendar quarter.

11 On July 1, 1999, the State Comptroller shall transfer the
12 sum of \$5,000,000 from the Public Aid Recoveries Trust Fund
13 (formerly the Public Assistance Recoveries Trust Fund) into the
14 DHS Recoveries Trust Fund.

15 (Source: P.A. 92-10, eff. 6-11-01; 92-16, eff. 6-28-01; 93-20,
16 eff. 6-20-03; revised 12-15-05.)

17 (305 ILCS 5/12-10.2a)

18 Sec. 12-10.2a. Child Support Administrative Fund.

19 (a) Beginning July 1, 2002, the Child Support
20 Administrative Fund is created as a special fund in the State
21 treasury. Moneys in the Fund may be used, subject to
22 appropriation, only for the Department of Healthcare and Family
23 Services' (formerly Department of Public Aid's) child support
24 administrative expenses, as defined in this Section.

25 (a-5) Moneys in the Child Support Administrative Fund shall

1 consist of the following:

2 (1) all federal grants received by the Illinois
3 Department funded by Title IV-D of the Social Security Act,
4 except those federal funds received under the Title IV-D
5 program as reimbursement for expenditures from the General
6 Revenue Fund;

7 (2) incentive payments received by the Illinois
8 Department from other states or political subdivisions of
9 other states for the enforcement and collection by the
10 Department of an assigned child support obligation in
11 behalf of those other states or their political
12 subdivisions pursuant to the provisions of Title IV-D of
13 the Social Security Act;

14 (3) incentive payments retained by the Illinois
15 Department from the amounts that otherwise would be paid to
16 the federal government to reimburse the federal
17 government's share of the support collection for the
18 Department's enforcement and collection of an assigned
19 support obligation on behalf of the State of Illinois
20 pursuant to the provisions of Title IV-D of the Social
21 Security Act;

22 (4) all fees charged by the Department for child
23 support enforcement services, as authorized under Title
24 IV-D of the Social Security Act and Section 10-1 of this
25 Code, and any other fees, costs, fines, recoveries, or
26 penalties provided for by State or federal law and received

1 by the Department under the Child Support Enforcement
2 Program established by Title IV-D of the Social Security
3 Act;

4 (5) all amounts appropriated by the General Assembly
5 for deposit into the Child Support Administrative Fund; and

6 (6) any gifts, grants, donations, or awards from
7 individuals, private businesses, nonprofit associations,
8 and governmental entities.

9 (a-10) The moneys identified in subsection (a-5) of this
10 Section shall include moneys receipted on or after July 1,
11 2002, regardless of the fiscal year in which the moneys were
12 earned.

13 (b) As used in this Section, "child support administrative
14 expenses" means administrative expenses, including payment to
15 the Health Insurance Reserve Fund for group insurance costs at
16 the rate certified by the Department of Central Management
17 Services, except those required to be paid from the General
18 Revenue Fund, including personal and contractual services,
19 incurred by the Department of Healthcare and Family Services
20 (formerly Department of Public Aid), either directly or under
21 its contracts with SDU contractors as defined in Section
22 10-26.2, in performing activities authorized by Article X of
23 this Code, and including appropriations to other State agencies
24 or offices. The term includes expenses incurred by the
25 Department of Healthcare and Family Services (formerly
26 Department of Public Aid) in administering the Child Support

1 Enforcement Trust Fund and the State Disbursement Unit
2 Revolving Fund.

3 (c) Child support administrative expenses incurred in
4 fiscal year 2003 or thereafter shall be paid only from moneys
5 appropriated from the Child Support Administrative Fund.

6 (d) Before April 1, 2003 and before April 1 of each year
7 thereafter, the Department of Healthcare and Family Services
8 (formerly Department of Public Aid) shall provide notification
9 to the General Assembly of the amount of the Department's child
10 support administrative expenses expected to be incurred during
11 the fiscal year beginning on the next July 1, including the
12 estimated amount required for the operation of the State
13 Disbursement Unit, which shall be separately identified in the
14 annual administrative appropriation.

15 (e) For the fiscal year beginning July 1, 2002 and for each
16 fiscal year thereafter, the State Comptroller and the State
17 Treasurer shall transfer from the Child Support Enforcement
18 Trust Fund to the Child Support Administrative Fund amounts as
19 determined by the Department necessary to enable the Department
20 to meet its child support administrative expenses for the
21 then-current fiscal year. For any fiscal year, the State
22 Comptroller and the State Treasurer may not transfer more than
23 the total amount appropriated for the Department's child
24 support administrative expenses for that fiscal year.

25 (f) By December 1, 2001, the Illinois Department shall
26 provide a corrective action plan to the General Assembly

1 regarding the establishment of accurate accounts in the Child
2 Support Enforcement Trust Fund. The plan shall include those
3 tasks that may be required to establish accurate accounts, the
4 estimated time for completion of each of those tasks and the
5 plan, and the estimated cost for completion of each of the
6 tasks and the plan.

7 (Source: P.A. 92-44, eff. 7-1-01; 92-570, eff. 6-26-02; revised
8 12-15-05.)

9 (305 ILCS 5/12-10.4)

10 Sec. 12-10.4. Juvenile Rehabilitation Services Medicaid
11 Matching Fund. There is created in the State Treasury the
12 Juvenile Rehabilitation Services Medicaid Matching Fund.
13 Deposits to this Fund shall consist of all moneys received from
14 the federal government for behavioral health services secured
15 by counties under the Medicaid Rehabilitation Option pursuant
16 to Title XIX of the Social Security Act or under the Children's
17 Health Insurance Program pursuant to the Children's Health
18 Insurance Program Act and Title XXI of the Social Security Act
19 for minors who are committed to mental health facilities by the
20 Illinois court system and for residential placements secured by
21 the Department of Juvenile Justice for minors as a condition of
22 their parole.

23 Disbursements from the Fund shall be made, subject to
24 appropriation, by the ~~Illinois~~ Department of Healthcare and
25 Family Services ~~Public Aid~~ for grants to the Department of

1 Juvenile Justice and those counties which secure behavioral
2 health services ordered by the courts and which have an
3 interagency agreement with the Department and submit detailed
4 bills according to standards determined by the Department.

5 (Source: P.A. 94-696, eff. 6-1-06; revised 9-14-06.)

6 (305 ILCS 5/12-10.5)

7 Sec. 12-10.5. Medical Special Purposes Trust Fund.

8 (a) The Medical Special Purposes Trust Fund ("the Fund") is
9 created. Any grant, gift, donation, or legacy of money or
10 securities that the Department of Healthcare and Family
11 Services ~~Public Aid~~ is authorized to receive under Section
12 12-4.18 or Section 12-4.19, and that is dedicated for functions
13 connected with the administration of any medical program
14 administered by the Department, shall be deposited into the
15 Fund. All federal moneys received by the Department as
16 reimbursement for disbursements authorized to be made from the
17 Fund shall also be deposited into the Fund. In addition,
18 federal moneys received on account of State expenditures made
19 in connection with obtaining compliance with the federal Health
20 Insurance Portability and Accountability Act (HIPAA) shall be
21 deposited into the Fund.

22 (b) No moneys received from a service provider or a
23 governmental or private entity that is enrolled with the
24 Department as a provider of medical services shall be deposited
25 into the Fund.

1 (c) Disbursements may be made from the Fund for the
2 purposes connected with the grants, gifts, donations, or
3 legacies deposited into the Fund, including, but not limited
4 to, medical quality assessment projects, eligibility
5 population studies, medical information systems evaluations,
6 and other administrative functions that assist the Department
7 in fulfilling its health care mission under the Illinois Public
8 Aid Code and the Children's Health Insurance Program Act.

9 (Source: P.A. 92-37, eff. 7-1-01; 92-597, eff. 6-28-02; 92-651,
10 eff. 7-11-02; revised 12-15-05.)

11 (305 ILCS 5/12-13.1)

12 Sec. 12-13.1. Inspector General.

13 (a) The Governor shall appoint, and the Senate shall
14 confirm, an Inspector General who shall function within the
15 Illinois Department of Public Aid (now Healthcare and Family
16 Services) and report to the Governor. The term of the Inspector
17 General shall expire on the third Monday of January, 1997 and
18 every 4 years thereafter.

19 (b) In order to prevent, detect, and eliminate fraud,
20 waste, abuse, mismanagement, and misconduct, the Inspector
21 General shall oversee the ~~Illinois~~ Department of Healthcare and
22 Family Services' ~~Public Aid's~~ integrity functions, which
23 include, but are not limited to, the following:

24 (1) Investigation of misconduct by employees, vendors,
25 contractors and medical providers.

1 (2) Audits of medical providers related to ensuring
2 that appropriate payments are made for services rendered
3 and to the recovery of overpayments.

4 (3) Monitoring of quality assurance programs generally
5 related to the medical assistance program and specifically
6 related to any managed care program.

7 (4) Quality control measurements of the programs
8 administered by the ~~Illinois~~ Department of Healthcare and
9 Family Services ~~Public Aid~~.

10 (5) Investigations of fraud or intentional program
11 violations committed by clients of the ~~Illinois~~ Department
12 of Healthcare and Family Services ~~Public Aid~~.

13 (6) Actions initiated against contractors or medical
14 providers for any of the following reasons:

15 (A) Violations of the medical assistance program.

16 (B) Sanctions against providers brought in
17 conjunction with the Department of Public Health or the
18 Department of Human Services (as successor to the
19 Department of Mental Health and Developmental
20 Disabilities).

21 (C) Recoveries of assessments against hospitals
22 and long-term care facilities.

23 (D) Sanctions mandated by the United States
24 Department of Health and Human Services against
25 medical providers.

26 (E) Violations of contracts related to any managed

1 care programs.

2 (7) Representation of the ~~Illinois~~ Department of
3 Healthcare and Family Services ~~Public Aid~~ at hearings with
4 the Illinois Department of Professional Regulation in
5 actions taken against professional licenses held by
6 persons who are in violation of orders for child support
7 payments.

8 (b-5) At the request of the Secretary of Human Services,
9 the Inspector General shall, in relation to any function
10 performed by the Department of Human Services as successor to
11 the Department of Public Aid, exercise one or more of the
12 powers provided under this Section as if those powers related
13 to the Department of Human Services; in such matters, the
14 Inspector General shall report his or her findings to the
15 Secretary of Human Services.

16 (c) The Inspector General shall have access to all
17 information, personnel and facilities of the ~~Illinois~~
18 Department of Healthcare and Family Services ~~Public Aid~~ and the
19 Department of Human Services (as successor to the Department of
20 Public Aid), their employees, vendors, contractors and medical
21 providers and any federal, State or local governmental agency
22 that are necessary to perform the duties of the Office as
23 directly related to public assistance programs administered by
24 those departments. No medical provider shall be compelled,
25 however, to provide individual medical records of patients who
26 are not clients of the Medical Assistance Program. State and

1 local governmental agencies are authorized and directed to
2 provide the requested information, assistance or cooperation.

3 (d) The Inspector General shall serve as the ~~Illinois~~
4 Department of Healthcare and Family Services' ~~Public Aid's~~
5 primary liaison with law enforcement, investigatory and
6 prosecutorial agencies, including but not limited to the
7 following:

8 (1) The Department of State Police.

9 (2) The Federal Bureau of Investigation and other
10 federal law enforcement agencies.

11 (3) The various Inspectors General of federal agencies
12 overseeing the programs administered by the ~~Illinois~~
13 Department of Healthcare and Family Services ~~Public Aid~~.

14 (4) The various Inspectors General of any other State
15 agencies with responsibilities for portions of programs
16 primarily administered by the ~~Illinois~~ Department of
17 Healthcare and Family Services ~~Public Aid~~.

18 (5) The Offices of the several United States Attorneys
19 in Illinois.

20 (6) The several State's Attorneys.

21 The Inspector General shall meet on a regular basis with
22 these entities to share information regarding possible
23 misconduct by any persons or entities involved with the public
24 aid programs administered by the ~~Illinois~~ Department of
25 Healthcare and Family Services ~~Public Aid~~.

26 (e) All investigations conducted by the Inspector General

1 shall be conducted in a manner that ensures the preservation of
2 evidence for use in criminal prosecutions. If the Inspector
3 General determines that a possible criminal act relating to
4 fraud in the provision or administration of the medical
5 assistance program has been committed, the Inspector General
6 shall immediately notify the Medicaid Fraud Control Unit. If
7 the Inspector General determines that a possible criminal act
8 has been committed within the jurisdiction of the Office, the
9 Inspector General may request the special expertise of the
10 Department of State Police. The Inspector General may present
11 for prosecution the findings of any criminal investigation to
12 the Office of the Attorney General, the Offices of the several
13 United States ~~State~~ Attorneys in Illinois or the several
14 State's Attorneys.

15 (f) To carry out his or her duties as described in this
16 Section, the Inspector General and his or her designees shall
17 have the power to compel by subpoena the attendance and
18 testimony of witnesses and the production of books, electronic
19 records and papers as directly related to public assistance
20 programs administered by the ~~Illinois~~ Department of Healthcare
21 and Family Services ~~Public Aid~~ or the Department of Human
22 Services (as successor to the Department of Public Aid). No
23 medical provider shall be compelled, however, to provide
24 individual medical records of patients who are not clients of
25 the Medical Assistance Program.

26 (g) The Inspector General shall report all convictions,

1 terminations, and suspensions taken against vendors,
2 contractors and medical providers to the ~~Illinois~~ Department of
3 Healthcare and Family Services ~~Public Aid~~ and to any agency
4 responsible for licensing or regulating those persons or
5 entities.

6 (h) The Inspector General shall make annual reports,
7 findings, and recommendations regarding the Office's
8 investigations into reports of fraud, waste, abuse,
9 mismanagement, or misconduct relating to any public aid
10 programs administered by the ~~Illinois~~ Department of Healthcare
11 and Family Services ~~Public Aid~~ or the Department of Human
12 Services (as successor to the Department of Public Aid) to the
13 General Assembly and the Governor. These reports shall include,
14 but not be limited to, the following information:

15 (1) Aggregate provider billing and payment
16 information, including the number of providers at various
17 Medicaid earning levels.

18 (2) The number of audits of the medical assistance
19 program and the dollar savings resulting from those audits.

20 (3) The number of prescriptions rejected annually
21 under the ~~Illinois~~ Department of Healthcare and Family
22 Services' ~~Public Aid's~~ Refill Too Soon program and the
23 dollar savings resulting from that program.

24 (4) Provider sanctions, in the aggregate, including
25 terminations and suspensions.

26 (5) A detailed summary of the investigations

1 undertaken in the previous fiscal year. These summaries
2 shall comply with all laws and rules regarding maintaining
3 confidentiality in the public aid programs.

4 (i) Nothing in this Section shall limit investigations by
5 the ~~Illinois~~ Department of Healthcare and Family Services
6 ~~Public Aid~~ or the Department of Human Services that may
7 otherwise be required by law or that may be necessary in their
8 capacity as the central administrative authorities responsible
9 for administration of public aid programs in this State.

10 (Source: P.A. 89-507, eff. 7-1-97; 90-725, eff. 8-7-98; revised
11 12-15-05.)

12 (305 ILCS 5/12-16) (from Ch. 23, par. 12-16)

13 Sec. 12-16. Public Aid Claims Enforcement Division of
14 Office of Attorney General. The Public Aid Claims Enforcement
15 Division in the Office of the Attorney General, established
16 pursuant to the 1949 Code, shall institute in behalf of the
17 State all court actions referred to it by the Department of
18 Healthcare and Family Services (formerly Illinois Department
19 of Public Aid) or the Department of Human Services (as
20 successor to the Illinois Department of Public Aid) under this
21 Code and other laws for the recovery of financial aid provided
22 under the public aid programs, the enforcement of obligations
23 of support, and the enforcement of other claims, penalties and
24 obligations.

25 The Division shall be staffed with attorneys appointed by

1 the Attorney General as Special Assistant Attorneys' General
2 whose special duty it shall be to execute the aforesaid duties.
3 The Assistant Attorneys' General shall be assigned exclusively
4 to such duties. They may engage only in such political
5 activities as are not prohibited by the Hatch Political
6 Activity Act, Title 5, U.S.C.A., Sections 118i et seq.

7 The Attorney General may request the appropriate State's
8 Attorney of a county or staff of the Child and Spouse Support
9 Unit established under Section 10-3.1 of this Code to institute
10 any such action in behalf of the State or to assist the
11 Attorney General in the prosecution of actions instituted by
12 his Office.

13 (Source: P.A. 89-507, eff. 7-1-97; revised 12-15-05.)

14 Section 800. The Energy Assistance Act is amended by
15 changing Sections 3, 4, 8, and 13 as follows:

16 (305 ILCS 20/3) (from Ch. 111 2/3, par. 1403)

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

19 (a) the terms defined in Sections 3-101 through 3-121 of
20 The Public Utilities Act have the meanings ascribed to them in
21 that Act;

22 (b) "Department" means the Department of Healthcare and
23 Family Services ~~Economic Opportunity~~;

24 (c) "energy provider" means any utility, municipal

1 utility, cooperative utility, or any other corporation or
2 individual which provides winter energy services;

3 (d) "winter" means the period from November 1 of any year
4 through April 30 of the following year.

5 (Source: P.A. 94-773, eff. 5-18-06; 94-793, eff. 5-19-06;
6 revised 8-3-06.)

7 (305 ILCS 20/4) (from Ch. 111 2/3, par. 1404)

8 Sec. 4. Energy Assistance Program.

9 (a) The Department of Healthcare and Family Services
10 ~~Economic Opportunity~~ is hereby authorized to institute a
11 program to ensure the availability and affordability of heating
12 and electric service to low income citizens. The Department
13 shall implement the program by rule promulgated pursuant to The
14 Illinois Administrative Procedure Act. The program shall be
15 consistent with the purposes and objectives of this Act and
16 with all other specific requirements provided herein. The
17 Department may enter into such contracts and other agreements
18 with local agencies as may be necessary for the purpose of
19 administering the energy assistance program.

20 (b) Nothing in this Act shall be construed as altering or
21 limiting the authority conferred on the Illinois Commerce
22 Commission by the Public Utilities Act to regulate all aspects
23 of the provision of public utility service, including but not
24 limited to the authority to make rules and adjudicate disputes
25 between utilities and customers related to eligibility for

1 utility service, deposits, payment practices, discontinuance
2 of service, and the treatment of arrearages owing for
3 previously rendered utility service.

4 (Source: P.A. 94-773, eff. 5-18-06; 94-793, eff. 5-19-06;
5 revised 8-3-06.)

6 (305 ILCS 20/8) (from Ch. 111 2/3, par. 1408)

7 Sec. 8. Program Reports.

8 (a) The Department of Natural Resources shall prepare and
9 submit to the Governor and the General Assembly reports on
10 September 30 biennially, beginning in 2003, evaluating the
11 effectiveness of the energy assistance and weatherization
12 policies authorized by this Act. The first report shall cover
13 such effects during the first winter during which the program
14 authorized by this Act, is in operation, and successive reports
15 shall cover effects since the issuance of the preceding report.

16 (1) Reports issued pursuant to this Section shall be
17 limited to, information concerning the effects of the
18 policies authorized by this Act on (1) the ability of
19 eligible applicants to obtain and maintain adequate and
20 affordable winter energy services and (2) changes in the
21 costs and prices of winter energy services for people who
22 do not receive energy assistance pursuant to this Act.

23 (2) The Department of Natural Resources shall by
24 September 30, 2002, in consultation with the Policy
25 Advisory Council, determine the kinds of numerical and

1 other information needed to conduct the evaluations
2 required by this Section, and shall advise the Policy
3 Advisory Council of such information needs in a timely
4 manner. The Department of Healthcare and Family Services
5 ~~Economic Opportunity~~, the Department of Human Services,
6 and the Illinois Commerce Commission shall each provide
7 such information as the Department of Natural Resources may
8 require to ensure that the evaluation reporting
9 requirement established by this Section can be met.

10 (b) On or before December 31, 2002, 2004, 2006, and 2007,
11 the Department shall prepare a report for the General Assembly
12 on the expenditure of funds appropriated for the programs
13 authorized under this Act.

14 (c) On or before December 31 of each year in 2004, 2006,
15 and 2007, the Department shall, in consultation with the
16 Council, prepare and submit evaluation reports to the Governor
17 and the General Assembly outlining the effects of the program
18 designed under this Act on the following as it relates to the
19 propriety of continuing the program:

20 (1) the definition of an eligible low income
21 residential customer;

22 (2) access of low income residential customers to
23 essential energy services;

24 (3) past due amounts owed to utilities by low income
25 persons in Illinois;

26 (4) appropriate measures to encourage energy

1 conservation, efficiency, and responsibility among low
2 income residential customers;

3 (5) the activities of the Department in the development
4 and implementation of energy assistance and related
5 policies and programs, which characterizes progress toward
6 meeting the objectives and requirements of this Act, and
7 which recommends any statutory changes which might be
8 needed to further such progress.

9 (d) The Department shall by September 30, 2002 in
10 consultation with the Council determine the kinds of numerical
11 and other information needed to conduct the evaluations
12 required by this Section.

13 (e) The Illinois Commerce Commission shall require each
14 public utility providing heating or electric service to compile
15 and submit any numerical and other information needed by the
16 Department of Natural Resources to meet its reporting
17 obligations.

18 (Source: P.A. 94-773, eff. 5-18-06; 94-793, eff. 5-19-06;
19 revised 8-3-06.)

20 (305 ILCS 20/13)

21 (Section scheduled to be repealed on December 31, 2007)

22 Sec. 13. Supplemental Low-Income Energy Assistance Fund.

23 (a) The Supplemental Low-Income Energy Assistance Fund is
24 hereby created as a special fund in the State Treasury. The
25 Supplemental Low-Income Energy Assistance Fund is authorized

1 to receive moneys from voluntary donations from individuals,
2 foundations, corporations, and other sources, moneys received
3 pursuant to Section 17, and, by statutory deposit, the moneys
4 collected pursuant to this Section. The Fund is also authorized
5 to receive voluntary donations from individuals, foundations,
6 corporations, and other sources, as well as contributions made
7 in accordance with Section 507MM of the Illinois Income Tax
8 Act. Subject to appropriation, the Department shall use moneys
9 from the Supplemental Low-Income Energy Assistance Fund for
10 payments to electric or gas public utilities, municipal
11 electric or gas utilities, and electric cooperatives on behalf
12 of their customers who are participants in the program
13 authorized by Section 4 of this Act, for the provision of
14 weatherization services and for administration of the
15 Supplemental Low-Income Energy Assistance Fund. The yearly
16 expenditures for weatherization may not exceed 10% of the
17 amount collected during the year pursuant to this Section. The
18 yearly administrative expenses of the Supplemental Low-Income
19 Energy Assistance Fund may not exceed 10% of the amount
20 collected during that year pursuant to this Section.

21 (b) Notwithstanding the provisions of Section 16-111 of the
22 Public Utilities Act but subject to subsection (k) of this
23 Section, each public utility, electric cooperative, as defined
24 in Section 3.4 of the Electric Supplier Act, and municipal
25 utility, as referenced in Section 3-105 of the Public Utilities
26 Act, that is engaged in the delivery of electricity or the

1 distribution of natural gas within the State of Illinois shall,
2 effective January 1, 1998, assess each of its customer accounts
3 a monthly Energy Assistance Charge for the Supplemental
4 Low-Income Energy Assistance Fund. The delivering public
5 utility, municipal electric or gas utility, or electric or gas
6 cooperative for a self-assessing purchaser remains subject to
7 the collection of the fee imposed by this Section. The monthly
8 charge shall be as follows:

9 (1) \$0.40 per month on each account for residential
10 electric service;

11 (2) \$0.40 per month on each account for residential gas
12 service;

13 (3) \$4 per month on each account for non-residential
14 electric service which had less than 10 megawatts of peak
15 demand during the previous calendar year;

16 (4) \$4 per month on each account for non-residential
17 gas service which had distributed to it less than 4,000,000
18 therms of gas during the previous calendar year;

19 (5) \$300 per month on each account for non-residential
20 electric service which had 10 megawatts or greater of peak
21 demand during the previous calendar year; and

22 (6) \$300 per month on each account for non-residential
23 gas service which had 4,000,000 or more therms of gas
24 distributed to it during the previous calendar year.

25 (c) For purposes of this Section:

26 (1) "residential electric service" means electric

1 utility service for household purposes delivered to a
2 dwelling of 2 or fewer units which is billed under a
3 residential rate, or electric utility service for
4 household purposes delivered to a dwelling unit or units
5 which is billed under a residential rate and is registered
6 by a separate meter for each dwelling unit;

7 (2) "residential gas service" means gas utility
8 service for household purposes distributed to a dwelling of
9 2 or fewer units which is billed under a residential rate,
10 or gas utility service for household purposes distributed
11 to a dwelling unit or units which is billed under a
12 residential rate and is registered by a separate meter for
13 each dwelling unit;

14 (3) "non-residential electric service" means electric
15 utility service which is not residential electric service;
16 and

17 (4) "non-residential gas service" means gas utility
18 service which is not residential gas service.

19 (d) At least 45 days prior to the date on which it must
20 begin assessing Energy Assistance Charges, each public utility
21 engaged in the delivery of electricity or the distribution of
22 natural gas shall file with the Illinois Commerce Commission
23 tariffs incorporating the Energy Assistance Charge in other
24 charges stated in such tariffs.

25 (e) The Energy Assistance Charge assessed by electric and
26 gas public utilities shall be considered a charge for public

1 utility service.

2 (f) By the 20th day of the month following the month in
3 which the charges imposed by the Section were collected, each
4 public utility, municipal utility, and electric cooperative
5 shall remit to the Department of Revenue all moneys received as
6 payment of the Energy Assistance Charge on a return prescribed
7 and furnished by the Department of Revenue showing such
8 information as the Department of Revenue may reasonably
9 require. If a customer makes a partial payment, a public
10 utility, municipal utility, or electric cooperative may elect
11 either: (i) to apply such partial payments first to amounts
12 owed to the utility or cooperative for its services and then to
13 payment for the Energy Assistance Charge or (ii) to apply such
14 partial payments on a pro-rata basis between amounts owed to
15 the utility or cooperative for its services and to payment for
16 the Energy Assistance Charge.

17 (g) The Department of Revenue shall deposit into the
18 Supplemental Low-Income Energy Assistance Fund all moneys
19 remitted to it in accordance with subsection (f) of this
20 Section.

21 (h) (Blank).

22 On or before December 31, 2002, the Department shall
23 prepare a report for the General Assembly on the expenditure of
24 funds appropriated from the Low-Income Energy Assistance Block
25 Grant Fund for the program authorized under Section 4 of this
26 Act.

1 (i) The Department of Revenue may establish such rules as
2 it deems necessary to implement this Section.

3 (j) The Department of Healthcare and Family Services
4 ~~Economic Opportunity~~ may establish such rules as it deems
5 necessary to implement this Section.

6 (k) The charges imposed by this Section shall only apply to
7 customers of municipal electric or gas utilities and electric
8 or gas cooperatives if the municipal electric or gas utility or
9 electric or gas cooperative makes an affirmative decision to
10 impose the charge. If a municipal electric or gas utility or an
11 electric cooperative makes an affirmative decision to impose
12 the charge provided by this Section, the municipal electric or
13 gas utility or electric cooperative shall inform the Department
14 of Revenue in writing of such decision when it begins to impose
15 the charge. If a municipal electric or gas utility or electric
16 or gas cooperative does not assess this charge, the Department
17 may not use funds from the Supplemental Low-Income Energy
18 Assistance Fund to provide benefits to its customers under the
19 program authorized by Section 4 of this Act.

20 In its use of federal funds under this Act, the Department
21 may not cause a disproportionate share of those federal funds
22 to benefit customers of systems which do not assess the charge
23 provided by this Section.

24 This Section is repealed effective December 31, 2007 unless
25 renewed by action of the General Assembly. The General Assembly
26 shall consider the results of the evaluations described in

1 Section 8 in its deliberations.

2 (Source: P.A. 94-773, eff. 5-18-06; 94-793, eff. 5-19-06;
3 94-817, eff. 5-30-06; revised 8-3-06.)

4 Section 805. The Good Samaritan Energy Plan Act is amended
5 by changing Sections 5 and 25 as follows:

6 (305 ILCS 22/5)

7 Sec. 5. Definitions. In this Act:

8 "Department" means the Department of Healthcare and Family
9 Services.

10 "LIHEAP" means the energy assistance program established
11 under the Energy Assistance Act ~~of 1989~~.

12 (Source: P.A. 93-285, eff. 7-22-03; 94-773, eff. 5-18-06;
13 revised 9-20-06.)

14 (305 ILCS 22/25)

15 Sec. 25. Administration of Fund. The Department shall
16 administer the Good Samaritan Energy Trust Fund with the advice
17 and consent of the Low Income Energy Assistance Policy Advisory
18 Council established under the Energy Assistance Act ~~of 1989~~.

19 Donations received for the Fund shall be made available for the
20 purpose of alleviating utility bill arrearages for households
21 determined eligible for LIHEAP, except that the Department may
22 use up to 10% of the moneys donated for the Fund for the
23 expenses of the Department and the local area agency incurred

1 in administering the Fund. Resources from the Fund shall be
2 awarded to local area agencies that have existing contracts
3 with the Department to administer LIHEAP in Illinois.
4 (Source: P.A. 93-285, eff. 7-22-03; revised 9-20-06.)

5 Section 810. The Medicaid Revenue Act is amended by
6 changing Section 1-2 as follows:

7 (305 ILCS 35/1-2) (from Ch. 23, par. 7051-2)

8 Sec. 1-2. Legislative finding and declaration. The General
9 Assembly hereby finds, determines, and declares:

10 (1) It is in the public interest and it is the public
11 policy of this State to provide for and improve the basic
12 medical care and long-term health care services of its
13 indigent, most vulnerable citizens.

14 (2) Preservation of health, alleviation of sickness, and
15 correction of handicapping conditions for persons requiring
16 maintenance support are essential if those persons are to have
17 an opportunity to become self-supporting or to attain a greater
18 capacity for self-care.

19 (3) For persons who are medically indigent but otherwise
20 able to provide themselves a livelihood, it is of special
21 importance to maintain their incentives for continued
22 independence and preserve their limited resources for ordinary
23 maintenance needed to prevent their total or substantial
24 dependence on public support.

1 (4) The State has historically provided for care and
2 services, in conjunction with the federal government, through
3 the establishment and funding of a medical assistance program
4 administered by the Department of Healthcare and Family
5 Services (formerly Department of Public Aid) and approved by
6 the Secretary of Health and Human Services under Title XIX of
7 the federal Social Security Act, that program being commonly
8 referred to as "Medicaid".

9 (5) The Medicaid program is a funding partnership between
10 the State of Illinois and the federal government, with the
11 Department of Healthcare and Family Services ~~Public Aid~~ being
12 designated as the single State agency responsible for the
13 administration of the program, but with the State historically
14 receiving 50% of the amounts expended as medical assistance
15 under the Medicaid program from the federal government.

16 (6) To raise a portion of Illinois' share of the Medicaid
17 funds after July 1, 1991, the General Assembly enacted Public
18 Act 87-13 to provide for the collection of provider
19 participation fees from designated health care providers
20 receiving Medicaid payments.

21 (7) On September 12, 1991, the Secretary of Health and
22 Human Services proposed regulations that could have reduced the
23 federal matching of Medicaid expenditures incurred on or after
24 January 1, 1992 by the portion of the expenditures paid from
25 funds raised through the provider participation fees.

26 (8) To prevent the Secretary from enacting those

1 regulations but at the same time to impose certain statutory
2 limitations on the means by which states may raise Medicaid
3 funds eligible for federal matching, Congress enacted the
4 Medicaid Voluntary Contribution and Provider-Specific Tax
5 Amendments of 1991, Public Law 102-234.

6 (9) Public Law 102-234 provides for a state's share of
7 Medicaid funding eligible for federal matching to be raised
8 through "broad-based health care related taxes", meaning,
9 generally, a tax imposed with respect to a class of health care
10 items or services (or providers thereof) specified therein,
11 which (i) is imposed on all items or services or providers in
12 the class in the state, except federal or public providers, and
13 (ii) is imposed uniformly on all providers in the class at the
14 same rate with respect to the same base.

15 (10) The separate classes of health care items and services
16 established by P.L. 102-234 include inpatient and outpatient
17 hospital services, nursing facility services, and services of
18 intermediate care facilities for the mentally retarded.

19 (11) The provider participation fees imposed under P.A.
20 87-13 may not meet the standards under P.L. 102-234.

21 (12) The resulting hospital Medicaid reimbursement
22 reductions may force the closure of some hospitals now serving
23 a disproportionately high number of the needy, who would then
24 have to be cared for by remaining hospitals at substantial cost
25 to those remaining hospitals.

26 (13) The hospitals in the State are all part of and benefit

1 from a hospital system linked together in a number of ways,
2 including common licensing and regulation, health care
3 standards, education, research and disease control reporting,
4 patient transfers for specialist care, and organ donor
5 networks.

6 (14) Each hospital's patient population demographics,
7 including the proportion of patients whose care is paid by
8 Medicaid, is subject to change over time.

9 (15) Hospitals in the State have a special interest in the
10 payment of adequate reimbursement levels for hospital care by
11 Medicaid.

12 (16) Most hospitals are exempt from payment of most
13 federal, State, and local income, sales, property, and other
14 taxes.

15 (17) The hospital assessment enacted by this Act under the
16 guidelines of P.L. 102-234 is the most efficient means of
17 raising the federally matchable funds needed for hospital care
18 reimbursement.

19 (18) Cook County Hospital and Oak Forest Hospital are
20 public hospitals owned and operated by Cook County with unique
21 fiscal problems, including a patient population that is
22 primarily Medicaid or altogether nonpaying, that make an
23 intergovernmental transfer payment arrangement a more
24 appropriate means of financing than the regular hospital
25 assessment and reimbursement provisions.

26 (19) Sole community hospitals provide access to essential

1 care that would otherwise not be reasonably available in the
2 community they serve, such that imposition of assessments on
3 them in their precarious financial circumstances may force
4 their closure and have the effect of reducing access to health
5 care.

6 (20) Each nursing home's resident population demographics,
7 including the proportion of residents whose care is paid by
8 Medicaid, is subject to change over time in that, among other
9 things, residents currently able to pay the cost of nursing
10 home care may become dependent on Medicaid support for
11 continued care and services as resources are depleted.

12 (21) As the citizens of the State age, increased pressures
13 will be placed on limited facilities to provide reasonable
14 levels of care for a greater number of geriatric residents, and
15 all involved in the nursing home industry, providers and
16 residents, have a special interest in the maintenance of
17 adequate Medicaid support for all nursing facilities.

18 (22) The assessments on nursing homes enacted by this Act
19 under the guidelines of P.L. 102-234 are the most efficient
20 means of raising the federally matchable funds needed for
21 nursing home care reimbursement.

22 (23) All intermediate care facilities for persons with
23 developmental disabilities receive a high degree of Medicaid
24 support and benefits and therefore have a special interest in
25 the maintenance of adequate Medicaid support.

26 (24) The assessments on intermediate care facilities for

1 persons with developmental disabilities enacted by this Act
2 under the guidelines of P.L. 102-234 are the most efficient
3 means of raising the federally matchable funds needed for
4 reimbursement of providers of intermediate care for persons
5 with developmental disabilities.

6 (Source: P.A. 87-861; 88-380; revised 12-15-05.)

7 Section 815. The Nursing Home Grant Assistance Act is
8 amended by changing Section 20 as follows:

9 (305 ILCS 40/20) (from Ch. 23, par. 7100-20)

10 Sec. 20. Nursing Home Grant Assistance Program.

11 (a) (Blank).

12 (b) The Department, subject to appropriation, may use up to
13 2.5% of the moneys received under this Act for the costs of
14 administering and enforcing the program.

15 (c) Within 30 days after the end of the quarterly period in
16 which the distribution agent is required to file the
17 certification and make the payment required by this Act, and
18 after verification with the ~~Illinois~~ Department of Healthcare
19 and Family Services ~~Public Aid~~ of the licensing status of the
20 distribution agent, the Director shall order the payment to be
21 made from appropriations made for the purposes of this Act.

22 (d) Disbursements shall be by warrants drawn by the State
23 Comptroller upon receipt of vouchers duly executed and
24 certified by the Department. The Department shall prepare and

1 certify to the State Comptroller the disbursement of the grants
2 to qualified distributing agents for payment to the eligible
3 individuals certified to the Department by the qualified
4 distributing agents.

5 The amount to be paid per calendar quarter to a qualified
6 distribution agent shall not exceed, for each eligible
7 individual, \$500 multiplied by a fraction equal to the number
8 of days that the eligible individual's nursing home care was
9 not paid for, in whole or in part, by a federal, State, or
10 combined federal-State medical care program, divided by the
11 number of calendar days in the quarter. Any amount the
12 qualified distribution agent owes to the Department under
13 Section 30 shall be deducted from the amount of the payment to
14 the qualified distribution agent.

15 If the amount appropriated or available is insufficient to
16 meet all or part of any quarterly payment certification, the
17 payment certified to each qualified distributing agent shall be
18 uniformly reduced by an amount which will permit a payment to
19 be made to each qualified distributing agent. Within 10 days
20 after receipt by the State Comptroller of the disbursement
21 certification to the qualified distributing agents, the State
22 Comptroller shall cause the warrants to be drawn for the
23 respective amounts in accordance with the directions contained
24 in that certification.

25 (e) Notwithstanding any other provision of this Act, as
26 soon as is practicable after the effective date of this

1 amendatory Act of 1994, the Department shall order that
2 payments be made, subject to appropriation, to the appropriate
3 distribution agents for grants to persons who were eligible
4 individuals during the fourth quarter of fiscal year 1993 to
5 the extent that those individuals did not receive a grant for
6 that quarter or the fourth quarter of fiscal year 1992. An
7 eligible individual, or a person acting on behalf of an
8 eligible individual, must apply on or before December 31, 1994
9 for a grant under this subsection (e). The amount to be paid to
10 each distribution agent under this subsection shall be
11 calculated as provided in subsection (d). Distribution agents
12 shall distribute the grants to eligible individuals as required
13 in Section 30. For the purpose of determining grants under this
14 subsection (e), a nursing home that is a distribution agent
15 under this Act shall file with the Department, on or before
16 September 30, 1994, a certification disclosing the information
17 required under Section 15 with respect to the fourth quarter of
18 fiscal year 1993.

19 (Source: P.A. 94-91, eff. 7-1-05; revised 12-15-05.)

20 Section 820. The Elder Abuse and Neglect Act is amended by
21 changing Section 7 as follows:

22 (320 ILCS 20/7) (from Ch. 23, par. 6607)

23 Sec. 7. Review. All services provided to an eligible adult
24 shall be reviewed by the provider agency on at least a

1 quarterly basis for up to one year to determine whether the
2 service care plan should be continued or modified, except that,
3 upon review, the Department on Aging, ~~upon review,~~ may grant a
4 waiver to extend the service care plan for up to one ~~an~~
5 additional ~~one~~ year period.

6 (Source: P.A. 93-300, eff. 1-1-04; 93-301, eff. 1-1-04; revised
7 9-22-03.)

8 Section 825. The Partnership for Long-Term Care Act is
9 amended by changing Sections 15, 20, 25, 50, and 60 as follows:

10 (320 ILCS 35/15) (from Ch. 23, par. 6801-15)

11 Sec. 15. Program.

12 (a) The Department on Aging, in cooperation with the
13 Department of Insurance, and the Department of Healthcare and
14 Family Services ~~Public Aid~~, shall administer the program.

15 (b) The Departments shall seek any federal waivers and
16 approvals necessary to accomplish the purposes of this Act.

17 (Source: P.A. 88-328; 89-525, eff. 7-19-96; revised 12-15-05.)

18 (320 ILCS 35/20) (from Ch. 23, par. 6801-20)

19 Sec. 20. Program participant eligibility for Medicaid.

20 (a) Individuals who participate in the program and have
21 resources above the eligibility levels for receipt of medical
22 assistance under Title XIX of the Social Security Act
23 (Subchapter XIX (commencing with Section 1396) of Chapter 7 of

1 Title 42 of the United States Code) shall be eligible to
2 receive in-home supportive service benefits and Medicaid
3 benefits through the Department of Healthcare and Family
4 Services ~~Public Aid~~ if, before becoming eligible for benefits,
5 they have purchased a long-term care insurance policy covering
6 long-term care that has been certified by the Department of
7 Insurance under Section 30 of this Act.

8 (b) Individuals may purchase certified long-term care
9 insurance policies which cover long-term care services in
10 amounts equal to the resources they wish to protect.

11 (b-5) An individual may purchase a certified long-term care
12 insurance policy which protects an individual's total assets.
13 To be eligible for total asset protection, an amount equal to
14 the average cost of 4 years of long-term care services in a
15 nursing facility must be purchased.

16 (b-7) Although a resource has been protected by the
17 Partnership Policy, income is to be applied to the cost of care
18 when the insured becomes Medicaid eligible.

19 (c) The resource protection provided by this Act shall be
20 effective only for long-term care policies which cover
21 long-term care services, that are delivered, issued for
22 delivery, or renewed on or after July 1, 1992.

23 (d) When an individual purchases a certified long-term care
24 insurance policy, the issuer must notify the purchaser of the
25 benefits of purchasing inflation protection for the long-term
26 care insurance policy.

1 (e) An insurance company may offer for sale a policy as
2 described in paragraph (b) of this Section or paragraph (b-5)
3 of this Section or both types of policies.

4 (Source: P.A. 89-507, eff. 7-1-97; 89-525, eff. 7-19-96; 90-14,
5 eff. 7-1-97; revised 12-15-05.)

6 (320 ILCS 35/25) (from Ch. 23, par. 6801-25)

7 Sec. 25. Protection of resources.

8 (a) Notwithstanding any other provision of law, the
9 resources, to the extent described in subsection (b), of an
10 individual who (i) purchases a certified long-term care
11 insurance policy which covers long-term care services and (ii)
12 has received all the benefit payments that are payable under
13 that policy or contract for items described in subsection (b)
14 shall not be considered in determining:

15 (1) Medicaid eligibility.

16 (2) The amount of any Medicaid payment.

17 (3) The amount of any subsequent recovery by the State
18 of payments made for medical services to the extent federal
19 law permits.

20 (4) Eligibility for in-home supportive services.

21 (5) The amount of any payment for in-home supportive
22 services.

23 (b) Benefit payments described in subsection (a) must be
24 for one or more of the following:

25 (1) In-home supportive service benefits and Medicaid

1 long-term care services specified in regulations by the
2 Department of Healthcare and Family Services ~~Public Aid~~.

3 (2) Long-term care services delivered to insured
4 individuals in a community setting as part of an individual
5 assessment and case management program provided by
6 coordinating entities designated or approved by the
7 Department on Aging.

8 (3) Services the insured individual received while
9 meeting the disability criteria for eligibility for
10 long-term care benefits established by the Departments.

11 (Source: P.A. 89-525, eff. 7-19-96; revised 12-15-05.)

12 (320 ILCS 35/50) (from Ch. 23, par. 6801-50)

13 Sec. 50. Task force.

14 (a) An executive and legislative advisory task force shall
15 be created to provide advice and assistance in designing and
16 implementing the Partnership for Long-term Care Program. The
17 task force shall be composed of representatives, designated by
18 the director of each of the following agencies or departments:

19 (1) The Department on Aging.

20 (2) The Department of Public Aid (now Department of
21 Healthcare and Family Services).

22 (3) (Blank).

23 (4) The Department of Financial and Professional
24 Regulation, in its capacity as the successor of the
25 Department of Insurance.

1 (5) The Department of Commerce and Community Affairs
2 (now Department of Commerce and Economic Opportunity).

3 (6) The Legislative Research Unit.

4 (b) The task force shall consult with persons knowledgeable
5 of and concerned with long-term care, including, but not
6 limited to the following:

7 (1) Consumers.

8 (2) Health care providers.

9 (3) Representatives of long-term care insurance
10 companies and administrators of health care service plans
11 that cover long-term care services.

12 (4) Providers of long-term care.

13 (5) Private employers.

14 (6) Academic specialists in long-term care and aging.

15 (7) Representatives of the public employees' and
16 teachers' retirement systems.

17 (c) The task force shall be established, and its members
18 designated, not later than March 1, 1993. The task force shall
19 make recommendations to the Department on Aging concerning the
20 policy components of the program on or before September 1,
21 1993.

22 (Source: P.A. 94-793, eff. 5-19-06; revised 8-24-06.)

23 (320 ILCS 35/60) (from Ch. 23, par. 6801-60)

24 Sec. 60. Administrative costs.

25 (a) The Department on Aging, in conjunction with the

1 Department of Healthcare and Family Services ~~Public Aid~~, the
2 Department of Financial and Professional Regulation ~~Insurance~~,
3 and the Department of Commerce and Economic Opportunity, shall
4 submit applications for State or federal grants or federal
5 waivers, or funding from nationally distributed private
6 foundation grants, or insurance reimbursements to be used to
7 pay the administrative expenses of implementation of the
8 program. The Department on Aging, in conjunction with those
9 other departments, also shall seek moneys from these same
10 sources for the purpose of implementing the program, including
11 moneys appropriated for that purpose.

12 (b) In implementing this Act, the Department on Aging may
13 negotiate contracts, on a nonbid basis, with long-term care
14 insurers, health care insurers, health care service plans, or
15 both, for the provision of coverage for long-term care services
16 that will meet the certification requirements set forth in
17 Section 30 and the other requirements of this Act.

18 (Source: P.A. 94-793, eff. 5-19-06; revised 8-24-06.)

19 Section 830. The All-Inclusive Care for the Elderly Act is
20 amended by changing Sections 5, 10, 15, 20, 25, and 30 as
21 follows:

22 (320 ILCS 40/5) (from Ch. 23, par. 6905)

23 Sec. 5. Legislative declaration. The General Assembly
24 finds and declares that it is the intent of this Act to

1 replicate the On Lok ~~ONLOK~~ program in San Francisco,
2 California, that has proven to be cost-effective at both the
3 state and federal levels. The PACE program is part of a
4 national replication project authorized in Section 9412(b)(2)
5 of the federal Omnibus Reconciliation Act of 1986, which
6 instructs the Secretary of the federal Department of Health and
7 Human Services to grant Medicare and Medicaid waivers to permit
8 not more than 10 public or nonprofit private community-based
9 organizations in the country to provide comprehensive health
10 care services on a capitated basis to frail elderly who are at
11 risk of institutionalization. The General Assembly finds that
12 by coordinating an extensive array of medical and nonmedical
13 services, the needs of the participants will be met primarily
14 in an outpatient environment in an adult day health center, in
15 their homes, or in an institutional setting. The General
16 Assembly finds that such a service delivery system will enhance
17 the quality of life for the participant and offers the
18 potential to reduce and cap costs to Illinois of the medical
19 needs of the participants, including hospital and nursing home
20 admissions.

21 The General Assembly declares that the purpose of this Act
22 is to provide services that would foster the following goals:

23 To maintain eligible persons at home as an alternative to
24 long-term institutionalization;

25 To provide optimum accessibility to various important
26 social and health resources that are available to assist

1 eligible persons in maintaining independent living;

2 To provide that eligible persons who are frail elderly but
3 who have the capacity to remain in an independent living
4 situation have access to the appropriate social and health
5 services without which independent living would not be
6 possible;

7 To coordinate, integrate, and link these social and health
8 services by removing obstacles that impede or limit
9 improvements in delivery of these services;

10 To provide the most efficient and effective use of
11 capitated funds for the delivery of these social and health
12 services;

13 To assure that capitation payments amount to no more than
14 95% of the amount paid under the Medicaid fee-for-service
15 structure of an actuarially similar population.

16 (Source: P.A. 87-411; revised 10-13-05.)

17 (320 ILCS 40/10) (from Ch. 23, par. 6910)

18 Sec. 10. Services for eligible persons. Within the context
19 of the PACE program established under this Act, the ~~Illinois~~
20 Department of Healthcare and Family Services ~~Public Aid~~ may
21 include any or all of the services in Article V ~~5~~ of the
22 Illinois Public Aid Code.

23 An eligible person may elect to receive services from the
24 PACE program. If such an election is made, the eligible person
25 shall not remain eligible for payment through the regular

1 Medicare or Medicaid program. All services and programs
2 provided through the PACE program shall be provided in
3 accordance with this Act. An eligible person may elect to
4 disenroll from the PACE program at any time.

5 For purposes of this Act, "eligible person" means a frail
6 elderly individual who voluntarily enrolls in the PACE program,
7 whose income and resources do not exceed limits established by
8 the ~~Illinois~~ Department of Healthcare and Family Services
9 ~~Public Aid~~ and for whom a licensed physician certifies that
10 such a program provides an appropriate alternative to
11 institutionalized care. The term "frail elderly" means an
12 individual who meets the age and functional eligibility
13 requirements established by the ~~Illinois~~ Department of
14 Healthcare and Family Services ~~Public Aid~~.

15 (Source: P.A. 94-48, eff. 7-1-05; revised 12-15-05.)

16 (320 ILCS 40/15) (from Ch. 23, par. 6915)

17 Sec. 15. Program implementation.

18 (a) Upon receipt of federal approval, the Illinois
19 Department of Public Aid (now Department of Healthcare and
20 Family Services) shall implement the PACE program pursuant to
21 the provisions of the approved Title XIX State plan.

22 (b) Using a risk-based financing model, the nonprofit
23 organization providing the PACE program shall assume
24 responsibility for all costs generated by the PACE program
25 participants, and it shall create and maintain a risk reserve

1 fund that will cover any cost overages for any participant. The
2 PACE program is responsible for the entire range of services in
3 the consolidated service model, including hospital and nursing
4 home care, according to participant need as determined by a
5 multidisciplinary team. The nonprofit organization providing
6 the PACE program is responsible for the full financial risk.
7 Specific arrangements of the risk-based financing model shall
8 be adopted and negotiated by the federal Centers for Medicare
9 and Medicaid Services, the nonprofit organization providing
10 the PACE program, and the ~~Illinois~~ Department of Healthcare and
11 Family Services ~~Public Aid~~.

12 (Source: P.A. 94-48, eff. 7-1-05; revised 12-15-05.)

13 (320 ILCS 40/20) (from Ch. 23, par. 6920)

14 Sec. 20. Duties of the ~~Illinois~~ Department of Healthcare
15 and Family Services.

16 (a) The ~~Illinois~~ Department of Healthcare and Family
17 Services shall provide a system for reimbursement for services
18 to the PACE program.

19 (b) The ~~Illinois~~ Department of Healthcare and Family
20 Services shall develop and implement a contract with the
21 nonprofit organization providing the PACE program that sets
22 forth contractual obligations for the PACE program, including
23 but not limited to reporting and monitoring of utilization of
24 costs of the program as required by the Illinois Department.

25 (c) The ~~Illinois~~ Department of Healthcare and Family

1 Services shall acknowledge that it is participating in the
2 national PACE project as initiated by Congress.

3 (d) The ~~Illinois~~ Department of Healthcare and Family
4 Services or its designee shall be responsible for certifying
5 the eligibility for services of all PACE program participants.

6 (Source: P.A. 87-411; revised 12-15-05.)

7 (320 ILCS 40/25) (from Ch. 23, par. 6925)

8 Sec. 25. Rules and regulations. The ~~Illinois~~ Department of
9 Healthcare and Family Services shall promulgate rules and
10 regulations necessary to implement this Act.

11 (Source: P.A. 87-411; revised 12-15-05.)

12 (320 ILCS 40/30) (from Ch. 23, par. 6930)

13 Sec. 30. Rate of payment. The General Assembly shall make
14 appropriations to the ~~Illinois~~ Department of Healthcare and
15 Family Services ~~Public Aid~~ to fund services under this Act
16 provided at a monthly capitated rate. The ~~Illinois~~ Department
17 shall annually renegotiate a monthly capitated rate for the
18 contracted services based on the 95% of the Medicaid
19 fee-for-service costs of an actuarially similar population.

20 (Source: P.A. 87-411; revised 12-15-05.)

21 Section 835. The Older Adult Services Act is amended by
22 changing Sections 10, 15, 20, 30, and 35 as follows:

1 (320 ILCS 42/10)

2 Sec. 10. Definitions. In this Act:

3 "Advisory Committee" means the Older Adult Services
4 Advisory Committee.

5 "Certified nursing home" means any nursing home licensed
6 under the Nursing Home Care Act and certified under Title XIX
7 of the Social Security Act to participate as a vendor in the
8 medical assistance program under Article V of the Illinois
9 Public Aid Code.

10 "Comprehensive case management" means the assessment of
11 needs and preferences of an older adult at the direction of the
12 older adult or the older adult's designated representative and
13 the arrangement, coordination, and monitoring of an optimum
14 package of services to meet the needs of the older adult.

15 "Consumer-directed" means decisions made by an informed
16 older adult from available services and care options, which may
17 range from independently making all decisions and managing
18 services directly to limited participation in decision-making,
19 based upon the functional and cognitive level of the older
20 adult.

21 "Coordinated point of entry" means an integrated access
22 point where consumers receive information and assistance,
23 assessment of needs, care planning, referral, assistance in
24 completing applications, authorization of services where
25 permitted, and follow-up to ensure that referrals and services
26 are accessed.

1 "Department" means the Department on Aging, in
2 collaboration with the departments of Public Health and
3 Healthcare and Family Services ~~Public Aid~~ and other relevant
4 agencies and in consultation with the Advisory Committee,
5 except as otherwise provided.

6 "Departments" means the Department on Aging, the
7 departments of Public Health and Healthcare and Family Services
8 ~~Public Aid~~, and other relevant agencies in collaboration with
9 each other and in consultation with the Advisory Committee,
10 except as otherwise provided.

11 "Family caregiver" means an adult family member or another
12 individual who is an uncompensated provider of home-based or
13 community-based care to an older adult.

14 "Health services" means activities that promote, maintain,
15 improve, or restore mental or physical health or that are
16 palliative in nature.

17 "Older adult" means a person age 60 or older and, if
18 appropriate, the person's family caregiver.

19 "Person-centered" means a process that builds upon an older
20 adult's strengths and capacities to engage in activities that
21 promote community life and that reflect the older adult's
22 preferences, choices, and abilities, to the extent
23 practicable.

24 "Priority service area" means an area identified by the
25 Departments as being less-served with respect to the
26 availability of and access to older adult services in Illinois.

1 The Departments shall determine by rule the criteria and
2 standards used to designate such areas.

3 "Priority service plan" means the plan developed pursuant
4 to Section 25 of this Act.

5 "Provider" means any supplier of services under this Act.

6 "Residential setting" means the place where an older adult
7 lives.

8 "Restructuring" means the transformation of Illinois'
9 comprehensive system of older adult services from funding
10 primarily a facility-based service delivery system to
11 primarily a home-based and community-based system, taking into
12 account the continuing need for 24-hour skilled nursing care
13 and congregate housing with services.

14 "Services" means the range of housing, health, financial,
15 and supportive services, other than acute health care services,
16 that are delivered to an older adult with functional or
17 cognitive limitations, or socialization needs, who requires
18 assistance to perform activities of daily living, regardless of
19 the residential setting in which the services are delivered.

20 "Supportive services" means non-medical assistance given
21 over a period of time to an older adult that is needed to
22 compensate for the older adult's functional or cognitive
23 limitations, or socialization needs, or those services
24 designed to restore, improve, or maintain the older adult's
25 functional or cognitive abilities.

26 (Source: P.A. 93-1031, eff. 8-27-04; revised 12-15-05.)

1 (320 ILCS 42/15)

2 Sec. 15. Designation of lead agency; annual report.

3 (a) The Department on Aging shall be the lead agency for:
4 the provision of services to older adults and their family
5 caregivers; restructuring Illinois' service delivery system
6 for older adults; and implementation of this Act, except where
7 otherwise provided. The Department on Aging shall collaborate
8 with the departments of Public Health and Healthcare and Family
9 Services ~~Public Aid~~ and any other relevant agencies, and shall
10 consult with the Advisory Committee, in all aspects of these
11 duties, except as otherwise provided in this Act.

12 (b) The Departments shall promulgate rules to implement
13 this Act pursuant to the Illinois Administrative Procedure Act.

14 (c) On January 1, 2006, and each January 1 thereafter, the
15 Department shall issue a report to the General Assembly on
16 progress made in complying with this Act, impediments thereto,
17 recommendations of the Advisory Committee, and any
18 recommendations for legislative changes necessary to implement
19 this Act. To the extent practicable, all reports required by
20 this Act shall be consolidated into a single report.

21 (Source: P.A. 93-1031, eff. 8-27-04; revised 12-15-05.)

22 (320 ILCS 42/20)

23 Sec. 20. Priority service areas; service expansion.

24 (a) The requirements of this Section are subject to the

1 availability of funding.

2 (b) The Department shall expand older adult services that
3 promote independence and permit older adults to remain in their
4 own homes and communities. Priority shall be given to both the
5 expansion of services and the development of new services in
6 priority service areas.

7 (c) Inventory of services. The Department shall develop and
8 maintain an inventory and assessment of (i) the types and
9 quantities of public older adult services and, to the extent
10 possible, privately provided older adult services, including
11 the unduplicated count, location, and characteristics of
12 individuals served by each facility, program, or service and
13 (ii) the resources supporting those services.

14 (d) Priority service areas. The Departments shall assess
15 the current and projected need for older adult services
16 throughout the State, analyze the results of the inventory, and
17 identify priority service areas, which shall serve as the basis
18 for a priority service plan to be filed with the Governor and
19 the General Assembly no later than July 1, 2006, and every 5
20 years thereafter.

21 (e) Moneys appropriated by the General Assembly for the
22 purpose of this Section, receipts from donations, grants, fees,
23 or taxes that may accrue from any public or private sources to
24 the Department for the purpose of this Section, and savings
25 attributable to the nursing home conversion program as
26 calculated in subsection (h) shall be deposited into the

1 Department on Aging State Projects Fund. Interest earned by
2 those moneys in the Fund shall be credited to the Fund.

3 (f) Moneys described in subsection (e) from the Department
4 on Aging State Projects Fund shall be used for older adult
5 services, regardless of where the older adult receives the
6 service, with priority given to both the expansion of services
7 and the development of new services in priority service areas.
8 Fundable services shall include:

9 (1) Housing, health services, and supportive services:

10 (A) adult day care;

11 (B) adult day care for persons with Alzheimer's
12 disease and related disorders;

13 (C) activities of daily living;

14 (D) care-related supplies and equipment;

15 (E) case management;

16 (F) community reintegration;

17 (G) companion;

18 (H) congregate meals;

19 (I) counseling and education;

20 (J) elder abuse prevention and intervention;

21 (K) emergency response and monitoring;

22 (L) environmental modifications;

23 (M) family caregiver support;

24 (N) financial;

25 (O) home delivered meals;

26 (P) homemaker;

- 1 (Q) home health;
- 2 (R) hospice;
- 3 (S) laundry;
- 4 (T) long-term care ombudsman;
- 5 (U) medication reminders;
- 6 (V) money management;
- 7 (W) nutrition services;
- 8 (X) personal care;
- 9 (Y) respite care;
- 10 (Z) residential care;
- 11 (AA) senior benefits outreach;
- 12 (BB) senior centers;
- 13 (CC) services provided under the Assisted Living
14 and Shared Housing Act, or sheltered care services that
15 meet the requirements of the Assisted Living and Shared
16 Housing Act, or services provided under Section
17 5-5.01a of the Illinois Public Aid Code (the Supportive
18 Living Facilities Program);
- 19 (DD) telemedicine devices to monitor recipients in
20 their own homes as an alternative to hospital care,
21 nursing home care, or home visits;
- 22 (EE) training for direct family caregivers;
- 23 (FF) transition;
- 24 (GG) transportation;
- 25 (HH) wellness and fitness programs; and
- 26 (II) other programs designed to assist older

1 adults in Illinois to remain independent and receive
2 services in the most integrated residential setting
3 possible for that person.

4 (2) Older Adult Services Demonstration Grants,
5 pursuant to subsection (g) of this Section.

6 (g) Older Adult Services Demonstration Grants. The
7 Department shall establish a program of demonstration grants to
8 assist in the restructuring of the delivery system for older
9 adult services and provide funding for innovative service
10 delivery models and system change and integration initiatives.
11 The Department shall prescribe, by rule, the grant application
12 process. At a minimum, every application must include:

13 (1) The type of grant sought;

14 (2) A description of the project;

15 (3) The objective of the project;

16 (4) The likelihood of the project meeting identified
17 needs;

18 (5) The plan for financing, administration, and
19 evaluation of the project;

20 (6) The timetable for implementation;

21 (7) The roles and capabilities of responsible
22 individuals and organizations;

23 (8) Documentation of collaboration with other service
24 providers, local community government leaders, and other
25 stakeholders, other providers, and any other stakeholders
26 in the community;

1 (9) Documentation of community support for the
2 project, including support by other service providers,
3 local community government leaders, and other
4 stakeholders;

5 (10) The total budget for the project;

6 (11) The financial condition of the applicant; and

7 (12) Any other application requirements that may be
8 established by the Department by rule.

9 Each project may include provisions for a designated staff
10 person who is responsible for the development of the project
11 and recruitment of providers.

12 Projects may include, but are not limited to: adult family
13 foster care; family adult day care; assisted living in a
14 supervised apartment; personal services in a subsidized
15 housing project; evening and weekend home care coverage; small
16 incentive grants to attract new providers; money following the
17 person; cash and counseling; managed long-term care; and at
18 least one respite care project that establishes a local
19 coordinated network of volunteer and paid respite workers,
20 coordinates assignment of respite workers to caregivers and
21 older adults, ensures the health and safety of the older adult,
22 provides training for caregivers, and ensures that support
23 groups are available in the community.

24 A demonstration project funded in whole or in part by an
25 Older Adult Services Demonstration Grant is exempt from the
26 requirements of the Illinois Health Facilities Planning Act. To

1 the extent applicable, however, for the purpose of maintaining
2 the statewide inventory authorized by the Illinois Health
3 Facilities Planning Act, the Department shall send to the
4 Health Facilities Planning Board a copy of each grant award
5 made under this subsection (g).

6 The Department, in collaboration with the Departments of
7 Public Health and Healthcare and Family Services ~~Public Aid~~,
8 shall evaluate the effectiveness of the projects receiving
9 grants under this Section.

10 (h) No later than July 1 of each year, the Department of
11 Public Health shall provide information to the Department of
12 Healthcare and Family Services ~~Public Aid~~ to enable the
13 Department of Healthcare and Family Services ~~Public Aid~~ to
14 annually document and verify the savings attributable to the
15 nursing home conversion program for the previous fiscal year to
16 estimate an annual amount of such savings that may be
17 appropriated to the Department on Aging State Projects Fund and
18 notify the General Assembly, the Department on Aging, the
19 Department of Human Services, and the Advisory Committee of the
20 savings no later than October 1 of the same fiscal year.

21 (Source: P.A. 93-1031, eff. 8-27-04; 94-342, eff. 7-26-05;
22 revised 12-15-05.)

23 (320 ILCS 42/30)

24 Sec. 30. Nursing home conversion program.

25 (a) The Department of Public Health, in collaboration with

1 the Department on Aging and the Department of Healthcare and
2 Family Services ~~Public Aid~~, shall establish a nursing home
3 conversion program. Start-up grants, pursuant to subsections
4 (l) and (m) of this Section, shall be made available to nursing
5 homes as appropriations permit as an incentive to reduce
6 certified beds, retrofit, and retool operations to meet new
7 service delivery expectations and demands.

8 (b) Grant moneys shall be made available for capital and
9 other costs related to: (1) the conversion of all or a part of
10 a nursing home to an assisted living establishment or a special
11 program or unit for persons with Alzheimer's disease or related
12 disorders licensed under the Assisted Living and Shared Housing
13 Act or a supportive living facility established under Section
14 5-5.01a of the Illinois Public Aid Code; (2) the conversion of
15 multi-resident bedrooms in the facility into single-occupancy
16 rooms; and (3) the development of any of the services
17 identified in a priority service plan that can be provided by a
18 nursing home within the confines of a nursing home or
19 transportation services. Grantees shall be required to provide
20 a minimum of a 20% match toward the total cost of the project.

21 (c) Nothing in this Act shall prohibit the co-location of
22 services or the development of multifunctional centers under
23 subsection (f) of Section 20, including a nursing home offering
24 community-based services or a community provider establishing
25 a residential facility.

26 (d) A certified nursing home with at least 50% of its

1 resident population having their care paid for by the Medicaid
2 program is eligible to apply for a grant under this Section.

3 (e) Any nursing home receiving a grant under this Section
4 shall reduce the number of certified nursing home beds by a
5 number equal to or greater than the number of beds being
6 converted for one or more of the permitted uses under item (1)
7 or (2) of subsection (b). The nursing home shall retain the
8 Certificate of Need for its nursing and sheltered care beds
9 that were converted for 15 years. If the beds are reinstated by
10 the provider or its successor in interest, the provider shall
11 pay to the fund from which the grant was awarded, on an
12 amortized basis, the amount of the grant. The Department shall
13 establish, by rule, the bed reduction methodology for nursing
14 homes that receive a grant pursuant to item (3) of subsection
15 (b).

16 (f) Any nursing home receiving a grant under this Section
17 shall agree that, for a minimum of 10 years after the date that
18 the grant is awarded, a minimum of 50% of the nursing home's
19 resident population shall have their care paid for by the
20 Medicaid program. If the nursing home provider or its successor
21 in interest ceases to comply with the requirement set forth in
22 this subsection, the provider shall pay to the fund from which
23 the grant was awarded, on an amortized basis, the amount of the
24 grant.

25 (g) Before awarding grants, the Department of Public Health
26 shall seek recommendations from the Department on Aging and the

1 Department of Healthcare and Family Services ~~Public Aid~~. The
2 Department of Public Health shall attempt to balance the
3 distribution of grants among geographic regions, and among
4 small and large nursing homes. The Department of Public Health
5 shall develop, by rule, the criteria for the award of grants
6 based upon the following factors:

7 (1) the unique needs of older adults (including those
8 with moderate and low incomes), caregivers, and providers
9 in the geographic area of the State the grantee seeks to
10 serve;

11 (2) whether the grantee proposes to provide services in
12 a priority service area;

13 (3) the extent to which the conversion or transition
14 will result in the reduction of certified nursing home beds
15 in an area with excess beds;

16 (4) the compliance history of the nursing home; and

17 (5) any other relevant factors identified by the
18 Department, including standards of need.

19 (h) A conversion funded in whole or in part by a grant
20 under this Section must not:

21 (1) diminish or reduce the quality of services
22 available to nursing home residents;

23 (2) force any nursing home resident to involuntarily
24 accept home-based or community-based services instead of
25 nursing home services;

26 (3) diminish or reduce the supply and distribution of

1 nursing home services in any community below the level of
2 need, as defined by the Department by rule; or

3 (4) cause undue hardship on any person who requires
4 nursing home care.

5 (i) The Department shall prescribe, by rule, the grant
6 application process. At a minimum, every application must
7 include:

8 (1) the type of grant sought;

9 (2) a description of the project;

10 (3) the objective of the project;

11 (4) the likelihood of the project meeting identified
12 needs;

13 (5) the plan for financing, administration, and
14 evaluation of the project;

15 (6) the timetable for implementation;

16 (7) the roles and capabilities of responsible
17 individuals and organizations;

18 (8) documentation of collaboration with other service
19 providers, local community government leaders, and other
20 stakeholders, other providers, and any other stakeholders
21 in the community;

22 (9) documentation of community support for the
23 project, including support by other service providers,
24 local community government leaders, and other
25 stakeholders;

26 (10) the total budget for the project;

1 (11) the financial condition of the applicant; and

2 (12) any other application requirements that may be
3 established by the Department by rule.

4 (j) A conversion project funded in whole or in part by a
5 grant under this Section is exempt from the requirements of the
6 Illinois Health Facilities Planning Act. The Department of
7 Public Health, however, shall send to the Health Facilities
8 Planning Board a copy of each grant award made under this
9 Section.

10 (k) Applications for grants are public information, except
11 that nursing home financial condition and any proprietary data
12 shall be classified as nonpublic data.

13 (l) The Department of Public Health may award grants from
14 the Long Term Care Civil Money Penalties Fund established under
15 Section 1919(h) (2) (A) (ii) of the Social Security Act and 42 CFR
16 488.422(g) if the award meets federal requirements.

17 (Source: P.A. 93-1031, eff. 8-27-04; revised 12-15-05.)

18 (320 ILCS 42/35)

19 Sec. 35. Older Adult Services Advisory Committee.

20 (a) The Older Adult Services Advisory Committee is created
21 to advise the directors of Aging, Healthcare and Family
22 Services ~~Public Aid~~, and Public Health on all matters related
23 to this Act and the delivery of services to older adults in
24 general.

25 (b) The Advisory Committee shall be comprised of the

1 following:

2 (1) The Director of Aging or his or her designee, who
3 shall serve as chair and shall be an ex officio and
4 nonvoting member.

5 (2) The Director of Healthcare and Family Services
6 ~~Public Aid~~ and the Director of Public Health or their
7 designees, who shall serve as vice-chairs and shall be ex
8 officio and nonvoting members.

9 (3) One representative each of the Governor's Office,
10 the Department of Healthcare and Family Services ~~Public~~
11 ~~Aid~~, the Department of Public Health, the Department of
12 Veterans' Affairs, the Department of Human Services, the
13 Department of Insurance, the Department of Commerce and
14 Economic Opportunity, the Department on Aging, the
15 Department on Aging's State Long Term Care Ombudsman, the
16 Illinois Housing Finance Authority, and the Illinois
17 Housing Development Authority, each of whom shall be
18 selected by his or her respective director and shall be an
19 ex officio and nonvoting member.

20 (4) Thirty-two members appointed by the Director of
21 Aging in collaboration with the directors of Public Health
22 and Healthcare and Family Services ~~Public Aid~~, and selected
23 from the recommendations of statewide associations and
24 organizations, as follows:

25 (A) One member representing the Area Agencies on
26 Aging;

1 (B) Four members representing nursing homes or
2 licensed assisted living establishments;

3 (C) One member representing home health agencies;

4 (D) One member representing case management
5 services;

6 (E) One member representing statewide senior
7 center associations;

8 (F) One member representing Community Care Program
9 homemaker services;

10 (G) One member representing Community Care Program
11 adult day services;

12 (H) One member representing nutrition project
13 directors;

14 (I) One member representing hospice programs;

15 (J) One member representing individuals with
16 Alzheimer's disease and related dementias;

17 (K) Two members representing statewide trade or
18 labor unions;

19 (L) One advanced practice nurse with experience in
20 gerontological nursing;

21 (M) One physician specializing in gerontology;

22 (N) One member representing regional long-term
23 care ombudsmen;

24 (O) One member representing township officials;

25 (P) One member representing municipalities;

26 (Q) One member representing county officials;

1 (R) One member representing the parish nurse
2 movement;

3 (S) One member representing pharmacists;

4 (T) Two members representing statewide
5 organizations engaging in advocacy or legal
6 representation on behalf of the senior population;

7 (U) Two family caregivers;

8 (V) Two citizen members over the age of 60;

9 (W) One citizen with knowledge in the area of
10 gerontology research or health care law;

11 (X) One representative of health care facilities
12 licensed under the Hospital Licensing Act; and

13 (Y) One representative of primary care service
14 providers.

15 The Director of Aging, in collaboration with the Directors
16 of Public Health and Healthcare and Family Services ~~Public Aid~~,
17 may appoint additional citizen members to the Older Adult
18 Services Advisory Committee. Each such additional member must
19 be either an individual age 60 or older or an uncompensated
20 caregiver for a family member or friend who is age 60 or older.

21 (c) Voting members of the Advisory Committee shall serve
22 for a term of 3 years or until a replacement is named. All
23 members shall be appointed no later than January 1, 2005. Of
24 the initial appointees, as determined by lot, 10 members shall
25 serve a term of one year; 10 shall serve for a term of 2 years;
26 and 12 shall serve for a term of 3 years. Any member appointed

1 to fill a vacancy occurring prior to the expiration of the term
2 for which his or her predecessor was appointed shall be
3 appointed for the remainder of that term. The Advisory
4 Committee shall meet at least quarterly and may meet more
5 frequently at the call of the Chair. A simple majority of those
6 appointed shall constitute a quorum. The affirmative vote of a
7 majority of those present and voting shall be necessary for
8 Advisory Committee action. Members of the Advisory Committee
9 shall receive no compensation for their services.

10 (d) The Advisory Committee shall have an Executive
11 Committee comprised of the Chair, the Vice Chairs, and up to 15
12 members of the Advisory Committee appointed by the Chair who
13 have demonstrated expertise in developing, implementing, or
14 coordinating the system restructuring initiatives defined in
15 Section 25. The Executive Committee shall have responsibility
16 to oversee and structure the operations of the Advisory
17 Committee and to create and appoint necessary subcommittees and
18 subcommittee members.

19 (e) The Advisory Committee shall study and make
20 recommendations related to the implementation of this Act,
21 including but not limited to system restructuring initiatives
22 as defined in Section 25 or otherwise related to this Act.

23 (Source: P.A. 93-1031, eff. 8-27-04; 94-31, eff. 6-14-05;
24 revised 12-15-05.)

25 Section 840. The Senior Pharmaceutical Assistance Act is

1 amended by changing Section 15 as follows:

2 (320 ILCS 50/15)

3 Sec. 15. Senior Pharmaceutical Assistance Review
4 Committee.

5 (a) The Senior Pharmaceutical Assistance Review Committee
6 is created. The Committee shall consist of 17 members as
7 follows:

8 (1) Twelve members appointed as follows: 2 members of
9 the General Assembly and 1 member of the general public,
10 appointed by the President of the Senate; 2 members of the
11 General Assembly and 1 member of the general public,
12 appointed by the Minority Leader of the Senate; 2 members
13 of the General Assembly and 1 member of the general public,
14 appointed by the Speaker of the House of Representatives;
15 and 2 members of the General Assembly and 1 member of the
16 general public, appointed by the Minority Leader of the
17 House of Representatives. These members shall serve at the
18 pleasure of the appointing authority.

19 (2) The Director of Aging or his or her designee.

20 (3) The Director of Revenue or his or her designee.

21 (4) The Director of Healthcare and Family Services
22 ~~Public Aid~~ or his or her designee.

23 (5) The Secretary of Human Services or his or her
24 designee.

25 (6) The Director of Public Health or his or her

1 designee.

2 (b) Members appointed from the general public shall
3 represent the following associations, organizations, and
4 interests: statewide membership-based senior advocacy
5 organizations, pharmaceutical manufacturers, pharmacists,
6 dispensing pharmacies, physicians, and providers of services
7 to senior citizens. No single organization may have more than
8 one representative appointed as a member from the general
9 public.

10 (c) The President of the Senate and Speaker of the House of
11 Representatives shall each designate one member of the
12 Committee to serve as co-chairs.

13 (d) Committee members shall serve without compensation or
14 reimbursement for expenses.

15 (e) The Committee shall meet at the call of the co-chairs,
16 but at least quarterly.

17 (f) The Committee may conduct public hearings to gather
18 testimony from interested parties regarding pharmaceutical
19 assistance for Illinois seniors, including changes to existing
20 and proposed programs.

21 (g) The Committee may advise appropriate State agencies
22 regarding the establishment of proposed programs or changes to
23 existing programs. The State agencies shall take into
24 consideration any recommendations made by the Committee.

25 (h) The Committee shall report to the General Assembly and
26 the Governor annually or as it deems necessary regarding

1 proposed or recommended changes to pharmaceutical assistance
2 programs that benefit Illinois seniors and any associated costs
3 of those changes.

4 (i) In the event that a prescription drug benefit is added
5 to the federal Medicare program, the Committee shall make
6 recommendations for the realignment of State-operated senior
7 prescription drug programs so that Illinois residents qualify
8 for at least substantially the same level of benefits available
9 to them prior to implementation of the Medicare prescription
10 drug benefit, provided that a resident remains eligible for
11 such a State-operated program. The Committee shall report its
12 recommendations to the General Assembly and the Governor by
13 January 1, 2005.

14 (Source: P.A. 92-594, eff. 6-27-02; 93-843, eff. 7-30-04;
15 revised 12-15-05.)

16 Section 845. The Illinois Prescription Drug Discount
17 Program Act is amended by changing Sections 30 and 35 and by
18 renumbering Section 990 as follows:

19 (320 ILCS 55/30)

20 Sec. 30. Manufacturer rebate agreements.

21 (a) Taking into consideration the extent to which the State
22 pays for prescription drugs under various State programs and
23 the provision of assistance to disabled persons or eligible
24 seniors under patient assistance programs, prescription drug

1 discount programs, or other offers for free or reduced price
2 medicine, clinical research projects, limited supply
3 distribution programs, compassionate use programs, or programs
4 of research conducted by or for a drug manufacturer, the
5 Department, its agent, or the program administrator shall
6 negotiate and enter into rebate agreements with drug
7 manufacturers, as defined in this Act, to effect prescription
8 drug price discounts. The Department or program administrator
9 may exclude certain medications from the list of covered
10 medications and may establish a preferred drug list as a basis
11 for determining the discounts, administrative fees, or other
12 fees or rebates under this Section.

13 (b) (Blank).

14 (c) Receipts from rebates shall be used to provide
15 discounts for prescription drugs purchased by cardholders and
16 to cover the cost of administering the program. Any receipts to
17 be allocated to the Department shall be deposited into the
18 Illinois Prescription Drug Discount Program Fund, a trust fund
19 created outside the State Treasury with the State Treasurer
20 acting as ex officio custodian. Disbursements from the Illinois
21 Prescription Drug Discount Program Fund shall be made upon the
22 direction of the Director of Central Management Services.

23 (Source: P.A. 93-18, eff. 7-1-03; 94-86, eff. 1-1-06; 94-91,
24 eff. 7-1-05; revised 8-9-05.)

25 (320 ILCS 55/35)

1 Sec. 35. Program eligibility.

2 (a) Any person may apply to the Department or its program
3 administrator for participation in the program in the form and
4 manner required by the Department. The Department or its
5 program administrator shall determine the eligibility of each
6 applicant for the program within 30 days after the date of
7 application. To participate in the program an eligible Illinois
8 resident whose application has been approved must pay the fee
9 determined by the Director upon enrollment and annually
10 thereafter and shall receive a program identification card. The
11 card may be presented to an authorized pharmacy to assist the
12 pharmacy in verifying eligibility under the program. If the
13 Department is the program administrator, the Department shall
14 deposit the enrollment fees collected into the Illinois
15 Prescription Drug Discount Program Fund. If the program
16 administrator is a contracted vendor, the vendor may collect
17 the enrollment fees and must report all such collected
18 enrollment fees to the Department on a regular basis. The
19 enrollment fees deposited into the Illinois Prescription Drug
20 Discount Program Fund must be separately accounted for by the
21 Department. If 2 or more persons are eligible for any benefit
22 under this Act and are members of the same household, each
23 participating household member shall apply and pay the fee
24 required for the purpose of obtaining an identification card.
25 To participate in the program, an applicant must (i) be a
26 resident of Illinois and (ii) have household income equal to or

1 less than 300% of the Federal Poverty Level.

2 (b) Proceeds from annual enrollment fees shall be used to
3 offset the administrative cost of this Act. The Department may
4 reduce the annual enrollment fee by rule if the revenue from
5 the enrollment fees is in excess of the costs to carry out the
6 program.

7 (c) (Blank).

8 (Source: P.A. 93-18, eff. 7-1-03; 94-86, eff. 1-1-06; 94-91,
9 eff. 7-1-05; revised 8-9-05.)

10 (320 ILCS 55/90) (was 320 ILCS 55/990)

11 Sec. 90 ~~990~~. (Amendatory provisions; text omitted).

12 (Source: P.A. 93-18, eff. 7-1-03; text omitted; revised
13 9-28-03.)

14 Section 850. The Family Caregiver Act is amended by
15 changing Section 16 as follows:

16 (320 ILCS 65/16)

17 Sec. 16. Family caregiver demonstration grant. The
18 Department shall seek federal funding for the establishment and
19 assessment of a Family Caregiver Training and Support
20 Demonstration Project. The Department is authorized to fund 2
21 sites, one in a rural community and one in a more urban area.
22 The Department shall adopt rules governing participation and
23 oversight of the program. The Department shall seek technical

1 assistance from the Department of Public Aid (now Healthcare
2 and Family Services) and the Department of Human Services. The
3 Department shall advise the Governor and the General Assembly
4 regarding the effectiveness of the program within 6 months
5 after the conclusion of the demonstration period.

6 (Source: P.A. 93-864, eff. 8-5-04; revised 12-15-05.)

7 Section 855. The Abandoned Newborn Infant Protection Act is
8 amended by changing Section 45 as follows:

9 (325 ILCS 2/45)

10 Sec. 45. Medical assistance. Notwithstanding any other
11 provision of law, a newborn infant relinquished in accordance
12 with this Act shall be deemed eligible for medical assistance
13 under the Illinois Public Aid Code, and a hospital providing
14 medical services to such an infant shall be reimbursed for
15 those services in accordance with the payment methodologies
16 authorized under that Code. In addition, for any day that a
17 hospital has custody of a newborn infant relinquished in
18 accordance with this Act and the infant does not require
19 medically necessary care, the hospital shall be reimbursed by
20 the ~~Illinois~~ Department of Healthcare and Family Services
21 ~~Public Aid~~ at the general acute care per diem rate, in
22 accordance with 89 Ill. Adm. Code 148.270(c).

23 (Source: P.A. 92-408, eff. 8-17-01; 92-432, eff. 8-17-01;
24 revised 12-15-05.)

1 Section 860. The Abused and Neglected Child Reporting Act
2 is amended by changing Section 7.20 as follows:

3 (325 ILCS 5/7.20)

4 Sec. 7.20. Inter-agency agreements for information. The
5 Department shall enter into an inter-agency agreement with the
6 Secretary of State to establish a procedure by which employees
7 of the Department may have immediate access to driver's license
8 records maintained by the Secretary of State if the Department
9 determines the information is necessary to perform its duties
10 under the Abused and Neglected Child Reporting Act, the Child
11 Care Act of 1969, and the Children and Family Services Act. The
12 Department shall enter into an inter-agency agreement with the
13 ~~Illinois~~ Department of Healthcare and Family Services ~~Public~~
14 ~~Aid~~ and the Department of Human Services (acting as successor
15 to the Department of Public Aid under the Department of Human
16 Services Act) to establish a procedure by which employees of
17 the Department may have immediate access to records, files,
18 papers, and communications (except medical, alcohol or drug
19 assessment or treatment, mental health, or any other medical
20 records) of the ~~Illinois~~ Department of Healthcare and Family
21 Services ~~Public Aid~~, county departments of public aid, the
22 Department of Human Services, and local governmental units
23 receiving State or federal funds or aid to provide public aid,
24 if the Department determines the information is necessary to

1 perform its duties under the Abused and Neglected Child
2 Reporting Act, the Child Care Act of 1969, and the Children and
3 Family Services Act.

4 (Source: P.A. 88-614, eff. 9-7-94; 89-507, eff. 7-1-97; revised
5 12-15-05.)

6 Section 865. The Early Intervention Services System Act is
7 amended by changing Sections 4, 5, and 13.5 as follows:

8 (325 ILCS 20/4) (from Ch. 23, par. 4154)

9 Sec. 4. Illinois Interagency Council on Early
10 Intervention.

11 (a) There is established the Illinois Interagency Council
12 on Early Intervention. The Council shall be composed of at
13 least 15 but not more than 25 members. The members of the
14 Council and the designated chairperson of the Council shall be
15 appointed by the Governor. The Council member representing the
16 lead agency may not serve as chairperson of the Council. The
17 Council shall be composed of the following members:

18 (1) The Secretary of Human Services (or his or her
19 designee) and 2 additional representatives of the
20 Department of Human Services designated by the Secretary,
21 plus the Directors (or their designees) of the following
22 State agencies involved in the provision of or payment for
23 early intervention services to eligible infants and
24 toddlers and their families:

- 1 (A) Illinois State Board of Education;
- 2 (B) (Blank);
- 3 (C) (Blank);
- 4 (D) Illinois Department of Children and Family
5 Services;
- 6 (E) University of Illinois Division of Specialized
7 Care for Children;
- 8 (F) Illinois Department of Healthcare and Family
9 Services ~~Public Aid~~;
- 10 (G) Illinois Department of Public Health;
- 11 (H) (Blank);
- 12 (I) Illinois Planning Council on Developmental
13 Disabilities; and
- 14 (J) Illinois Department of Insurance.

15 (2) Other members as follows:

- 16 (A) At least 20% of the members of the Council
17 shall be parents, including minority parents, of
18 infants or toddlers with disabilities or children with
19 disabilities aged 12 or younger, with knowledge of, or
20 experience with, programs for infants and toddlers
21 with disabilities. At least one such member shall be a
22 parent of an infant or toddler with a disability or a
23 child with a disability aged 6 or younger;
- 24 (B) At least 20% of the members of the Council
25 shall be public or private providers of early
26 intervention services;

1 (C) One member shall be a representative of the
2 General Assembly; and

3 (D) One member shall be involved in the preparation
4 of professional personnel to serve infants and
5 toddlers similar to those eligible for services under
6 this Act.

7 The Council shall meet at least quarterly and in such
8 places as it deems necessary. Terms of the initial members
9 appointed under paragraph (2) shall be determined by lot at the
10 first Council meeting as follows: of the persons appointed
11 under subparagraphs (A) and (B), one-third shall serve one year
12 terms, one-third shall serve 2 year terms, and one-third shall
13 serve 3 year terms; and of the persons appointed under
14 subparagraphs (C) and (D), one shall serve a 2 year term and
15 one shall serve a 3 year term. Thereafter, successors appointed
16 under paragraph (2) shall serve 3 year terms. Once appointed,
17 members shall continue to serve until their successors are
18 appointed. No member shall be appointed to serve more than 2
19 consecutive terms.

20 Council members shall serve without compensation but shall
21 be reimbursed for reasonable costs incurred in the performance
22 of their duties, including costs related to child care, and
23 parents may be paid a stipend in accordance with applicable
24 requirements.

25 The Council shall prepare and approve a budget using funds
26 appropriated for the purpose to hire staff, and obtain the

1 services of such professional, technical, and clerical
2 personnel as may be necessary to carry out its functions under
3 this Act. This funding support and staff shall be directed by
4 the lead agency.

5 (b) The Council shall:

6 (1) advise and assist the lead agency in the
7 performance of its responsibilities including but not
8 limited to the identification of sources of fiscal and
9 other support services for early intervention programs,
10 and the promotion of interagency agreements which assign
11 financial responsibility to the appropriate agencies;

12 (2) advise and assist the lead agency in the
13 preparation of applications and amendments to
14 applications;

15 (3) review and advise on relevant regulations and
16 standards proposed by the related State agencies;

17 (4) advise and assist the lead agency in the
18 development, implementation and evaluation of the
19 comprehensive early intervention services system; and

20 (5) prepare and submit an annual report to the Governor
21 and to the General Assembly on the status of early
22 intervention programs for eligible infants and toddlers
23 and their families in Illinois. The annual report shall
24 include (i) the estimated number of eligible infants and
25 toddlers in this State, (ii) the number of eligible infants
26 and toddlers who have received services under this Act and

1 the cost of providing those services, (iii) the estimated
2 cost of providing services under this Act to all eligible
3 infants and toddlers in this State, and (iv) data and other
4 information as is requested to be included by the
5 Legislative Advisory Committee established under Section
6 13.50 of this Act. The report shall be posted by the lead
7 agency on the early intervention website as required under
8 paragraph (f) of Section 5 of this Act.

9 No member of the Council shall cast a vote on or
10 participate substantially in any matter which would provide a
11 direct financial benefit to that member or otherwise give the
12 appearance of a conflict of interest under State law. All
13 provisions and reporting requirements of the Illinois
14 Governmental Ethics Act shall apply to Council members.

15 (Source: P.A. 91-357; eff. 7-29-99; 92-307, eff. 8-9-01;
16 revised 12-15-05.)

17 (325 ILCS 20/5) (from Ch. 23, par. 4155)

18 Sec. 5. Lead Agency. The Department of Human Services is
19 designated the lead agency and shall provide leadership in
20 establishing and implementing the coordinated, comprehensive,
21 interagency and interdisciplinary system of early intervention
22 services. The lead agency shall not have the sole
23 responsibility for providing these services. Each
24 participating State agency shall continue to coordinate those
25 early intervention services relating to health, social service

1 and education provided under this authority.

2 The lead agency is responsible for carrying out the
3 following:

4 (a) The general administration, supervision, and
5 monitoring of programs and activities receiving assistance
6 under Section 673 of the Individuals with Disabilities
7 Education Act (20 United States Code 1473).

8 (b) The identification and coordination of all
9 available resources within the State from federal, State,
10 local and private sources.

11 (c) The development of procedures to ensure that
12 services are provided to eligible infants and toddlers and
13 their families in a timely manner pending the resolution of
14 any disputes among public agencies or service providers.

15 (d) The resolution of intra-agency and interagency
16 regulatory and procedural disputes.

17 (e) The development and implementation of formal
18 interagency agreements, and the entry into such
19 agreements, between the lead agency and (i) the Department
20 of Healthcare and Family Services ~~Public Aid~~, (ii) the
21 University of Illinois Division of Specialized Care for
22 Children, and (iii) other relevant State agencies that:

23 (1) define the financial responsibility of each
24 agency for paying for early intervention services
25 (consistent with existing State and federal law and
26 rules, including the requirement that early

1 intervention funds be used as the payor of last
2 resort), a hierarchical order of payment as among the
3 agencies for early intervention services that are
4 covered under or may be paid by programs in other
5 agencies, and procedures for direct billing,
6 collecting reimbursements for payments made, and
7 resolving service and payment disputes; and

8 (2) include all additional components necessary to
9 ensure meaningful cooperation and coordination.

10 Interagency agreements under this paragraph (e) must
11 be reviewed and revised to implement the purposes of this
12 amendatory Act of the 92nd General Assembly no later than
13 60 days after the effective date of this amendatory Act of
14 the 92nd General Assembly.

15 (f) The maintenance of an early intervention website.
16 Within 30 days after the effective date of this amendatory
17 Act of the 92nd General Assembly, the lead agency shall
18 post and keep posted on this website the following: (i) the
19 current annual report required under subdivision (b) (5) of
20 Section 4 of this Act, and the annual reports of the prior
21 3 years, (ii) the most recent Illinois application for
22 funds prepared under Section 637 of the Individuals with
23 Disabilities Education Act filed with the United States
24 Department of Education, (iii) proposed modifications of
25 the application prepared for public comment, (iv) notice of
26 Council meetings, Council agendas, and minutes of its

1 proceedings for at least the previous year, (v) proposed
2 and final early intervention rules, (vi) requests for
3 proposals, and (vii) all reports created for dissemination
4 to the public that are related to the early intervention
5 program, including reports prepared at the request of the
6 Council, the General Assembly, and the Legislative
7 Advisory Committee established under Section 13.50 of this
8 Act. Each such document shall be posted on the website
9 within 3 working days after the document's completion.

10 (Source: P.A. 92-307, eff. 8-9-01; revised 12-15-05.)

11 (325 ILCS 20/13.5)

12 Sec. 13.5. Other programs.

13 (a) When an application or a review of eligibility for
14 early intervention services is made, and at any eligibility
15 redetermination thereafter, the family shall be asked if it is
16 currently enrolled in Medicaid, KidCare, or the Title V program
17 administered by the University of Illinois Division of
18 Specialized Care for Children. If the family is enrolled in any
19 of these programs, that information shall be put on the
20 individualized family service plan and entered into the
21 computerized case management system, and shall require that the
22 individualized family services plan of a child who has been
23 found eligible for services through the Division of Specialized
24 Care for Children state that the child is enrolled in that
25 program. For those programs in which the family is not

1 enrolled, a preliminary eligibility screen shall be conducted
2 simultaneously for (i) medical assistance (Medicaid) under
3 Article V of the Illinois Public Aid Code, (ii) children's
4 health insurance program (KidCare) benefits under the
5 Children's Health Insurance Program Act, and (iii) Title V
6 maternal and child health services provided through the
7 Division of Specialized Care for Children of the University of
8 Illinois.

9 (b) For purposes of determining family fees under
10 subsection (f) of Section 13 and determining eligibility for
11 the other programs and services specified in items (i) through
12 (iii) of subsection (a), the lead agency shall develop and use,
13 within 60 days after the effective date of this amendatory Act
14 of the 92nd General Assembly, with the cooperation of the
15 Department of Public Aid (now Healthcare and Family Services)
16 and the Division of Specialized Care for Children of the
17 University of Illinois, a screening device that provides
18 sufficient information for the early intervention regional
19 intake entities or other agencies to establish eligibility for
20 those other programs and shall, in cooperation with the
21 Illinois Department of Public Aid (now Healthcare and Family
22 Services) and the Division of Specialized Care for Children,
23 train the regional intake entities on using the screening
24 device.

25 (c) When a child is determined eligible for and enrolled in
26 the early intervention program and has been found to at least

1 meet the threshold income eligibility requirements for
2 Medicaid or KidCare, the regional intake entity shall complete
3 a KidCare/Medicaid application with the family and forward it
4 to the ~~Illinois~~ Department of Healthcare and Family Services'
5 ~~Public Aid's~~ KidCare Unit for a determination of eligibility.

6 (d) With the cooperation of the Department of Healthcare
7 and Family Services ~~Public Aid~~, the lead agency shall establish
8 procedures that ensure the timely and maximum allowable
9 recovery of payments for all early intervention services and
10 allowable administrative costs under Article V of the Illinois
11 Public Aid Code and the Children's Health Insurance Program Act
12 and shall include those procedures in the interagency agreement
13 required under subsection (e) of Section 5 of this Act.

14 (e) For purposes of making referrals for final
15 determinations of eligibility for KidCare benefits under the
16 Children's Health Insurance Program Act and for medical
17 assistance under Article V of the Illinois Public Aid Code, the
18 lead agency shall require each early intervention regional
19 intake entity to enroll as a "KidCare agent" in order for the
20 entity to complete the KidCare application as authorized under
21 Section 22 of the Children's Health Insurance Program Act.

22 (f) For purposes of early intervention services that may be
23 provided by the Division of Specialized Care for Children of
24 the University of Illinois (DSCC), the lead agency shall
25 establish procedures whereby the early intervention regional
26 intake entities may determine whether children enrolled in the

1 early intervention program may also be eligible for those
2 services, and shall develop, within 60 days after the effective
3 date of this amendatory Act of the 92nd General Assembly, (i)
4 the inter-agency agreement required under subsection (e) of
5 Section 5 of this Act, establishing that early intervention
6 funds are to be used as the payor of last resort when services
7 required under an individualized family services plan may be
8 provided to an eligible child through the DSCC, and (ii)
9 training guidelines for the regional intake entities and
10 providers that explain eligibility and billing procedures for
11 services through DSCC.

12 (g) The lead agency shall require that an individual
13 applying for or renewing enrollment as a provider of services
14 in the early intervention program state whether or not he or
15 she is also enrolled as a DSCC provider. This information shall
16 be noted next to the name of the provider on the computerized
17 roster of Illinois early intervention providers, and regional
18 intake entities shall make every effort to refer families
19 eligible for DSCC services to these providers.

20 (Source: P.A. 92-307, eff. 8-9-01; revised 12-15-05.)

21 Section 870. The Interagency Board for Children who are
22 Deaf or Hard-of-Hearing and have an Emotional or Behavioral
23 Disorder Act is amended by changing Section 4 as follows:

24 (325 ILCS 35/4) (from Ch. 23, par. 6704)

1 Sec. 4. Appointment. The Board shall consist of 12 members,
2 one of whom shall be appointed by the Governor. The State
3 Superintendent of Education shall appoint 2 members, one of
4 whom shall be a parent of a child who is deaf or
5 hard-of-hearing and has an emotional or behavioral disorder,
6 and one of whom shall be an employee of the agency. The
7 Director of Children and Family Services shall appoint 2
8 members, one of whom shall be a parent, foster parent, or legal
9 guardian of a child who is deaf or hard-of-hearing and has an
10 emotional or behavioral disorder, and one of whom shall be an
11 employee of the agency. The Secretary of Human Services shall
12 appoint 4 members, 2 of whom shall be parents of children who
13 are deaf or hard of hearing and have an emotional or behavioral
14 disorder, and 2 of whom shall be employees of the agency.

15 The Director of Healthcare and Family Services ~~Public Aid~~
16 shall appoint one member who shall be an employee of the
17 agency. The Community and Residential Services Authority for
18 Behavior Disturbed and Severe Emotionally Disturbed Students
19 shall appoint one member who shall be an employee of the
20 Authority, and the Director of the Division of Specialized Care
21 for Children shall appoint one member who shall be an employee
22 of that agency.

23 Each appointing authority shall give preference to any
24 qualified deaf employee when making appointments to the Board.

25 (Source: P.A. 89-507, eff. 7-1-97; 89-680, eff. 1-1-97; 90-14,
26 eff. 7-1-97; revised 12-15-05.)

1 Section 875. The Mental Health and Developmental
2 Disabilities Code is amended by changing Sections 5-107 and
3 5-107.1 as follows:

4 (405 ILCS 5/5-107) (from Ch. 91 1/2, par. 5-107)

5 Sec. 5-107. Remittances from intermediary agencies under
6 Title XVIII of the Federal Social Security Act for services to
7 persons in State facilities shall be deposited with the State
8 Treasurer and placed in the Mental Health Fund. Payments
9 received from the Department of Healthcare and Family Services
10 ~~Public Aid~~ under Title XIX of the Federal Social Security Act
11 for services to persons in State facilities shall be deposited
12 with the State Treasurer and shall be placed in the General
13 Revenue Fund.

14 The Auditor General shall audit or cause to be audited all
15 amounts collected by the Department.

16 (Source: P.A. 80-1414; revised 12-15-05.)

17 (405 ILCS 5/5-107.1) (from Ch. 91 1/2, par. 5-107.1)

18 Sec. 5-107.1. Remittances from or on behalf of licensed
19 long-term care facilities through Department of Healthcare and
20 Family Services ~~Public Aid~~ reimbursement and monies from other
21 funds for Day Training Programs for clients with a
22 developmental disability shall be deposited with the State
23 Treasurer and placed in the Mental Health Fund.

1 The Auditor General shall audit or cause to be audited all
2 amounts collected by the Department.

3 (Source: P.A. 88-380; revised 12-15-05.)

4 Section 880. The Children's Mental Health Act of 2003 is
5 amended by changing Section 5 as follows:

6 (405 ILCS 49/5)

7 Sec. 5. Children's Mental Health Plan.

8 (a) The State of Illinois shall develop a Children's Mental
9 Health Plan containing short-term and long-term
10 recommendations to provide comprehensive, coordinated mental
11 health prevention, early intervention, and treatment services
12 for children from birth through age 18. This Plan shall include
13 but not be limited to:

14 (1) Coordinated provider services and interagency
15 referral networks for children from birth through age 18 to
16 maximize resources and minimize duplication of services.

17 (2) Guidelines for incorporating social and emotional
18 development into school learning standards and educational
19 programs, pursuant to Section 15 of this Act.

20 (3) Protocols for implementing screening and
21 assessment of children prior to any admission to an
22 inpatient hospital for psychiatric services, pursuant to
23 subsection (a) of Section 5-5.23 of the Illinois Public Aid
24 Code.

1 (4) Recommendations regarding a State budget for
2 children's mental health prevention, early intervention,
3 and treatment across all State agencies.

4 (5) Recommendations for State and local mechanisms for
5 integrating federal, State, and local funding sources for
6 children's mental health.

7 (6) Recommendations for building a qualified and
8 adequately trained workforce prepared to provide mental
9 health services for children from birth through age 18 and
10 their families.

11 (7) Recommendations for facilitating research on best
12 practices and model programs, and dissemination of this
13 information to Illinois policymakers, practitioners, and
14 the general public through training, technical assistance,
15 and educational materials.

16 (8) Recommendations for a comprehensive, multi-faceted
17 public awareness campaign to reduce the stigma of mental
18 illness and educate families, the general public, and other
19 key audiences about the benefits of children's social and
20 emotional development, and how to access services.

21 (9) Recommendations for creating a quality-driven
22 children's mental health system with shared accountability
23 among key State agencies and programs that conducts ongoing
24 needs assessments, uses outcome indicators and benchmarks
25 to measure progress, and implements quality data tracking
26 and reporting systems.

1 (b) The Children's Mental Health Partnership (hereafter
2 referred to as "the Partnership") is created. The Partnership
3 shall have the responsibility of developing and monitoring the
4 implementation of the Children's Mental Health Plan as approved
5 by the Governor. The Children's Mental Health Partnership shall
6 be comprised of: the Secretary of Human Services or his or her
7 designee; the State Superintendent of Education or his or her
8 designee; the directors of the departments of Children and
9 Family Services, Healthcare and Family Services ~~Public Aid~~,
10 Public Health, and Juvenile Justice, or their designees; the
11 head of the Illinois Violence Prevention Authority, or his or
12 her designee; the Attorney General or his or her designee; up
13 to 25 representatives of community mental health authorities
14 and statewide mental health, children and family advocacy,
15 early childhood, education, health, substance abuse, violence
16 prevention, and juvenile justice organizations or
17 associations, to be appointed by the Governor; and 2 members of
18 each caucus of the House of Representatives and Senate
19 appointed by the Speaker of the House of Representatives and
20 the President of the Senate, respectively. The Governor shall
21 appoint the Partnership Chair and shall designate a Governor's
22 staff liaison to work with the Partnership.

23 (c) The Partnership shall submit a Preliminary Plan to the
24 Governor on September 30, 2004 and shall submit the Final Plan
25 on June 30, 2005. Thereafter, on September 30 of each year, the
26 Partnership shall submit an annual report to the Governor on

1 the progress of Plan implementation and recommendations for
2 revisions in the Plan. The Final Plan and annual reports
3 submitted in subsequent years shall include estimates of
4 savings achieved in prior fiscal years under subsection (a) of
5 Section 5-5.23 of the Illinois Public Aid Code and federal
6 financial participation received under subsection (b) of
7 Section 5-5.23 of that Code. The Department of Healthcare and
8 Family Services ~~Public Aid~~ shall provide technical assistance
9 in developing these estimates and reports.

10 (Source: P.A. 93-495, eff. 8-8-03; 94-696, eff. 6-1-06; revised
11 9-14-06.)

12 Section 885. The Lead Poisoning Prevention Act is amended
13 by changing Section 14 as follows:

14 (410 ILCS 45/14) (from Ch. 111 1/2, par. 1314)

15 Sec. 14. Departmental regulations and activities. The
16 Department shall establish and publish regulations and
17 guidelines governing permissible limits of lead in and about
18 residential buildings and dwellings.

19 The Department shall also initiate activities that:

20 (a) Will either provide for or support the monitoring and
21 validation of all medical laboratories and private and public
22 hospitals that perform lead determination tests on human blood
23 or other tissues.†

24 (b) Will, subject to Section 7.2 of this Act, provide

1 laboratory testing of blood specimens for lead content, ~~to any~~
2 physician, hospital, clinic, free clinic, municipality, or
3 private organization ~~organizations~~ that cannot secure or
4 provide the services through other sources. The Department
5 shall not assume responsibility for blood lead analysis
6 required in programs currently in operation. †

7 (c) Will develop or encourage the development of
8 appropriate programs and studies to identify sources of lead
9 intoxication and assist other entities in the identification of
10 lead in children's blood and the sources of that intoxication. †

11 (d) May provide technical assistance and consultation to
12 local, county, or regional governmental or private agencies for
13 the promotion and development of lead poisoning prevention
14 programs.

15 (e) Will provide recommendations by the Department on the
16 subject of identification and treatment of ~~for~~ lead poisoning.

17 (f) Will maintain a clearinghouse of information, and will
18 develop additional educational materials, on (i) lead hazards
19 to children, (ii) lead poisoning prevention, (iii) lead
20 poisoning screening, (iv) lead mitigation, abatement, and
21 disposal, and (v) ~~on~~ health hazards during abatement. The
22 Department shall make this information available to the general
23 public.

24 (Source: P.A. 87-175; 87-1144; revised 1-20-03.)

25 Section 890. The Sexual Assault Survivors Emergency

1 Treatment Act is amended by changing Sections 6, 6.4, and 7 as
2 follows:

3 (410 ILCS 70/6) (from Ch. 111 1/2, par. 87-6)

4 Sec. 6. Powers and duties of Departments of Public Health
5 and Healthcare and Family Services ~~Public Aid~~.

6 (a) The Department of Public Health shall have the duties
7 and responsibilities required by Sections 2, 6.1, 6.2, and 6.4.

8 (b) The Department of Healthcare and Family Services ~~Public~~
9 ~~Aid~~ shall have the duties and responsibilities required by
10 Sections 6.3 and 7.

11 (Source: P.A. 89-507, eff. 7-1-97; 90-587, eff. 7-1-98; revised
12 12-15-05.)

13 (410 ILCS 70/6.4) (from Ch. 111 1/2, par. 87-6.4)

14 Sec. 6.4. Sexual assault evidence collection program.

15 (a) There is created a statewide sexual assault evidence
16 collection program to facilitate the prosecution of persons
17 accused of sexual assault. This program shall be administered
18 by the Illinois State Police. The program shall consist of the
19 following: (1) distribution of sexual assault evidence
20 collection kits which have been approved by the Illinois State
21 Police to hospitals that request them, or arranging for such
22 distribution by the manufacturer of the kits, (2) collection of
23 the kits from hospitals after the kits have been used to
24 collect evidence, (3) analysis of the collected evidence and

1 conducting of laboratory tests, (4) maintaining the chain of
2 custody and safekeeping of the evidence for use in a legal
3 proceeding, and (5) the comparison of the collected evidence
4 with the genetic marker grouping analysis information
5 maintained by the Department of State Police under Section
6 5-4-3 of the Unified Code of Corrections and with the
7 information contained in the Federal Bureau of Investigation's
8 National DNA database; provided the amount and quality of
9 genetic marker grouping results obtained from the evidence in
10 the sexual assault case meets the requirements of both the
11 Department of State Police and the Federal Bureau of
12 Investigation's Combined DNA Index System (CODIS) policies.
13 The standardized evidence collection kit for the State of
14 Illinois shall be the State Police Evidence Collection Kit,
15 also known as "S.P.E.C.K.". A sexual assault evidence
16 collection kit may not be released by a hospital without the
17 written consent of the sexual assault survivor. In the case of
18 a survivor who is a minor 13 years of age or older, evidence
19 and information concerning the alleged sexual assault may be
20 released at the written request of the minor. If the survivor
21 is a minor who is under 13 years of age, evidence and
22 information concerning the alleged sexual assault may be
23 released at the written request of the parent, guardian,
24 investigating law enforcement officer, or Department of
25 Children and Family Services. Any health care professional,
26 including any physician, advanced practice nurse, physician

1 assistant, or nurse, sexual assault nurse examiner, and any
2 health care institution, including any hospital, who provides
3 evidence or information to a law enforcement officer pursuant
4 to a written request as specified in this Section is immune
5 from any civil or professional liability that might arise from
6 those actions, with the exception of willful or wanton
7 misconduct. The immunity provision applies only if all of the
8 requirements of this Section are met.

9 (a-5) All sexual assault evidence collected using the State
10 Police Evidence Collection Kits before January 1, 2005 (the
11 effective date of Public Act 93-781) ~~this amendatory Act of the~~
12 ~~93rd General Assembly~~ that have not been previously analyzed
13 and tested by the Department of State Police shall be analyzed
14 and tested within 2 years after receipt of all necessary
15 evidence and standards into the State Police Laboratory if
16 sufficient staffing and resources are available. All sexual
17 assault evidence collected using the State Police Evidence
18 Collection Kits on or after January 1, 2005 (the effective date
19 of Public Act 93-781) ~~this amendatory Act of the 93rd General~~
20 ~~Assembly~~ shall be analyzed and tested by the Department of
21 State Police within one year after receipt of all necessary
22 evidence and standards into the State Police Laboratory if
23 sufficient staffing and resources are available.

24 (b) The Illinois State Police shall administer a program to
25 train hospitals and hospital personnel participating in the
26 sexual assault evidence collection program, in the correct use

1 and application of the sexual assault evidence collection kits.
2 A sexual assault nurse examiner may conduct examinations using
3 the sexual assault evidence collection kits, without the
4 presence or participation of a physician. The Department of
5 Public Health shall cooperate with the Illinois State Police in
6 this program as it pertains to medical aspects of the evidence
7 collection.

8 (c) In this Section, "sexual assault nurse examiner" means
9 a registered nurse who has completed a sexual assault nurse
10 examiner (SANE) training program that meets the Forensic Sexual
11 Assault Nurse Examiner Education Guidelines established by the
12 International Association of Forensic Nurses.

13 (Source: P.A. 92-514, eff. 1-1-02; 93-781, eff. 1-1-05; 93-962,
14 eff. 8-20-04; revised 10-14-04.)

15 (410 ILCS 70/7) (from Ch. 111 1/2, par. 87-7)

16 Sec. 7. Hospital charges and reimbursement. When any
17 hospital or ambulance provider furnishes emergency services to
18 any alleged sexual assault survivor, as defined by the
19 Department of Healthcare and Family Services ~~Public Aid~~
20 pursuant to Section 6.3 of this Act, who is neither eligible to
21 receive such services under the Illinois Public Aid Code nor
22 covered as to such services by a policy of insurance, the
23 hospital and ambulance provider shall furnish such services to
24 that person without charge and shall be entitled to be
25 reimbursed for its billed charges in providing such services by

1 the Department of Healthcare and Family Services ~~Public Aid~~.

2 (Source: P.A. 89-507, eff. 7-1-97; 90-587, eff. 7-1-98; revised
3 12-15-05.)

4 Section 895. The Newborn Eye Pathology Act is amended by
5 changing the title of the Act as follows:

6 (410 ILCS 223/Act title)

7 An Act concerning public health, which may be referred to
8 as Amadin ~~Admin~~ and Ryan's Law.

9 Section 900. The AIDS Confidentiality Act is amended by
10 changing Section 3 as follows:

11 (410 ILCS 305/3) (from Ch. 111 1/2, par. 7303)

12 Sec. 3. When used in this Act:

13 (a) "Department" means the Illinois Department of Public
14 Health.

15 (b) "AIDS" means acquired immunodeficiency syndrome.

16 (c) "HIV" means the Human Immunodeficiency Virus or any
17 other identified causative agent of AIDS.

18 (d) "Written informed consent" means an agreement in
19 writing executed by the subject of a test or the subject's
20 legally authorized representative without undue inducement or
21 any element of force, fraud, deceit, duress or other form of
22 constraint or coercion, which entails at least the following:

1 (1) a fair explanation of the test, including its purpose,
2 potential uses, limitations and the meaning of its results; and

3 (2) a fair explanation of the procedures to be followed,
4 including the voluntary nature of the test, the right to
5 withdraw consent to the testing process at any time, the right
6 to anonymity to the extent provided by law with respect to
7 participation in the test and disclosure of test results, and
8 the right to confidential treatment of information identifying
9 the subject of the test and the results of the test, to the
10 extent provided by law.

11 (e) "Health facility" means a hospital, nursing home, blood
12 bank, blood center, sperm bank, or other health care
13 institution, including any "health facility" as that term is
14 defined in the Illinois Finance Authority Act.

15 (f) "Health care provider" means any health care
16 professional, nurse, paramedic, psychologist or other person
17 providing medical, nursing, psychological, or other health
18 care services of any kind.

19 (f-5) "Health care professional" means (i) a licensed
20 physician, (ii) a physician assistant to whom the physician
21 assistant's supervising physician has delegated the provision
22 of AIDS and HIV-related health services, (iii) an advanced
23 practice registered nurse who has a written collaborative
24 agreement with a collaborating physician which authorizes the
25 provision of AIDS and HIV-related health services, (iv) a
26 licensed dentist, (v) a licensed podiatrist, or (vi) an

1 individual certified to provide HIV testing and counseling by a
2 state or local public health department.

3 (g) "Test" or "HIV test" means a test to determine the
4 presence of the antibody or antigen to HIV, or of HIV
5 infection.

6 (h) "Person" includes any natural person, partnership,
7 association, joint venture, trust, governmental entity, public
8 or private corporation, health facility or other legal entity.

9 (Source: P.A. 93-205, eff. 1-1-04; 93-482, eff. 8-8-03; revised
10 9-12-03.)

11 Section 905. The Alzheimer's Disease Assistance Act is
12 amended by changing Sections 6 and 7 as follows:

13 (410 ILCS 405/6) (from Ch. 111 1/2, par. 6956)

14 Sec. 6. ADA Advisory Committee. There is created the
15 Alzheimer's Disease Advisory Committee consisting of 21 voting
16 members appointed by the Director of the Department, as well as
17 5 nonvoting members as hereinafter provided in this Section.
18 The Director or his designee shall serve as one of the 21
19 voting members and as the Chairman of the Committee. Those
20 appointed as voting members shall include persons who are
21 experienced in research and the delivery of services to victims
22 and their families. Such members shall include 4 physicians
23 licensed to practice medicine in all of its branches, one
24 representative of a postsecondary educational institution

1 which administers or is affiliated with a medical center in the
2 State, one representative of a licensed hospital, one
3 registered nurse, one representative of a long term care
4 facility under the Nursing Home Care Act, one representative of
5 an area agency on aging as defined by Section 3.07 of the
6 Illinois Act on the Aging, one social worker, one
7 representative of an organization established under the
8 Illinois Insurance Code for the purpose of providing health
9 insurance, 5 family members or representatives of victims of
10 Alzheimer's disease and related disorders, and 4 members of the
11 general public. Among the physician appointments shall be
12 persons with specialties in the fields of neurology, family
13 medicine, psychiatry and pharmacology. Among the general
14 public members, at least 2 appointments shall include persons
15 65 years of age or older.

16 In addition to the 21 voting members, the Secretary of
17 Human Services (or his or her designee) and one additional
18 representative of the Department of Human Services designated
19 by the Secretary plus the Directors of the following State
20 agencies or their designees shall serve as nonvoting members:
21 Department on Aging, Department of Healthcare and Family
22 Services ~~Public Aid~~, and Guardianship and Advocacy Commission.

23 Each voting member appointed by the Director of Public
24 Health shall serve for a term of 2 years, and until his
25 successor is appointed and qualified. Members of the Committee
26 shall not be compensated but shall be reimbursed for expenses

1 actually incurred in the performance of their duties. No more
2 than 11 voting members may be of the same political party.
3 Vacancies shall be filled in the same manner as original
4 appointments.

5 The Committee shall review all State programs and services
6 provided by State agencies that are directed toward persons
7 with Alzheimer's disease and related dementias, and recommend
8 changes to improve the State's response to this serious health
9 problem.

10 (Source: P.A. 93-929, eff. 8-12-04; revised 12-15-05.)

11 (410 ILCS 405/7) (from Ch. 111 1/2, par. 6957)

12 Sec. 7. Regional ADA center funding. Pursuant to
13 appropriations enacted by the General Assembly, the Department
14 shall provide funds to hospitals affiliated with each Regional
15 ADA Center for necessary research and for the development and
16 maintenance of services for victims of Alzheimer's disease and
17 related disorders and their families. For the fiscal year
18 beginning July 1, 2003, and each year thereafter, the
19 Department shall effect payments under this Section to
20 hospitals affiliated with each Regional ADA Center through the
21 Department of Healthcare and Family Services (formerly
22 Illinois Department of Public Aid) under the Excellence in
23 Alzheimer's Disease Center Treatment Act. The Department of
24 Healthcare and Family Services ~~Public Aid~~ shall annually report
25 to the Advisory Committee established under this Act regarding

1 the funding of centers under this Act. The Department shall
2 include the annual expenditures for this purpose in the plan
3 required by Section 5 of this Act.

4 (Source: P.A. 93-20, eff. 6-20-03; 93-929, eff. 8-12-04;
5 revised 12-15-05.)

6 Section 910. The Excellence in Alzheimer's Disease Center
7 Treatment Act is amended by changing Sections 25, 30, 45, and
8 55 as follows:

9 (410 ILCS 407/25)

10 Sec. 25. The Alzheimer's Disease Center Clinical Fund.

11 (a) Each institution defined as a Qualified Academic
12 Medical Center Hospital - Pre 1996 Designation shall be
13 eligible for payments from the Alzheimer's Disease Center
14 Clinical Fund.

15 (b) Appropriations allocated to this Fund shall be divided
16 among the qualifying hospitals. The Department of Healthcare
17 and Family Services ~~Public Aid~~ shall calculate payment rates
18 for each hospital qualifying under this Section as follows:

19 (1) Hospitals that qualify under the Qualified
20 Academic Medical Center Hospital - Pre 1996 Designation
21 shall be paid a rate of \$55.50 for each Medicaid inpatient
22 day of care.

23 (2) No qualifying hospital shall receive payments
24 under this Section that exceed \$1,200,000.

1 (c) Payments under this Section shall be made at least
2 quarterly.

3 (Source: P.A. 93-929, eff. 8-12-04; revised 12-15-05.)

4 (410 ILCS 407/30)

5 Sec. 30. The Alzheimer's Disease Center Expanded Clinical
6 Fund.

7 (a) Each institution defined as a Qualified Academic
8 Medical Center Hospital - Pre 1996 Designation or as a
9 Qualified Academic Medical Center Hospital - Post 1996
10 Designation shall be eligible for payments from the Alzheimer's
11 Disease Center Expanded Clinical Fund.

12 (b) Appropriations allocated to this Fund shall be divided
13 among the qualifying hospitals. The Department of Healthcare
14 and Family Services ~~Public Aid~~ shall calculate payment rates
15 for each hospital qualifying under this Section as follows:

16 (1) Hospitals that are defined as a Qualifying Academic
17 Medical Center Hospital - Pre 1996 Designation shall be
18 paid \$13.90 for each Medicaid inpatient day of care.

19 (2) Hospitals that are defined as a Qualifying Academic
20 Medical Center Hospital - Post 1996 Designation and do not
21 meet the Pre 1996 Designation criterion, shall be paid
22 \$10.75 for each Medicaid inpatient day of care.

23 (3) Hospitals that qualify under the Pre and Post 1996
24 Designation shall qualify for payments under this Section
25 according to the payment guidelines for Pre 1996 Designated

1 hospitals.

2 (4) No qualifying hospital shall receive payments
3 under this Section that exceed \$300,000.

4 (c) Payments under this Section shall be made at least
5 quarterly.

6 (Source: P.A. 93-929, eff. 8-12-04; revised 12-15-05.)

7 (410 ILCS 407/45)

8 Sec. 45. Payment of funds. The Comptroller shall disburse
9 all funds appropriated to the Alzheimer's Disease Center
10 Clinical Fund, the Alzheimer's Disease Center Expanded
11 Clinical Fund, and the Alzheimer's Disease Center Independent
12 Clinical Fund to the appropriate Qualified Academic Medical
13 Center Hospitals (either Pre 1996 or Post 1996 Designation) as
14 the funds are appropriated by the General Assembly and come due
15 under this Act. The payment of these funds shall be made
16 through the Department of Healthcare and Family Services ~~Public~~
17 ~~Aid~~.

18 (Source: P.A. 93-929, eff. 8-12-04; revised 12-15-05.)

19 (410 ILCS 407/55)

20 Sec. 55. Payment methodology. The Department of Healthcare
21 and Family Services ~~Public Aid~~ shall promulgate rules necessary
22 to make payments to the Qualifying Academic Medical Center
23 Hospitals (either Pre 1996 or Post 1996 Designation) utilizing
24 a reimbursement methodology consistent with this Act for

1 distribution of all moneys from the funds in a manner that
2 would help ensure these funds could be matchable to the maximum
3 extent possible under Title XIX of the Social Security Act.

4 (Source: P.A. 93-929, eff. 8-12-04; revised 12-15-05.)

5 Section 915. The Hemophilia Care Act is amended by changing
6 Section 1 as follows:

7 (410 ILCS 420/1) (from Ch. 111 1/2, par. 2901)

8 Sec. 1. Definitions. As used in this Act, unless the
9 context clearly requires otherwise:

10 (1) "Department" means the ~~Illinois~~ Department of
11 Healthcare and Family Services ~~Public Aid~~.

12 (1.5) "Director" means the Director of Healthcare and
13 Family Services ~~Public Aid~~.

14 (2) (Blank).

15 (3) "Hemophilia" means a bleeding tendency resulting from a
16 genetically determined deficiency in the blood.

17 (4) "Committee" means the Hemophilia Advisory Committee
18 created under this Act.

19 (5) "Eligible person" means any resident of the State
20 suffering from hemophilia.

21 (6) "Family" means:

22 (a) In the case of a patient who is a dependent of
23 another person or couple as defined by the Illinois Income
24 Tax Act, all those persons for whom exemption is claimed in

1 the State income tax return of the person or couple whose
2 dependent the eligible person is, and

3 (b) In all other cases, all those persons for whom
4 exemption is claimed in the State income tax return of the
5 eligible person, or of the eligible person and his spouse.

6 (7) "Eligible cost of hemophilia services" means the cost
7 of blood transfusions, blood derivatives, and for outpatient
8 services, of physician charges, medical supplies, and
9 appliances, used in the treatment of eligible persons for
10 hemophilia, plus one half of the cost of hospital inpatient
11 care, minus any amount of such cost which is eligible for
12 payment or reimbursement by any hospital or medical insurance
13 program, by any other government medical or financial
14 assistance program, or by any charitable assistance program.

15 (8) "Gross income" means the base income for State income
16 tax purposes of all members of the family.

17 (9) "Available family income" means the lesser of:

18 (a) Gross income minus the sum of (1) \$5,500, and (2)
19 \$3,500 times the number of persons in the family, or

20 (b) One half of gross income.

21 (Source: P.A. 89-507, eff. 7-1-97; 90-587, eff. 7-1-98; revised
22 12-15-05.)

23 Section 920. The Renal Disease Treatment Act is amended by
24 changing Sections 1, 2, 3, and 3.01 as follows:

1 (410 ILCS 430/1) (from Ch. 111 1/2, par. 22.31)

2 Sec. 1. The Department of Healthcare and Family Services
3 ~~Public Aid~~ shall establish a program for the care and treatment
4 of persons suffering from chronic renal diseases. This program
5 shall assist persons suffering from chronic renal diseases who
6 require lifesaving care and treatment for such renal disease,
7 but who are unable to pay for such services on a continuing
8 basis.

9 (Source: P.A. 89-507, eff. 7-1-97; 90-587, eff. 7-1-98; revised
10 12-15-05.)

11 (410 ILCS 430/2) (from Ch. 111 1/2, par. 22.32)

12 Sec. 2. The Director of Healthcare and Family Services
13 (formerly Director of Public Aid) shall appoint a Renal Disease
14 Advisory Committee to consult with the Department in the
15 administration of this Act. The Committee shall be composed of
16 15 persons representing hospitals and medical schools which
17 establish dialysis centers or kidney transplant programs,
18 voluntary agencies interested in kidney diseases, physicians
19 licensed to practice medicine in all of its branches, and the
20 general public. Each member shall hold office for a term of 4
21 years and until his successor is appointed and qualified,
22 except that the terms of the members appointed pursuant to
23 Public Act 78-538 shall expire as designated at the time of
24 appointment, 1 at the end of the first year, 1 at the end of the
25 second year, 1 at the end of the third year, and 1 at the end of

1 the fourth year, after the date of appointment. Any person
2 appointed to fill a vacancy occurring prior to the expiration
3 of the term for which his predecessor was appointed shall be
4 appointed for the remainder of such term. The Committee shall
5 meet as frequently as the Director of Healthcare and Family
6 Services ~~Public Aid~~ deems necessary, but not less than once
7 each year. The Committee members shall receive no compensation
8 but shall be reimbursed for actual expenses incurred in
9 carrying out their duties as members of this Committee.

10 (Source: P.A. 89-507, eff. 7-1-97; 90-587, eff. 7-1-98; revised
11 12-15-05.)

12 (410 ILCS 430/3) (from Ch. 111 1/2, par. 22.33)

13 Sec. 3. Duties of Departments of Healthcare and Family
14 Services ~~Public Aid~~ and Public Health.

15 (A) The Department of Healthcare and Family Services ~~Public~~
16 ~~Aid~~ shall:

17 (a) With the advice of the Renal Disease Advisory
18 Committee, develop standards for determining eligibility
19 for care and treatment under this program. Among other
20 standards so developed under this paragraph, candidates,
21 to be eligible for care and treatment, must be evaluated in
22 a center properly staffed and equipped for such evaluation.

23 (b) (Blank).

24 (c) (Blank).

25 (d) Extend financial assistance to persons suffering

1 from chronic renal diseases in obtaining the medical,
2 surgical, nursing, pharmaceutical, and technical services
3 necessary in caring for such diseases, including the
4 renting of home dialysis equipment. The Renal Disease
5 Advisory Committee shall recommend to the Department the
6 extent of financial assistance, including the reasonable
7 charges and fees, for:

8 (1) Treatment in a dialysis facility;

9 (2) Hospital treatment for dialysis and transplant
10 surgery;

11 (3) Treatment in a limited care facility;

12 (4) Home dialysis training; and

13 (5) Home dialysis.

14 (e) Assist in equipping dialysis centers.

15 (B) The Department of Public Health shall:

16 (a) Assist in the development and expansion of programs
17 for the care and treatment of persons suffering from
18 chronic renal diseases, including dialysis and other
19 medical or surgical procedures and techniques that will
20 have a lifesaving effect in the care and treatment of
21 persons suffering from these diseases.

22 (b) Assist in the development of programs for the
23 prevention of chronic renal diseases.

24 (c) Institute and carry on an educational program among
25 physicians, hospitals, public health departments, and the
26 public concerning chronic renal diseases, including the

1 dissemination of information and the conducting of
2 educational programs concerning the prevention of chronic
3 renal diseases and the methods for the care and treatment
4 of persons suffering from these diseases.

5 (Source: P.A. 89-507, eff. 7-1-97; 90-587, eff. 7-1-98; revised
6 12-15-05.)

7 (410 ILCS 430/3.01) (from Ch. 111 1/2, par. 22.33.01)

8 Sec. 3.01. The provisions of the Illinois Administrative
9 Procedure Act are hereby expressly adopted and shall apply to
10 all administrative rules and procedures of the Department of
11 Healthcare and Family Services ~~Public Aid~~ under this Act,
12 except that Section 5-35 of the Illinois Administrative
13 Procedure Act relating to procedures for rule-making does not
14 apply to the adoption of any rule required by federal law in
15 connection with which the Department is precluded by law from
16 exercising any discretion.

17 (Source: P.A. 89-507, eff. 7-1-97; 90-587, eff. 7-1-98; revised
18 12-15-05.)

19 Section 925. The Genetic Information Privacy Act is amended
20 by changing Section 22 as follows:

21 (410 ILCS 513/22)

22 Sec. 22. Tests to determine inherited characteristics in
23 paternity proceedings. Nothing in this Act shall be construed

1 to affect or restrict in any way the ordering of or use of
2 results from deoxyribonucleic acid (DNA) testing or other tests
3 to determine inherited characteristics by the court in a
4 judicial proceeding under the Illinois Parentage Act of 1984 or
5 by the ~~Illinois~~ Department of Healthcare and Family Services
6 ~~Public Aid~~ in an administrative paternity proceeding under
7 Article X of the Illinois Public Aid Code and rules promulgated
8 under that Article.

9 (Source: P.A. 90-25, eff. 1-1-98; revised 12-15-05.)

10 Section 930. The Head and Spinal Cord Injury Act is amended
11 by changing Section 6 as follows:

12 (410 ILCS 515/6) (from Ch. 111 1/2, par. 7856)

13 Sec. 6. (a) There is hereby created the Advisory Council on
14 Spinal Cord and Head Injuries within the Department of Human
15 Services. The Council shall consist of 29 members, appointed by
16 the Governor with the advice and consent of the Senate. Members
17 shall serve 3-year terms and until their successors are
18 appointed by the Governor with the advice and consent of the
19 Senate. The members appointed by the Governor shall include 2
20 neurosurgeons, 2 orthopedic surgeons, 2 rehabilitation
21 specialists, one of whom shall be a registered nurse, 4 persons
22 with head injuries or family members of persons with head
23 injuries, 4 persons with spinal cord injuries or family members
24 of persons with spinal cord injuries, a representative of an

1 Illinois college or university, and a representative from
2 health institutions or private industry. These members shall
3 not serve more than 2 consecutive 3-year terms. The Governor
4 shall appoint one individual from each of the following
5 entities to the Council as ex-officio members: the unit of the
6 Department of Human Services that is responsible for the
7 administration of the vocational rehabilitation program,
8 another unit within the Department of Human Services that
9 provides services for individuals with disabilities, the State
10 Board of Education, the Department of Public Health, the
11 Department of Insurance, the Department of Healthcare and
12 Family Services ~~Public Aid~~, the Division of Specialized Care
13 for Children of the University of Illinois, the Statewide
14 Independent Living Council, and the State Rehabilitation
15 Advisory Council. Ex-officio members are not subject to limit
16 of 2 consecutive 3-year terms. The appointment of individuals
17 representing State agencies shall be conditioned on their
18 continued employment with their respective agencies.

19 (b) From funds appropriated for such purpose, the
20 Department of Human Services shall provide to the Council the
21 necessary staff and expenses to carry out the duties and
22 responsibilities assigned by the Council. Such staff shall
23 consist of a director and other support staff.

24 (c) Meetings shall be held at least every 90 days or at the
25 call of the Council chairman, who shall be elected by the
26 Council.

1 (d) Each member shall be reimbursed for reasonable and
2 necessary expenses actually incurred in the performance of his
3 official duties.

4 (e) The Council shall adopt written procedures to govern
5 its activities. Consultants shall be provided for the Council
6 from appropriations made for such purpose.

7 (f) The Council shall make recommendations to the Governor
8 for developing and administering a State plan to provide
9 services for spinal cord and head injured persons.

10 (g) No member of the Council may participate in or seek to
11 influence a decision or vote of the Council if the member would
12 be directly involved with the matter or if he would derive
13 income from it. A violation of this prohibition shall be
14 grounds for a person to be removed as a member of the Council
15 by the Governor.

16 (h) The Council shall:

17 (1) promote meetings and programs for the discussion of
18 reducing the debilitating effects of spinal cord and head
19 injuries and disseminate information in cooperation with
20 any other department, agency or entity on the prevention,
21 evaluation, care, treatment and rehabilitation of persons
22 affected by spinal cord and head injuries;

23 (2) study and review current prevention, evaluation,
24 care, treatment and rehabilitation technologies and
25 recommend appropriate preparation, training, retraining
26 and distribution of manpower and resources in the provision

1 of services to spinal cord and head injured persons through
2 private and public residential facilities, day programs
3 and other specialized services;

4 (3) recommend specific methods, means and procedures
5 which should be adopted to improve and upgrade the State's
6 service delivery system for spinal cord and head injured
7 citizens of this State;

8 (4) participate in developing and disseminating
9 criteria and standards which may be required for future
10 funding or licensing of facilities, day programs and other
11 specialized services for spinal cord and head injured
12 persons in this State;

13 (5) report annually to the Governor and the General
14 Assembly on its activities, and on the results of its
15 studies and the recommendations of the Council; and

16 (6) be the advisory board for purposes of federal
17 programs regarding traumatic brain injury.

18 (i) The Department of Human Services may accept on behalf
19 of the Council federal funds, gifts and donations from
20 individuals, private organizations and foundations, and any
21 other funds that may become available.

22 (Source: P.A. 89-507, eff. 7-1-97; 90-453, eff. 8-16-97;
23 revised 12-15-05.)

24 Section 935. The Illinois Adverse Health Care Events
25 Reporting Law of 2005 is amended by changing Section 10-45 as

1 follows:

2 (410 ILCS 522/10-45)

3 Sec. 10-45. Testing period.

4 (a) Prior to the testing period in subsection (b), the
5 Department shall adopt rules for implementing this Law in
6 consultation with the Health Care Event Reporting Advisory
7 Committee and individuals who have experience and expertise in
8 devising and implementing adverse health care event or other
9 health ~~health~~ care quality reporting systems. The rules shall
10 establish the methodology and format for health care facilities
11 reporting information under this Law to the Department and
12 shall be finalized before the beginning of the testing period
13 under subsection (b).

14 (b) The Department shall conduct a testing period of at
15 least 6 months to test the reporting process to identify any
16 problems or deficiencies with the planned reporting process.

17 (c) None of the information reported and analyzed during
18 the testing period shall be used in any public report under
19 this Law.

20 (d) The Department must substantially address the problems
21 or deficiencies identified during the testing period before
22 fully implementing the reporting system.

23 (e) After the testing period, and after any corrections,
24 adjustments, or modifications are finalized, the Department
25 must give at least 30 days written notice to health care

1 facilities prior to full implementation of the reporting system
2 and collection of adverse event data that will be used in
3 public reports.

4 (f) Following the testing period, 4 calendar quarters of
5 data must be collected prior to the Department's publishing the
6 annual report of adverse events to the public under paragraph
7 (4) of Section 10-35.

8 (g) The process described in subsections (a) through (e)
9 must be completed by the Department no later than July 1, 2007.

10 (h) Notwithstanding any other provision of law, the
11 Department may contract with an entity for receiving all
12 adverse health care event reports, root cause analysis
13 findings, and corrective action plans that must be reported to
14 the Department under this Law and for the compilation of the
15 information and the provision of quarterly and annual reports
16 to the Department describing such information according to the
17 rules adopted by the Department under this Law.

18 (Source: P.A. 94-242, eff. 7-18-05; revised 9-15-06.)

19 Section 940. The Vital Records Act is amended by changing
20 Sections 12, 17, 22, 24, and 25.1 as follows:

21 (410 ILCS 535/12) (from Ch. 111 1/2, par. 73-12)

22 Sec. 12. Live births; place of registration.

23 (1) Each live birth which occurs in this State shall be
24 registered with the local or subregistrar of the district in

1 which the birth occurred as provided in this Section, within 7
2 days after the birth. When a birth occurs on a moving
3 conveyance, the city, village, township, or road district in
4 which the child is first removed from the conveyance shall be
5 considered the place of birth and a birth certificate shall be
6 filed in the registration district in which the place is
7 located.

8 (2) When a birth occurs in an institution, the person in
9 charge of the institution or his designated representative
10 shall obtain and record all the personal and statistical
11 particulars relative to the parents of the child that are
12 required to properly complete the live birth certificate; shall
13 secure the required personal signatures on the hospital
14 worksheet; shall prepare the certificate from this worksheet;
15 and shall file the certificate with the local registrar. The
16 institution shall retain the hospital worksheet permanently or
17 as otherwise specified by rule. The physician in attendance
18 shall verify or provide the date of birth and medical
19 information required by the certificate, within 24 hours after
20 the birth occurs.

21 (3) When a birth occurs outside an institution, the
22 certificate shall be prepared and filed by one of the following
23 in the indicated order of priority:

24 (a) The physician in attendance at or immediately after
25 the birth, or in the absence of such a person,

26 (b) Any other person in attendance at or immediately

1 after the birth, or in the absence of such a person,

2 (c) The father, the mother, or in the absence of the
3 father and the inability of the mother, the person in
4 charge of the premises where the birth occurred.

5 (4) Unless otherwise provided in this Act, if the mother
6 was not married to the father of the child at either the time
7 of conception or the time of birth, the name of the father
8 shall be entered on the child's birth certificate only if the
9 mother and the person to be named as the father have signed an
10 acknowledgment of parentage in accordance with subsection (5).

11 Unless otherwise provided in this Act, if the mother was
12 married at the time of conception or birth and the presumed
13 father (that is, the mother's husband) is not the biological
14 father of the child, the name of the biological father shall be
15 entered on the child's birth certificate only if, in accordance
16 with subsection (5), (i) the mother and the person to be named
17 as the father have signed an acknowledgment of parentage and
18 (ii) the mother and presumed father have signed a denial of
19 paternity.

20 (5) Upon the birth of a child to an unmarried woman, or
21 upon the birth of a child to a woman who was married at the time
22 of conception or birth and whose husband is not the biological
23 father of the child, the institution at the time of birth and
24 the local registrar or county clerk after the birth shall do
25 the following:

26 (a) Provide (i) an opportunity for the child's mother

1 and father to sign an acknowledgment of parentage and (ii)
2 if the presumed father is not the biological father, an
3 opportunity for the mother and presumed father to sign a
4 denial of paternity. The signing and witnessing of the
5 acknowledgment of parentage or, if the presumed father of
6 the child is not the biological father, the acknowledgment
7 of parentage and denial of paternity conclusively
8 establishes a parent and child relationship in accordance
9 with Sections 5 and 6 of the Illinois Parentage Act of
10 1984.

11 The ~~Illinois~~ Department of Healthcare and Family
12 Services ~~Public Aid~~ shall furnish the acknowledgment of
13 parentage and denial of paternity form to institutions,
14 county clerks, and State and local registrars' offices. The
15 form shall include instructions to send the original signed
16 and witnessed acknowledgment of parentage and denial of
17 paternity to the ~~Illinois~~ Department of Healthcare and
18 Family Services ~~Public Aid~~.

19 (b) Provide the following documents, furnished by the
20 ~~Illinois~~ Department of Healthcare and Family Services
21 ~~Public Aid~~, to the child's mother, biological father, and
22 (if the person presumed to be the child's father is not the
23 biological father) presumed father for their review at the
24 time the opportunity is provided to establish a parent and
25 child relationship:

26 (i) An explanation of the implications of,

1 alternatives to, legal consequences of, and the rights
2 and responsibilities that arise from signing an
3 acknowledgment of parentage and, if necessary, a
4 denial of paternity, including an explanation of the
5 parental rights and responsibilities of child support,
6 visitation, custody, retroactive support, health
7 insurance coverage, and payment of birth expenses.

8 (ii) An explanation of the benefits of having a
9 child's parentage established and the availability of
10 parentage establishment and child support enforcement
11 services.

12 (iii) A request for an application for child
13 support enforcement services from the ~~Illinois~~
14 Department of Healthcare and Family Services ~~Public~~
15 ~~Aid~~.

16 (iv) Instructions concerning the opportunity to
17 speak, either by telephone or in person, with staff of
18 the ~~Illinois~~ Department of Healthcare and Family
19 Services ~~Public Aid~~ who are trained to clarify
20 information and answer questions about paternity
21 establishment.

22 (v) Instructions for completing and signing the
23 acknowledgment of parentage and denial of paternity.

24 (c) Provide an oral explanation of the documents and
25 instructions set forth in subdivision (5) (b), including an
26 explanation of the implications of, alternatives to, legal

1 consequences of, and the rights and responsibilities that
2 arise from signing an acknowledgment of parentage and, if
3 necessary, a denial of paternity. The oral explanation may
4 be given in person or through the use of video or audio
5 equipment.

6 (6) The institution, State or local registrar, or county
7 clerk shall provide an opportunity for the child's father or
8 mother to sign a rescission of parentage. The signing and
9 witnessing of the rescission of parentage voids the
10 acknowledgment of parentage and nullifies the presumption of
11 paternity if executed and filed with the Department of
12 Healthcare and Family Services (formerly Illinois Department
13 of Public Aid) within the time frame contained in Section 5 of
14 the Illinois Parentage Act of 1984. The ~~Illinois~~ Department of
15 Healthcare and Family Services ~~Public Aid~~ shall furnish the
16 rescission of parentage form to institutions, county clerks,
17 and State and local registrars' offices. The form shall include
18 instructions to send the original signed and witnessed
19 rescission of parentage to the ~~Illinois~~ Department of
20 Healthcare and Family Services ~~Public Aid~~.

21 (7) An acknowledgment of paternity signed pursuant to
22 Section 6 of the Illinois Parentage Act of 1984 may be
23 challenged in court only on the basis of fraud, duress, or
24 material mistake of fact, with the burden of proof upon the
25 challenging party. Pending outcome of a challenge to the
26 acknowledgment of paternity, the legal responsibilities of the

1 signatories shall remain in full force and effect, except upon
2 order of the court upon a showing of good cause.

3 (8) When the process for acknowledgment of parentage as
4 provided for under subsection (5) establishes the paternity of
5 a child whose certificate of birth is on file in another state,
6 the ~~Illinois~~ Department of Healthcare and Family Services
7 ~~Public Aid~~ shall forward a copy of the acknowledgment of
8 parentage, the denial of paternity, if applicable, and the
9 rescission of parentage, if applicable, to the birth record
10 agency of the state where the child's certificate of birth is
11 on file.

12 (9) In the event the parent-child relationship has been
13 established in accordance with subdivision (a)(1) of Section 6
14 of the Parentage Act of 1984, the names of the biological
15 mother and biological father so established shall be entered on
16 the child's birth certificate, and the names of the surrogate
17 mother and surrogate mother's husband, if any, shall not be on
18 the birth certificate.

19 (Source: P.A. 91-308, eff. 7-29-99; 92-590, eff. 7-1-02;
20 revised 12-15-05.)

21 (410 ILCS 535/17) (from Ch. 111 1/2, par. 73-17)

22 Sec. 17. (1) For a person born in this State, the State
23 Registrar of Vital Records shall establish a new certificate of
24 birth when he receives any of the following:

25 (a) A certificate of adoption as provided in Section 16

1 or a certified copy of the order of adoption together with
2 the information necessary to identify the original
3 certificate of birth and to establish the new certificate
4 of birth; except that a new certificate of birth shall not
5 be established if so requested by the court ordering the
6 adoption, the adoptive parents, or the adopted person.

7 (b) A certificate of adoption or a certified copy of
8 the order of adoption entered in a court of competent
9 jurisdiction of any other state or country declaring
10 adopted a child born in the State of Illinois, together
11 with the information necessary to identify the original
12 certificate of birth and to establish the new certificate
13 of birth; except that a new certificate of birth shall not
14 be established if so requested by the court ordering the
15 adoption, the adoptive parents, or the adopted person.

16 (c) A request that a new certificate be established and
17 such evidence as required by regulation proving that such
18 person has been legitimized, or that the circuit court,
19 the Department of Healthcare and Family Services (formerly
20 Illinois Department of Public Aid), or a court or
21 administrative agency of any other state has established
22 the paternity of such a person by judicial or
23 administrative processes or by voluntary acknowledgment,
24 which is accompanied by the social security numbers of all
25 persons determined and presumed to be the parents.

26 (d) An affidavit by a physician that he has performed

1 an operation on a person, and that by reason of the
2 operation the sex designation on such person's birth record
3 should be changed. The State Registrar of Vital Records may
4 make any investigation or require any further information
5 he deems necessary.

6 Each request for a new certificate of birth shall be
7 accompanied by a fee of \$15 and entitles the applicant to one
8 certification or certified copy of the new certificate. If the
9 request is for additional copies, it shall be accompanied by a
10 fee of \$2 for each additional certification or certified copy.

11 (2) When a new certificate of birth is established, the
12 actual place and date of birth shall be shown; provided, in the
13 case of adoption of a person born in this State by parents who
14 were residents of this State at the time of the birth of the
15 adopted person, the place of birth may be shown as the place of
16 residence of the adoptive parents at the time of such person's
17 birth, if specifically requested by them, and any new
18 certificate of birth established prior to the effective date of
19 this amendatory Act may be corrected accordingly if so
20 requested by the adoptive parents or the adopted person when of
21 legal age. The social security numbers of the parents shall not
22 be recorded on the certificate of birth. The social security
23 numbers may only be used for purposes allowed under federal
24 law. The new certificate shall be substituted for the original
25 certificate of birth:

26 (a) Thereafter, the original certificate and the

1 evidence of adoption, paternity, legitimation, or sex
2 change shall not be subject to inspection or certification
3 except upon order of the circuit court or as provided by
4 regulation.

5 (b) Upon receipt of notice of annulment of adoption,
6 the original certificate of birth shall be restored to its
7 place in the files, and the new certificate and evidence
8 shall not be subject to inspection or certification except
9 upon order of the circuit court.

10 (3) If no certificate of birth is on file for the person
11 for whom a new certificate is to be established under this
12 Section, a delayed record of birth shall be filed with the
13 State Registrar of Vital Records as provided in Section 14 or
14 Section 15 of this Act before a new certificate of birth is
15 established, except that when the date and place of birth and
16 parentage have been established in the adoption proceedings, a
17 delayed record shall not be required.

18 (4) When a new certificate of birth is established by the
19 State Registrar of Vital Records, all copies of the original
20 certificate of birth in the custody of any custodian of
21 permanent local records in this State shall be transmitted to
22 the State Registrar of Vital Records as directed, and shall be
23 sealed from inspection.

24 (5) Nothing in this Section shall be construed to prohibit
25 the amendment of a birth certificate in accordance with
26 subsection (6) of Section 22.

1 (Source: P.A. 89-6, eff. 3-6-95; 89-257, eff. 1-1-96; 89-626,
2 eff. 8-9-96; 90-18, eff. 7-1-97; revised 12-15-05.)

3 (410 ILCS 535/22) (from Ch. 111 1/2, par. 73-22)

4 Sec. 22. (1) A certificate or record filed under this Act
5 may be amended only in accordance with this Act and such
6 regulations as the Department may adopt to protect the
7 integrity of vital records. An application for an amendment
8 shall be accompanied by a fee of \$15 which includes the
9 provision of one certification or certified copy of the amended
10 birth record. If the request is for additional copies, it shall
11 be accompanied by a fee of \$2 for each additional certification
12 or certified copy. Such amendments may only be made in
13 connection with the original certificates and may not be made
14 on copies of such certificates without the approval of the
15 State Registrar of Vital Records. The provisions of this
16 Section shall also be applicable to a certificate or record
17 filed under any former Act relating to the registration of
18 births, stillbirths, and deaths. Any original certificate or
19 record filed with the county clerk prior to January 1, 1916,
20 may be amended by the county clerk under the same provisions of
21 this Section, or regulations adopted pursuant thereto, as apply
22 to the State Registrar of Vital Records governing amendments to
23 certificates or records filed with the Department subsequent to
24 December 31, 1915.

25 (2) A certificate that is amended under this Section after

1 its filing shall have the correction entered on its face; shall
2 clearly indicate that an amendment has been made; and shall
3 show the date of the amendment. A summary description of the
4 evidence submitted in support of an amendment shall be
5 permanently retained by the Department either as an original
6 record or in microphotographic form. Documents from which such
7 summary descriptions are made may be returned by the Department
8 to the person or persons submitting them. The Department shall
9 prescribe by regulation the conditions under which, within one
10 year after the date of occurrence, additions or minor
11 corrections may be made without the certificate being
12 considered amended.

13 (3) An amendment to a delayed birth registration
14 established under the provisions of Section 15 of this Act may
15 be made by the State Registrar of Vital Records only upon the
16 basis of an order from the court which originally established
17 the facts of birth.

18 (4) Upon receipt of a certified copy of a court order
19 changing the name or names of a person born in this State, the
20 official custodian shall amend the original certificate of
21 birth to reflect the changes.

22 (5) (Blank).

23 (6) When the paternity of a child with a certificate of
24 birth on file in this State is established through voluntary
25 acknowledgment or by a court or administrative agency under the
26 laws of this or any other state, the State Registrar of Vital

1 Records shall amend the original record accordingly, upon
2 notification from a circuit court of this State or the
3 Department of Healthcare and Family Services (formerly
4 Illinois Department of Public Aid), or upon receipt of a
5 certified copy of another state's acknowledgment or judicial or
6 administrative determination of paternity.

7 (7) Notwithstanding any other provision of this Act, if an
8 adopted person applies in accordance with this Section for the
9 amendment of the name on his or her birth certificate, the
10 State Registrar shall amend the birth certificate if the person
11 provides documentation or other evidence supporting the
12 application that would be deemed sufficient if the
13 documentation or evidence had been submitted in support of an
14 application by a person who has not been adopted.

15 (8) When paternity has been established after the birth in
16 accordance with Section 12, the State Registrar of Vital
17 Records shall amend the original record accordingly.

18 (9) Upon application by the parents not later than one year
19 after an acknowledgment of parentage under this Act or the
20 Illinois Public Aid Code or a judicial or administrative
21 determination or establishment of paternity or parentage, the
22 State Registrar of Vital Records shall amend the child's name
23 on the child's certificate of birth in accordance with the
24 application. No more than one application to change a child's
25 name may be made under this subsection (9).

26 (10) When a certificate is amended by the State Registrar

1 of Vital Records under this Section, the State Registrar of
2 Vital Records shall furnish a copy of the summary description
3 to the custodian of any permanent local records and such
4 records shall be amended accordingly.

5 (Source: P.A. 89-6, eff. 3-6-95; 89-257, eff. 1-1-96; 89-626,
6 eff. 8-9-96; 89-641, eff. 8-9-96; 90-18, eff. 7-1-97; revised
7 12-15-05.)

8 (410 ILCS 535/24) (from Ch. 111 1/2, par. 73-24)

9 Sec. 24. (1) To protect the integrity of vital records, to
10 insure their proper use, and to insure the efficient and proper
11 administration of the vital records system, access to vital
12 records, and indexes thereof, including vital records in the
13 custody of local registrars and county clerks originating prior
14 to January 1, 1916, is limited to the custodian and his
15 employees, and then only for administrative purposes, except
16 that the indexes of those records in the custody of local
17 registrars and county clerks, originating prior to January 1,
18 1916, shall be made available to persons for the purpose of
19 genealogical research. Original, photographic or
20 microphotographic reproductions of original records of births
21 100 years old and older and deaths 50 years old and older, and
22 marriage records 75 years old and older on file in the State
23 Office of Vital Records and in the custody of the county clerks
24 may be made available for inspection in the Illinois State
25 Archives reference area, Illinois Regional Archives

1 Depositories, and other libraries approved by the Illinois
2 State Registrar and the Director of the Illinois State
3 Archives, provided that the photographic or microphotographic
4 copies are made at no cost to the county or to the State of
5 Illinois. It is unlawful for any custodian to permit inspection
6 of, or to disclose information contained in, vital records, or
7 to copy or permit to be copied, all or part of any such record
8 except as authorized by this Act or regulations adopted
9 pursuant thereto.

10 (2) The State Registrar of Vital Records, or his agent, and
11 any municipal, county, multi-county, public health district,
12 or regional health officer recognized by the Department may
13 examine vital records for the purpose only of carrying out the
14 public health programs and responsibilities under his
15 jurisdiction.

16 (3) The State Registrar of Vital Records, may disclose, or
17 authorize the disclosure of, data contained in the vital
18 records when deemed essential for bona fide research purposes
19 which are not for private gain.

20 This amendatory Act of 1973 does not apply to any home rule
21 unit.

22 (4) The State Registrar shall exchange with the ~~Illinois~~
23 Department of Healthcare and Family Services ~~Public Aid~~
24 information that may be necessary for the establishment of
25 paternity and the establishment, modification, and enforcement
26 of child support orders entered pursuant to the Illinois Public

1 Aid Code, the Illinois Marriage and Dissolution of Marriage
2 Act, the Non-Support of Spouse and Children Act, the
3 Non-Support Punishment Act, the Revised Uniform Reciprocal
4 Enforcement of Support Act, the Uniform Interstate Family
5 Support Act, or the Illinois Parentage Act of 1984.
6 Notwithstanding any provisions in this Act to the contrary, the
7 State Registrar shall not be liable to any person for any
8 disclosure of information to the Department of Healthcare and
9 Family Services (formerly Illinois Department of Public Aid)
10 under this subsection or for any other action taken in good
11 faith to comply with the requirements of this subsection.

12 (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 10-1-99; revised
13 12-15-05.)

14 (410 ILCS 535/25.1) (from Ch. 111 1/2, par. 73-25.1)

15 Sec. 25.1. (a) When the State Registrar of Vital Records
16 receives or prepares a death certificate the Registrar shall
17 make an appropriate notation in the birth certificate record of
18 that person that the person is deceased. The Registrar shall
19 also notify the appropriate municipal or county custodian of
20 such birth record that the person is deceased, and such
21 custodian shall likewise make an appropriate notation in its
22 records.

23 (b) In response to any inquiry, the Registrar or a
24 custodian shall not provide a copy of a birth certificate or
25 information concerning the birth record of any deceased person

1 except as provided in this subsection (b) or as otherwise
2 provided in this Act or as approved by the Department. When a
3 copy of the birth certificate of a deceased person is
4 requested, the Registrar or custodian shall require the person
5 making the request to complete an information form, which shall
6 be developed and furnished by the Department and shall include,
7 at a minimum, the name, address, telephone number, social
8 security number and driver's license number of the person
9 making the request. Before furnishing the copy, the custodian
10 shall prominently stamp on the copy the word "DECEASED" and
11 write or stamp on the copy the date of death of the deceased
12 person. The custodian shall retain the information form
13 completed by the person making the request, and note on the
14 birth certificate record that such a request was made. The
15 custodian shall make the information form available to the
16 Department of State Police or any local law enforcement agency
17 upon request. A city or county custodian shall promptly submit
18 copies of all completed forms to the Registrar. The word
19 "DECEASED" and the date of death shall not appear on a copy of
20 a birth certificate furnished to a parent of a child who died
21 within 3 months of birth, provided no other copy of a birth
22 certificate was furnished to the parent prior to the child's
23 death.

24 (c) The Registrar shall furnish, no later than 60 days
25 after receipt of a form used to request a birth certificate
26 record of a deceased person, a copy of the form and a copy of

1 the corresponding birth certificate record to the ~~Illinois~~
2 Department of Healthcare and Family Services ~~Public Aid~~ and the
3 Department of Human Services. The ~~Illinois~~ Department of
4 Healthcare and Family Services ~~Public Aid~~ and the Department of
5 Human Services shall, upon receipt of such information, check
6 their records to ensure that no claim for public assistance
7 under the Illinois Public Aid Code is being made either by a
8 person purporting to be the deceased person or by any person on
9 behalf of the deceased person.

10 (d) Notwithstanding the requirements of subsection (b),
11 when the death of a child occurs within 90 days of that child's
12 live birth, the mother listed on the birth certificate of that
13 child may request the issuance of a copy of a certificate of
14 live birth from the State Registrar. Such request shall be made
15 in accordance with subsection (b), shall indicate the
16 requestor's relationship to the child, and shall be made not
17 later than 9 months from the date of the death of the child.
18 Except as provided herein, the Registrar shall conform to all
19 requirements of this Act in issuing copies of certificates
20 under this subsection (d).

21 (Source: P.A. 94-7, eff. 6-6-05; revised 12-15-05.)

22 Section 945. The Home Health and Hospice Drug Dispensation
23 and Administration Act is amended by changing Section 10 as
24 follows:

1 (410 ILCS 642/10)

2 Sec. 10. Definitions. In this Act:

3 "Authorized nursing employee" means a registered nurse or
4 advanced practice nurse, as defined in the Nursing and Advanced
5 Practice Nursing Act, who is employed by a home health agency
6 or hospice licensed in this State.

7 "Health care professional" means a physician licensed to
8 practice medicine in all its branches, an advanced practice
9 nurse who has a written collaborative agreement with a
10 collaborating physician that authorizes services under this
11 Act, or a physician assistant who has been delegated the
12 authority to perform services under this Act by his or her
13 supervising physician.

14 "Home health agency" has the meaning ascribed to it in
15 Section 2.04 of the Home Health, Home Services, and Home
16 Nursing Agency Licensing Act.

17 "Hospice" means a full hospice, as defined in Section 3 of
18 the Hospice Program Licensing Act.

19 "Physician" means a physician licensed under the Medical
20 Practice Act of 1987 to practice medicine in all its branches.

21 (Source: P.A. 94-638, eff. 8-22-05; revised 10-19-06.)

22 Section 950. The Environmental Protection Act is amended by
23 changing Sections 3.330, 5, 42, 55.8, 57.7, 57.8, 57.13, 58.3,
24 and 58.7 and by setting forth and renumbering multiple versions
25 of Section 22.50 as follows:

1 (415 ILCS 5/3.330) (was 415 ILCS 5/3.32)

2 Sec. 3.330. Pollution control facility.

3 (a) "Pollution control facility" is any waste storage site,
4 sanitary landfill, waste disposal site, waste transfer
5 station, waste treatment facility, or waste incinerator. This
6 includes sewers, sewage treatment plants, and any other
7 facilities owned or operated by sanitary districts organized
8 under the Metropolitan Water Reclamation District Act.

9 The following are not pollution control facilities:

10 (1) (Blank);

11 (2) waste storage sites regulated under 40 CFR, Part
12 761.42;

13 (3) sites or facilities used by any person conducting a
14 waste storage, waste treatment, waste disposal, waste
15 transfer or waste incineration operation, or a combination
16 thereof, for wastes generated by such person's own
17 activities, when such wastes are stored, treated, disposed
18 of, transferred or incinerated within the site or facility
19 owned, controlled or operated by such person, or when such
20 wastes are transported within or between sites or
21 facilities owned, controlled or operated by such person;

22 (4) sites or facilities at which the State is
23 performing removal or remedial action pursuant to Section
24 22.2 or 55.3;

25 (5) abandoned quarries used solely for the disposal of

1 concrete, earth materials, gravel, or aggregate debris
2 resulting from road construction activities conducted by a
3 unit of government or construction activities due to the
4 construction and installation of underground pipes, lines,
5 conduit or wires off of the premises of a public utility
6 company which are conducted by a public utility;

7 (6) sites or facilities used by any person to
8 specifically conduct a landscape composting operation;

9 (7) regional facilities as defined in the Central
10 Midwest Interstate Low-Level Radioactive Waste Compact;

11 (8) the portion of a site or facility where coal
12 combustion wastes are stored or disposed of in accordance
13 with subdivision (r) (2) or (r) (3) of Section 21;

14 (9) the portion of a site or facility used for the
15 collection, storage or processing of waste tires as defined
16 in Title XIV;

17 (10) the portion of a site or facility used for
18 treatment of petroleum contaminated materials by
19 application onto or incorporation into the soil surface and
20 any portion of that site or facility used for storage of
21 petroleum contaminated materials before treatment. Only
22 those categories of petroleum listed in Section 57.9(a) (3)
23 are exempt under this subdivision (10);

24 (11) the portion of a site or facility where used oil
25 is collected or stored prior to shipment to a recycling or
26 energy recovery facility, provided that the used oil is

1 generated by households or commercial establishments, and
2 the site or facility is a recycling center or a business
3 where oil or gasoline is sold at retail;

4 (11.5) processing sites or facilities that receive
5 only on-specification used oil, as defined in 35 Ill.
6 Admin. Code 739, originating from used oil collectors for
7 processing that is managed under 35 Ill. Admin. Code 739 to
8 produce products for sale to off-site petroleum
9 facilities, if these processing sites or facilities are:

10 (i) located within a home rule unit of local government
11 with a population of at least 30,000 according to the 2000
12 federal census, that home rule unit of local government has
13 been designated as an Urban Round II Empowerment Zone by
14 the United States Department of Housing and Urban
15 Development, and that home rule unit of local government
16 has enacted an ordinance approving the location of the site
17 or facility and provided funding for the site or facility;
18 and (ii) in compliance with all applicable zoning
19 requirements;

20 (12) the portion of a site or facility utilizing coal
21 combustion waste for stabilization and treatment of only
22 waste generated on that site or facility when used in
23 connection with response actions pursuant to the federal
24 Comprehensive Environmental Response, Compensation, and
25 Liability Act of 1980, the federal Resource Conservation
26 and Recovery Act of 1976, or the Illinois Environmental

1 Protection Act or as authorized by the Agency;

2 (13) the portion of a site or facility accepting
3 exclusively general construction or demolition debris,
4 located in a county with a population over 700,000 as of
5 January 1, 2000, and operated and located in accordance
6 with Section 22.38 of this Act;

7 (14) the portion of a site or facility, located within
8 a unit of local government that has enacted local zoning
9 requirements, used to accept, separate, and process
10 uncontaminated broken concrete, with or without protruding
11 metal bars, provided that the uncontaminated broken
12 concrete and metal bars are not speculatively accumulated,
13 are at the site or facility no longer than one year after
14 their acceptance, and are returned to the economic
15 mainstream in the form of raw materials or products; and

16 (15) the portion of a site or facility located in a
17 county with a population over 3,000,000 that has obtained
18 local siting approval under Section 39.2 of this Act for a
19 municipal waste incinerator on or before July 1, 2005 and
20 that is used for a non-hazardous waste transfer station.

21 (b) A new pollution control facility is:

22 (1) a pollution control facility initially permitted
23 for development or construction after July 1, 1981; or

24 (2) the area of expansion beyond the boundary of a
25 currently permitted pollution control facility; or

26 (3) a permitted pollution control facility requesting

1 approval to store, dispose of, transfer or incinerate, for
2 the first time, any special or hazardous waste.

3 (Source: P.A. 93-998, eff. 8-23-04; 94-94, eff. 7-1-05; 94-249,
4 eff. 7-19-05; 94-824, eff. 6-2-06; revised 8-3-06.)

5 (415 ILCS 5/5) (from Ch. 111 1/2, par. 1005)

6 Sec. 5. Pollution Control Board.

7 (a) There is hereby created an independent board to be
8 known as the Pollution Control Board.

9 Until July 1, 2003 or when all of the new members to be
10 initially appointed under this amendatory Act of the 93rd
11 General Assembly have been appointed by the Governor, whichever
12 occurs later, the Board shall consist of 7 technically
13 qualified members, no more than 4 of whom may be of the same
14 political party, to be appointed by the Governor with the
15 advice and consent of the Senate.

16 The term of each appointed member of the Board who is in
17 office on June 30, 2003 shall terminate at the close of
18 business on that date or when all of the new members to be
19 initially appointed under this amendatory Act of the 93rd
20 General Assembly have been appointed by the Governor, whichever
21 occurs later.

22 Beginning on July 1, 2003 or when all of the new members to
23 be initially appointed under this amendatory Act of the 93rd
24 General Assembly have been appointed by the Governor, whichever
25 occurs later, the Board shall consist of 5 technically

1 qualified members, no more than 3 of whom may be of the same
2 political party, to be appointed by the Governor with the
3 advice and consent of the Senate. Members shall have verifiable
4 technical, academic, or actual experience in the field of
5 pollution control or environmental law and regulation.

6 Of the members initially appointed pursuant to this
7 amendatory Act of the 93rd General Assembly, one shall be
8 appointed for a term ending July 1, 2004, 2 shall be appointed
9 for terms ending July 1, 2005, and 2 shall be appointed for
10 terms ending July 1, 2006. Thereafter, all members shall hold
11 office for 3 years from the first day of July in the year in
12 which they were appointed, except in case of an appointment to
13 fill a vacancy. In case of a vacancy in the office when the
14 Senate is not in session, the Governor may make a temporary
15 appointment until the next meeting of the Senate, when he or
16 she shall nominate some person to fill such office; and any
17 person so nominated, who is confirmed by the Senate, shall hold
18 the office during the remainder of the term.

19 Members of the Board shall hold office until their
20 respective successors have been appointed and qualified. Any
21 member may resign from office, such resignation to take effect
22 when a successor has been appointed and has qualified.

23 Board members shall be paid \$37,000 per year or an amount
24 set by the Compensation Review Board, whichever is greater, and
25 the Chairman shall be paid \$43,000 per year or an amount set by
26 the Compensation Review Board, whichever is greater. Each

1 member shall devote his or her entire time to the duties of the
2 office, and shall hold no other office or position of profit,
3 nor engage in any other business, employment, or vocation. Each
4 member shall be reimbursed for expenses necessarily incurred
5 and shall make a financial disclosure upon appointment.

6 Each Board member may employ one secretary and one
7 assistant, and the Chairman one secretary and 2 assistants. The
8 Board also may employ and compensate hearing officers to
9 preside at hearings under this Act, and such other personnel as
10 may be necessary. Hearing officers shall be attorneys licensed
11 to practice law in Illinois.

12 The Board may have an Executive Director; if so, the
13 Executive Director shall be appointed by the Governor with the
14 advice and consent of the Senate. The salary and duties of the
15 Executive Director shall be fixed by the Board.

16 The Governor shall designate one Board member to be
17 Chairman, who shall serve at the pleasure of the Governor.

18 The Board shall hold at least one meeting each month and
19 such additional meetings as may be prescribed by Board rules.
20 In addition, special meetings may be called by the Chairman or
21 by any 2 Board members, upon delivery of 24 hours written
22 notice to the office of each member. All Board meetings shall
23 be open to the public, and public notice of all meetings shall
24 be given at least 24 hours in advance of each meeting. In
25 emergency situations in which a majority of the Board certifies
26 that exigencies of time require the requirements of public

1 notice and of 24 hour written notice to members may be
2 dispensed with, and Board members shall receive such notice as
3 is reasonable under the circumstances.

4 If there is no vacancy on the Board, 4 members of the Board
5 shall constitute a quorum to transact business; otherwise, a
6 majority of the Board shall constitute a quorum to transact
7 business, and no vacancy shall impair the right of the
8 remaining members to exercise all of the powers of the Board.
9 Every action approved by a majority of the members of the Board
10 shall be deemed to be the action of the Board. The Board shall
11 keep a complete and accurate record of all its meetings.

12 (b) The Board shall determine, define and implement the
13 environmental control standards applicable in the State of
14 Illinois and may adopt rules and regulations in accordance with
15 Title VII of this Act.

16 (c) The Board shall have authority to act for the State in
17 regard to the adoption of standards for submission to the
18 United States under any federal law respecting environmental
19 protection. Such standards shall be adopted in accordance with
20 Title VII of the Act and upon adoption shall be forwarded to
21 the Environmental Protection Agency for submission to the
22 United States pursuant to subsections (l) and (m) of Section 4
23 of this Act. Nothing in this paragraph shall limit the
24 discretion of the Governor to delegate authority granted to the
25 Governor under any federal law.

26 (d) The Board shall have authority to conduct proceedings

1 upon complaints charging violations of this Act, any rule or
2 regulation adopted under this Act, any permit or term or
3 condition of a permit, or any Board order; upon administrative
4 citations; upon petitions for variances or adjusted standards;
5 upon petitions for review of the Agency's final determinations
6 on permit applications in accordance with Title X of this Act;
7 upon petitions to remove seals under Section 34 of this Act;
8 and upon other petitions for review of final determinations
9 which are made pursuant to this Act or Board rule and which
10 involve a subject which the Board is authorized to regulate.
11 The Board may also conduct other proceedings as may be provided
12 by this Act or any other statute or rule.

13 (e) In connection with any proceeding pursuant to
14 subsection (b) or (d) of this Section, the Board may subpoena
15 and compel the attendance of witnesses and the production of
16 evidence reasonably necessary to resolution of the matter under
17 consideration. The Board shall issue such subpoenas upon the
18 request of any party to a proceeding under subsection (d) of
19 this Section or upon its own motion.

20 (f) The Board may prescribe reasonable fees for permits
21 required pursuant to this Act. Such fees in the aggregate may
22 not exceed the total cost to the Agency for its inspection and
23 permit systems. The Board may not prescribe any permit fees
24 which are different in amount from those established by this
25 Act.

26 (Source: P.A. 92-574, eff. 6-26-02; 93-152, eff. 7-10-03;

1 93-509, eff. 8-11-03; revised 9-11-03.)

2 (415 ILCS 5/22.50)

3 Sec. 22.50. Compliance with land use limitations. No
4 person shall use, or cause or allow the use of, any site for
5 which a land use limitation has been imposed under this Act in
6 a manner inconsistent with the land use limitation unless
7 further investigation or remedial action has been conducted
8 that documents the attainment of remedial objectives
9 appropriate for the new land use and a new closure letter has
10 been obtained from the Agency and recorded in the chain of
11 title for the site. For the purpose of this Section, the term
12 "land use limitation" shall include, but shall not be limited
13 to, institutional controls and engineered barriers imposed
14 under this Act and the regulations adopted under this Act. For
15 the purposes of this Section, the term "closure letter" shall
16 include, but shall not be limited to, No Further Remediation
17 Letters issued under Titles XVI and XVII of this Act and the
18 regulations adopted under those Titles.

19 (Source: P.A. 94-272, eff. 7-19-05; 94-314, eff. 7-25-05.)

20 (415 ILCS 5/22.53)

21 Sec. 22.53 ~~22.50~~. Computer Equipment Disposal and
22 Recycling Commission.

23 (a) The General Assembly finds that improper disposal of
24 computer equipment presents a serious environmental threat.

1 Computer equipment contains quantities of lead, mercury, other
2 heavy metals, and plastics that, when improperly disposed of,
3 can lead to environmental contamination.

4 (b) There is hereby created the Computer Equipment Disposal
5 and Recycling Commission consisting of 7 members appointed as
6 follows: 2 members appointed by the Governor, one of whom shall
7 serve as Chairperson of the Commission; one member appointed by
8 the Lieutenant Governor who shall serve as vice-chairperson;
9 one member appointed by the Speaker of the House of
10 Representatives; one member appointed by the Minority Leader of
11 the House of Representatives; one member appointed by the
12 President of the Senate; and one member appointed by the
13 Minority Leader of the Senate; all of whom shall serve without
14 compensation. The Commission may accept and expend for its
15 purposes any funds granted to the Commission by any agency of
16 State or federal government or through private donation dealing
17 exclusively with computer equipment disposal.

18 (c) The Commission shall have all of the following
19 objectives:

20 (1) To investigate problems and concerns related to the
21 disposal and recycling of computer equipment.

22 (2) To advise the General Assembly and State agencies
23 with respect to legislative, regulatory, or other actions
24 within the area of computer equipment disposal, and any
25 related subject matter (i.e. fax machines, printers,
26 etc.).

1 (3) To make recommendations regarding the development
2 and establishment of pilot programs and ongoing programs
3 for the recycling and proper disposal of computer
4 equipment.

5 (d) The Commission shall issue a report of its findings and
6 recommendations in relation to the objectives listed in
7 subsection (c) of this Section to the Governor, the General
8 Assembly, and the Director of the Environmental Protection
9 Agency on or before May 31, 2006. In preparing its report, the
10 Commission shall seek input from and consult with business
11 organizations, trade organizations, trade associations, solid
12 waste agencies, and environmental organizations with expertise
13 in computer equipment disposal and recycling.

14 (e) Beginning on May 31, 2007, the Commission shall
15 evaluate the implementation of programs by the State relating
16 to computer equipment disposal and recycling, and shall issue a
17 report of its finding and recommendations to the Governor, the
18 General Assembly, and the Director of the Environmental
19 Protection Agency on or before December 31, 2008.

20 (f) The Commission, upon issuing the report described in
21 subsection (e) of this Section, is dissolved.

22 (Source: P.A. 94-518, eff. 8-10-05; revised 9-22-05.)

23 (415 ILCS 5/42) (from Ch. 111 1/2, par. 1042)

24 Sec. 42. Civil penalties.

25 (a) Except as provided in this Section, any person that

1 violates any provision of this Act or any regulation adopted by
2 the Board, or any permit or term or condition thereof, or that
3 violates any order of the Board pursuant to this Act, shall be
4 liable for a civil penalty of not to exceed \$50,000 for the
5 violation and an additional civil penalty of not to exceed
6 \$10,000 for each day during which the violation continues; such
7 penalties may, upon order of the Board or a court of competent
8 jurisdiction, be made payable to the Environmental Protection
9 Trust Fund, to be used in accordance with the provisions of the
10 Environmental Protection Trust Fund Act.

11 (b) Notwithstanding the provisions of subsection (a) of
12 this Section:

13 (1) Any person that violates Section 12(f) of this Act
14 or any NPDES permit or term or condition thereof, or any
15 filing requirement, regulation or order relating to the
16 NPDES permit program, shall be liable to a civil penalty of
17 not to exceed \$10,000 per day of violation.

18 (2) Any person that violates Section 12(g) of this Act
19 or any UIC permit or term or condition thereof, or any
20 filing requirement, regulation or order relating to the
21 State UIC program for all wells, except Class II wells as
22 defined by the Board under this Act, shall be liable to a
23 civil penalty not to exceed \$2,500 per day of violation;
24 provided, however, that any person who commits such
25 violations relating to the State UIC program for Class II
26 wells, as defined by the Board under this Act, shall be

1 liable to a civil penalty of not to exceed \$10,000 for the
2 violation and an additional civil penalty of not to exceed
3 \$1,000 for each day during which the violation continues.

4 (3) Any person that violates Sections 21(f), 21(g),
5 21(h) or 21(i) of this Act, or any RCRA permit or term or
6 condition thereof, or any filing requirement, regulation
7 or order relating to the State RCRA program, shall be
8 liable to a civil penalty of not to exceed \$25,000 per day
9 of violation.

10 (4) In an administrative citation action under Section
11 31.1 of this Act, any person found to have violated any
12 provision of subsection (o) of Section 21 of this Act shall
13 pay a civil penalty of \$500 for each violation of each such
14 provision, plus any hearing costs incurred by the Board and
15 the Agency. Such penalties shall be made payable to the
16 Environmental Protection Trust Fund, to be used in
17 accordance with the provisions of the Environmental
18 Protection Trust Fund Act; except that if a unit of local
19 government issued the administrative citation, 50% of the
20 civil penalty shall be payable to the unit of local
21 government.

22 (4-5) In an administrative citation action under
23 Section 31.1 of this Act, any person found to have violated
24 any provision of subsection (p) of Section 21 of this Act
25 shall pay a civil penalty of \$1,500 for each violation of
26 each such provision, plus any hearing costs incurred by the

1 Board and the Agency, except that the civil penalty amount
2 shall be \$3,000 for each violation of any provision of
3 subsection (p) of Section 21 that is the person's second or
4 subsequent adjudication violation of that provision. The
5 penalties shall be deposited into the Environmental
6 Protection Trust Fund, to be used in accordance with the
7 provisions of the Environmental Protection Trust Fund Act;
8 except that if a unit of local government issued the
9 administrative citation, 50% of the civil penalty shall be
10 payable to the unit of local government.

11 (5) Any person who violates subsection 6 of Section
12 39.5 of this Act or any CAAPP permit, or term or condition
13 thereof, or any fee or filing requirement, or any duty to
14 allow or carry out inspection, entry or monitoring
15 activities, or any regulation or order relating to the
16 CAAPP shall be liable for a civil penalty not to exceed
17 \$10,000 per day of violation.

18 (b.5) In lieu of the penalties set forth in subsections (a)
19 and (b) of this Section, any person who fails to file, in a
20 timely manner, toxic chemical release forms with the Agency
21 pursuant to Section 25b-2 of this Act shall be liable for a
22 civil penalty of \$100 per day for each day the forms are late,
23 not to exceed a maximum total penalty of \$6,000. This daily
24 penalty shall begin accruing on the thirty-first day after the
25 date that the person receives the warning notice issued by the
26 Agency pursuant to Section 25b-6 of this Act; and the penalty

1 shall be paid to the Agency. The daily accrual of penalties
2 shall cease as of January 1 of the following year. All
3 penalties collected by the Agency pursuant to this subsection
4 shall be deposited into the Environmental Protection Permit and
5 Inspection Fund.

6 (c) Any person that violates this Act, any rule or
7 regulation adopted under this Act, any permit or term or
8 condition of a permit, or any Board order and causes the death
9 of fish or aquatic life shall, in addition to the other
10 penalties provided by this Act, be liable to pay to the State
11 an additional sum for the reasonable value of the fish or
12 aquatic life destroyed. Any money so recovered shall be placed
13 in the Wildlife and Fish Fund in the State Treasury.

14 (d) The penalties provided for in this Section may be
15 recovered in a civil action.

16 (e) The State's Attorney of the county in which the
17 violation occurred, or the Attorney General, may, at the
18 request of the Agency or on his own motion, institute a civil
19 action for an injunction, prohibitory or mandatory, to restrain
20 violations of this Act, any rule or regulation adopted under
21 this Act, any permit or term or condition of a permit, or any
22 Board order, or to require such other actions as may be
23 necessary to address violations of this Act, any rule or
24 regulation adopted under this Act, any permit or term or
25 condition of a permit, or any Board order.

26 (f) The State's Attorney of the county in which the

1 violation occurred, or the Attorney General, shall bring such
2 actions in the name of the people of the State of Illinois.
3 Without limiting any other authority which may exist for the
4 awarding of attorney's fees and costs, the Board or a court of
5 competent jurisdiction may award costs and reasonable
6 attorney's fees, including the reasonable costs of expert
7 witnesses and consultants, to the State's Attorney or the
8 Attorney General in a case where he has prevailed against a
9 person who has committed a wilful, knowing or repeated
10 violation of this Act, any rule or regulation adopted under
11 this Act, any permit or term or condition of a permit, or any
12 Board order.

13 Any funds collected under this subsection (f) in which the
14 Attorney General has prevailed shall be deposited in the
15 Hazardous Waste Fund created in Section 22.2 of this Act. Any
16 funds collected under this subsection (f) in which a State's
17 Attorney has prevailed shall be retained by the county in which
18 he serves.

19 (g) All final orders imposing civil penalties pursuant to
20 this Section shall prescribe the time for payment of such
21 penalties. If any such penalty is not paid within the time
22 prescribed, interest on such penalty at the rate set forth in
23 subsection (a) of Section 1003 of the Illinois Income Tax Act,
24 shall be paid for the period from the date payment is due until
25 the date payment is received. However, if the time for payment
26 is stayed during the pendency of an appeal, interest shall not

1 accrue during such stay.

2 (h) In determining the appropriate civil penalty to be
3 imposed under subdivisions (a), (b)(1), (b)(2), (b)(3), or
4 (b)(5) of this Section, the Board is authorized to consider any
5 matters of record in mitigation or aggravation of penalty,
6 including but not limited to the following factors:

7 (1) the duration and gravity of the violation;

8 (2) the presence or absence of due diligence on the
9 part of the respondent in attempting to comply with
10 requirements of this Act and regulations thereunder or to
11 secure relief therefrom as provided by this Act;

12 (3) any economic benefits accrued by the respondent
13 because of delay in compliance with requirements, in which
14 case the economic benefits shall be determined by the
15 lowest cost alternative for achieving compliance;

16 (4) the amount of monetary penalty which will serve to
17 deter further violations by the respondent and to otherwise
18 aid in enhancing voluntary compliance with this Act by the
19 respondent and other persons similarly subject to the Act;

20 (5) the number, proximity in time, and gravity of
21 previously adjudicated violations of this Act by the
22 respondent;

23 (6) whether the respondent voluntarily self-disclosed,
24 in accordance with subsection (i) of this Section, the
25 non-compliance to the Agency; and

26 (7) whether the respondent has agreed to undertake a

1 "supplemental environmental project," which means an
2 environmentally beneficial project that a respondent
3 agrees to undertake in settlement of an enforcement action
4 brought under this Act, but which the respondent is not
5 otherwise legally required to perform.

6 In determining the appropriate civil penalty to be imposed
7 under subsection (a) or paragraph (1), (2), (3), or (5) of
8 subsection (b) of this Section, the Board shall ensure, in all
9 cases, that the penalty is at least as great as the economic
10 benefits, if any, accrued by the respondent as a result of the
11 violation, unless the Board finds that imposition of such
12 penalty would result in an arbitrary or unreasonable financial
13 hardship. However, such civil penalty may be off-set in whole
14 or in part pursuant to a supplemental environmental project
15 agreed to by the complainant and the respondent.

16 (i) A person who voluntarily self-discloses non-compliance
17 to the Agency, of which the Agency had been unaware, is
18 entitled to a 100% reduction in the portion of the penalty that
19 is not based on the economic benefit of non-compliance if the
20 person can establish the following:

21 (1) that the non-compliance was discovered through an
22 environmental audit or a compliance management system
23 documented by the regulated entity as reflecting the
24 regulated entity's due diligence in preventing, detecting,
25 and correcting violations;

26 (2) that the non-compliance was disclosed in writing

1 within 30 days of the date on which the person discovered
2 it;

3 (3) that the non-compliance was discovered and
4 disclosed prior to:

5 (i) the commencement of an Agency inspection,
6 investigation, or request for information;

7 (ii) notice of a citizen suit;

8 (iii) the filing of a complaint by a citizen, the
9 Illinois Attorney General, or the State's Attorney of
10 the county in which the violation occurred;

11 (iv) the reporting of the non-compliance by an
12 employee of the person without that person's
13 knowledge; or

14 (v) imminent discovery of the non-compliance by
15 the Agency;

16 (4) that the non-compliance is being corrected and any
17 environmental harm is being remediated in a timely fashion;

18 (5) that the person agrees to prevent a recurrence of
19 the non-compliance;

20 (6) that no related non-compliance events have
21 occurred in the past 3 years at the same facility or in the
22 past 5 years as part of a pattern at multiple facilities
23 owned or operated by the person;

24 (7) that the non-compliance did not result in serious
25 actual harm or present an imminent and substantial
26 endangerment to human health or the environment or violate

1 the specific terms of any judicial or administrative order
2 or consent agreement;

3 (8) that the person cooperates as reasonably requested
4 by the Agency after the disclosure; and

5 (9) that the non-compliance was identified voluntarily
6 and not through a monitoring, sampling, or auditing
7 procedure that is required by statute, rule, permit,
8 judicial or administrative order, or consent agreement.

9 If a person can establish all of the elements under this
10 subsection except the element set forth in paragraph (1) of
11 this subsection, the person is entitled to a 75% reduction in
12 the portion of the penalty that is not based upon the economic
13 benefit of non-compliance.

14 (j) In addition to an other remedy or penalty that may
15 apply, whether civil or criminal, any person who violates
16 Section 22.52 of this Act shall be liable for an additional
17 civil penalty of up to 3 times the gross amount of any
18 pecuniary gain resulting from the violation.

19 (Source: P.A. 93-152, eff. 7-10-03; 93-575, eff. 1-1-04;
20 93-831, eff. 7-28-04; 94-272, eff. 7-19-05; 94-580, eff.
21 8-12-05; revised 8-19-05.)

22 (415 ILCS 5/55.8) (from Ch. 111 1/2, par. 1055.8)
23 Sec. 55.8. Tire retailers.

24 (a) ~~Beginning July 1, 1992,~~ Any person selling new or used
25 tires at retail or offering new or used tires for retail sale

1 in this State shall:

2 (1) beginning on June 20, 2003 (the effective date of
3 Public Act 93-32), collect from retail customers a fee of
4 \$2 per new or ~~and~~ used tire sold and delivered in this
5 State, to be paid to the Department of Revenue and
6 deposited into the Used Tire Management Fund, less a
7 collection allowance of 10 cents per tire to be retained by
8 the retail seller and a collection allowance of 10 cents
9 per tire to be retained by the Department of Revenue and
10 paid into the General Revenue Fund;

11 (1.5) beginning on July 1, 2003, collect from retail
12 customers an additional 50 cents per new or used tire sold
13 and delivered in this State. The money collected from this
14 fee shall be deposited into the Emergency Public Health
15 Fund. This fee shall no longer be collected beginning on
16 January 1, 2008;~~;~~

17 (2) accept for recycling used tires from customers, at
18 the point of transfer, in a quantity equal to the number of
19 new tires purchased; and

20 (3) post in a conspicuous place a written notice at
21 least 8.5 by 11 inches in size that includes the universal
22 recycling symbol and the following statements: "DO NOT put
23 used tires in the trash."; "Recycle your used tires."; and
24 "State law requires us to accept used tires for recycling,
25 in exchange for new tires purchased."

26 (b) A person who accepts used tires for recycling under

1 subsection (a) shall not allow the tires to accumulate for
2 periods of more than 90 days.

3 (c) The requirements of subsection (a) of this Section do
4 not apply to mail order sales nor shall the retail sale of a
5 motor vehicle be considered to be the sale of tires at retail
6 or offering of tires for retail sale. Instead of filing
7 returns, retailers of tires may remit the tire user fee of
8 \$1.00 per tire to their suppliers of tires if the supplier of
9 tires is a registered retailer of tires and agrees or otherwise
10 arranges to collect and remit the tire fee to the Department of
11 Revenue, notwithstanding the fact that the sale of the tire is
12 a sale for resale and not a sale at retail. A tire supplier who
13 enters into such an arrangement with a tire retailer shall be
14 liable for the tax on all tires sold to the tire retailer and
15 must (i) provide the tire retailer with a receipt that
16 separately reflects the tire tax collected from the retailer on
17 each transaction and (ii) accept used tires for recycling from
18 the retailer's customers. The tire supplier shall be entitled
19 to the collection allowance of 10 cents per tire.

20 The retailer of the tires must maintain in its books and
21 records evidence that the appropriate fee was paid to the tire
22 supplier and that the tire supplier has agreed to remit the fee
23 to the Department of Revenue for each tire sold by the
24 retailer. Otherwise, the tire retailer shall be directly liable
25 for the fee on all tires sold at retail. Tire retailers paying
26 the fee to their suppliers are not entitled to the collection

1 allowance of 10 cents per tire.

2 (d) The requirements of subsection (a) of this Section
3 shall apply exclusively to tires to be used for vehicles
4 defined in Section 1-217 of the Illinois Vehicle Code, aircraft
5 tires, special mobile equipment, and implements of husbandry.

6 (e) The requirements of paragraph (1) of subsection (a) do
7 not apply to the sale of reprocessed tires. For purposes of
8 this Section, "reprocessed tire" means a used tire that has
9 been recapped, retreaded, or regrooved and that has not been
10 placed on a vehicle wheel rim.

11 (Source: P.A. 93-32, eff. 6-20-03; 93-52, eff. 6-30-03; revised
12 10-13-03.)

13 (415 ILCS 5/57.7)

14 Sec. 57.7. Leaking underground storage tanks; site
15 investigation and corrective action.

16 (a) Site investigation.

17 (1) For any site investigation activities required by
18 statute or rule, the owner or operator shall submit to the
19 Agency for approval a site investigation plan designed to
20 determine the nature, concentration, direction of
21 movement, rate of movement, and extent of the contamination
22 as well as the significant physical features of the site
23 and surrounding area that may affect contaminant transport
24 and risk to human health and safety and the environment.

25 (2) Any owner or operator intending to seek payment

1 from the Fund shall submit to the Agency for approval a
2 site investigation budget that includes, but is not limited
3 to, an accounting of all costs associated with the
4 implementation and completion of the site investigation
5 plan.

6 (3) Remediation objectives for the applicable
7 indicator contaminants shall be determined using the
8 tiered approach to corrective action objectives rules
9 adopted by the Board pursuant to this Title and Title XVII
10 of this Act. For the purposes of this Title, "Contaminant
11 of Concern" or "Regulated Substance of Concern" in the
12 rules means the applicable indicator contaminants set
13 forth in subsection (d) of this Section and the rules
14 adopted thereunder.

15 (4) Upon the Agency's approval of a site investigation
16 plan, or as otherwise directed by the Agency, the owner or
17 operator shall conduct a site investigation in accordance
18 with the plan.

19 (5) Within 30 days after completing the site
20 investigation, the owner or operator shall submit to the
21 Agency for approval a site investigation completion
22 report. At a minimum the report shall include all of the
23 following:

24 (A) Executive summary.

25 (B) Site history.

26 (C) Site-specific sampling methods and results.

1 (D) Documentation of all field activities,
2 including quality assurance.

3 (E) Documentation regarding the development of
4 proposed remediation objectives.

5 (F) Interpretation of results.

6 (G) Conclusions.

7 (b) Corrective action.

8 (1) If the site investigation confirms none of the
9 applicable indicator contaminants exceed the proposed
10 remediation objectives, within 30 days after completing
11 the site investigation the owner or operator shall submit
12 to the Agency for approval a corrective action completion
13 report in accordance with this Section.

14 (2) If any of the applicable indicator contaminants
15 exceed the remediation objectives approved for the site,
16 within 30 days after the Agency approves the site
17 investigation completion report the owner or operator
18 shall submit to the Agency for approval a corrective action
19 plan designed to mitigate any threat to human health, human
20 safety, or the environment resulting from the underground
21 storage tank release. The plan shall describe the selected
22 remedy and evaluate its ability and effectiveness to
23 achieve the remediation objectives approved for the site.
24 At a minimum, the report shall include all of the
25 following:

26 (A) Executive summary.

1 (B) Statement of remediation objectives.

2 (C) Remedial technologies selected.

3 (D) Confirmation sampling plan.

4 (E) Current and projected future use of the
5 property.

6 (F) Applicable preventive, engineering, and
7 institutional controls including long-term
8 reliability, operating, and maintenance plans, and
9 monitoring procedures.

10 (G) A schedule for implementation and completion
11 of the plan.

12 (3) Any owner or operator intending to seek payment
13 from the Fund shall submit to the Agency for approval a
14 corrective action budget that includes, but is not limited
15 to, an accounting of all costs associated with the
16 implementation and completion of the corrective action
17 plan.

18 (4) Upon the Agency's approval of a corrective action
19 plan, or as otherwise directed by the Agency, the owner or
20 operator shall proceed with corrective action in
21 accordance with the plan.

22 (5) Within 30 days after the completion of a corrective
23 action plan that achieves applicable remediation
24 objectives the owner or operator shall submit to the Agency
25 for approval a corrective action completion report. The
26 report shall demonstrate whether corrective action was

1 completed in accordance with the approved corrective
2 action plan and whether the remediation objectives
3 approved for the site, as well as any other requirements of
4 the plan, have been achieved.

5 (6) If within 4 years after the approval of any
6 corrective action plan the applicable remediation
7 objectives have not been achieved and the owner or operator
8 has not submitted a corrective action completion report,
9 the owner or operator must submit a status report for
10 Agency review. The status report must include, but is not
11 limited to, a description of the remediation activities
12 taken to date, the effectiveness of the method of
13 remediation being used, the likelihood of meeting the
14 applicable remediation objectives using the current method
15 of remediation, and the date the applicable remediation
16 objectives are expected to be achieved.

17 (7) If the Agency determines any approved corrective
18 action plan will not achieve applicable remediation
19 objectives within a reasonable time, based upon the method
20 of remediation and site specific circumstances, the Agency
21 may require the owner or operator to submit to the Agency
22 for approval a revised corrective action plan. If the owner
23 or operator intends to seek payment from the Fund, the
24 owner or operator must also submit a revised budget.

25 ~~or Licensed Professional Geologist or Licensed Professional~~
26 ~~Geologist or Licensed Professional Geologist or Licensed~~

1 ~~Professional Geologist or Licensed Professional Geologist or~~
2 ~~Licensed Professional Geologist or Licensed Professional~~
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4 ~~Professional Geologist or Licensed Professional Geologist~~

5 (c) Agency review and approval.

6 (1) Agency approval of any plan and associated budget,
7 as described in this subsection (c), shall be considered
8 final approval for purposes of seeking and obtaining
9 payment from the Underground Storage Tank Fund if the costs
10 associated with the completion of any such plan are less
11 than or equal to the amounts approved in such budget.

12 (2) In the event the Agency fails to approve,
13 disapprove, or modify any plan or report submitted pursuant
14 to this Title in writing within 120 days of the receipt by
15 the Agency, the plan or report shall be considered to be
16 rejected by operation of law for purposes of this Title and
17 rejected for purposes of payment from the Underground
18 Storage Tank Fund.

19 (A) For purposes of those plans as identified in
20 paragraph (5) of this subsection (c), the Agency's
21 review may be an audit procedure. Such review or audit
22 shall be consistent with the procedure for such review
23 or audit as promulgated by the Board under Section
24 57.14. The Agency has the authority to establish an
25 auditing program to verify compliance of such plans
26 with the provisions of this Title.

1 (B) For purposes of corrective action plans
2 submitted pursuant to subsection (b) of this Section
3 for which payment from the Fund is not being sought,
4 the Agency need not take action on such plan until 120
5 days after it receives the corrective action
6 completion report required under subsection (b) of
7 this Section. In the event the Agency approved the
8 plan, it shall proceed under the provisions of this
9 subsection (c).

10 (3) In approving any plan submitted pursuant to
11 subsection (a) or (b) of this Section, the Agency shall
12 determine, by a procedure promulgated by the Board under
13 Section 57.14, that the costs associated with the plan are
14 reasonable, will be incurred in the performance of site
15 investigation or corrective action, and will not be used
16 for site investigation or corrective action activities in
17 excess of those required to meet the minimum requirements
18 of this Title.

19 (4) For any plan or report received after June 24,
20 ~~September 13,~~ 2002, any action by the Agency to disapprove
21 or modify a plan submitted pursuant to this Title shall be
22 provided to the owner or operator in writing within 120
23 days of the receipt by the Agency or, in the case of a site
24 investigation plan or corrective action plan for which
25 payment is not being sought, within 120 days of receipt of
26 the site investigation completion report or corrective

1 action completion report, respectively, and shall be
2 accompanied by:

3 (A) an explanation of the Sections of this Act
4 which may be violated if the plans were approved;

5 (B) an explanation of the provisions of the
6 regulations, promulgated under this Act, which may be
7 violated if the plan were approved;

8 (C) an explanation of the specific type of
9 information, if any, which the Agency deems the
10 applicant did not provide the Agency; and

11 (D) a statement of specific reasons why the Act and
12 the regulations might not be met if the plan were
13 approved.

14 Any action by the Agency to disapprove or modify a plan
15 or report or the rejection of any plan or report by
16 operation of law shall be subject to appeal to the Board in
17 accordance with the procedures of Section 40. If the owner
18 or operator elects to incorporate modifications required
19 by the Agency rather than appeal, an amended plan shall be
20 submitted to the Agency within 35 days of receipt of the
21 Agency's written notification.

22 (5) For purposes of this Title, the term "plan" shall
23 include:

24 (A) Any site investigation plan submitted pursuant
25 to subsection (a) of this Section;

26 (B) Any site investigation budget submitted

1 pursuant to subsection (a) of this Section;

2 (C) Any corrective action plan submitted pursuant
3 to subsection (b) of this Section; or

4 (D) Any corrective action plan budget submitted
5 pursuant to subsection (b) of this Section.

6 (d) For purposes of this Title, the term "indicator
7 contaminant" shall mean, unless and until the Board promulgates
8 regulations to the contrary, the following: (i) if an
9 underground storage tank contains gasoline, the indicator
10 parameter shall be BTEX and Benzene; (ii) if the tank contained
11 petroleum products consisting of middle distillate or heavy
12 ends, then the indicator parameter shall be determined by a
13 scan of PNA's taken from the location where contamination is
14 most likely to be present; and (iii) if the tank contained used
15 oil, then the indicator contaminant shall be those chemical
16 constituents which indicate the type of petroleum stored in an
17 underground storage tank. All references in this Title to
18 groundwater objectives shall mean Class I groundwater
19 standards or objectives as applicable.

20 (e) (1) Notwithstanding the provisions of this Section, an
21 owner or operator may proceed to conduct site investigation
22 or corrective action prior to the submittal or approval of
23 an otherwise required plan. If the owner or operator elects
24 to so proceed, an applicable plan shall be filed with the
25 Agency at any time. Such plan shall detail the steps taken
26 to determine the type of site investigation or corrective

1 action which was necessary at the site along with the site
2 investigation or corrective action taken or to be taken, in
3 addition to costs associated with activities to date and
4 anticipated costs.

5 (2) Upon receipt of a plan submitted after activities
6 have commenced at a site, the Agency shall proceed to
7 review in the same manner as required under this Title. In
8 the event the Agency disapproves all or part of the costs,
9 the owner or operator may appeal such decision to the
10 Board. The owner or operator shall not be eligible to be
11 reimbursed for such disapproved costs unless and until the
12 Board determines that such costs were eligible for payment.

13 (f) All investigations, plans, and reports conducted or
14 prepared under this Section shall be conducted or prepared
15 under the supervision of a licensed professional engineer and
16 in accordance with the requirements of this Title.

17 (Source: P.A. 92-554, eff. 6-24-02; 92-574, eff. 6-26-02;
18 92-651, eff. 7-11-02; 92-735, eff. 7-25-02; revised 10-3-02.)

19 (415 ILCS 5/57.8)

20 Sec. 57.8. Underground Storage Tank Fund; payment; options
21 for State payment; deferred correction election to commence
22 corrective action upon availability of funds. If an owner or
23 operator is eligible to access the Underground Storage Tank
24 Fund pursuant to an Office of State Fire Marshal
25 eligibility/deductible final determination letter issued in

1 accordance with Section 57.9, the owner or operator may submit
2 a complete application for final or partial payment to the
3 Agency for activities taken in response to a confirmed release.
4 An owner or operator may submit a request for partial or final
5 payment regarding a site no more frequently than once every 90
6 days.

7 (a) Payment after completion of corrective action
8 measures. The owner or operator may submit an application for
9 payment for activities performed at a site after completion of
10 the requirements of Sections 57.6 and 57.7, or after completion
11 of any other required activities at the underground storage
12 tank site.

13 (1) In the case of any approved plan and budget for
14 which payment is being sought, the Agency shall make a
15 payment determination within 120 days of receipt of the
16 application. Such determination shall be considered a
17 final decision. The Agency's review shall be limited to
18 generally accepted auditing and accounting practices. In
19 no case shall the Agency conduct additional review of any
20 plan which was completed within the budget, beyond auditing
21 for adherence to the corrective action measures in the
22 proposal. If the Agency fails to approve the payment
23 application within 120 days, such application shall be
24 deemed approved by operation of law and the Agency shall
25 proceed to reimburse the owner or operator the amount
26 requested in the payment application. However, in no event

1 shall the Agency reimburse the owner or operator an amount
2 greater than the amount approved in the plan.

3 (2) If sufficient funds are available in the
4 Underground Storage Tank Fund, the Agency shall, within 60
5 days, forward to the Office of the State Comptroller a
6 voucher in the amount approved under the payment
7 application.

8 (3) In the case of insufficient funds, the Agency shall
9 form a priority list for payment and shall notify persons
10 in such priority list monthly of the availability of funds
11 and when payment shall be made. Payment shall be made to
12 the owner or operator at such time as sufficient funds
13 become available for the costs associated with site
14 investigation and corrective action and costs expended for
15 activities performed where no proposal is required, if
16 applicable. Such priority list shall be available to any
17 owner or operator upon request. Priority for payment shall
18 be determined by the date the Agency receives a complete
19 request for partial or final payment. Upon receipt of
20 notification from the Agency that the requirements of this
21 Title have been met, the Comptroller shall make payment to
22 the owner or operator of the amount approved by the Agency,
23 if sufficient money exists in the Fund. If there is
24 insufficient money in the Fund, then payment shall not be
25 made. If the owner or operator appeals a final Agency
26 payment determination and it is determined that the owner

1 or operator is eligible for payment or additional payment,
2 the priority date for the payment or additional payment
3 shall be the same as the priority date assigned to the
4 original request for partial or final payment.

5 (4) Any deductible, as determined pursuant to the
6 Office of the State Fire Marshal's eligibility and
7 deductibility final determination in accordance with
8 Section 57.9, shall be subtracted from any payment invoice
9 paid to an eligible owner or operator. Only one deductible
10 shall apply per underground storage tank site.

11 (5) In the event that costs are or will be incurred in
12 addition to those approved by the Agency, or after payment,
13 the owner or operator may submit successive plans
14 containing amended budgets. The requirements of Section
15 57.7 shall apply to any amended plans.

16 (6) For purposes of this Section, a complete
17 application shall consist of:

18 (A) A certification from a Licensed Professional
19 Engineer or Licensed Professional Geologist as
20 required under this Title and acknowledged by the owner
21 or operator.

22 (B) A statement of the amounts approved in the
23 budget and the amounts actually sought for payment
24 along with a certified statement by the owner or
25 operator that the amounts so sought were expended in
26 conformance with the approved budget.

1 (C) A copy of the Office of the State Fire
2 Marshal's eligibility and deductibility determination.

3 (D) Proof that approval of the payment requested
4 will not result in the limitations set forth in
5 subsection (g) of this Section being exceeded.

6 (E) A federal taxpayer identification number and
7 legal status disclosure certification on a form
8 prescribed and provided by the Agency.

9 (b) Commencement of site investigation or corrective
10 action upon availability of funds. The Board shall adopt
11 regulations setting forth procedures based on risk to human
12 health or the environment under which the owner or operator who
13 has received approval for any budget plan submitted pursuant to
14 Section 57.7, and who is eligible for payment from the
15 Underground Storage Tank Fund pursuant to an Office of the
16 State Fire Marshal eligibility and deductibility
17 determination, may elect to defer site investigation or
18 corrective action activities until funds are available in an
19 amount equal to the amount approved in the budget. The
20 regulations shall establish criteria based on risk to human
21 health or the environment to be used for determining on a
22 site-by-site basis whether deferral is appropriate. The
23 regulations also shall establish the minimum investigatory
24 requirements for determining whether the risk based criteria
25 are present at a site considering deferral and procedures for
26 the notification of owners or operators of insufficient funds,

1 Agency review of request for deferral, notification of Agency
2 final decisions, returning deferred sites to active status, and
3 earmarking of funds for payment.

4 (c) When the owner or operator requests indemnification for
5 payment of costs incurred as a result of a release of petroleum
6 from an underground storage tank, if the owner or operator has
7 satisfied the requirements of subsection (a) of this Section,
8 the Agency shall forward a copy of the request to the Attorney
9 General. The Attorney General shall review and approve the
10 request for indemnification if:

11 (1) there is a legally enforceable judgment entered
12 against the owner or operator and such judgment was entered
13 due to harm caused by a release of petroleum from an
14 underground storage tank and such judgment was not entered
15 as a result of fraud; or

16 (2) a settlement with a third party due to a release of
17 petroleum from an underground storage tank is reasonable.

18 (d) Notwithstanding any other provision of this Title, the
19 Agency shall not approve payment to an owner or operator from
20 the Fund for costs of corrective action or indemnification
21 incurred during a calendar year in excess of the following
22 aggregate amounts based on the number of petroleum underground
23 storage tanks owned or operated by such owner or operator in
24 Illinois.

| | | |
|----|-------------------|-----------------|
| 25 | Amount | Number of Tanks |
| 26 | \$2,000,000 | fewer than 101 |

1 \$3,000,000 101 or more

2 (1) Costs incurred in excess of the aggregate amounts
3 set forth in paragraph (1) of this subsection shall not be
4 eligible for payment in subsequent years.

5 (2) For purposes of this subsection, requests
6 submitted by any of the agencies, departments, boards,
7 committees or commissions of the State of Illinois shall be
8 acted upon as claims from a single owner or operator.

9 (3) For purposes of this subsection, owner or operator
10 includes (i) any subsidiary, parent, or joint stock company
11 of the owner or operator and (ii) any company owned by any
12 parent, subsidiary, or joint stock company of the owner or
13 operator.

14 (e) Costs of corrective action or indemnification incurred
15 by an owner or operator which have been paid to an owner or
16 operator under a policy of insurance, another written
17 agreement, or a court order are not eligible for payment under
18 this Section. An owner or operator who receives payment under a
19 policy of insurance, another written agreement, or a court
20 order shall reimburse the State to the extent such payment
21 covers costs for which payment was received from the Fund. Any
22 monies received by the State under this subsection (e) shall be
23 deposited into the Fund.

24 (f) (Blank.)

25 (g) The Agency shall not approve any payment from the Fund
26 to pay an owner or operator:

1 (1) for costs of corrective action incurred by such
2 owner or operator in an amount in excess of \$1,500,000 per
3 occurrence; and

4 (2) for costs of indemnification of such owner or
5 operator in an amount in excess of \$1,500,000 per
6 occurrence.

7 (h) Payment of any amount from the Fund for corrective
8 action or indemnification shall be subject to the State
9 acquiring by subrogation the rights of any owner, operator, or
10 other person to recover the costs of corrective action or
11 indemnification for which the Fund has compensated such owner,
12 operator, or person from the person responsible or liable for
13 the release.

14 (i) If the Agency refuses to pay or authorizes only a
15 partial payment, the affected owner or operator may petition
16 the Board for a hearing in the manner provided for the review
17 of permit decisions in Section 40 of this Act.

18 (j) Costs of corrective action or indemnification incurred
19 by an owner or operator prior to July 28, 1989, shall not be
20 eligible for payment or reimbursement under this Section.

21 (k) The Agency shall not pay costs of corrective action or
22 indemnification incurred before providing notification of the
23 release of petroleum in accordance with the provisions of this
24 Title.

25 (l) Corrective action does not include legal defense costs.
26 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 5/57.13)

22 Sec. 57.13. Underground Storage Tank Program; transition.

23 (a) If a release is reported to the proper State authority
24 on or after June 24 ~~September 13~~, 2002, the owner or operator
25 shall comply with the requirements of this Title.

1 (b) If a release is reported to the proper State authority
2 prior to June 24 ~~September 13~~, 2002, the owner or operator of
3 an underground storage tank may elect to proceed in accordance
4 with the requirements of this Title by submitting a written
5 statement to the Agency of such election. If the owner or
6 operator elects to proceed under the requirements of this Title
7 all costs incurred in connection with the incident prior to
8 notification shall be reimbursable in the same manner as was
9 allowable under the then existing law. Completion of corrective
10 action shall then follow the provisions of this Title.

11 (Source: P.A. 92-554, eff. 6-24-02; 92-574, eff. 6-26-02;
12 revised 9-9-02.)

13 (415 ILCS 5/58.3)

14 Sec. 58.3. Site Investigation and Remedial Activities
15 Program; Brownfields Redevelopment Fund.

16 (a) The General Assembly hereby establishes by this Title a
17 Site Investigation and Remedial Activities Program for sites
18 subject to this Title. This program shall be administered by
19 the Illinois Environmental Protection Agency under this Title
20 XVII and rules adopted by the Illinois Pollution Control Board.

21 (b) (1) The General Assembly hereby creates within the
22 State Treasury a special fund to be known as the
23 Brownfields Redevelopment Fund, consisting of 2 programs
24 to be known as the "Municipal Brownfields Redevelopment
25 Grant Program" and the "Brownfields Redevelopment Loan

1 Program", which shall be used and administered by the
2 Agency as provided in Sections 58.13 and 58.15 of this Act
3 and the rules adopted under those Sections. The Brownfields
4 Redevelopment Fund ("Fund") shall contain moneys
5 transferred from the Response Contractors Indemnification
6 Fund and other moneys made available for deposit into the
7 Fund.

8 (2) The State Treasurer, ex officio, shall be the
9 custodian of the Fund, and the Comptroller shall direct
10 payments from the Fund upon vouchers properly certified by
11 the Agency. The Treasurer shall credit to the Fund interest
12 earned on moneys contained in the Fund. The Agency shall
13 have the authority to accept, receive, and administer on
14 behalf of the State any grants, gifts, loans,
15 reimbursements or payments for services, or other moneys
16 made available to the State from any source for purposes of
17 the Fund. Those moneys shall be deposited into the Fund,
18 unless otherwise required by the Environmental Protection
19 Act or by federal law.

20 (3) Pursuant to appropriation, all moneys in the Fund
21 shall be used by the Agency for the purposes set forth in
22 subdivision (b) (4) of this Section and Sections 58.13 and
23 58.15 of this Act and to cover the Agency's costs of
24 program development and administration under those
25 Sections.

26 (4) The Agency shall have the power to enter into

1 intergovernmental agreements with the federal government
2 or the State, or any instrumentality thereof, for purposes
3 of capitalizing the Brownfields Redevelopment Fund. Moneys
4 on deposit in the Brownfields Redevelopment Fund may be
5 used for the creation of reserve funds or pledged funds
6 that secure the obligations of repayment of loans made
7 pursuant to Section 58.15 of this Act. For the purpose of
8 obtaining capital for deposit into the Brownfields
9 Redevelopment Fund, the Agency may also enter into
10 agreements with financial institutions and other persons
11 for the purpose of selling loans and developing a secondary
12 market for such loans. The Agency shall have the power to
13 create and establish such reserve funds and accounts as may
14 be necessary or desirable to accomplish its purposes under
15 this subsection and to allocate its available moneys into
16 such funds and accounts. Investment earnings on moneys held
17 in the Brownfields Redevelopment Fund, including any
18 reserve fund or pledged fund, shall be deposited into the
19 Brownfields Redevelopment Fund.

20 (5) The Agency is authorized to administer funds made
21 available to the Agency under federal law, including but
22 not limited to the Small Business Liability Relief and
23 Brownfields Revitalization ~~Revitalization~~ Act ~~of 2002~~,
24 related to brownfields cleanup and reuse in accordance with
25 that law and this Title.

26 (Source: P.A. 91-36, eff. 6-15-99; 92-486, eff. 1-1-02; 92-715,

1 eff. 7-23-02; revised 10-17-05.)

2 (415 ILCS 5/58.7)

3 Sec. 58.7. Review and approvals.

4 (a) Requirements. All plans and reports that are submitted
5 pursuant to this Title shall be submitted for review or
6 approval in accordance with this Section.

7 (b) Review and evaluation by the Agency.

8 (1) Except for sites excluded under subdivision (a) (2)
9 of Section 58.1, the Agency shall, subject to available
10 resources, agree to provide review and evaluation services
11 for activities carried out pursuant to this Title for which
12 the RA requested the services in writing. As a condition
13 for providing such services, the Agency may require that
14 the RA for a site:

15 (A) Conform with the procedures of this Title;

16 (B) Allow for or otherwise arrange site visits or
17 other site evaluation by the Agency when so requested;

18 (C) Agree to perform the Remedial Action Plan as
19 approved under this Title;

20 (D) Agree to pay any reasonable costs incurred and
21 documented by the Agency in providing such services;

22 (E) Make an advance partial payment to the Agency
23 for such anticipated services in an amount, acceptable
24 to the Agency, but not to exceed \$5,000 or one-half of
25 the total anticipated costs of the Agency, whichever

1 sum is less; and

2 (F) Demonstrate, if necessary, authority to act on
3 behalf of or in lieu of the owner or operator.

4 (2) Any moneys received by the State for costs incurred
5 by the Agency in performing review or evaluation services
6 for actions conducted pursuant to this Title shall be
7 deposited in the Hazardous Waste Fund.

8 (3) An RA requesting services under subdivision (b) (1)
9 of this Section may, at any time, notify the Agency, in
10 writing, that Agency services previously requested are no
11 longer wanted. Within 180 days after receipt of the notice,
12 the Agency shall provide the RA with a final invoice for
13 services provided until the date of such notifications.

14 (4) The Agency may invoice or otherwise request or
15 demand payment from a RA for costs incurred by the Agency
16 in performing review or evaluation services for actions by
17 the RA at sites only if:

18 (A) The Agency has incurred costs in performing
19 response actions, other than review or evaluation
20 services, due to the failure of the RA to take response
21 action in accordance with a notice issued pursuant to
22 this Act;

23 (B) The RA has agreed in writing to the payment of
24 such costs;

25 (C) The RA has been ordered to pay such costs by
26 the Board or a court of competent jurisdiction pursuant

1 to this Act; or

2 (D) The RA has requested or has consented to Agency
3 review or evaluation services under subdivision (b)
4 (1) of this Section.

5 (5) The Agency may, subject to available resources,
6 agree to provide review and evaluation services for
7 response actions if there is a written agreement among
8 parties to a legal action or if a notice to perform a
9 response action has been issued by the Agency.

10 (c) Review and evaluation by a Licensed Professional
11 Engineer or Licensed Professional Geologist. A RA may elect to
12 contract with a Licensed Professional Engineer or, in the case
13 of a site investigation report only, a Licensed Professional
14 Geologist, who will perform review and evaluation services on
15 behalf of and under the direction of the Agency relative to the
16 site activities.

17 (1) Prior to entering into the contract with the
18 RELPEG, the RA shall notify the Agency of the RELPEG to be
19 selected. The Agency and the RA shall discuss the potential
20 terms of the contract.

21 (2) At a minimum, the contract with the RELPEG shall
22 provide that the RELPEG will submit any reports directly to
23 the Agency, will take his or her directions for work
24 assignments from the Agency, and will perform the assigned
25 work on behalf of the Agency.

26 (3) Reasonable costs incurred by the Agency shall be

1 paid by the RA directly to the Agency in accordance with
2 the terms of the review and evaluation services agreement
3 entered into under subdivision (b) (1) of Section 58.7.

4 (4) In no event shall the RELPEG acting on behalf of
5 the Agency be an employee of the RA or the owner or
6 operator of the site or be an employee of any other person
7 the RA has contracted to provide services relative to the
8 site.

9 (d) Review and approval. All reviews required under this
10 Title shall be carried out by the Agency or a RELPEG, both
11 under the direction of a Licensed Professional Engineer or, in
12 the case of the review of a site investigation only, a Licensed
13 Professional Geologist.

14 (1) All review activities conducted by the Agency or a
15 RELPEG shall be carried out in conformance with this Title
16 and rules promulgated under Section 58.11.

17 (2) Subject to the limitations in subsection (c) and
18 this subsection (d), the specific plans, reports, and
19 activities that the Agency or a RELPEG may review include:

20 (A) Site Investigation Reports and related
21 activities;

22 (B) Remediation Objectives Reports;

23 (C) Remedial Action Plans and related activities;

24 and

25 (D) Remedial Action Completion Reports and related
26 activities.

1 (3) Only the Agency shall have the authority to
2 approve, disapprove, or approve with conditions a plan or
3 report as a result of the review process including those
4 plans and reports reviewed by a RELPEG. If the Agency
5 disapproves a plan or report or approves a plan or report
6 with conditions, the written notification required by
7 subdivision (d) (4) of this Section shall contain the
8 following information, as applicable:

9 (A) An explanation of the Sections of this Title
10 that may be violated if the plan or report was
11 approved;

12 (B) An explanation of the provisions of the rules
13 promulgated under this Title that may be violated if
14 the plan or report was approved;

15 (C) An explanation of the specific type of
16 information, if any, that the Agency deems the
17 applicant did not provide the Agency;

18 (D) A statement of specific reasons why the Title
19 and regulations might not be met if the plan or report
20 were approved; and

21 (E) An explanation of the reasons for conditions if
22 conditions are required.

23 (4) Upon approving, disapproving, or approving with
24 conditions a plan or report, the Agency shall notify the RA
25 in writing of its decision. In the case of approval or
26 approval with conditions of a Remedial Action Completion

1 Report, the Agency shall prepare a No Further Remediation
2 Letter that meets the requirements of Section 58.10 and
3 send a copy of the letter to the RA.

4 (5) All reviews undertaken by the Agency or a RELPEG
5 shall be completed and the decisions communicated to the RA
6 within 60 days of the request for review or approval. The
7 RA may waive the deadline upon a request from the Agency.
8 If the Agency disapproves or approves with conditions a
9 plan or report or fails to issue a final decision within
10 the 60 day period and the RA has not agreed to a waiver of
11 the deadline, the RA may, within 35 days, file an appeal to
12 the Board. Appeals to the Board shall be in the manner
13 provided for the review of permit decisions in Section 40
14 of this Act.

15 (e) Standard of review. In making determinations, the
16 following factors, and additional factors as may be adopted by
17 the Board in accordance with Section 58.11, shall be considered
18 by the Agency when reviewing or approving plans, reports, and
19 related activities, or the RELPEG, when reviewing plans,
20 reports, and related activities:

21 (1) Site Investigation Reports and related activities:
22 Whether investigations have been conducted and the results
23 compiled in accordance with the appropriate procedures and
24 whether the interpretations and conclusions reached are
25 supported by the information gathered. In making the
26 determination, the following factors shall be considered:

1 (A) The adequacy of the description of the site and
2 site characteristics that were used to evaluate the
3 site;

4 (B) The adequacy of the investigation of potential
5 pathways and risks to receptors identified at the site;
6 and

7 (C) The appropriateness of the sampling and
8 analysis used.

9 (2) Remediation Objectives Reports: Whether the
10 remediation objectives are consistent with the
11 requirements of the applicable method for selecting or
12 determining remediation objectives under Section 58.5. In
13 making the determination, the following factors shall be
14 considered:

15 (A) If the objectives were based on the
16 determination of area background levels under
17 subsection (b) of Section 58.5, whether the review of
18 current and historic conditions at or in the immediate
19 vicinity of the site has been thorough and whether the
20 site sampling and analysis has been performed in a
21 manner resulting in accurate determinations;

22 (B) If the objectives were calculated on the basis
23 of predetermined equations using site specific data,
24 whether the calculations were accurately performed and
25 whether the site specific data reflect actual site
26 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

1 include a Licensed Professional Engineer's certification that
2 all investigations and remedial activities were carried out
3 under his or her direction and, to the best of his or her
4 knowledge and belief, the work described in the plan or report
5 has been completed in accordance with generally accepted
6 engineering practices, and the information presented is
7 accurate and complete. In the case of a site investigation
8 report prepared or supervised by a Licensed Professional
9 Geologist, the required certification may be made by the
10 Licensed Professional Geologist (rather than a Licensed
11 Professional Engineer) and based upon generally accepted
12 principles of professional geology.

13 (g) In accordance with Section 58.11, the Agency shall
14 propose and the Board shall adopt rules to carry out the
15 purposes of this Section. At a minimum, the rules shall detail
16 the types of services the Agency may provide in response to
17 requests under subdivision (b) (1) of this Section and the
18 recordkeeping it will utilize in documenting to the RA the
19 costs incurred by the Agency in providing such services.

20 (h) Public participation.

21 (1) The Agency shall develop guidance to assist RA's in
22 the implementation of a community relations plan to address
23 activity at sites undergoing remedial action pursuant to
24 this Title.

25 (2) The RA may elect to enter into a services agreement
26 with the Agency for Agency assistance in community outreach

1 efforts.

2 (3) The Agency shall maintain a registry listing those
3 sites undergoing remedial action pursuant to this Title.

4 (4) Notwithstanding any provisions of this Section,
5 the RA of a site undergoing remedial activity pursuant to
6 this Title may elect to initiate a community outreach
7 effort for the site.

8 (Source: P.A. 92-574, eff. 6-26-02; 92-735, eff. 7-25-02;
9 revised 9-9-02.)

10 Section 955. The Burn Injury Reporting Act is amended by
11 adding Section 900 as follows:

12 (425 ILCS 7/900 new)

13 (Section scheduled to be repealed on January 1, 2009)

14 Sec. 900. Expiration. This Act is repealed on January 1,
15 2009.

16 Section 960. The Fireworks Use Act is amended by changing
17 Sections 1 and 5 as follows:

18 (425 ILCS 35/1) (from Ch. 127 1/2, par. 127)

19 Sec. 1. Definitions. As used in this Act, the following
20 words shall have the following meanings:

21 "1.3G fireworks" means those fireworks used for
22 professional outdoor displays and classified as fireworks

1 UN0333, UN0334, or UN0335 by the United States Department of
2 Transportation under 49 C.F.R. 172.101.

3 "Consumer distributor" means any person who distributes,
4 offers for sale, sells, or exchanges for consideration consumer
5 fireworks in Illinois to another distributor or directly to any
6 retailer or person for resale.

7 "Consumer fireworks" means those fireworks that must
8 comply with the construction, chemical composition, and
9 labeling regulations of the U.S. Consumer Products Safety
10 Commission, as set forth in 16 C.F.R. Parts 1500 and 1507, and
11 classified as fireworks UN0336 or UN0337 by the United States
12 Department of Transportation under 49 C.F.R. 172.101.

13 "Consumer fireworks" shall not include snake or glow worm
14 pellets; smoke devices; trick noisemakers known as "party
15 poppers", "booby traps", "snappers", "trick matches",
16 "cigarette loads", and "auto burglar alarms"; sparklers; toy
17 pistols, toy canes, toy guns, or other devices in which paper
18 or plastic caps containing twenty-five hundredths grains or
19 less of explosive compound are used, provided they are so
20 constructed that the hand cannot come in contact with the cap
21 when in place for the explosion; and toy pistol paper or
22 plastic caps that contain less than twenty hundredths grains of
23 explosive mixture; the sale and use of which shall be permitted
24 at all times.

25 "Consumer fireworks display" or "consumer display" means
26 the detonation, ignition, or deflagration of consumer

1 fireworks to produce a visual or audible effect.

2 "Consumer operator" means an adult individual who is
3 responsible for the safety, setup, and discharge of the
4 consumer fireworks display and who has completed the training
5 required in Section 2.2 of this Act.

6 "Consumer retailer" means any person who offers for sale,
7 sells, or exchanges for consideration consumer fireworks in
8 Illinois directly to any person with a consumer display permit.

9 "Display fireworks" means 1.3G or special effects
10 fireworks or as further defined in the Pyrotechnic Distributor
11 and Operator Licensing Act.

12 "Flame effect" means the detonation, ignition, or
13 deflagration of flammable gases, liquids, or special materials
14 to produce a thermal, physical, visual, or audible effect
15 before the public, invitees, or licensees, regardless of
16 whether admission is charged, in accordance with National Fire
17 Protection Association 160 guidelines, and as may be further
18 defined in the Pyrotechnic Distributor and Operator Licensing
19 Act.

20 "Lead pyrotechnic operator" means an individual who is
21 responsible for the safety, setup, and discharge of the
22 pyrotechnic display and who is licensed pursuant to the
23 Pyrotechnic Distributor and Operator Licensing Act.

24 "Person" means an individual, firm, corporation,
25 association, partnership, company, consortium, joint venture,
26 or commercial entity.

1 "Pyrotechnic display" means the detonation, ignition, or
2 deflagration of display fireworks or flame effects to produce
3 visual or audible effects of a exhibitional nature before the
4 public, invitees, or licensees, regardless of whether
5 admission is charged, and as may be further defined in the
6 Pyrotechnic Distributor and Operator Licensing Act.

7 "Special effects fireworks" means pyrotechnic devices used
8 for special effects by professionals in the performing arts in
9 conjunction with theatrical, musical, or other productions
10 that are similar to consumer fireworks in chemical compositions
11 and construction, but are not intended for consumer use and are
12 not labeled as such or identified as "intended for indoor use".

13 "Special effects fireworks" are classified as fireworks UN0431
14 or UN0432 by the United States Department of Transportation
15 under 49 C.F.R. 172.101.

16 (Source: P.A. 94-658, eff. 1-1-06; revised 11-21-05.)

17 (425 ILCS 35/5) (from Ch. 127 1/2, par. 131)

18 Sec. 5. ~~(a)~~ Any person, firm, co-partnership, or
19 corporation violating the provisions of this Act shall be
20 guilty of a Class A misdemeanor.

21 (Source: P.A. 94-658, eff. 1-1-06; revised 9-21-05.)

22 Section 965. The Public Building Egress Act is amended by
23 changing Section 1.5 as follows:

1 (425 ILCS 55/1.5)

2 Sec. 1.5. Stairwell door access.

3 (a) Stairwell enclosures in buildings greater than 4
4 stories shall comply with one of the following requirements:

5 (1) no stairwell enclosure door shall be locked at any
6 time in order to provide re-entry from the stair enclosure
7 to the interior of the building; or

8 (2) stairwell enclosure doors that are locked shall be
9 equipped with an electronic lock release system that is
10 activated upon loss of power, manually by a single switch
11 accessible to building management or firefighting
12 personnel, and automatically by activation of the
13 building's fire alarm system.

14 A telephone or other two-way communications system
15 connected to an approved constantly attended location shall be
16 provided on not less than every fifth floor in each stairway
17 where the doors to the stairway are locked. If this option is
18 selected, the building must comply with these requirements by
19 January 1, 2006.

20 (b) Regardless of which option is selected under subsection
21 (a) of this Section, stairwell enclosure doors at the main
22 egress level of the building shall remain unlocked from the
23 stairwell enclosure side at all times.

24 (c) Building owners that select the option under paragraph
25 (2) of subsection (a) of this Section must comply with the
26 following requirements during the time necessary to install a

1 lock release system and the two-way communication system:

2 (1) re-entry into the building interior shall be
3 possible at all times on the highest story or second
4 highest story, whichever allows access to another exit
5 stair;

6 (2) there shall not be more than 4 stories intervening
7 between stairwell enclosure doors that provides access to
8 another exit stair;

9 (3) doors allowing re-entry shall be identified as such
10 on the stair side of the door;

11 (4) doors not allowing re-entry shall be provided with
12 a sign on the stair side indicating the location of the
13 nearest exit, in each direction of travel that allows
14 re-entry; and

15 (5) the information required to be posted on the door
16 under paragraphs (3) and (4) of this subsection (c), shall
17 be posted at eye level and at the bottom of the door.

18 (d) Nothing in this Section applies to any stairwell
19 enclosure door that opens directly into a dwelling unit,
20 provided the dwelling unit door has a self-closer, latch, and
21 no self-locking hardware. Where all doors in the stairwell meet
22 these criteria, the stairwell shall be provided with either a
23 two-way communication system or readily operable windows on
24 each landing or intermediate landing.

25 (e) Except as otherwise provided in subsection (f) ~~(e)~~, a
26 home rule unit may not regulate stairwell door access in a

1 manner less restrictive than the regulation by the State of
2 stairwell door access under this Act. This subsection (e) is a
3 limitation under subsection (i) of Section 6 of Article VII of
4 the Illinois Constitution on the concurrent exercise by home
5 rule units of powers and functions exercised by the State.

6 (f) ~~(e)~~ This Section does not apply in a home rule
7 municipality that, on or before January 1, 2005, has passed an
8 ordinance regulating building access from stairwell enclosures
9 in buildings that are more than 4 stories in height.

10 (Source: P.A. 94-630, eff. 1-1-06; revised 10-11-05.)

11 Section 970. The Gasoline Storage Act is amended by
12 changing Section 2 as follows:

13 (430 ILCS 15/2) (from Ch. 127 1/2, par. 154)

14 Sec. 2. Jurisdiction; regulation of tanks.

15 (1) (a) Except as otherwise provided in this Act, the
16 jurisdiction of the Office of the State Fire Marshal under this
17 Act shall be concurrent with that of municipalities and other
18 political subdivisions. The Office of the State Fire Marshal
19 has power to promulgate, pursuant to the Illinois
20 Administrative Procedure Act, reasonable rules and regulations
21 governing the keeping, storage, transportation, sale or use of
22 gasoline and volatile oils. Nothing in this Act shall relieve
23 any person, corporation, or other entity from complying with
24 any zoning ordinance of a municipality or home rule unit

1 enacted pursuant to Section 11-13-1 of the Illinois Municipal
2 Code or any ordinance enacted pursuant to Section 11-8-4 of the
3 Illinois Municipal Code.

4 (b) The rulemaking power shall include the power to
5 promulgate rules providing for the issuance and revocation of
6 permits allowing the self service dispensing of motor fuels as
7 such term is defined in the Motor Fuel Tax Law in retail
8 service stations or any other place of business where motor
9 fuels are dispensed into the fuel tanks of motor vehicles,
10 internal combustion engines or portable containers. Such rules
11 shall specify the requirements that must be met both prior and
12 subsequent to the issuance of such permits in order to insure
13 the safety and welfare of the general public. The operation of
14 such service stations without a permit shall be unlawful. The
15 Office of the State Fire Marshal shall revoke such permit if
16 the self service operation of such a service station is found
17 to pose a significant risk to the safety and welfare of the
18 general public.

19 (c) However, except in any county with a population of
20 1,000,000 or more, the Office of the State Fire Marshal shall
21 not have the authority to prohibit the operation of a service
22 station solely on the basis that it is an unattended
23 self-service station which utilizes key or card operated
24 self-service motor fuel dispensing devices. Nothing in this
25 paragraph shall prohibit the Office of the State Fire Marshal
26 from adopting reasonable rules and regulations governing the

1 safety of self-service motor fuel dispensing devices.

2 (d) The State Fire Marshal shall not prohibit the
3 dispensing or delivery of flammable or combustible motor
4 vehicle fuels directly into the fuel tanks of vehicles from
5 tank trucks, tank wagons, or other portable tanks. The State
6 Fire Marshal shall adopt rules (i) for the issuance of permits
7 for the dispensing of motor vehicle fuels in the manner
8 described in this paragraph (d), (ii) that establish fees for
9 permits and inspections, and provide for those fees to be
10 deposited into the Fire Prevention Fund, (iii) that require the
11 dispensing of motor fuel in the manner described in this
12 paragraph (d) to meet conditions consistent with nationally
13 recognized standards such as those of the National Fire
14 Protection Association, and (iv) that restrict the dispensing
15 of motor vehicle fuels in the manner described in this
16 paragraph (d) to the following:

- 17 (A) agriculture sites for agricultural purposes,
18 (B) construction sites for refueling construction
19 equipment used at the construction site,
20 (C) sites used for the parking, operation, or
21 maintenance of a commercial vehicle fleet, but only if the
22 site is located in a county with 3,000,000 or more
23 inhabitants or a county contiguous to a county with
24 3,000,000 or more inhabitants and the site is not normally
25 accessible to the public, and
26 (D) sites used for the refueling of police, fire, or

1 emergency medical services vehicles or other vehicles that
2 are owned, leased, or operated by (or operated under
3 contract with) the State, a unit of local government, or a
4 school district, or any agency of the State and that are
5 not normally accessible to the public.

6 (2) (a) The Office of the State Fire Marshal shall adopt
7 rules and regulations regarding underground storage tanks and
8 associated piping and no municipality or other political
9 subdivision shall adopt or enforce any ordinances or
10 regulations regarding such underground tanks and piping other
11 than those which are identical to the rules and regulations of
12 the Office of the State Fire Marshal. It is declared to be the
13 law of this State, pursuant to paragraphs (h) and (i) of
14 Section 6 of Article VII of the Illinois Constitution, that the
15 establishment and enforcement of standards regarding
16 underground storage tanks and associated piping within the
17 jurisdiction of the Office of the State Fire Marshal is an
18 exclusive State function which may not be exercised
19 concurrently by a home rule unit except as expressly permitted
20 in this Act.

21 (b) The Office of the State Fire Marshal may enter into
22 written contracts with municipalities of over 500,000 in
23 population to enforce the rules and regulations adopted under
24 this subsection.

25 (3) (a) The Office of the State Fire Marshal shall have
26 authority over underground storage tanks which contain, have

1 contained, or are designed to contain petroleum, hazardous
2 substances and regulated substances as those terms are used in
3 Subtitle I of the Hazardous and Solid Waste Amendments of 1984
4 (P.L. 98-616), as amended by the Superfund Amendments and
5 Reauthorization Act of 1986 (P.L. 99-499). The Office shall
6 have the power with regard to underground storage tanks to
7 require any person who tests, installs, repairs, replaces,
8 relines, or removes any underground storage tank system
9 containing, formerly containing, or which is designed to
10 contain petroleum or other regulated substances, to obtain a
11 permit to install, repair, replace, reline, or remove the
12 particular tank system, and to pay a fee set by the Office for
13 a permit to install, repair, replace, reline, upgrade, test, or
14 remove any portion of an underground storage tank system. All
15 persons who do repairs above grade level for themselves need
16 not pay a fee or be certified. All fees received by the Office
17 from certification and permits shall be deposited in the Fire
18 Prevention Fund for the exclusive use of the Office in
19 administering the Underground Storage Tank program.

20 (b) (i) Within 120 days after the promulgation of
21 regulations or amendments thereto by the Administrator of the
22 United States Environmental Protection Agency to implement
23 Section 9003 of Subtitle I of the Hazardous and Solid Waste
24 Amendments of 1984 (P.L. 98-616) of the Resource Conservation
25 and Recovery Act of 1976 (P.L. 94-580 ~~95-580~~), as amended, the
26 Office of the State Fire Marshal shall adopt regulations or

1 amendments thereto which are identical in substance. The
2 rulemaking provisions of Section 5-35 of the Illinois
3 Administrative Procedure Act shall not apply to regulations or
4 amendments thereto adopted pursuant to this subparagraph (i).

5 (ii) The Office of the State Fire Marshal may adopt
6 additional regulations relating to an underground storage tank
7 program that are not inconsistent with and at least as
8 stringent as Section 9003 of Subtitle I of the Hazardous and
9 Solid Waste Amendments of 1984 (P.L. 98-616) of the Resource
10 Conservation and Recovery Act of 1976 (P.L. 94-580), as
11 amended, or regulations adopted thereunder. Except as provided
12 otherwise in subparagraph (i) of this paragraph (b), the Office
13 of the State Fire Marshal shall not adopt regulations relating
14 to corrective action at underground storage tanks. Regulations
15 adopted pursuant to this subsection shall be adopted in
16 accordance with the procedures for rulemaking in Section 5-35
17 of the Illinois Administrative Procedure Act.

18 (c) The Office of the State Fire Marshal shall require any
19 person, corporation or other entity who tests an underground
20 tank or its piping or cathodic protection for another to report
21 the results of such test to the Office.

22 (d) In accordance with constitutional limitations, the
23 Office shall have authority to enter at all reasonable times
24 upon any private or public property for the purpose of:

25 (i) Inspecting and investigating to ascertain possible
26 violations of this Act, of regulations thereunder or of

1 permits or terms or conditions thereof; or

2 (ii) In accordance with the provisions of this Act,
3 taking whatever emergency action, that is necessary or
4 appropriate, to assure that the public health or safety is
5 not threatened whenever there is a release or a substantial
6 threat of a release of petroleum or a regulated substance
7 from an underground storage tank.

8 (e) The Office of the State Fire Marshal may issue an
9 Administrative Order to any person who it reasonably believes
10 has violated the rules and regulations governing underground
11 storage tanks, including the installation, repair, leak
12 detection, cathodic protection tank testing, removal or
13 release notification. Such an order shall be served by
14 registered or certified mail or in person. Any person served
15 with such an order may appeal such order by submitting in
16 writing any such appeal to the Office within 10 days of the
17 date of receipt of such order. The Office shall conduct an
18 administrative hearing governed by the Illinois Administrative
19 Procedure Act and enter an order to sustain, modify or revoke
20 such order. Any appeal from such order shall be to the circuit
21 court of the county in which the violation took place and shall
22 be governed by the Administrative Review Law.

23 (f) The Office of the State Fire Marshal shall not require
24 the removal of an underground tank system taken out of
25 operation before January 2, 1974, except in the case in which
26 the office of the State Fire Marshal has determined that a

1 release from the underground tank system poses a current or
2 potential threat to human health and the environment. In that
3 case, and upon receipt of an Order from the Office of the State
4 Fire Marshal, the owner or operator of the nonoperational
5 underground tank system shall assess the excavation zone and
6 close the system in accordance with regulations promulgated by
7 the Office of the State Fire Marshal.

8 (4) (a) The Office of the State Fire Marshal shall adopt
9 rules and regulations regarding aboveground storage tanks and
10 associated piping and no municipality or other political
11 subdivision shall adopt or enforce any ordinances or
12 regulations regarding such aboveground tanks and piping other
13 than those which are identical to the rules and regulations of
14 the Office of the State Fire Marshal unless, in the interest of
15 fire safety, the Office of the State Fire Marshal delegates
16 such authority to municipalities, political subdivisions or
17 home rule units. It is declared to be the law of this State,
18 pursuant to paragraphs (h) and (i) of Section 6 of Article VII
19 of the Illinois Constitution, that the establishment of
20 standards regarding aboveground storage tanks and associated
21 piping within the jurisdiction of the Office of the State Fire
22 Marshal is an exclusive State function which may not be
23 exercised concurrently by a home rule unit except as expressly
24 permitted in this Act.

25 (b) The Office of the State Fire Marshal shall enforce its
26 rules and regulations concerning aboveground storage tanks and

1 associated piping; however, municipalities may enforce any of
2 their zoning ordinances or zoning regulations regarding
3 aboveground tanks. The Office of the State Fire Marshal may
4 issue an administrative order to any owner of an aboveground
5 storage tank and associated piping it reasonably believes to be
6 in violation of such rules and regulations to remedy or remove
7 any such violation. Such an order shall be served by registered
8 or certified mail or in person. Any person served with such an
9 order may appeal such order by submitting in writing any such
10 appeal to the Office within 10 days of the date of receipt of
11 such order. The Office shall conduct an administrative hearing
12 governed by the Illinois Administrative Procedure Act and enter
13 an order to sustain, modify or revoke such order. Any appeal
14 from such order shall be to the circuit court of the county in
15 which the violation took place and shall be governed by the
16 Administrative Review Law.

17 (Source: P.A. 91-851, eff. 1-1-01; 92-618, eff. 7-11-02;
18 revised 10-9-03.)

19 Section 975. The Firearm Owners Identification Card Act is
20 amended by changing Sections 1.1, 3, and 3.1 as follows:

21 (430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

22 Sec. 1.1. For purposes of this Act:

23 "Counterfeit" means to copy or imitate, without legal
24 authority, with intent to deceive.

1 "Federally licensed firearm dealer" means a person who is
2 licensed as a federal firearms dealer under Section 923 of the
3 federal Gun Control Act of 1968 (18 U.S.C. 923).

4 "Firearm" means any device, by whatever name known, which
5 is designed to expel a projectile or projectiles by the action
6 of an explosion, expansion of gas or escape of gas; excluding,
7 however:

8 (1) any pneumatic gun, spring gun, paint ball gun or
9 B-B gun which either expels a single globular projectile
10 not exceeding .18 inch in diameter and which has a maximum
11 muzzle velocity of less than 700 feet per second or
12 breakable paint balls containing washable marking colors;

13 (2) any device used exclusively for signalling or
14 safety and required or recommended by the United States
15 Coast Guard or the Interstate Commerce Commission;

16 (3) any device used exclusively for the firing of stud
17 cartridges, explosive rivets or similar industrial
18 ammunition; and

19 (4) an antique firearm (other than a machine-gun)
20 which, although designed as a weapon, the Department of
21 State Police finds by reason of the date of its
22 manufacture, value, design, and other characteristics is
23 primarily a collector's item and is not likely to be used
24 as a weapon.

25 "Firearm ammunition" means any self-contained cartridge or
26 shotgun shell, by whatever name known, which is designed to be

1 used or adaptable to use in a firearm; excluding, however:

2 (1) any ammunition exclusively designed for use with a
3 device used exclusively for signalling or safety and
4 required or recommended by the United States Coast Guard or
5 the Interstate Commerce Commission; and

6 (2) any ammunition designed exclusively for use with a
7 stud or rivet driver or other similar industrial
8 ammunition.

9 "Gun show" means an event or function:

10 (1) at which the sale and transfer of firearms is the
11 regular and normal course of business and where 50 or more
12 firearms are displayed, offered, or exhibited for sale,
13 transfer, or exchange; or

14 (2) at which not less than 10 gun show vendors display,
15 offer, or exhibit for sale, sell, transfer, or exchange
16 firearms.

17 "Gun show" includes the entire premises provided for an
18 event or function, including parking areas for the event or
19 function, that is sponsored to facilitate the purchase, sale,
20 transfer, or exchange of firearms as described in this Section.

21 "Gun show" does not include training or safety classes,
22 competitive shooting events, such as rifle, shotgun, or handgun
23 matches, trap, skeet, or sporting clays shoots, dinners,
24 banquets, raffles, or any other event where the sale or
25 transfer of firearms is not the primary course of business.

26 "Gun show promoter" means a person who organizes or

1 operates a gun show.

2 "Gun show vendor" means a person who exhibits, sells,
3 offers for sale, transfers, or exchanges any firearms at a gun
4 show, regardless of whether the person arranges with a gun show
5 promoter for a fixed location from which to exhibit, sell,
6 offer for sale, transfer, or exchange any firearm.

7 "Sanctioned competitive shooting event" means a shooting
8 contest officially recognized by a national or state shooting
9 sport association, and includes any sight-in or practice
10 conducted in conjunction with the event.

11 "Stun gun or taser" has the meaning ascribed to it in
12 Section 24-1 of the Criminal Code of 1961.

13 (Source: P.A. 94-6, eff. 1-1-06; 94-353, eff. 7-29-05; revised
14 8-19-05.)

15 (430 ILCS 65/3) (from Ch. 38, par. 83-3)

16 Sec. 3. (a) Except as provided in Section 3a, no person may
17 knowingly transfer, or cause to be transferred, any firearm,
18 firearm ammunition, stun gun, or taser to any person within
19 this State unless the transferee with whom he deals displays a
20 currently valid Firearm Owner's Identification Card which has
21 previously been issued in his name by the Department of State
22 Police under the provisions of this Act. In addition, all
23 firearm, stun gun, and taser transfers by federally licensed
24 firearm dealers are subject to Section 3.1.

25 (a-5) Any person who is not a federally licensed firearm

1 dealer and who desires to transfer or sell a firearm while that
2 person is on the grounds of a gun show must, before selling or
3 transferring the firearm, request the Department of State
4 Police to conduct a background check on the prospective
5 recipient of the firearm in accordance with Section 3.1.

6 (b) Any person within this State who transfers or causes to
7 be transferred any firearm, stun gun, or taser shall keep a
8 record of such transfer for a period of 10 years from the date
9 of transfer. Such record shall contain the date of the
10 transfer; the description, serial number or other information
11 identifying the firearm, stun gun, or taser if no serial number
12 is available; and, if the transfer was completed within this
13 State, the transferee's Firearm Owner's Identification Card
14 number. On or after January 1, 2006, the record shall contain
15 the date of application for transfer of the firearm. On demand
16 of a peace officer such transferor shall produce for inspection
17 such record of transfer. If the transfer or sale took place at
18 a gun show, the record shall include the unique identification
19 number. Failure to record the unique identification number is a
20 petty offense.

21 (b-5) Any resident may purchase ammunition from a person
22 outside of Illinois. Any resident purchasing ammunition
23 outside the State of Illinois must provide the seller with a
24 copy of his or her valid Firearm Owner's Identification Card
25 and either his or her Illinois driver's license or Illinois
26 State Identification Card prior to the shipment of the

1 ammunition. The ammunition may be shipped only to an address on
2 either of those 2 documents.

3 (c) The provisions of this Section regarding the transfer
4 of firearm ammunition shall not apply to those persons
5 specified in paragraph (b) of Section 2 of this Act.

6 (Source: P.A. 94-6, eff. 1-1-06; 94-284, eff. 7-21-05; 94-353,
7 eff. 7-29-05; 94-571, eff. 8-12-05; revised 8-19-05.)

8 (430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

9 Sec. 3.1. Dial up system.

10 (a) The Department of State Police shall provide a dial up
11 telephone system or utilize other existing technology which
12 shall be used by any federally licensed firearm dealer, gun
13 show promoter, or gun show vendor who is to transfer a firearm,
14 stun gun, or taser under the provisions of this Act. The
15 Department of State Police may utilize existing technology
16 which allows the caller to be charged a fee not to exceed \$2.
17 Fees collected by the Department of State Police shall be
18 deposited in the State Police Services Fund and used to provide
19 the service.

20 (b) Upon receiving a request from a federally licensed
21 firearm dealer, gun show promoter, or gun show vendor, the
22 Department of State Police shall immediately approve, or within
23 the time period established by Section 24-3 of the Criminal
24 Code of 1961 regarding the delivery of firearms, stun guns, and
25 tasers notify the inquiring dealer, gun show promoter, or gun

1 show vendor of any objection that would disqualify the
2 transferee from acquiring or possessing a firearm, stun gun, or
3 taser. In conducting the inquiry, the Department of State
4 Police shall initiate and complete an automated search of its
5 criminal history record information files and those of the
6 Federal Bureau of Investigation, including the National
7 Instant Criminal Background Check System, and of the files of
8 the Department of Human Services relating to mental health and
9 developmental disabilities to obtain any felony conviction or
10 patient hospitalization information which would disqualify a
11 person from obtaining or require revocation of a currently
12 valid Firearm Owner's Identification Card.

13 (c) If receipt of a firearm would not violate Section 24-3
14 of the Criminal Code of 1961, federal law, or this Act the
15 Department of State Police shall:

16 (1) assign a unique identification number to the
17 transfer; and

18 (2) provide the licensee, gun show promoter, or gun
19 show vendor with the number.

20 (d) Approvals issued by the Department of State Police for
21 the purchase of a firearm are valid for 30 days from the date
22 of issue.

23 (e) The Department of State Police must act as the Illinois
24 Point of Contact for the National Instant Criminal Background
25 Check System.

26 (f) The Department of State Police shall promulgate rules

1 not inconsistent with this Section to implement this system.
2 (Source: P.A. 94-6, eff. 1-1-06; 94-353, eff. 7-29-05; revised
3 8-19-05.)

4 Section 980. The Humane Care for Animals Act is amended by
5 changing Sections 4.01, 4.04, and 16 as follows:

6 (510 ILCS 70/4.01) (from Ch. 8, par. 704.01)

7 Sec. 4.01. Animals in entertainment. This Section does not
8 apply when the only animals involved are dogs. (Section 26-5 of
9 the Criminal Code of 1961, rather than this Section, applies
10 when the only animals involved are dogs.)

11 (a) No person may own, capture, breed, train, or lease any
12 animal which he or she knows or should know is intended for use
13 in any show, exhibition, program, or other activity featuring
14 or otherwise involving a fight between such animal and any
15 other animal or human, or the intentional killing of any animal
16 for the purpose of sport, wagering, or entertainment.

17 (b) No person shall promote, conduct, carry on, advertise,
18 collect money for or in any other manner assist or aid in the
19 presentation for purposes of sport, wagering, or
20 entertainment, any show, exhibition, program, or other
21 activity involving a fight between 2 or more animals or any
22 animal and human, or the intentional killing of any animal.

23 (c) No person shall sell or offer for sale, ship,
24 transport, or otherwise move, or deliver or receive any animal

1 which he or she knows or should know has been captured, bred,
2 or trained, or will be used, to fight another animal or human
3 or be intentionally killed, for the purpose of sport, wagering,
4 or entertainment.

5 (d) No person shall manufacture for sale, shipment,
6 transportation or delivery any device or equipment which that
7 person knows or should know is intended for use in any show,
8 exhibition, program, or other activity featuring or otherwise
9 involving a fight between 2 or more animals, or any human and
10 animal, or the intentional killing of any animal for purposes
11 of sport, wagering or entertainment.

12 (e) No person shall own, possess, sell or offer for sale,
13 ship, transport, or otherwise move any equipment or device
14 which such person knows or should know is intended for use in
15 connection with any show, exhibition, program, or activity
16 featuring or otherwise involving a fight between 2 or more
17 animals, or any animal and human, or the intentional killing of
18 any animal for purposes of sport, wagering or entertainment.

19 (f) No person shall make available any site, structure, or
20 facility, whether enclosed or not, which he or she knows or
21 should know is intended to be used for the purpose of
22 conducting any show, exhibition, program, or other activity
23 involving a fight between 2 or more animals, or any animal and
24 human, or the intentional killing of any animal.

25 (g) No person shall attend or otherwise patronize any show,
26 exhibition, program, or other activity featuring or otherwise

1 involving a fight between 2 or more animals, or any animal and
2 human, or the intentional killing of any animal for the
3 purposes of sport, wagering or entertainment.

4 (h) (Blank).

5 (i) Any animals or equipment involved in a violation of
6 this Section shall be immediately seized and impounded under
7 Section 12 by the Department when located at any show,
8 exhibition, program, or other activity featuring or otherwise
9 involving an animal fight for the purposes of sport, wagering,
10 or entertainment.

11 (j) Any vehicle or conveyance other than a common carrier
12 that is used in violation of this Section shall be seized,
13 held, and offered for sale at public auction by the sheriff's
14 department of the proper jurisdiction, and the proceeds from
15 the sale shall be remitted to the general fund of the county
16 where the violation took place.

17 (k) Any veterinarian in this State who is presented with an
18 animal for treatment of injuries or wounds resulting from
19 fighting where there is a reasonable possibility that the
20 animal was engaged in or utilized for a fighting event for the
21 purposes of sport, wagering, or entertainment shall file a
22 report with the Department and cooperate by furnishing the
23 owners' names, dates, and descriptions of the animal or animals
24 involved. Any veterinarian who in good faith complies with the
25 requirements of this subsection has immunity from any
26 liability, civil, criminal, or otherwise, that may result from

1 his or her actions. For the purposes of any proceedings, civil
2 or criminal, the good faith of the veterinarian shall be
3 rebuttably presumed.

4 (l) No person shall solicit a minor to violate this
5 Section.

6 (m) The penalties for violations of this Section shall be
7 as follows:

8 (1) A person convicted of violating subsection (a),
9 (b), or (c) of this Section or any rule, regulation, or
10 order of the Department pursuant thereto is guilty of a
11 Class A misdemeanor for the first offense. A second or
12 subsequent offense involving the violation of subsection
13 (a), (b), or (c) of this Section or any rule, regulation,
14 or order of the Department pursuant thereto is a Class 4
15 felony.

16 (2) A person convicted of violating subsection (d),
17 (e), or (f) of this Section or any rule, regulation, or
18 order of the Department pursuant thereto is guilty of a
19 Class A misdemeanor for the first offense. A second or
20 subsequent violation is a Class 4 felony.

21 (3) A person convicted of violating subsection (g) of
22 this Section or any rule, regulation, or order of the
23 Department pursuant thereto is guilty of a Class C
24 misdemeanor.

25 (4) A person convicted of violating subsection (l) of
26 this Section is guilty of a Class A misdemeanor.

1 (Source: P.A. 92-425, eff. 1-1-02; 92-454, eff. 1-1-02; 92-650,
2 eff. 7-11-02; 92-651, eff. 7-11-02; revised 11-21-02.)

3 (510 ILCS 70/4.04) (from Ch. 8, par. 704.04)

4 Sec. 4.04. Injuring or killing police animals, service
5 animals, or search and rescue dogs prohibited. It shall be
6 unlawful for any person to willfully or maliciously torture,
7 mutilate, injure, disable, poison, or kill (i) any animal used
8 by a law enforcement department or agency in the performance of
9 the functions or duties of the department or agency or when
10 placed in confinement off duty, (ii) any service animal, (iii)
11 any search and rescue dog, or (iv) any law enforcement,
12 service, or search and rescue animal in training. However, a
13 police officer or veterinarian may perform euthanasia in
14 emergency situations when delay would cause the animal undue
15 suffering and pain.

16 A person convicted of violating this Section is guilty of a
17 Class 4 felony ~~A misdemeanor~~ if the animal is not killed or
18 totally disabled; if the animal is killed or totally disabled,
19 the person is guilty of a Class 3 ~~Class 4~~ felony.

20 (Source: P.A. 91-357, eff. 7-29-99; 92-454, eff. 1-1-02;
21 92-650, eff. 7-11-02; incorporates 92-723, eff. 1-1-03;
22 revised 10-3-02.)

23 (510 ILCS 70/16) (from Ch. 8, par. 716)

24 Sec. 16. Miscellaneous violations; injunctions;

1 forfeiture.

2 (a) (Blank).

3 (b) (Blank). ~~4 felony 3~~

4 (c) Any person convicted of any act of abuse or neglect for
5 which no other penalty is specified in this Act, or of
6 violating any other provision of this Act or any rule,
7 regulation, or order of the Department pursuant thereto for
8 which no other penalty is specified in this Act, is guilty of a
9 Class B misdemeanor for the first violation. A second or
10 subsequent violation is a Class 4 felony, with every day that a
11 violation continues constituting a separate offense.

12 (d) (Blank).

13 (e) (Blank).

14 (f) The Department may enjoin a person from a continuing
15 violation of this Act.

16 (g) (Blank).

17 (h) (Blank).

18 (i) In addition to any other penalty provided by law, upon
19 conviction for violating Section 3, 3.01, 3.02, or 3.03 the
20 court may order the convicted person to forfeit to an animal
21 control or animal shelter the animal or animals that are the
22 basis of the conviction. Upon an order of forfeiture, the
23 convicted person is deemed to have permanently relinquished all
24 rights to the animal or animals that are the basis of the
25 conviction. The forfeited animal or animals shall be adopted or
26 humanely euthanized. In no event may the convicted person or

1 anyone residing in his or her household be permitted to adopt
2 the forfeited animal or animals. The court, additionally, may
3 order that the convicted person and persons dwelling in the
4 same household as the convicted person who conspired, aided, or
5 abetted in the unlawful act that was the basis of the
6 conviction, or who knew or should have known of the unlawful
7 act, may not own, harbor, or have custody or control of any
8 other animals for a period of time that the court deems
9 reasonable.

10 (Source: P.A. 91-291, eff. 1-1-00; 91-351, eff. 7-29-99;
11 91-357, eff. 7-29-99; 92-16, eff. 6-28-01; 92-425, eff. 1-1-02;
12 92-454, eff. 1-1-02; 92-650, eff. 7-11-02; 92-651, eff.
13 7-11-02; 92-723, eff. 1-1-03; revised 10-3-02.)

14 Section 985. The Fish and Aquatic Life Code is amended by
15 changing Section 20-35 as follows:

16 (515 ILCS 5/20-35) (from Ch. 56, par. 20-35)

17 Sec. 20-35. Offenses.

18 (a) Except as prescribed in Section 5-25 and unless
19 otherwise provided in this Code, any person who is found guilty
20 of violating any of the provisions of this Code, including
21 administrative rules, is guilty of a petty offense.

22 Any person who violates any of the provisions of Section
23 5-20, 10-5, 10-10, 10-15, 10-20, 10-25, 10-30, 10-35, 10-50,
24 10-60, 10-70, 10-75, 10-95, 10-115, 10-135, 15-5, 15-10, 15-15,

1 15-20, 15-30, 15-32, 15-40, 15-45, 15-55, 15-60, 15-65, 15-75,
2 15-80, 15-85, 15-90, 15-95, 15-100, 15-105, 15-110, 15-115,
3 15-120, 15-130, 15-140, 20-70, 20-75, 20-80, 20-85 (except
4 subsections (b), (c), (d), (e), (f), and (g)), 25-10, 25-15, or
5 25-20 of this Code, including administrative rules relating to
6 those Sections, is guilty of a Class B misdemeanor.

7 Any person who violates any of the provisions of Section
8 1-200, 1-205, 10-55, 10-80, 10-100(b), 15-35, or 20-120 of this
9 Code, including administrative rules relating to those
10 Sections, is guilty of a Class A misdemeanor.

11 Any person who violates any of the provisions of this Code,
12 including administrative rules, during the 5 years following
13 the revocation of his or her license, permit, or privileges
14 under Section 20-105 is guilty of a Class A misdemeanor.

15 Any person who violates Section 5-25 of this Code,
16 including administrative rules, is guilty of a Class 3 felony.

17 (b)(1) It is unlawful for any person to take or attempt to
18 take aquatic life from any aquatic life farm except with the
19 consent of the owner of the aquatic life farm. Any person
20 possessing fishing tackle on the premises of an aquatic life
21 farm is presumed to be fishing. The presumption may be rebutted
22 by clear and convincing evidence. All fishing tackle,
23 apparatus, and vehicles used in the violation of this
24 subsection (b) shall be confiscated by the arresting officer.
25 Except as otherwise provided in this subsection, the seizure
26 and confiscation procedures set forth in Section 1-215 of this

1 Code shall apply. If the confiscated property is determined by
2 the circuit court to have been used in the violation of this
3 subsection (b), the confiscated property shall be sold at
4 public auction by the county sheriff of the county where the
5 violation occurred. The proceeds of the sale shall be deposited
6 in the county general fund; provided that the auction may be
7 stayed by an appropriate court order.

8 (2) A violation of paragraph (1) of this subsection (b) is
9 a Class A misdemeanor for a first offense and a Class 4 felony
10 for a second or subsequent offense.

11 (c) (1) It is unlawful for any person to trespass or fish on
12 an aquatic life farm located on a strip mine lake or other body
13 of water used for aquatic life farming operations, or within a
14 200 foot buffer zone surrounding cages or netpens that are
15 clearly delineated by buoys of a posted aquatic life farm, by
16 swimming, scuba diving, or snorkeling in, around, or under the
17 aquatic life farm or by operating a watercraft over, around, or
18 in the aquatic life farm without the consent of the owner of
19 the aquatic life farm.

20 (2) A violation of paragraph (1) of this subsection (c) is
21 a Class B misdemeanor for a first offense and a Class A
22 misdemeanor for a second or subsequent offense. All fishing
23 tackle, apparatus, and watercraft used in a second or
24 subsequent violation of this subsection (c) shall be
25 confiscated by the arresting officer. Except as otherwise
26 provided in this subsection, the seizure and confiscation

1 procedures set forth in Section 1-215 of this Code shall apply.
2 If the confiscated property is determined by the circuit court
3 to have been used in a violation of this subsection (c), the
4 confiscated property shall be sold at public auction by the
5 county sheriff of the county where the violation occurred. The
6 proceeds of the sale shall be deposited in the county general
7 fund; provided that the auction may be stayed by an appropriate
8 court order.

9 (d) Offenses committed by minors under the direct control
10 or with the consent of a parent or guardian may subject the
11 parent or guardian to the penalties prescribed in this Section
12 or as otherwise provided in this Code.

13 (e) In addition to any fines imposed under this Section, or
14 as otherwise provided in this Code, any person found guilty of
15 unlawfully taking or possessing any aquatic life protected by
16 this Code shall be assessed a civil penalty for that aquatic
17 life in accordance with the values prescribed in Section 5-25
18 of this Code. This civil penalty shall be imposed at the time
19 of the conviction by the Circuit Court for the county where the
20 offense was committed. Except as otherwise provided for in
21 subsections (b) and (c) of this Section, all penalties provided
22 for in this Section shall be remitted to the Department in
23 accordance with the provisions of Section 1-180 of this Code.

24 (Source: P.A. 94-222, eff. 7-14-05; 94-592, eff. 1-1-06;
25 revised 8-19-05.)

1 Section 990. The Wildlife Code is amended by changing
2 Sections 2.2 and 3.23 as follows:

3 (520 ILCS 5/2.2) (from Ch. 61, par. 2.2)

4 Sec. 2.2. This Act shall apply only to the wild birds and
5 parts of wild birds (their nests and eggs), and wild mammals
6 and parts of wild mammals, which shall include their green
7 hides, in the State of Illinois, or which may be brought into
8 the State, that are hereby defined as follows:

9 All birds, both game and non-game (except the House
10 Sparrow, *Passer domesticus*; European Starling, *Sturnus*
11 *vulgaris*; and Rock Dove or Domestic Pigeon, *Columba livia*).
12 GAME BIRDS-Ruffed grouse, *Bonasa umbellus*; Sharp-tailed
13 grouse, *Pediocetes phasianellus*; Bobwhite quail, *Colinus*
14 *virginianus*; Hungarian Partridge, *Perdix perdix*; Chukar
15 Partridge, *Alectoris graeca*; Ring-necked Pheasant, *Phasianus*
16 *colchicus*; Greater Prairie Chicken, *Tympanuchus cupido*; Wild
17 Turkey, *Meleagris gallopavo*. MIGRATORY GAME BIRDS-Waterfowl
18 including brant, wild ducks, geese and swans, *Anatidae*; rails,
19 gallinules and coots, *Rallidae*; snipe, *Gallinago gallinago*;
20 woodcock, *Scolopax minor*; pigeons, including doves and wild
21 pigeons (except domestic pigeons), *Columbidae*; and crows,
22 *Corvidae*. RESIDENT AND MIGRATORY NON-GAME BIRDS-Loons,
23 *Gaviidae*; grebes, *Podicipedidae*; pelicans, *Pelecanidae*;
24 cormorants, *Phalacrocoracidae*; herons, bitterns and egrets,
25 *Ardeidae*; ibises and spoonbills, *Threskiornithidae*; storks,

1 Ciconiidae; vultures, Cathartidae ~~Carthartidae~~; kites, hawks
2 and eagles, Accipitridae; ospreys, Pandionidae; falcons,
3 including the Peregrine Falcon, Falconidae; cranes, Gruidae;
4 rails and gallinules, Rallidae; all shorebirds of the families
5 Charadriidae, Scolopacidae, Recurvirostridae and
6 Phalaropodidae; jaegers, Stercorariidae; gulls and terns,
7 Laridae; cuckoos, Cuculidae; owls, Tytonidae and Strigidae;
8 whip-poor-wills and nighthawks, Caprimulgidae; swifts,
9 Apodidae; hummingbirds, Trochilidae, Kingfishers, Alcedinidae;
10 woodpeckers, Picidae; kingbirds and flycatchers, Tyrannidae;
11 larks, Alaudidae; swallows and martins, Hirundinidae; crows,
12 magpies and jays, Corvidae; chickadees and titmice, Paridae;
13 nuthatches, Sittidae; creepers, Certhiidae; wrens,
14 Troglodytidae; mockingbirds, catbirds and thrashers, Mimidae;
15 robins, bluebirds and thrushes, Turdidae; gnatcatchers and
16 kinglets, Sylviidae; pipits, Motacillidae; waxwings,
17 Bombycillidae; shrikes, Laniidae; vireos, Vireonidae;
18 warblers, Parulidae; European Tree Sparrow, Passer montanus;
19 blackbirds, meadowlarks and orioles, Icteridae; tanagers,
20 thraupidae; cardinals, grosbeaks, finches, towhees,
21 dickcissels, sparrows, juncos, buntings and longspurs,
22 Fringillidae. GAME MAMMALS-Woodchuck, Marmota monax; Gray
23 squirrel, Sciurus carolinensis; Fox squirrel, Sciurus niger;
24 White-tailed jackrabbit, Lepus townsendii; Eastern cottontail,
25 Sylvilagus floridanus; Swamp rabbit, Sylvilagus aquaticus;
26 White-tailed deer, Odocoileus virginianus. FUR-BEARING

1 MAMMALS-Muskrat, Ondatra zibethicus; Beaver, Castor
2 canadensis; Raccoon, Procyon lotor; Opossum, Didelphis
3 marsupialis; Least weasel, Mustela rixosa; Long-tailed weasel,
4 Mustela frenata; Mink, Mustela vison; River otter, Lutra
5 canadensis; Striped skunk, Mephitis mephitis; Badger, Taxidea
6 taxus; Red fox, Vulpes vulpes; Gray fox, Urocyon
7 cinereoagenteus ~~cinereoargenteus~~; Coyote, Canis latrans;
8 Bobcat, Lynx rufus. OTHER MAMMALS-Flying squirrel, Glaucomys
9 volans; Red squirrel, Tamiasciurus hudsonicus; Eastern
10 Woodrat, Neotoma floridana; Golden Mouse, Ochrotomys nuttalli;
11 Rice Rat, Oryzomys palustris; Bats, Vespertilionidae.

12 It shall be unlawful for any person at any time to take,
13 possess, sell, or offer for sale, any of these wild birds (dead
14 or alive) and parts of wild birds (including their nests and
15 eggs), wild mammals (dead or alive) and parts of wild mammals,
16 including their green hides contrary to the provisions of this
17 Act. However, nothing in this Act shall prohibit bona-fide
18 public or state scientific, educational or zoological
19 institutions from receiving, holding and displaying wildlife
20 specimens that were salvaged or legally obtained.

21 It shall be unlawful for any person to bring into the State
22 of Illinois for the purpose of holding, releasing, propagating
23 or selling any other living wild animal not covered by this Act
24 without first obtaining a permit from the Director. The permit
25 shall be granted only upon satisfactory proof that the specific
26 animals intended to be imported are free of communicable

1 disease at the time of importation, will not become a nuisance,
2 and will not cause damage to any existing wild or domestic
3 species. Application for this permit shall be filed with the
4 Director not less than 30 days in advance of the proposed date
5 of importation. The Director may incorporate in the permit any
6 restrictions as he may deem appropriate. These provisions shall
7 not apply to any animal imported into this State for the
8 purpose of being confined and exhibited in any zoo or other
9 public display of animals nor to any other animals or groups of
10 animals that the Department of Natural Resources may exempt by
11 administrative rule.

12 It shall be unlawful for any person to take any other
13 living wild animal not covered by this Act without the
14 permission of the landowner or tenant.

15 (Source: P.A. 89-445, eff. 2-7-96; revised 10-11-05.)

16 (520 ILCS 5/3.23) (from Ch. 61, par. 3.23)

17 Sec. 3.23. Before any person shall hold, possess or engage
18 in the raising of game mammals, game birds or migratory game
19 birds protected by this Act, he shall procure a permit from the
20 Department to do so. Any person desiring to possess, propagate,
21 hold in captivity but not offer for sale any species protected
22 by this Act may do so by acquiring either a Class A
23 Noncommercial bird breeders permit or a Class A Noncommercial
24 game breeders permit. Any person desiring to possess,
25 propagate, to hold in captivity, to sell alive, for propagation

1 or hunting purposes, sell dressed for food purposes any species
2 protected by this Act may do so by acquiring a Class B
3 Commercial bird breeders permit or a Class B Commercial/game
4 breeders permit.

5 No person shall breed, raise, sell or offer to sell ferrets
6 without first obtaining from the Department either a Class A
7 noncommercial game breeder permit or a Class B commercial game
8 breeder permit; such permit shall not, however, authorize the
9 use or sale of ferrets for taking any of the wild birds or wild
10 mammals protected by this Act.

11 Except for a Class A noncommercial ferret permit which
12 shall be issued free of charge, the fee for a Class A permit
13 shall be \$10. The fee for a Class B permit shall be \$20. Both
14 Class A and Class B permits shall expire on March 31 of each
15 year.

16 Holders of wild game or bird breeder's permits may import
17 game mammals, game birds or migratory game birds into the State
18 of Illinois but may release the same only with the permission
19 of the Director.

20 Bobwhite quail and male pheasants raised in Illinois from
21 eggs originating in Illinois and reared under the provisions of
22 this Act may be released and harvested by hunting during the
23 open season provided by the regulations under Sections 2.6 and
24 2.7 of this Act. Hen pheasants raised in Illinois from eggs
25 originating in Illinois and reared under the provisions of this
26 Act may be released but may be harvested only as provided by

1 the regulations under Sections 2.34 and 3.28 of this Act.

2 Licensed breeders who hold Class B permits may sell live
3 hand-reared pheasants, bobwhite quail and chukar partridges to
4 organized field trial clubs, or to individuals operating dog
5 training grounds designated by the Department, to be used for
6 field trial purposes and such pheasants, bobwhite quail and
7 chukar partridges may be killed by shooting in connection
8 therewith on areas approved by the Department.

9 Tags or decals on containers, of a type not removable
10 without breaking or mutilating the tag or decal, shall be used
11 to designate the carcasses of game mammals, game birds or
12 migratory game birds raised in captivity, as provided in this
13 Section, and all game imported legally from any source outside
14 the State of Illinois shall be so designated with irremovable
15 tags or decals. If such tag or decal is not provided for in the
16 State of origin the consignor shall obtain such tags or decals
17 from the Department to identify such carcasses. Upon the
18 application and payment of a fee of 10 cents for such tag or
19 decal, the Department shall furnish permittees with such tags
20 or decals, except that the Department shall only furnish any
21 permittee with sufficient tags or decals for the number of game
22 mammals, game birds or migratory game birds, or parts of
23 carcasses thereof, as may from time to time have been disposed
24 of by the permittee. One of such tags shall be securely affixed
25 to one of the legs of each game mammal, except deer, where a
26 tag shall be affixed to each leg, game bird or migratory game

1 bird before removing such game mammal, game bird or migratory
2 game bird from the premises of the permittee, and such tags
3 shall remain upon the leg or legs of such mammal, game bird or
4 migratory bird until prepared for consumption. Class B permit
5 holders who sell such species dressed for food purposes shall
6 affix such tags to one of the legs of each game mammal, except
7 deer, where a tag must be secured to each leg, game bird or
8 migratory game bird or shall secure such decals on the
9 containers in which the carcasses are transported before
10 removing such species from the premises of the permittees.

11 Nothing in this Section shall be construed to give any such
12 permittee authority to take game mammals, game birds or
13 migratory game birds in their wild state contrary to other
14 provisions of this Act, or to remove such permittee from
15 responsibility for the observance of any Federal laws, rules or
16 regulations which may apply to such game mammals, game birds or
17 migratory game birds.

18 When any wild birds or wild mammals raised in captivity, or
19 parts thereof, are transported or offered for shipment by the
20 holder of a permit, issued under the provisions of Sections 1.6
21 and 1.7 hereof, or by a licensed breeder from outside the
22 State, such shipment shall be plainly tagged or with decals if
23 in containers so as to show the contents thereof, the name of
24 the shipper, his place of residence, the place from where the
25 shipment is made, its destination, name of consignee and the
26 number, date and type of permit under which shipment is

1 offered.

2 Game and game bird breeders shall keep records of the
3 acquisition, sale or disposition of each game mammal or game
4 bird so raised or propagated, showing the date of such
5 transaction, the name and address of the person acquiring or
6 receiving such game mammal or game bird, and shall furnish such
7 person with a certificate of purchase showing the number and
8 kinds of game mammals or game birds so disposed of, the date of
9 transaction, the name of the person receiving, collecting, or
10 buying such game mammals or game birds, and such other
11 information as the Department may require. Such records and
12 certificates of purchase or disposition shall be immediately
13 presented to officers or authorized employees of the
14 Department, any Sheriff, Deputy Sheriff, or other peace officer
15 when request is made for same.

16 Failure to produce such records of certificates of purchase
17 or disposition shall be prima facie evidence that such game
18 mammals or game birds are contraband within the State of
19 Illinois. Records shall be maintained from the date of
20 acquisition until 2 years after the date of disposition or
21 sale.

22 Duly organized clubs and associations approved by the
23 Department and engaged in the raising, for release only and
24 without profit, any of the game mammals and game birds
25 protected by this Act are exempt from the provisions of this
26 Section.

1 No person shall release, hold, possess, or engage in
2 raising San Juan (sometimes called European) rabbits or
3 finnraccoons (sometimes called raccoon dogs) (Nyctereutes
4 procyonoides) in this State and no permit shall be issued
5 therefor.

6 No person shall release, or propagate for the release any
7 Nutria (Myocastor coypus), and monk parakeet (Myiopsitta
8 ~~Myiopsitta~~ monachus), in this State at any time.

9 (Source: P.A. 86-920; revised 10-13-05.)

10 Section 995. The Illinois Open Land Trust Act is amended by
11 changing Section 10 as follows:

12 (525 ILCS 33/10)

13 Sec. 10. Definitions. As used in this Act:

14 "Conservation and recreation purposes" means activities
15 that are consistent with the protection and preservation of
16 open lands, natural areas, wetlands, prairies, forests,
17 watersheds, resource-rich areas, greenways, and fish and
18 wildlife habitats, including multiple use such as hunting,
19 fishing, trapping, and other recreational uses.

20 "Conservation easement" means a nonpossessory interest in
21 real property imposing limitations or affirmative obligations
22 the purposes of which include retaining or protecting natural,
23 scenic, or open-space values of real property, assuring its
24 availability for forest, recreational, or open-space use,

1 protecting natural resources, maintaining or enhancing air or
2 water quality, or preserving the natural, historical,
3 architectural, archaeological ~~archaeological~~, or cultural
4 aspects of real property. A conservation easement may be
5 released at any time by mutual consent of the parties.

6 "Department" means the Department of Natural Resources.

7 "Natural area" means an area of land that either retains or
8 has recovered to a substantial degree its original natural or
9 primeval character, though it need not be completely
10 undisturbed, or has floral, faunal, ecological, geological, or
11 archaeological features of scientific, educational, scenic, or
12 esthetic interest.

13 "Open space" means those undeveloped or minimally
14 developed lands that conserve and protect valuable natural
15 features or processes.

16 "Real property" means land, including improvements
17 existing on the land.

18 "Units of local government" means counties, townships,
19 municipalities, park districts, conservation districts, forest
20 preserve districts, river conservancy districts, and any other
21 units of local government empowered to expend public funds for
22 the acquisition and development of land for public outdoor
23 park, recreation, or conservation purposes.

24 (Source: P.A. 91-220, eff. 7-21-99; revised 10-9-03.)

25 Section 1000. The Illinois Highway Code is amended by

1 changing Sections 4-508, 5-701.2, and 6-201.21 as follows:

2 (605 ILCS 5/4-508) (from Ch. 121, par. 4-508)

3 Sec. 4-508. (a) Except as provided in paragraphs (c) and
4 (d) of this Section, and subject to the written approval of the
5 Governor, the Department may dispose of, by public sale, at
6 auction or by sealed bids, any land, rights or other
7 properties, real or personal, acquired for but no longer needed
8 for highway purposes or remnants ~~remanents~~ acquired under the
9 provisions of Section 4-501, provided that no such sale may be
10 made for less than the fair appraised value of such land,
11 rights, or property.

12 (b) Except as provided in paragraphs (c) and (d) of this
13 Section, and subject to the written approval of the Governor,
14 the Department may exchange any land, rights or property no
15 longer needed for highway purposes, or remnants ~~remanents,~~
16 acquired under the provisions of Section 4-501 of this Code for
17 equivalent interests in land, rights or property needed for
18 highway purposes. Where such interests are not of equivalent
19 value cash may be paid or received for the difference in value.

20 (c) If at the time any property previously determined by
21 the Department to be needed for highway purposes is declared no
22 longer needed for such purposes, and the person from whom such
23 property was acquired still owns and has continuously owned
24 land abutting such property since the acquisition by the
25 Department, the Department before making any disposition of

1 that property shall first offer in writing that property to the
2 person from whom such property was acquired at the current
3 appraised value of the property. If the offer is accepted in
4 writing within 60 days of the date of the written offer, the
5 Department, subject to the written approval of the Governor, is
6 authorized to dispose of such property to the person from whom
7 such property was acquired upon payment of the appraised value.
8 If the offer is not accepted in writing within 60 days of the
9 date of the written offer, all rights under this paragraph
10 shall terminate.

11 (d) If the Department enters into or currently has a
12 written contract with another highway authority for the
13 transfer of jurisdiction of any highway or portion thereof, the
14 Department is authorized to convey, without compensation, any
15 land, dedications, easements, access rights, or any interest in
16 the real estate that it holds to that specific highway or
17 portion thereof to the highway authority that is accepting or
18 has accepted jurisdiction. However, no part of the transferred
19 property can be vacated or disposed of without the approval of
20 the Department, which may require compensation for non-public
21 use.

22 (e) Except as provided in paragraph (c) of this Section, if
23 the Department obtains or obtained fee simple title to, or any
24 lesser interest, in any land, right, or other property and must
25 comply with subdivision (f)(3) of Section 6 of Title I of the
26 Land and Water Conservation Fund Act of 1965 (16 U.S.C. 460

1 1-8(f)(3)), the Historic Bridge Program established under
2 Title 23, United States Code, Section 144, subsection (o) (23
3 U.S.C. 144(o)), the National Historic Preservation Act (16
4 U.S.C. Sec. 470), the Interagency Wetland Policy Act of 1989,
5 or the Illinois State Agency Historic Resources Preservation
6 Act, the Department, subject to the written approval of the
7 Governor and concurrence of the grantee, is authorized to
8 convey the title or interest in the land, right, or other
9 property to another governmental agency, or a not-for-profit
10 organization that will use the property for purposes consistent
11 with the appropriate law.

12 The Department may retain rights to protect the public
13 interest.

14 (Source: P.A. 90-573, eff. 2-6-98; 90-755, eff. 1-1-99; 91-357,
15 eff. 7-29-99; revised 10-17-05.)

16 (605 ILCS 5/5-701.2) (from Ch. 121, par. 5-701.2)

17 Sec. 5-701.2. Any county board, with the approval of the
18 Department, may also use motor fuel tax money allotted to it
19 for construction of State highways within the county.

20 (Source: Laws 1959, p. 196; revised 1-21-04.)

21 (605 ILCS 5/6-201.21)

22 Sec. 6-201.21. Special services; disaster relief. Subject
23 to Section 30-117 of the Township Code, the highway
24 commissioner has authority to provide for orderly collection

1 and disposal of brush and leaves that have been properly placed
2 for collection along the road district rights-of-way in
3 accordance with local guidelines in those townships or counties
4 that regulate by ordinance open burning of brush or leaves.
5 Further, the highway commissioner has authority to provide
6 necessary relief services following the occurrence of an event
7 that has been declared a disaster by State or local officials.
8 The highway commissioner has purchasing authority, subject to
9 Section 6-201.6, and contractual authority as defined in ~~of~~
10 Section 6-201.7 of this Code.

11 (Source: P.A. 93-109, eff. 7-8-03; 93-610, eff. 11-18-03;
12 revised 12-4-03.)

13 Section 1005. The Illinois Vehicle Code is amended by
14 changing Sections 2-109.1, 2-123, 3-412, 3-413, 3-621, 3-622,
15 3-623, 3-625, 3-806.3, 3-806.4, 3-814.4, 6-107, 6-108, 6-201,
16 6-205.2, 6-208, 6-411, 6-500, 6-508, 11-208.3, 11-1201,
17 11-1414, 12-603.1, 12-613, 15-301, 15-308.3, 16-104b, and
18 18a-404 and by setting forth, renumbering, and changing
19 multiple versions of Sections 3-648, 3-653, and 3-654 as
20 follows:

21 (625 ILCS 5/2-109.1)

22 Sec. 2-109.1. Exchange of information.

23 (a) The Secretary of State shall exchange information with
24 the ~~Illinois~~ Department of Healthcare and Family Services

1 ~~Public Aid~~ which may be necessary for the establishment of
2 paternity and the establishment, modification, and enforcement
3 of child support orders pursuant to the Illinois Public Aid
4 Code, the Illinois Marriage and Dissolution of Marriage Act,
5 the Non-Support of Spouse and Children Act, the Non-Support
6 Punishment Act, the Revised Uniform Reciprocal Enforcement of
7 Support Act, the Uniform Interstate Family Support Act, or the
8 Illinois Parentage Act of 1984.

9 (b) Notwithstanding any provisions in this Code to the
10 contrary, the Secretary of State shall not be liable to any
11 person for any disclosure of information to the Department of
12 Healthcare and Family Services (formerly Illinois Department
13 of Public Aid) under subsection (a) or for any other action
14 taken in good faith to comply with the requirements of
15 subsection (a).

16 (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 7-1-00; revised
17 12-15-05.)

18 (625 ILCS 5/2-123) (from Ch. 95 1/2, par. 2-123)

19 Sec. 2-123. Sale and Distribution of Information.

20 (a) Except as otherwise provided in this Section, the
21 Secretary may make the driver's license, vehicle and title
22 registration lists, in part or in whole, and any statistical
23 information derived from these lists available to local
24 governments, elected state officials, state educational
25 institutions, and all other governmental units of the State and

1 Federal Government requesting them for governmental purposes.
2 The Secretary shall require any such applicant for services to
3 pay for the costs of furnishing such services and the use of
4 the equipment involved, and in addition is empowered to
5 establish prices and charges for the services so furnished and
6 for the use of the electronic equipment utilized.

7 (b) The Secretary is further empowered to and he may, in
8 his discretion, furnish to any applicant, other than listed in
9 subsection (a) of this Section, vehicle or driver data on a
10 computer tape, disk, other electronic format or computer
11 processable medium, or printout at a fixed fee of \$250 for
12 orders received before October 1, 2003 and \$500 for orders
13 received on or after October 1, 2003, in advance, and require
14 in addition a further sufficient deposit based upon the
15 Secretary of State's estimate of the total cost of the
16 information requested and a charge of \$25 for orders received
17 before October 1, 2003 and \$50 for orders received on or after
18 October 1, 2003, per 1,000 units or part thereof identified or
19 the actual cost, whichever is greater. The Secretary is
20 authorized to refund any difference between the additional
21 deposit and the actual cost of the request. This service shall
22 not be in lieu of an abstract of a driver's record nor of a
23 title or registration search. This service may be limited to
24 entities purchasing a minimum number of records as required by
25 administrative rule. The information sold pursuant to this
26 subsection shall be the entire vehicle or driver data list, or

1 part thereof. The information sold pursuant to this subsection
2 shall not contain personally identifying information unless
3 the information is to be used for one of the purposes
4 identified in subsection (f-5) of this Section. Commercial
5 purchasers of driver and vehicle record databases shall enter
6 into a written agreement with the Secretary of State that
7 includes disclosure of the commercial use of the information to
8 be purchased.

9 (b-1) The Secretary is further empowered to and may, in his
10 or her discretion, furnish vehicle or driver data on a computer
11 tape, disk, or other electronic format or computer processible
12 medium, at no fee, to any State or local governmental agency
13 that uses the information provided by the Secretary to transmit
14 data back to the Secretary that enables the Secretary to
15 maintain accurate driving records, including dispositions of
16 traffic cases. This information may be provided without fee not
17 more often than once every 6 months.

18 (c) Secretary of State may issue registration lists. The
19 Secretary of State shall compile and publish, at least
20 annually, a list of all registered vehicles. Each list of
21 registered vehicles shall be arranged serially according to the
22 registration numbers assigned to registered vehicles and shall
23 contain in addition the names and addresses of registered
24 owners and a brief description of each vehicle including the
25 serial or other identifying number thereof. Such compilation
26 may be in such form as in the discretion of the Secretary of

1 State may seem best for the purposes intended.

2 (d) The Secretary of State shall furnish no more than 2
3 current available lists of such registrations to the sheriffs
4 of all counties and to the chiefs of police of all cities and
5 villages and towns of 2,000 population and over in this State
6 at no cost. Additional copies may be purchased by the sheriffs
7 or chiefs of police at the fee of \$500 each or at the cost of
8 producing the list as determined by the Secretary of State.
9 Such lists are to be used for governmental purposes only.

10 (e) (Blank).

11 (e-1) (Blank).

12 (f) The Secretary of State shall make a title or
13 registration search of the records of his office and a written
14 report on the same for any person, upon written application of
15 such person, accompanied by a fee of \$5 for each registration
16 or title search. The written application shall set forth the
17 intended use of the requested information. No fee shall be
18 charged for a title or registration search, or for the
19 certification thereof requested by a government agency. The
20 report of the title or registration search shall not contain
21 personally identifying information unless the request for a
22 search was made for one of the purposes identified in
23 subsection (f-5) of this Section. The report of the title or
24 registration search shall not contain highly restricted
25 personal information unless specifically authorized by this
26 Code.

1 The Secretary of State shall certify a title or
2 registration record upon written request. The fee for
3 certification shall be \$5 in addition to the fee required for a
4 title or registration search. Certification shall be made under
5 the signature of the Secretary of State and shall be
6 authenticated by Seal of the Secretary of State.

7 The Secretary of State may notify the vehicle owner or
8 registrant of the request for purchase of his title or
9 registration information as the Secretary deems appropriate.

10 No information shall be released to the requestor until
11 expiration of a 10 day period. This 10 day period shall not
12 apply to requests for information made by law enforcement
13 officials, government agencies, financial institutions,
14 attorneys, insurers, employers, automobile associated
15 businesses, persons licensed as a private detective or firms
16 licensed as a private detective agency under the Private
17 Detective, Private Alarm, Private Security, and Locksmith Act
18 of 2004, who are employed by or are acting on behalf of law
19 enforcement officials, government agencies, financial
20 institutions, attorneys, insurers, employers, automobile
21 associated businesses, and other business entities for
22 purposes consistent with the Illinois Vehicle Code, the vehicle
23 owner or registrant or other entities as the Secretary may
24 exempt by rule and regulation.

25 Any misrepresentation made by a requestor of title or
26 vehicle information shall be punishable as a petty offense,

1 except in the case of persons licensed as a private detective
2 or firms licensed as a private detective agency which shall be
3 subject to disciplinary sanctions under Section 40-10 of the
4 Private Detective, Private Alarm, Private Security, and
5 Locksmith Act of 2004.

6 (f-5) The Secretary of State shall not disclose or
7 otherwise make available to any person or entity any personally
8 identifying information obtained by the Secretary of State in
9 connection with a driver's license, vehicle, or title
10 registration record unless the information is disclosed for one
11 of the following purposes:

12 (1) For use by any government agency, including any
13 court or law enforcement agency, in carrying out its
14 functions, or any private person or entity acting on behalf
15 of a federal, State, or local agency in carrying out its
16 functions.

17 (2) For use in connection with matters of motor vehicle
18 or driver safety and theft; motor vehicle emissions; motor
19 vehicle product alterations, recalls, or advisories;
20 performance monitoring of motor vehicles, motor vehicle
21 parts, and dealers; and removal of non-owner records from
22 the original owner records of motor vehicle manufacturers.

23 (3) For use in the normal course of business by a
24 legitimate business or its agents, employees, or
25 contractors, but only:

26 (A) to verify the accuracy of personal information

1 submitted by an individual to the business or its
2 agents, employees, or contractors; and

3 (B) if such information as so submitted is not
4 correct or is no longer correct, to obtain the correct
5 information, but only for the purposes of preventing
6 fraud by, pursuing legal remedies against, or
7 recovering on a debt or security interest against, the
8 individual.

9 (4) For use in research activities and for use in
10 producing statistical reports, if the personally
11 identifying information is not published, redisclosed, or
12 used to contact individuals.

13 (5) For use in connection with any civil, criminal,
14 administrative, or arbitral proceeding in any federal,
15 State, or local court or agency or before any
16 self-regulatory body, including the service of process,
17 investigation in anticipation of litigation, and the
18 execution or enforcement of judgments and orders, or
19 pursuant to an order of a federal, State, or local court.

20 (6) For use by any insurer or insurance support
21 organization or by a self-insured entity or its agents,
22 employees, or contractors in connection with claims
23 investigation activities, antifraud activities, rating, or
24 underwriting.

25 (7) For use in providing notice to the owners of towed
26 or impounded vehicles.

1 (8) For use by any person licensed as a private
2 detective or firm licensed as a private detective agency
3 under the Private Detective, Private Alarm, Private
4 Security, and Locksmith Act of 1993, private investigative
5 agency or security service licensed in Illinois for any
6 purpose permitted under this subsection.

7 (9) For use by an employer or its agent or insurer to
8 obtain or verify information relating to a holder of a
9 commercial driver's license that is required under chapter
10 313 of title 49 of the United States Code.

11 (10) For use in connection with the operation of
12 private toll transportation facilities.

13 (11) For use by any requester, if the requester
14 demonstrates it has obtained the written consent of the
15 individual to whom the information pertains.

16 (12) For use by members of the news media, as defined
17 in Section 1-148.5, for the purpose of newsgathering when
18 the request relates to the operation of a motor vehicle or
19 public safety.

20 (13) For any other use specifically authorized by law,
21 if that use is related to the operation of a motor vehicle
22 or public safety.

23 (f-6) The Secretary of State shall not disclose or
24 otherwise make available to any person or entity any highly
25 restricted personal information obtained by the Secretary of
26 State in connection with a driver's license, vehicle, or title

1 registration record unless specifically authorized by this
2 Code.

3 (g) 1. The Secretary of State may, upon receipt of a
4 written request and a fee of \$6 before October 1, 2003 and
5 a fee of \$12 on and after October 1, 2003, furnish to the
6 person or agency so requesting a driver's record. Such
7 document may include a record of: current driver's license
8 issuance information, except that the information on
9 judicial driving permits shall be available only as
10 otherwise provided by this Code; convictions; orders
11 entered revoking, suspending or cancelling a driver's
12 license or privilege; and notations of accident
13 involvement. All other information, unless otherwise
14 permitted by this Code, shall remain confidential.
15 Information released pursuant to a request for a driver's
16 record shall not contain personally identifying
17 information, unless the request for the driver's record was
18 made for one of the purposes set forth in subsection (f-5)
19 of this Section.

20 2. The Secretary of State shall not disclose or
21 otherwise make available to any person or entity any highly
22 restricted personal information obtained by the Secretary
23 of State in connection with a driver's license, vehicle, or
24 title registration record unless specifically authorized
25 by this Code. The Secretary of State may certify an
26 abstract of a driver's record upon written request

1 therefor. Such certification shall be made under the
2 signature of the Secretary of State and shall be
3 authenticated by the Seal of his office.

4 3. All requests for driving record information shall be
5 made in a manner prescribed by the Secretary and shall set
6 forth the intended use of the requested information.

7 The Secretary of State may notify the affected driver
8 of the request for purchase of his driver's record as the
9 Secretary deems appropriate.

10 No information shall be released to the requester until
11 expiration of a 10 day period. This 10 day period shall not
12 apply to requests for information made by law enforcement
13 officials, government agencies, financial institutions,
14 attorneys, insurers, employers, automobile associated
15 businesses, persons licensed as a private detective or
16 firms licensed as a private detective agency under the
17 Private Detective, Private Alarm, Private Security, and
18 Locksmith Act of 2004, who are employed by or are acting on
19 behalf of law enforcement officials, government agencies,
20 financial institutions, attorneys, insurers, employers,
21 automobile associated businesses, and other business
22 entities for purposes consistent with the Illinois Vehicle
23 Code, the affected driver or other entities as the
24 Secretary may exempt by rule and regulation.

25 Any misrepresentation made by a requestor of driver
26 information shall be punishable as a petty offense, except

1 in the case of persons licensed as a private detective or
2 firms licensed as a private detective agency which shall be
3 subject to disciplinary sanctions under Section 40-10 of
4 the Private Detective, Private Alarm, Private Security,
5 and Locksmith Act of 2004.

6 4. The Secretary of State may furnish without fee, upon
7 the written request of a law enforcement agency, any
8 information from a driver's record on file with the
9 Secretary of State when such information is required in the
10 enforcement of this Code or any other law relating to the
11 operation of motor vehicles, including records of
12 dispositions; documented information involving the use of
13 a motor vehicle; whether such individual has, or previously
14 had, a driver's license; and the address and personal
15 description as reflected on said driver's record.

16 5. Except as otherwise provided in this Section, the
17 Secretary of State may furnish, without fee, information
18 from an individual driver's record on file, if a written
19 request therefor is submitted by any public transit system
20 or authority, public defender, law enforcement agency, a
21 state or federal agency, or an Illinois local
22 intergovernmental association, if the request is for the
23 purpose of a background check of applicants for employment
24 with the requesting agency, or for the purpose of an
25 official investigation conducted by the agency, or to
26 determine a current address for the driver so public funds

1 can be recovered or paid to the driver, or for any other
2 purpose set forth in subsection (f-5) of this Section.

3 The Secretary may also furnish the courts a copy of an
4 abstract of a driver's record, without fee, subsequent to
5 an arrest for a violation of Section 11-501 or a similar
6 provision of a local ordinance. Such abstract may include
7 records of dispositions; documented information involving
8 the use of a motor vehicle as contained in the current
9 file; whether such individual has, or previously had, a
10 driver's license; and the address and personal description
11 as reflected on said driver's record.

12 6. Any certified abstract issued by the Secretary of
13 State or transmitted electronically by the Secretary of
14 State pursuant to this Section, to a court or on request of
15 a law enforcement agency, for the record of a named person
16 as to the status of the person's driver's license shall be
17 prima facie evidence of the facts therein stated and if the
18 name appearing in such abstract is the same as that of a
19 person named in an information or warrant, such abstract
20 shall be prima facie evidence that the person named in such
21 information or warrant is the same person as the person
22 named in such abstract and shall be admissible for any
23 prosecution under this Code and be admitted as proof of any
24 prior conviction or proof of records, notices, or orders
25 recorded on individual driving records maintained by the
26 Secretary of State.

1 7. Subject to any restrictions contained in the
2 Juvenile Court Act of 1987, and upon receipt of a proper
3 request and a fee of \$6 before October 1, 2003 and a fee of
4 \$12 on or after October 1, 2003, the Secretary of State
5 shall provide a driver's record to the affected driver, or
6 the affected driver's attorney, upon verification. Such
7 record shall contain all the information referred to in
8 paragraph 1 of this subsection (g) plus: any recorded
9 accident involvement as a driver; information recorded
10 pursuant to subsection (e) of Section 6-117 and paragraph
11 (4) of subsection (a) of Section 6-204 of this Code. All
12 other information, unless otherwise permitted by this
13 Code, shall remain confidential.

14 (h) The Secretary shall not disclose social security
15 numbers or any associated information obtained from the Social
16 Security Administration except pursuant to a written request
17 by, or with the prior written consent of, the individual
18 except: (1) to officers and employees of the Secretary who have
19 a need to know the social security numbers in performance of
20 their official duties, (2) to law enforcement officials for a
21 lawful, civil or criminal law enforcement investigation, and if
22 the head of the law enforcement agency has made a written
23 request to the Secretary specifying the law enforcement
24 investigation for which the social security numbers are being
25 sought, (3) to the United States Department of Transportation,
26 or any other State, pursuant to the administration and

1 enforcement of the Commercial Motor Vehicle Safety Act of 1986,
2 (4) pursuant to the order of a court of competent jurisdiction,
3 or (5) to the Department of Healthcare and Family Services
4 (formerly Department of Public Aid) for utilization in the
5 child support enforcement duties assigned to that Department
6 under provisions of the Illinois Public Aid Code after the
7 individual has received advanced meaningful notification of
8 what redisclosure is sought by the Secretary in accordance with
9 the federal Privacy Act.

10 (i) (Blank).

11 (j) Medical statements or medical reports received in the
12 Secretary of State's Office shall be confidential. No
13 confidential information may be open to public inspection or
14 the contents disclosed to anyone, except officers and employees
15 of the Secretary who have a need to know the information
16 contained in the medical reports and the Driver License Medical
17 Advisory Board, unless so directed by an order of a court of
18 competent jurisdiction.

19 (k) All fees collected under this Section shall be paid
20 into the Road Fund of the State Treasury, except that (i) for
21 fees collected before October 1, 2003, \$3 of the \$6 fee for a
22 driver's record shall be paid into the Secretary of State
23 Special Services Fund, (ii) for fees collected on and after
24 October 1, 2003, of the \$12 fee for a driver's record, \$3 shall
25 be paid into the Secretary of State Special Services Fund and
26 \$6 shall be paid into the General Revenue Fund, and (iii) for

1 fees collected on and after October 1, 2003, 50% of the amounts
2 collected pursuant to subsection (b) shall be paid into the
3 General Revenue Fund.

4 (l) (Blank).

5 (m) Notations of accident involvement that may be disclosed
6 under this Section shall not include notations relating to
7 damage to a vehicle or other property being transported by a
8 tow truck. This information shall remain confidential,
9 provided that nothing in this subsection (m) shall limit
10 disclosure of any notification of accident involvement to any
11 law enforcement agency or official.

12 (n) Requests made by the news media for driver's license,
13 vehicle, or title registration information may be furnished
14 without charge or at a reduced charge, as determined by the
15 Secretary, when the specific purpose for requesting the
16 documents is deemed to be in the public interest. Waiver or
17 reduction of the fee is in the public interest if the principal
18 purpose of the request is to access and disseminate information
19 regarding the health, safety, and welfare or the legal rights
20 of the general public and is not for the principal purpose of
21 gaining a personal or commercial benefit. The information
22 provided pursuant to this subsection shall not contain
23 personally identifying information unless the information is
24 to be used for one of the purposes identified in subsection
25 (f-5) of this Section.

26 (o) The redisclosure of personally identifying information

1 obtained pursuant to this Section is prohibited, except to the
2 extent necessary to effectuate the purpose for which the
3 original disclosure of the information was permitted.

4 (p) The Secretary of State is empowered to adopt rules to
5 effectuate this Section.

6 (Source: P.A. 93-32, eff. 7-1-03; 93-438, eff. 8-5-03; 93-895,
7 eff. 1-1-05; 94-56, eff. 6-17-05; revised 12-15-05.)

8 (625 ILCS 5/3-412) (from Ch. 95 1/2, par. 3-412)

9 Sec. 3-412. Registration plates and registration stickers
10 to be furnished by the Secretary of State.

11 (a) The Secretary of State upon registering a vehicle
12 subject to annual registration for the first time shall issue
13 or shall cause to be issued to the owner one registration plate
14 for a motorcycle, trailer, semitrailer, motorized pedalcycle
15 or truck-tractor, 2 registration plates for other motor
16 vehicles and, where applicable, current registration stickers
17 for motor vehicles of the first division. The provisions of
18 this Section may be made applicable to such vehicles of the
19 second division, as the Secretary of State may, from time to
20 time, in his discretion designate. On subsequent annual
21 registrations during the term of the registration plate as
22 provided in Section 3-414.1, the Secretary shall issue or cause
23 to be issued registration stickers as evidence of current
24 registration. However, the issuance of annual registration
25 stickers to vehicles registered under the provisions of

1 Sections 3-402.1 and 3-405.3 of this Code may not be required
2 if the Secretary deems the issuance unnecessary.

3 (b) Every registration plate shall have displayed upon it
4 the registration number assigned to the vehicle for which it is
5 issued, the name of this State, which may be abbreviated, the
6 year number for which it was issued, which may be abbreviated,
7 the phrase "Land of Lincoln" (except as otherwise provided in
8 this Code), and such other letters or numbers as the Secretary
9 may prescribe. However, for apportionment plates issued to
10 vehicles registered under Section 3-402.1 and fleet plates
11 issued to vehicles registered under Section 3-405.3, the phrase
12 "Land of Lincoln" may be omitted to allow for the word
13 "apportioned", the word "fleet", or other similar language to
14 be displayed. Registration plates issued to a vehicle
15 registered as a fleet vehicle may display a designation
16 determined by the Secretary.

17 The Secretary may in his discretion prescribe that letters
18 be used as prefixes only on registration plates issued to
19 vehicles of the first division which are registered under this
20 Code and only as suffixes on registration plates issued to
21 other vehicles. Every registration sticker issued as evidence
22 of current registration shall designate the year number for
23 which it is issued and such other letters or numbers as the
24 Secretary may prescribe and shall be of a contrasting color
25 with the registration plates and registration stickers of the
26 previous year.

1 (c) Each registration plate and the required letters and
2 numerals thereon, except the year number for which issued,
3 shall be of sufficient size to be plainly readable from a
4 distance of 100 feet during daylight, and shall be coated with
5 reflectorizing material. The dimensions of the plate issued to
6 vehicles of the first division shall be 6 by 12 inches.

7 (d) The Secretary of State shall issue for every passenger
8 motor vehicle rented without a driver the same type of
9 registration plates as the type of plates issued for a private
10 passenger vehicle.

11 (e) The Secretary of State shall issue for every passenger
12 car used as a taxicab or livery, distinctive registration
13 plates.

14 (f) The Secretary of State shall issue for every motorcycle
15 distinctive registration plates distinguishing between
16 motorcycles having 150 or more cubic centimeters piston
17 displacement, or having less than 150 cubic centimeter piston
18 displacement.

19 (g) Registration plates issued to vehicles for-hire may
20 display a designation as determined by the Secretary that such
21 vehicles are for-hire.

22 (h) The Secretary of State shall issue distinctive
23 registration plates for electric vehicles.

24 (i) The Secretary of State shall issue for every public and
25 private ambulance registration plates identifying the vehicle
26 as an ambulance. The Secretary shall forward to the Department

1 of Healthcare and Family Services ~~Public Aid~~ registration
2 information for the purpose of verification of claims filed
3 with the Department by ambulance owners for payment for
4 services to public assistance recipients.

5 (j) The Secretary of State shall issue for every public and
6 private medical carrier or rescue vehicle livery registration
7 plates displaying numbers within ranges of numbers reserved
8 respectively for medical carriers and rescue vehicles. The
9 Secretary shall forward to the Department of Healthcare and
10 Family Services ~~Public Aid~~ registration information for the
11 purpose of verification of claims filed with the Department by
12 owners of medical carriers or rescue vehicles for payment for
13 services to public assistance recipients.

14 (k) The Secretary of State shall issue distinctive license
15 plates or distinctive license plate stickers for every vehicle
16 exempted from subsection (a) of Section 12-503 by subsection
17 (g-5) of that Section.

18 (Source: P.A. 94-239, eff. 1-1-06; 94-564, eff. 8-12-05;
19 revised 12-15-05.)

20 (625 ILCS 5/3-413) (from Ch. 95 1/2, par. 3-413)

21 Sec. 3-413. Display of registration plates, registration
22 stickers and drive-away permits.

23 (a) Registration plates issued for a motor vehicle other
24 than a motorcycle, trailer, semitrailer, truck-tractor,
25 apportioned bus, or apportioned truck shall be attached

1 thereto, one in the front and one in the rear. The registration
2 plate issued for a motorcycle, trailer or semitrailer required
3 to be registered hereunder and any apportionment plate issued
4 to a bus under the provisions of this Code shall be attached to
5 the rear thereof. The registration plate issued for a
6 truck-tractor or an apportioned truck required to be registered
7 hereunder shall be attached to the front thereof.

8 (b) Every registration plate shall at all times be securely
9 fastened in a horizontal position to the vehicle for which it
10 is issued so as to prevent the plate from swinging and at a
11 height of not less than 5 inches from the ground, measuring
12 from the bottom of such plate, in a place and position to be
13 clearly visible and shall be maintained in a condition to be
14 clearly legible, free from any materials that would obstruct
15 the visibility of the plate, including, but not limited to,
16 glass covers and tinted plastic covers. Clear plastic covers
17 are permissible as long as they remain clear and do not
18 obstruct the visibility of the plates. Registration stickers
19 issued as evidence of renewed annual registration shall be
20 attached to registration plates as required by the Secretary of
21 State, and be clearly visible at all times.

22 (c) Every drive-away permit issued pursuant to this Code
23 shall be firmly attached to the motor vehicle in the manner
24 prescribed by the Secretary of State. If a drive-away permit is
25 affixed to a motor vehicle in any other manner the permit shall
26 be void and of no effect.

1 (d) The Illinois prorated decal issued to a foreign
2 registered vehicle part of a fleet prorated or apportioned with
3 Illinois, shall be displayed on a registration plate and
4 displayed on the front of such vehicle in the same manner as an
5 Illinois registration plate.

6 (e) The registration plate issued for a camper body mounted
7 on a truck displaying registration plates shall be attached to
8 the rear of the camper body.

9 (f) No person shall operate a vehicle, nor permit the
10 operation of a vehicle, upon which is displayed an Illinois
11 registration plate, plates or registration stickers after the
12 termination of the registration period for which issued or
13 after the expiration date set pursuant to Sections 3-414 and
14 3-414.1 of this Code.

15 (Source: P.A. 92-668, eff. 1-1-03; 92-680, eff. 7-16-02;
16 revised 10-2-02.)

17 (625 ILCS 5/3-621) (from Ch. 95 1/2, par. 3-621)

18 Sec. 3-621. The Secretary, upon receipt of an application,
19 made in the form prescribed by the Secretary of State, may
20 issue to members of the Illinois National Guard, and to
21 Illinois residents who are either former members of the
22 Illinois National Guard or the surviving spouses of Illinois
23 National Guard members, special registration plates. The
24 special plates issued pursuant to this Section shall be affixed
25 only to passenger vehicles of the first division, motorcycles,

1 or motor vehicles of the second division weighing not more than
2 8,000 pounds subject to the staggered registration system.

3 The design and color of such plates shall be wholly within
4 the discretion of the Secretary of State.

5 (Source: P.A. 92-545, eff. 6-12-02; 92-699, 1-1-03; revised
6 8-23-02.)

7 (625 ILCS 5/3-622) (from Ch. 95 1/2, par. 3-622)

8 Sec. 3-622. The Secretary, upon receipt of an application
9 made in the form prescribed by the Secretary of State, may
10 issue to members of the United States Armed Forces Reserves who
11 reside in Illinois, and to Illinois residents who are either
12 former members of the United States Armed Forces Reserves or
13 the surviving spouses of United States Armed Forces Reserve
14 members who resided in Illinois, special registration plates.
15 The special plates issued pursuant to this Section shall be
16 affixed only to passenger vehicles of the first division,
17 motorcycles, or motor vehicles of the second division weighing
18 not more than 8,000 pounds subject to the staggered
19 registration system. The design and color of such plates shall
20 be wholly within the discretion of the Secretary of State.

21 (Source: P.A. 92-545, eff. 6-12-02; 92-699, eff. 1-1-03;
22 revised 8-23-02.)

23 (625 ILCS 5/3-623) (from Ch. 95 1/2, par. 3-623)

24 Sec. 3-623. Purple Heart Plates. The Secretary, upon

1 receipt of an application made in the form prescribed by the
2 Secretary of State, may issue to recipients awarded the Purple
3 Heart by a branch of the armed forces of the United States who
4 reside in Illinois, special registration plates. The
5 Secretary, upon receipt of the proper application
6 ~~applications~~, may also issue these special registration plates
7 to an Illinois resident who is the surviving spouse of a person
8 who ~~was killed in a foreign war and~~ was awarded the Purple
9 Heart by a branch of the armed forces of the United States. The
10 special plates issued pursuant to this Section should be
11 affixed only to passenger vehicles of the 1st division,
12 including motorcycles, or motor vehicles of the 2nd division
13 weighing not more than 8,000 pounds.

14 The design and color of such plates shall be wholly within
15 the discretion of the Secretary of State. Appropriate
16 documentation, as determined by the Secretary, and the
17 appropriate registration fee shall accompany the application.
18 However, for an individual who has been issued Purple Heart
19 plates for a vehicle and who has been approved for benefits
20 under the Senior Citizens and Disabled Persons Property Tax
21 Relief and Pharmaceutical Assistance Act, the annual fee for
22 the registration of the vehicle shall be as provided in Section
23 3-806.3 of this Code.

24 (Source: P.A. 93-846, eff. 7-30-04; 94-93, eff. 1-1-06; 94-343,
25 eff. 1-1-06; revised 10-20-05.)

1 (625 ILCS 5/3-625) (from Ch. 95 1/2, par. 3-625)

2 Sec. 3-625. Pearl Harbor Plates. The Secretary, upon
3 receipt of an application made in the form prescribed by the
4 Secretary of State, may issue special registration plates to
5 any Illinois resident who, while a member of the armed forces
6 of the United States, participated in the battle of Pearl
7 Harbor on December 7, 1941, or to the widowed spouse of any
8 Illinois resident who, while a member of the armed forces of
9 the United States, participated in the battle of Pearl Harbor
10 on December 7, 1941, provided that the widowed spouse was
11 married to the battle of Pearl Harbor participant at the time
12 of the participant's death and is a single person at the time
13 of application. The special plates issued pursuant to this
14 Section should be affixed only to passenger vehicles of the 1st
15 division, motorcycles, or motor vehicles of the 2nd division
16 weighing not more than 8,000 pounds.

17 The design and color of such plates shall be wholly within
18 the discretion of the Secretary of State. Appropriate
19 documentation, as determined by the Secretary, and the
20 appropriate registration fee shall accompany the application.

21 (Source: P.A. 92-545, eff. 6-12-02; 92-699, eff. 1-1-03;
22 revised 8-23-02.)

23 (625 ILCS 5/3-648)

24 Sec. 3-648. Education license plates.

25 (a) The Secretary, upon receipt of an application made in

1 the form prescribed by the Secretary, may issue special
2 registration plates designated as Education license plates.
3 The special plates issued under this Section shall be affixed
4 only to passenger vehicles of the first division and motor
5 vehicles of the second division weighing not more than 8,000
6 pounds. Plates issued under this Section shall expire according
7 to the multi-year procedure established by Section 3-414.1 of
8 this Code.

9 (b) The design and color of the plates shall be determined
10 by a contest that every elementary school pupil in the State of
11 Illinois is eligible to enter. The designs submitted for the
12 contest shall be judged on September 30, 2002, and the winning
13 design shall be selected by a committee composed of the
14 Secretary, the Director of State Police, 2 members of the
15 Senate, one member chosen by the President of the Senate and
16 one member chosen by the Senate Minority Leader, and 2 members
17 of the House of Representatives, one member chosen by the
18 Speaker of the House and one member chosen by the House
19 Minority Leader. The Secretary may allow the plates to be
20 issued as vanity or personalized plates under Section 3-405.1
21 of the Code. The Secretary shall prescribe stickers or decals
22 as provided under Section 3-412 of this Code.

23 (c) An applicant for the special plate shall be charged a
24 \$40 fee for original issuance, in addition to the appropriate
25 registration fee. Of this \$40 additional original issuance fee,
26 \$15 shall be deposited into the Secretary of State Special

1 License Plate Fund, to be used by the Secretary to help defray
2 the administrative processing costs, and \$25 shall be deposited
3 into the Illinois Future Teacher Corps Scholarship Fund. For
4 each registration renewal period, a \$40 fee, in addition to the
5 appropriate registration fee, shall be charged. Of this \$40
6 additional renewal fee, \$2 shall be deposited into the
7 Secretary of State Special License Plate Fund and \$38 shall be
8 deposited into the Illinois Future Teacher Corps Scholarship
9 Fund. Each fiscal year, once deposits from the additional
10 original issuance and renewal fees into the Secretary of State
11 Special License Plate Fund have reached \$500,000, all the
12 amounts received for the additional fees for the balance of the
13 fiscal year shall be deposited into the Illinois Future Teacher
14 Corps Scholarship Fund.

15 (d) The Illinois Future Teacher Corps Scholarship Fund is
16 created as a special fund in the State treasury. Ninety-five
17 percent of the moneys in the Illinois Future Teacher Corps
18 Scholarship Fund shall be appropriated to the Illinois Student
19 Assistance Commission for scholarships under Section 52 of the
20 Higher Education Student Assistance Act, and 5% of the moneys
21 in the Illinois Future Teacher Corps Scholarship Fund shall be
22 appropriated to the State Board of Education for grants to the
23 Golden Apple Foundation for Excellence in Teaching, a
24 recognized charitable organization that meets the requirements
25 of Title 26, Section 501(c)(3) of the United States Code.

26 (Source: P.A. 92-445, eff. 8-17-01; 92-651, eff. 7-11-02;

1 92-845, eff. 1-1-03; 93-21, eff. 7-1-03.)

2 (625 ILCS 5/3-653)

3 Sec. 3-653. Pet Friendly license plates.

4 (a) The Secretary, upon receipt of an application made in
5 the form prescribed by the Secretary, may issue special
6 registration plates designated as Pet Friendly license plates.
7 The special plates issued under this Section shall be affixed
8 only to passenger vehicles of the first division, motor
9 vehicles of the second division weighing not more than 8,000
10 pounds, and recreational vehicles as defined in Section 1-169
11 of this Code. Plates issued under this Section shall expire
12 according to the multi-year procedure established by Section
13 3-414.1 of this Code.

14 (b) The design and color of the plates is wholly within the
15 discretion of the Secretary, except that the phrase "I am pet
16 friendly" shall be on the plates. The Secretary may allow the
17 plates to be issued as vanity plates or personalized plates
18 under Section 3-405.1 of the Code. The Secretary shall
19 prescribe stickers or decals as provided under Section 3-412 of
20 this Code.

21 (c) An applicant for the special plate shall be charged a
22 \$40 fee for original issuance in addition to the appropriate
23 registration fee. Of this additional fee, \$25 shall be
24 deposited into the Pet Population Control Fund and \$15 shall be
25 deposited into the Secretary of State Special License Plate

1 Fund, to be used by the Secretary to help defray the
2 administrative processing costs.

3 For each registration renewal period, a \$27 fee, in
4 addition to the appropriate registration fee, shall be charged.
5 Of this additional fee, \$25 shall be deposited into the Pet
6 Population Control Fund and \$2 shall be deposited into the
7 Secretary of State Special License Plate Fund.

8 (Source: P.A. 94-639, eff. 8-22-05.)

9 (625 ILCS 5/3-654)

10 Sec. 3-654. Illinois Public Broadcasting System Stations
11 special license plates.

12 (a) The Secretary, upon receipt of all applicable fees and
13 applications made in the form prescribed by the Secretary, may
14 issue special registration plates designated as Illinois
15 Public Broadcasting System Stations special license plates.
16 The special plates issued under this Section shall be affixed
17 only to passenger vehicles of the first division or motor
18 vehicles of the second division weighing not more than 8,000
19 pounds. Plates issued under this Section shall expire according
20 to the multi-year procedure established by Section 3-414.1 of
21 this Code.

22 (b) The design and color of the special plates shall be
23 wholly within the discretion of the Secretary. The Secretary
24 may, in his or her discretion, allow the plates to be issued as
25 vanity or personalized plates in accordance with Section

1 3-405.1 of this Code. The plates are not required to designate
2 "Land of Lincoln", as prescribed in subsection (b) of Section
3 3-412 of this Code. The Secretary, in his or her discretion,
4 shall approve and prescribe stickers or decals as provided
5 under Section 3-412.

6 (c) An applicant for the special plate shall be charged a
7 \$40 fee for original issuance in addition to the appropriate
8 registration fee. Of this fee, \$25 shall be deposited into the
9 Public Broadcasting Fund and \$15 shall be deposited into the
10 Secretary of State Special License Plate Fund, to be used by
11 the Secretary to help defray the administrative processing
12 costs.

13 For each registration renewal period, a \$27 fee, in
14 addition to the appropriate registration fee, shall be charged.
15 Of this fee, \$25 shall be deposited into the Public
16 Broadcasting Fund and \$2 shall be deposited into the Secretary
17 of State Special License Plate Fund.

18 (d) The Public Broadcasting Fund is created as a special
19 fund in the State treasury. Subject to appropriation by the
20 General Assembly and approval by the Secretary, the Secretary
21 shall pay all moneys in the Public Broadcasting Fund to the
22 various Public Broadcasting System stations in Illinois for
23 operating costs.

24 (Source: P.A. 92-695, eff. 1-1-03.)

1 Sec. 3-655 ~~3-648~~. Hospice license plates.

2 (a) The Secretary, upon receipt of an application made in
3 the form prescribed by the Secretary, may issue special
4 registration plates designated as Hospice license plates. The
5 special plates issued under this Section shall be affixed only
6 to passenger vehicles of the first division and motor vehicles
7 of the second division weighing not more than 8,000 pounds.
8 Plates issued under this Section shall expire according to the
9 multi-year procedure established by Section 3-414.1 of this
10 Code.

11 (b) The color of the plates is wholly within the discretion
12 of the Secretary. The design of the plates shall include the
13 word "Hospice" above drawings of two lilies and a butterfly.
14 The Secretary may allow the plates to be issued as vanity
15 plates or personalized under Section 3-405.1 of the Code. The
16 Secretary shall prescribe stickers or decals as provided under
17 Section 3-412 of this Code.

18 (c) An applicant for the special plate shall be charged a
19 \$25 fee for original issuance in addition to the appropriate
20 registration fee. Of this fee, \$10 shall be deposited into the
21 Hospice Fund and \$15 shall be deposited into the Secretary of
22 State Special License Plate Fund, to be used by the Secretary
23 to help defray the administrative processing costs.

24 For each registration renewal period, a \$25 fee, in
25 addition to the appropriate registration fee, shall be charged.
26 Of this fee, \$23 shall be deposited into the Hospice Fund and

1 \$2 shall be deposited into the Secretary of State Special
2 License Plate Fund.

3 (d) The Hospice Fund is created as a special fund in the
4 State treasury. All money in the Hospice Fund shall be paid,
5 subject to appropriation by the General Assembly and approval
6 by the Secretary, to the Department of Public Health for
7 distribution as grants for hospice services as defined in the
8 Hospice Program Licensing Act. The Director of Public Health
9 shall adopt rules for the distribution of these grants.

10 (Source: P.A. 92-693, eff. 1-1-03; revised 8-23-02.)

11 (625 ILCS 5/3-656)

12 Sec. 3-656 ~~3-653~~. Lewis and Clark Bicentennial license
13 plates.

14 (a) In addition to any other special license plate, the
15 Secretary, upon receipt of all applicable fees and applications
16 made in the form prescribed by the Secretary of State, may
17 issue special registration plates designated as Lewis and Clark
18 Bicentennial license plates to residents of Illinois. The
19 special plate issued under this Section shall be affixed only
20 to passenger vehicles of the first division, motor vehicles of
21 the second division weighing not more than 8,000 pounds, and
22 recreational vehicles as defined by Section 1-169 of this Code.
23 Plates issued under this Section shall expire according to the
24 staggered multi-year procedure established by Section 3-414.1
25 of this Code.

1 (b) The Secretary of State shall confer with the Governor's
2 Illinois Lewis and Clark Bicentennial Commission regarding the
3 design, color, and format of the plates. The Secretary may, in
4 his or her discretion, allow the plates to be issued as vanity
5 or personalized plates in accordance with Section 3-405.1 of
6 this Code. The plates are not required to designate "Land Of
7 Lincoln", as prescribed in subsection (b) of Section 3-412 of
8 this Code. The Secretary, in his or her discretion, shall
9 approve and prescribe stickers or decals as provided under
10 Section 3-412.

11 (c) An applicant shall be charged a \$40 fee for original
12 issuance in addition to the applicable registration fee. Of
13 this additional fee, \$15 shall be deposited into the Secretary
14 of State Special License Plate Fund and \$25 shall be deposited
15 into the Lewis and Clark Bicentennial Fund. For each
16 registration renewal period, a \$27 fee, in addition to the
17 appropriate registration fee, shall be charged. Of this
18 additional fee, \$2 shall be deposited into the Secretary of
19 State Special License Plate Fund and \$25 shall be deposited
20 into the Lewis and Clark Bicentennial Fund.

21 (d) The Secretary of State shall issue special license
22 plates under this Section on and before September 1, 2008. The
23 Secretary may not issue special plates under this Section after
24 September 1, 2008.

25 (e) The Lewis and Clark Bicentennial Fund is created as a
26 special fund in the State treasury. All moneys in the Lewis and

1 Clark Bicentennial Fund shall, subject to appropriation by the
2 General Assembly and approval by the Secretary, be used by the
3 Department of Commerce and Economic Opportunity ~~Community~~
4 ~~Affairs~~ to promote tourism and education related to the Lewis
5 and Clark Expedition and for historic preservation purposes
6 related to the Expedition.

7 The State Treasurer shall transfer any moneys remaining in
8 the Lewis and Clark Bicentennial Fund on September 1, 2009 and
9 any moneys received for deposit into that Fund on or after
10 September 1, 2009 into the Secretary of State Special License
11 Plate Fund.

12 (Source: P.A. 92-694, eff. 1-1-03; revised 10-15-03.)

13 (625 ILCS 5/3-657)

14 Sec. 3-657 ~~3-654~~. Park District Youth Program license
15 plates.

16 (a) In addition to any other special license plate, the
17 Secretary, upon receipt of all applicable fees and applications
18 made in the form prescribed by the Secretary of State, may
19 issue Park District Youth Program license plates. The special
20 Park District Youth Program plate issued under this Section
21 shall be affixed only to passenger vehicles of the first
22 division and motor vehicles of the second division weighing not
23 more than 8,000 pounds. Plates issued under this Section shall
24 expire according to the staggered multi-year procedure
25 established by Section 3-414.1 of this Code.

1 (b) The design, color, and format of the plates shall be
2 wholly within the discretion of the Secretary of State.
3 Appropriate documentation, as determined by the Secretary,
4 must accompany each application. The Secretary, in his or her
5 discretion, shall approve and prescribe stickers or decals as
6 provided under Section 3-412.

7 (c) An applicant for the special plate shall be charged a
8 \$40 fee for original issuance in addition to the appropriate
9 registration fee. Of this fee, \$25 shall be deposited into the
10 Park District Youth Program Fund and \$15 shall be deposited
11 into the Secretary of State Special License Plate Fund, to be
12 used by the Secretary to help defray the administrative
13 processing costs.

14 For each registration renewal period, a \$27 fee, in
15 addition to the appropriate registration fee, shall be charged.
16 Of this fee, \$25 shall be deposited into the Park District
17 Youth Program Fund and \$2 shall be deposited into the Secretary
18 of State Special License Plate Fund.

19 (d) The Park District Youth Program Fund is created as a
20 special fund in the State treasury. All money in the Park
21 District Youth Program Fund shall be paid, subject to
22 appropriation by the General Assembly and approval by the
23 Secretary, as grants to the Illinois Association of Park
24 Districts, a not-for-profit corporation, for grants to park
25 districts and recreation agencies providing innovative after
26 school programming for Illinois youth.

1 (Source: P.A. 92-697, eff. 7-19-02; revised 8-23-02.)

2 (625 ILCS 5/3-658)

3 Sec. 3-658 ~~3-654~~. Professional Sports Teams license
4 plates.

5 (a) The Secretary, upon receipt of an application made in
6 the form prescribed by the Secretary, may issue special
7 registration plates designated as Professional Sports Teams
8 license plates. The special plates issued under this Section
9 shall be affixed only to passenger vehicles of the first
10 division and motor vehicles of the second division weighing not
11 more than 8,000 pounds. Plates issued under this Section shall
12 expire according to the multi-year procedure established by
13 Section 3-414.1 of this Code.

14 (b) The design and color of the plates is wholly within the
15 discretion of the Secretary, except that the plates shall,
16 subject to the permission of the applicable team owner, display
17 the logo of the Chicago Bears, the Chicago Bulls, the Chicago
18 Blackhawks ~~Black Hawks~~, the Chicago Cubs, the Chicago White
19 Sox, the St. Louis Rams, or the St. Louis Cardinals, at the
20 applicant's option. The Secretary may allow the plates to be
21 issued as vanity or personalized plates under Section 3-405.1
22 of the Code. The Secretary shall prescribe stickers or decals
23 as provided under Section 3-412 of this Code.

24 (c) An applicant for the special plate shall be charged a
25 \$40 fee for original issuance in addition to the appropriate

1 registration fee. Of this fee, \$25 shall be deposited into the
2 Professional Sports Teams Education Fund and \$15 shall be
3 deposited into the Secretary of State Special License Plate
4 Fund, to be used by the Secretary to help defray the
5 administrative processing costs.

6 For each registration renewal period, a \$27 fee, in
7 addition to the appropriate registration fee, shall be charged.
8 Of this fee, \$25 shall be deposited into the Professional
9 Sports Teams Education Fund and \$2 shall be deposited into the
10 Secretary of State Special License Plate Fund.

11 (d) The Professional Sports Teams Education Fund is created
12 as a special fund in the State treasury. All moneys in the
13 Professional Sports Teams Education Fund shall, subject to
14 appropriation by the General Assembly and approval by the
15 Secretary, be deposited every 6 months into the Common School
16 Fund.

17 (Source: P.A. 92-699, eff. 1-1-03; revised 10-28-02.)

18 (625 ILCS 5/3-659)

19 Sec. 3-659 ~~3-654~~. Pan Hellenic license plates.

20 (a) The Secretary, upon receipt of all applicable fees and
21 applications made in the form prescribed by the Secretary, may
22 issue special registration plates designated as Pan Hellenic
23 license plates. The special plates issued under this Section
24 shall be affixed only to passenger vehicles of the first
25 division or motor vehicles of the second division weighing not

1 more than 8,000 pounds. Plates issued under this Section shall
2 expire according to the multi-year procedure established by
3 Section 3-414.1 of this Code.

4 (b) The design and color of the special plates shall be
5 wholly within the discretion of the Secretary, except that an
6 emblem of a Pan Hellenic eligible member shall be on the plate.
7 Appropriate documentation, as determined by the Secretary,
8 shall accompany each application. The Secretary may, in his or
9 her discretion, allow the plates to be issued as vanity or
10 personalized plates in accordance with Section 3-405.1 of this
11 Code. The plates are not required to designate "Land of
12 Lincoln" as prescribed in subsection (b) of Section 3-412 of
13 this Code. The Secretary, in his or her discretion, may
14 prescribe rules governing the requirements and approval of the
15 special plates.

16 (c) An applicant for the special plate shall be charged a
17 \$40 fee for original issuance in addition to the appropriate
18 registration fee. Of this fee, \$25 shall be deposited into the
19 Illinois Pan Hellenic Trust Fund and \$15 shall be deposited
20 into the Secretary of State Special License Plate Fund, to be
21 used by the Secretary to help defray the administrative
22 processing costs. For each registration renewal period, a \$27
23 fee, in addition to the appropriate registration fee, shall be
24 charged. Of this fee, \$25 shall be deposited into the Illinois
25 Pan Hellenic Trust Fund and \$2 shall be deposited into the
26 Secretary of State Special License Plate Fund.

1 (d) The Illinois Pan Hellenic Trust Fund is created as a
2 special fund in the State Treasury. The State Treasurer shall
3 create separate accounts within the Illinois Pan Hellenic Trust
4 Fund for each eligible member for which Pan Hellenic license
5 plates have been issued. Moneys in the Illinois Pan Hellenic
6 Trust Fund shall be allocated to each account in proportion to
7 the number of plates sold in regard to each fraternity or
8 sorority. All moneys in the Illinois Pan Hellenic Trust Fund
9 shall be distributed, subject to appropriation by the General
10 Assembly and approval by the Secretary, as grants to the
11 Illinois Alpha Kappa Alpha Charitable Foundation, Illinois
12 Delta Sigma Theta Charitable Foundation, Illinois Zeta Phi Beta
13 Charitable Foundation, Illinois Sigma Gamma Rho Charitable
14 Foundation, Illinois Alpha Phi Alpha Charitable Foundation,
15 Illinois Omega Psi Phi Charitable Foundation, Illinois Kappa
16 Alpha Psi Charitable Foundation, Illinois Phi Beta Sigma
17 Charitable Foundation, or Illinois Iota Phi Theta Charitable
18 Foundation for charitable purposes sponsored by the
19 African-American fraternity or sorority.

20 (Source: P.A. 92-702, eff. 1-1-03; revised 8-23-02.)

21 (625 ILCS 5/3-661)

22 Sec. 3-661 ~~3-653~~. Illinois Route 66 license plates.

23 (a) The Secretary, upon receipt of all applicable fees and
24 applications made in the form prescribed by the Secretary, may
25 issue special registration plates designated as Illinois Route

1 66 license plates. The special plates issued under this Section
2 shall be affixed only to passenger vehicles of the first
3 division or 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 special plates shall be
8 wholly within the discretion of the Secretary. The Secretary
9 may, in his or her discretion, allow the plates to be issued as
10 vanity or personalized plates in accordance with Section
11 3-405.1 of this Code. The plates are not required to designate
12 "Land of Lincoln", as prescribed in subsection (b) of Section
13 3-412 of this Code. The Secretary, in his or her discretion,
14 shall approve and prescribe stickers or decals as provided
15 under Section 3-412.

16 (c) An applicant for the special plate shall be charged a
17 \$40 fee for original issuance in addition to the appropriate
18 registration fee. Of this fee, \$25 shall be deposited into the
19 Illinois Route 66 Heritage Project Fund and \$15 shall be
20 deposited into the Secretary of State Special License Plate
21 Fund, to be used by the Secretary to help defray the
22 administrative processing costs.

23 For each registration renewal period, a \$27 fee, in
24 addition to the appropriate registration fee, shall be charged.
25 Of this fee, \$25 shall be deposited into the Illinois Route 66
26 Heritage Project Fund and \$2 shall be deposited into the

1 Secretary of State Special License Plate Fund.

2 (d) The Illinois Route 66 Heritage Project Fund is created
3 as a special fund in the State treasury. Subject to
4 appropriation by the General Assembly and approval by the
5 Secretary, Illinois Route 66 Heritage Project, Inc. shall use
6 all moneys in the Illinois Route 66 Heritage Project Fund for
7 the development of tourism, through education and
8 interpretation, preservation, and promotion of the former U.S.
9 Route 66 in Illinois.

10 (Source: P.A. 92-706, eff. 1-1-03; revised 8-23-02.)

11 (625 ILCS 5/3-662)

12 Sec. 3-662 ~~3-654~~. Stop Neuroblastoma license plates.

13 (a) The Secretary, upon receipt of an application made in
14 the form prescribed by the Secretary, may issue special
15 registration plates designated as Stop Neuroblastoma license
16 plates. The special plates issued under this Section shall be
17 affixed only to passenger vehicles of the first division and
18 motor vehicles of the second division weighing not more than
19 8,000 pounds. Plates issued under this Section shall expire
20 according to the multi-year procedure established by Section
21 3-414.1 of this Code.

22 (b) The design and color of the plates is wholly within the
23 discretion of the Secretary, except that the following phrases
24 shall be on the plates: (i) "Stop Neuroblastoma" and (ii) "Stop
25 Cancer". The Secretary may allow the plates to be issued as

1 vanity plates or personalized under Section 3-405.1 of this
2 Code. The Secretary shall prescribe stickers or decals as
3 provided under Section 3-412 of this Code.

4 (c) An applicant for the special plate shall be charged a
5 \$25 fee for original issuance in addition to the appropriate
6 registration fee. Of this fee, \$10 shall be deposited into the
7 Stop Neuroblastoma Fund and \$15 shall be deposited into the
8 Secretary of State Special License Plate Fund, to be used by
9 the Secretary to help defray the administrative processing
10 costs.

11 For each registration renewal period, a \$25 fee, in
12 addition to the appropriate registration fee, shall be charged.
13 Of this fee, \$23 shall be deposited into the Stop Neuroblastoma
14 Fund and \$2 shall be deposited into the Secretary of State
15 Special License Plate Fund.

16 (d) The Stop Neuroblastoma Fund is created as a special
17 fund in the State treasury. All money in the Stop Neuroblastoma
18 Fund shall be paid, subject to appropriation by the General
19 Assembly and approval by the Secretary, as grants to the
20 American Cancer Society for neuroblastoma and cancer research,
21 education, screening, and treatment.

22 (Source: P.A. 92-711, eff. 7-19-02; revised 8-23-02.)

23 (625 ILCS 5/3-806.3) (from Ch. 95 1/2, par. 3-806.3)

24 Sec. 3-806.3. Senior Citizens. Commencing with the 2004
25 registration year and extending through the 2005 registration

1 year, the registration fee paid by any vehicle owner who has
2 claimed and received a grant under the Senior Citizens and
3 Disabled Persons Property Tax Relief and Pharmaceutical
4 Assistance Act or who is the spouse of such a person shall be
5 \$24 instead of the fee otherwise provided in this Code for
6 passenger cars displaying standard multi-year registration
7 plates issued under Section 3-414.1, motor vehicles displaying
8 special registration plates issued under Section 3-616, 3-621,
9 3-622, 3-623, 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645,
10 3-647, 3-650, or 3-651, motor vehicles registered at 8,000
11 pounds or less under Section 3-815(a), and recreational
12 vehicles registered at 8,000 pounds or less under Section
13 3-815(b). Widows and widowers of claimants shall also be
14 entitled to this reduced registration fee for the registration
15 year in which the claimant was eligible.

16 Commencing with the 2006 registration year, the
17 registration fee paid by any vehicle owner who has been
18 approved for benefits under the Senior Citizens and Disabled
19 Persons Property Tax Relief and Pharmaceutical Assistance Act
20 or who is the spouse of such a person shall be \$24 instead of
21 the fee otherwise provided in this Code for passenger cars
22 displaying standard multi-year registration plates issued
23 under Section 3-414.1, motor vehicles displaying special
24 registration plates issued under Section 3-616, 3-621, 3-622,
25 3-623, 3-624, 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647,
26 3-650, or 3-651, motor vehicles registered at 8,000 pounds or

1 less under Section 3-815(a), and recreational vehicles
2 registered at 8,000 pounds or less under Section 3-815(b).
3 Widows and widowers of claimants shall also be entitled to this
4 reduced registration fee for the registration year in which the
5 claimant was eligible.

6 Commencing with the 2006 registration year, the
7 registration fee paid by any vehicle owner who has claimed and
8 received a grant under the Senior Citizens and Disabled Persons
9 Property Tax Relief and Pharmaceutical Assistance Act or who is
10 the spouse of such a person shall be \$24 instead of the fee
11 otherwise provided in this Code for passenger cars displaying
12 standard multi-year registration plates issued under Section
13 3-414.1, motor vehicles displaying special registration plates
14 issued under Section 3-607, 3-616, 3-621, 3-622, 3-623, 3-624,
15 3-625, 3-626, 3-628, 3-638, 3-642, 3-645, 3-647, 3-650, ~~or~~
16 3-651, or 3-806.4, motor vehicles registered at 8,000 pounds or
17 less under Section 3-815(a), and recreational vehicles
18 registered at 8,000 pounds or less under Section 3-815(b).
19 Widows and widowers of claimants shall also be entitled to this
20 reduced registration fee for the registration year in which the
21 claimant was eligible.

22 No more than one reduced registration fee under this
23 Section shall be allowed during any 12 month period based on
24 the primary eligibility of any individual, whether such reduced
25 registration fee is allowed to the individual or to the spouse,
26 widow or widower of such individual. This Section does not

1 apply to the fee paid in addition to the registration fee for
2 motor vehicles displaying vanity or special license plates.

3 (Source: P.A. 92-651, eff. 7-11-02; 92-699, eff. 1-1-03;
4 93-846, eff. 7-30-04; 93-849, eff. 1-1-05; 93-937, eff. 1-1-05;
5 revised 1-17-05.)

6 (625 ILCS 5/3-806.4) (from Ch. 95 1/2, par. 3-806.4)

7 Sec. 3-806.4. Gold Star recipients. Commencing with the
8 1991 registration year and through the 2006 registration year,
9 upon proper application, the Secretary of State shall issue one
10 pair of registration plates to any Illinois resident, who as
11 the surviving widow or widower, or in the absence thereof, as
12 the surviving parent, is awarded the Gold Star by the United
13 States in recognition of spouses or children who served in the
14 Armed Forces of the United States and lost their lives while in
15 service whether in peacetime or war. Commencing with the 2007
16 registration year, upon proper application, the Secretary of
17 State shall issue one pair of registration plates to any
18 Illinois resident, who as the surviving widow, widower, or
19 parent, is awarded the Gold Star by the United States in
20 recognition of spouses or children who served in the Armed
21 Forces of the United States and lost their lives while in
22 service whether in peacetime or war. If the parent no longer
23 survives, the Secretary of State shall issue the plates to a
24 surviving sibling, of the person who served in the Armed
25 Forces, who is an Illinois resident. No more than one set of

1 plates shall be issued for each Gold Star awarded, and only one
2 surviving parent, or in the absence of a surviving parent, only
3 one surviving sibling shall be issued a set of registration
4 plates, except for those surviving parents who, as recipients
5 of the Gold Star, have legally separated or divorced, in which
6 case each surviving parent shall be allowed one set of
7 registration plates. Registration plates issued under this
8 Section shall be for first division vehicles and second
9 division vehicles of 8,000 pounds or less. Through the 2006
10 registration year, an applicant shall be charged a \$15 fee for
11 the original issuance in addition to the appropriate
12 registration fee which shall be deposited into the Road Fund to
13 help defray the administrative processing costs. Beginning
14 with the 2007 registration year, an applicant shall be charged
15 only the appropriate registration fee.

16 (Source: P.A. 93-140, eff. 1-1-04; 94-311, eff. 1-1-06; 94-343,
17 eff. 1-1-06; revised 8-19-05.)

18 (625 ILCS 5/3-814.4)

19 Sec. 3-814.4. Registration of fleet vehicles. The
20 Secretary may issue fleet vehicle registration plates to owners
21 of vehicle fleets registered in accordance with Section 3-405.3
22 of this Code in bulk before plates are assigned to specific
23 vehicles. A registration plate may not be displayed on a
24 vehicle, however, until the plate has been activated on the
25 Secretary's registration file and the proper fee has been

1 forwarded to the Secretary.

2 (Source: P.A. 92-629, eff. 7-1-03; revised 9-21-06.)

3 (625 ILCS 5/6-107) (from Ch. 95 1/2, par. 6-107)

4 (Text of Section before amendment by P.A. 94-916)

5 Sec. 6-107. Graduated license.

6 (a) The purpose of the Graduated Licensing Program is to
7 develop safe and mature driving habits in young, inexperienced
8 drivers and reduce or prevent motor vehicle accidents,
9 fatalities, and injuries by:

10 (1) providing for an increase in the time of practice
11 period before granting permission to obtain a driver's
12 license;

13 (2) strengthening driver licensing and testing
14 standards for persons under the age of 21 years;

15 (3) sanctioning driving privileges of drivers under
16 age 21 who have committed serious traffic violations or
17 other specified offenses; and

18 (4) setting stricter standards to promote the public's
19 health and safety.

20 (b) The application of any person under the age of 18
21 years, and not legally emancipated by marriage, for a drivers
22 license or permit to operate a motor vehicle issued under the
23 laws of this State, shall be accompanied by the written consent
24 of either parent of the applicant; otherwise by the guardian
25 having custody of the applicant, or in the event there is no

1 parent or guardian, then by another responsible adult. The
2 written consent must accompany any application for a driver's
3 license under this subsection (b), regardless of whether or not
4 the required written consent also accompanied the person's
5 previous application for an instruction permit.

6 No graduated driver's license shall be issued to any
7 applicant under 18 years of age, unless the applicant is at
8 least 16 years of age and has:

9 (1) Held a valid instruction permit for a minimum of 3
10 months.

11 (2) Passed an approved driver education course and
12 submits proof of having passed the course as may be
13 required.

14 (3) Certification by the parent, legal guardian, or
15 responsible adult that the applicant has had a minimum of
16 50 hours of behind-the-wheel practice time, at least 10
17 hours of which have been at night, and is sufficiently
18 prepared and able to safely operate a motor vehicle.

19 (c) No graduated driver's license or permit shall be issued
20 to any applicant under 18 years of age who has committed the
21 offense of operating a motor vehicle without a valid license or
22 permit in violation of Section 6-101 of this Code and no
23 graduated driver's license or permit shall be issued to any
24 applicant under 18 years of age who has committed an offense
25 that would otherwise result in a mandatory revocation of a
26 license or permit as provided in Section 6-205 of this Code or

1 who has been either convicted of or adjudicated a delinquent
2 based upon a violation of the Cannabis Control Act, the
3 Illinois Controlled Substances Act, or the Methamphetamine
4 Control and Community Protection Act while that individual was
5 in actual physical control of a motor vehicle. For purposes of
6 this Section, any person placed on probation under Section 10
7 of the Cannabis Control Act, Section 410 of the Illinois
8 Controlled Substances Act, or Section 70 of the Methamphetamine
9 Control and Community Protection Act shall not be considered
10 convicted. Any person found guilty of this offense, while in
11 actual physical control of a motor vehicle, shall have an entry
12 made in the court record by the judge that this offense did
13 occur while the person was in actual physical control of a
14 motor vehicle and order the clerk of the court to report the
15 violation to the Secretary of State as such.

16 (d) No graduated driver's license shall be issued for 6
17 months to any applicant under the age of 18 years who has been
18 convicted of any offense defined as a serious traffic violation
19 in this Code or a similar provision of a local ordinance.

20 (e) No graduated driver's license holder under the age of
21 18 years shall operate any motor vehicle, except a motor driven
22 cycle or motorcycle, with more than one passenger in the front
23 seat of the motor vehicle and no more passengers in the back
24 seats than the number of available seat safety belts as set
25 forth in Section 12-603 of this Code.

26 (f) No graduated driver's license holder under the age of

1 18 shall operate a motor vehicle unless each driver and
2 passenger under the age of 19 is wearing a properly adjusted
3 and fastened seat safety belt and each child under the age of 8
4 is protected as required under the Child Passenger Protection
5 Act.

6 (g) If a graduated driver's license holder is under the age
7 of 18 when he or she receives the license, for the first 6
8 months he or she holds the license or until he or she reaches
9 the age of 18, whichever occurs sooner, the graduated license
10 holder may not operate a motor vehicle with more than one
11 passenger in the vehicle who is under the age of 20, unless any
12 additional passenger or passengers are siblings,
13 step-siblings, children, or stepchildren of the driver.

14 (Source: P.A. 93-101, eff. 1-1-04; 93-788, eff. 1-1-05; 94-239,
15 eff. 1-1-06; 94-241, eff. 1-1-06; 94-556, eff. 9-11-05; 94-897,
16 eff. 6-22-06.)

17 (Text of Section after amendment by P.A. 94-916)

18 Sec. 6-107. Graduated license.

19 (a) The purpose of the Graduated Licensing Program is to
20 develop safe and mature driving habits in young, inexperienced
21 drivers and reduce or prevent motor vehicle accidents,
22 fatalities, and injuries by:

23 (1) providing for an increase in the time of practice
24 period before granting permission to obtain a driver's
25 license;

1 (2) strengthening driver licensing and testing
2 standards for persons under the age of 21 years;

3 (3) sanctioning driving privileges of drivers under
4 age 21 who have committed serious traffic violations or
5 other specified offenses; and

6 (4) setting stricter standards to promote the public's
7 health and safety.

8 (b) The application of any person under the age of 18
9 years, and not legally emancipated by marriage, for a drivers
10 license or permit to operate a motor vehicle issued under the
11 laws of this State, shall be accompanied by the written consent
12 of either parent of the applicant; otherwise by the guardian
13 having custody of the applicant, or in the event there is no
14 parent or guardian, then by another responsible adult. The
15 written consent must accompany any application for a driver's
16 license under this subsection (b), regardless of whether or not
17 the required written consent also accompanied the person's
18 previous application for an instruction permit.

19 No graduated driver's license shall be issued to any
20 applicant under 18 years of age, unless the applicant is at
21 least 16 years of age and has:

22 (1) Held a valid instruction permit for a minimum of 3
23 months.

24 (2) Passed an approved driver education course and
25 submits proof of having passed the course as may be
26 required.

1 (3) Certification by the parent, legal guardian, or
2 responsible adult that the applicant has had a minimum of
3 50 hours of behind-the-wheel practice time, at least 10
4 hours of which have been at night, and is sufficiently
5 prepared and able to safely operate a motor vehicle.

6 (b-1) No graduated driver's license shall be issued to any
7 applicant who is under 18 years of age and not legally
8 emancipated by marriage, unless the applicant has graduated
9 from a secondary school of this State or any other state, is
10 enrolled in a course leading to a general educational
11 development (GED) certificate, has obtained a GED certificate,
12 is enrolled in an elementary or secondary school or college or
13 university of this State or any other state and is not a
14 chronic or habitual truant as provided in Section 26-2a of the
15 School Code, or is receiving home instruction and submits proof
16 of meeting any of those requirements at the time of
17 application.

18 An applicant under 18 years of age who provides proof
19 acceptable to the Secretary that the applicant has resumed
20 regular school attendance or home instruction or that his or
21 her application was denied in error shall be eligible to
22 receive a graduated license if other requirements are met. The
23 Secretary shall adopt rules for implementing this subsection
24 (b-1).

25 (c) No graduated driver's license or permit shall be issued
26 to any applicant under 18 years of age who has committed the

1 offense of operating a motor vehicle without a valid license or
2 permit in violation of Section 6-101 of this Code and no
3 graduated driver's license or permit shall be issued to any
4 applicant under 18 years of age who has committed an offense
5 that would otherwise result in a mandatory revocation of a
6 license or permit as provided in Section 6-205 of this Code or
7 who has been either convicted of or adjudicated a delinquent
8 based upon a violation of the Cannabis Control Act, the
9 Illinois Controlled Substances Act, or the Methamphetamine
10 Control and Community Protection Act while that individual was
11 in actual physical control of a motor vehicle. For purposes of
12 this Section, any person placed on probation under Section 10
13 of the Cannabis Control Act, Section 410 of the Illinois
14 Controlled Substances Act, or Section 70 of the Methamphetamine
15 Control and Community Protection Act shall not be considered
16 convicted. Any person found guilty of this offense, while in
17 actual physical control of a motor vehicle, shall have an entry
18 made in the court record by the judge that this offense did
19 occur while the person was in actual physical control of a
20 motor vehicle and order the clerk of the court to report the
21 violation to the Secretary of State as such.

22 (d) No graduated driver's license shall be issued for 6
23 months to any applicant under the age of 18 years who has been
24 convicted of any offense defined as a serious traffic violation
25 in this Code or a similar provision of a local ordinance.

26 (e) No graduated driver's license holder under the age of

1 18 years shall operate any motor vehicle, except a motor driven
2 cycle or motorcycle, with more than one passenger in the front
3 seat of the motor vehicle and no more passengers in the back
4 seats than the number of available seat safety belts as set
5 forth in Section 12-603 of this Code.

6 (f) No graduated driver's license holder under the age of
7 18 shall operate a motor vehicle unless each driver and
8 passenger under the age of 19 is wearing a properly adjusted
9 and fastened seat safety belt and each child under the age of 8
10 is protected as required under the Child Passenger Protection
11 Act.

12 (g) If a graduated driver's license holder is under the age
13 of 18 when he or she receives the license, for the first 6
14 months he or she holds the license or until he or she reaches
15 the age of 18, whichever occurs sooner, the graduated license
16 holder may not operate a motor vehicle with more than one
17 passenger in the vehicle who is under the age of 20, unless any
18 additional passenger or passengers are siblings,
19 step-siblings, children, or stepchildren of the driver.

20 (Source: P.A. 93-101, eff. 1-1-04; 93-788, eff. 1-1-05; 94-239,
21 eff. 1-1-06; 94-241, eff. 1-1-06; 94-556, eff. 9-11-05; 94-897,
22 eff. 6-22-06; 94-916, eff. 7-1-07; revised 8-3-06.)

23 (625 ILCS 5/6-108) (from Ch. 95 1/2, par. 6-108)

24 (Text of Section before amendment by P.A. 94-916)

25 Sec. 6-108. Cancellation of license issued to minor.

1 (a) The Secretary of State shall cancel the license or
2 permit of any minor under the age of 18 years in any of the
3 following events:

4 1. Upon the verified written request of the person who
5 consented to the application of the minor that the license
6 or permit be cancelled;

7 2. Upon receipt of satisfactory evidence of the death
8 of the person who consented to the application of the
9 minor;

10 3. Upon receipt of satisfactory evidence that the
11 person who consented to the application of a minor no
12 longer has legal custody of the minor.

13 After cancellation, the Secretary of State shall not issue
14 a new license or permit until the applicant meets the
15 provisions of Section 6-107 of this Code.

16 (b) The Secretary of State shall cancel the license or
17 permit of any person under the age of 18 years if he or she is
18 convicted of violating the Cannabis Control Act, the Illinois
19 Controlled Substances Act, or the Methamphetamine Control and
20 Community Protection Act while that person was in actual
21 physical control of a motor vehicle. For purposes of this
22 Section, any person placed on probation under Section 10 of the
23 Cannabis Control Act, Section 410 of the Illinois Controlled
24 Substances Act, or Section 70 of the Methamphetamine Control
25 and Community Protection Act shall not be considered convicted.
26 Any person found guilty of this offense, while in actual

1 physical control of a motor vehicle, shall have an entry made
2 in the court record by the judge that this offense did occur
3 while the person was in actual physical control of a motor
4 vehicle and order the clerk of the court to report the
5 violation to the Secretary of State as such. After the
6 cancellation, the Secretary of State shall not issue a new
7 license or permit for a period of one year after the date of
8 cancellation or until the minor attains the age of 18 years,
9 whichever is longer. However, upon application, the Secretary
10 of State may, if satisfied that the person applying will not
11 endanger the public safety, or welfare, issue a restricted
12 driving permit granting the privilege of driving a motor
13 vehicle between the person's residence and person's place of
14 employment or within the scope of the person's employment
15 related duties, or to allow transportation for the person or a
16 household member of the person's family for the receipt of
17 necessary medical care or, if the professional evaluation
18 indicates, provide transportation for the petitioner for
19 alcohol remedial or rehabilitative activity, or for the person
20 to attend classes, as a student, in an accredited educational
21 institution; if the person is able to demonstrate that no
22 alternative means of transportation is reasonably available;
23 provided that the Secretary's discretion shall be limited to
24 cases where undue hardship would result from a failure to issue
25 such restricted driving permit. In each case the Secretary of
26 State may issue a restricted driving permit for a period as he

1 deems appropriate, except that the permit shall expire within
2 one year from the date of issuance. A restricted driving permit
3 issued hereunder shall be subject to cancellation, revocation,
4 and suspension by the Secretary of State in like manner and for
5 like cause as a driver's license issued hereunder may be
6 cancelled, revoked, or suspended; except that a conviction upon
7 one or more offenses against laws or ordinances regulating the
8 movement of traffic shall be deemed sufficient cause for the
9 revocation, suspension, or cancellation of a restricted
10 driving permit. The Secretary of State may, as a condition to
11 the issuance of a restricted driving permit, require the
12 applicant to participate in a driver remedial or rehabilitative
13 program. Thereafter, upon reapplication for a license as
14 provided in Section 6-106 of this Code or a permit as provided
15 in Section 6-105 of this Code and upon payment of the
16 appropriate application fee, the Secretary of State shall issue
17 the applicant a license as provided in Section 6-106 of this
18 Code or shall issue the applicant a permit as provided in
19 Section 6-105.

20 (Source: P.A. 94-556, eff. 9-11-05.)

21 (Text of Section after amendment by P.A. 94-916)

22 Sec. 6-108. Cancellation of license issued to minor.

23 (a) The Secretary of State shall cancel the license or
24 permit of any minor under the age of 18 years in any of the
25 following events:

1 1. Upon the verified written request of the person who
2 consented to the application of the minor that the license
3 or permit be cancelled;

4 2. Upon receipt of satisfactory evidence of the death
5 of the person who consented to the application of the
6 minor;

7 3. Upon receipt of satisfactory evidence that the
8 person who consented to the application of a minor no
9 longer has legal custody of the minor;

10 4. Upon receipt of information, submitted on a form
11 prescribed by the Secretary of State under Section 26-3a of
12 the School Code and provided voluntarily by nonpublic
13 schools, that a license-holding minor no longer meets the
14 school attendance requirements defined in Section 6-107 of
15 this Code.

16 A minor who provides proof acceptable to the Secretary
17 that the minor has resumed regular school attendance or
18 home instruction or that his or her license or permit was
19 cancelled in error shall have his or her license
20 reinstated. The Secretary shall adopt rules for
21 implementing this subdivision (a)4.

22 After cancellation, the Secretary of State shall not issue
23 a new license or permit until the applicant meets the
24 provisions of Section 6-107 of this Code.

25 (b) The Secretary of State shall cancel the license or
26 permit of any person under the age of 18 years if he or she is

1 convicted of violating the Cannabis Control Act, the Illinois
2 Controlled Substances Act, or the Methamphetamine Control and
3 Community Protection Act while that person was in actual
4 physical control of a motor vehicle. For purposes of this
5 Section, any person placed on probation under Section 10 of the
6 Cannabis Control Act, Section 410 of the Illinois Controlled
7 Substances Act, or Section 70 of the Methamphetamine Control
8 and Community Protection Act shall not be considered convicted.
9 Any person found guilty of this offense, while in actual
10 physical control of a motor vehicle, shall have an entry made
11 in the court record by the judge that this offense did occur
12 while the person was in actual physical control of a motor
13 vehicle and order the clerk of the court to report the
14 violation to the Secretary of State as such. After the
15 cancellation, the Secretary of State shall not issue a new
16 license or permit for a period of one year after the date of
17 cancellation or until the minor attains the age of 18 years,
18 whichever is longer. However, upon application, the Secretary
19 of State may, if satisfied that the person applying will not
20 endanger the public safety, or welfare, issue a restricted
21 driving permit granting the privilege of driving a motor
22 vehicle between the person's residence and person's place of
23 employment or within the scope of the person's employment
24 related duties, or to allow transportation for the person or a
25 household member of the person's family for the receipt of
26 necessary medical care or, if the professional evaluation

1 indicates, provide transportation for the petitioner for
2 alcohol remedial or rehabilitative activity, or for the person
3 to attend classes, as a student, in an accredited educational
4 institution; if the person is able to demonstrate that no
5 alternative means of transportation is reasonably available;
6 provided that the Secretary's discretion shall be limited to
7 cases where undue hardship would result from a failure to issue
8 such restricted driving permit. In each case the Secretary of
9 State may issue a restricted driving permit for a period as he
10 deems appropriate, except that the permit shall expire within
11 one year from the date of issuance. A restricted driving permit
12 issued hereunder shall be subject to cancellation, revocation,
13 and suspension by the Secretary of State in like manner and for
14 like cause as a driver's license issued hereunder may be
15 cancelled, revoked, or suspended; except that a conviction upon
16 one or more offenses against laws or ordinances regulating the
17 movement of traffic shall be deemed sufficient cause for the
18 revocation, suspension, or cancellation of a restricted
19 driving permit. The Secretary of State may, as a condition to
20 the issuance of a restricted driving permit, require the
21 applicant to participate in a driver remedial or rehabilitative
22 program. Thereafter, upon reapplication for a license as
23 provided in Section 6-106 of this Code or a permit as provided
24 in Section 6-105 of this Code and upon payment of the
25 appropriate application fee, the Secretary of State shall issue
26 the applicant a license as provided in Section 6-106 of this

1 Code or shall issue the applicant a permit as provided in
2 Section 6-105.

3 (Source: P.A. 94-556, eff. 9-11-05; 94-916, eff. 7-1-07;
4 revised 8-3-06.)

5 (625 ILCS 5/6-201) (from Ch. 95 1/2, par. 6-201)

6 (Text of Section before amendment by P.A. 94-916)

7 Sec. 6-201. Authority to cancel licenses and permits.

8 (a) The Secretary of State is authorized to cancel any
9 license or permit upon determining that the holder thereof:

10 1. was not entitled to the issuance thereof hereunder;

11 or

12 2. failed to give the required or correct information
13 in his application; or

14 3. failed to pay any fees, civil penalties owed to the
15 Illinois Commerce Commission, or taxes due under this Act
16 and upon reasonable notice and demand; or

17 4. committed any fraud in the making of such
18 application; or

19 5. is ineligible therefor under the provisions of
20 Section 6-103 of this Act, as amended; or

21 6. has refused or neglected to submit an alcohol, drug,
22 and intoxicating compound evaluation or to submit to
23 examination or re-examination as required under this Act;

24 or

25 7. has been convicted of violating the Cannabis Control

1 Act, the Illinois Controlled Substances Act, the
2 Methamphetamine Control and Community Protection Act, or
3 the Use of Intoxicating Compounds Act while that individual
4 was in actual physical control of a motor vehicle. For
5 purposes of this Section, any person placed on probation
6 under Section 10 of the Cannabis Control Act, Section 410
7 of the Illinois Controlled Substances Act, or Section 70 of
8 the Methamphetamine Control and Community Protection Act
9 shall not be considered convicted. Any person found guilty
10 of this offense, while in actual physical control of a
11 motor vehicle, shall have an entry made in the court record
12 by the judge that this offense did occur while the person
13 was in actual physical control of a motor vehicle and order
14 the clerk of the court to report the violation to the
15 Secretary of State as such. After the cancellation, the
16 Secretary of State shall not issue a new license or permit
17 for a period of one year after the date of cancellation.
18 However, upon application, the Secretary of State may, if
19 satisfied that the person applying will not endanger the
20 public safety, or welfare, issue a restricted driving
21 permit granting the privilege of driving a motor vehicle
22 between the person's residence and person's place of
23 employment or within the scope of the person's employment
24 related duties, or to allow transportation for the person
25 or a household member of the person's family for the
26 receipt of necessary medical care or, if the professional

1 evaluation indicates, provide transportation for the
2 petitioner for alcohol remedial or rehabilitative
3 activity, or for the person to attend classes, as a
4 student, in an accredited educational institution; if the
5 person is able to demonstrate that no alternative means of
6 transportation is reasonably available; provided that the
7 Secretary's discretion shall be limited to cases where
8 undue hardship would result from a failure to issue such
9 restricted driving permit. In each case the Secretary of
10 State may issue such restricted driving permit for such
11 period as he deems appropriate, except that such permit
12 shall expire within one year from the date of issuance. A
13 restricted driving permit issued hereunder shall be
14 subject to cancellation, revocation and suspension by the
15 Secretary of State in like manner and for like cause as a
16 driver's license issued hereunder may be cancelled,
17 revoked or suspended; except that a conviction upon one or
18 more offenses against laws or ordinances regulating the
19 movement of traffic shall be deemed sufficient cause for
20 the revocation, suspension or cancellation of a restricted
21 driving permit. The Secretary of State may, as a condition
22 to the issuance of a restricted driving permit, require the
23 applicant to participate in a driver remedial or
24 rehabilitative program; or

25 8. failed to submit a report as required by Section
26 6-116.5 of this Code; or

1 9. has been convicted of a sex offense as defined in
2 the Sex Offender Registration Act. The driver's license
3 shall remain cancelled until the driver registers as a sex
4 offender as required by the Sex Offender Registration Act,
5 proof of the registration is furnished to the Secretary of
6 State and the sex offender provides proof of current
7 address to the Secretary.

8 (b) Upon such cancellation the licensee or permittee must
9 surrender the license or permit so cancelled to the Secretary
10 of State.

11 (c) Except as provided in Sections 6-206.1 and 7-702.1, the
12 Secretary of State shall have exclusive authority to grant,
13 issue, deny, cancel, suspend and revoke driving privileges,
14 drivers' licenses and restricted driving permits.

15 (d) The Secretary of State may adopt rules to implement
16 this Section.

17 (Source: P.A. 94-556, eff. 9-11-05; 94-993, eff. 1-1-07.)

18 (Text of Section after amendment by P.A. 94-916)

19 Sec. 6-201. Authority to cancel licenses and permits.

20 (a) The Secretary of State is authorized to cancel any
21 license or permit upon determining that the holder thereof:

22 1. was not entitled to the issuance thereof hereunder;

23 or

24 2. failed to give the required or correct information
25 in his application; or

1 3. failed to pay any fees, civil penalties owed to the
2 Illinois Commerce Commission, or taxes due under this Act
3 and upon reasonable notice and demand; or

4 4. committed any fraud in the making of such
5 application; or

6 5. is ineligible therefor under the provisions of
7 Section 6-103 of this Act, as amended; or

8 6. has refused or neglected to submit an alcohol, drug,
9 and intoxicating compound evaluation or to submit to
10 examination or re-examination as required under this Act;
11 or

12 7. has been convicted of violating the Cannabis Control
13 Act, the Illinois Controlled Substances Act, the
14 Methamphetamine Control and Community Protection Act, or
15 the Use of Intoxicating Compounds Act while that individual
16 was in actual physical control of a motor vehicle. For
17 purposes of this Section, any person placed on probation
18 under Section 10 of the Cannabis Control Act, Section 410
19 of the Illinois Controlled Substances Act, or Section 70 of
20 the Methamphetamine Control and Community Protection Act
21 shall not be considered convicted. Any person found guilty
22 of this offense, while in actual physical control of a
23 motor vehicle, shall have an entry made in the court record
24 by the judge that this offense did occur while the person
25 was in actual physical control of a motor vehicle and order
26 the clerk of the court to report the violation to the

1 Secretary of State as such. After the cancellation, the
2 Secretary of State shall not issue a new license or permit
3 for a period of one year after the date of cancellation.
4 However, upon application, the Secretary of State may, if
5 satisfied that the person applying will not endanger the
6 public safety, or welfare, issue a restricted driving
7 permit granting the privilege of driving a motor vehicle
8 between the person's residence and person's place of
9 employment or within the scope of the person's employment
10 related duties, or to allow transportation for the person
11 or a household member of the person's family for the
12 receipt of necessary medical care or, if the professional
13 evaluation indicates, provide transportation for the
14 petitioner for alcohol remedial or rehabilitative
15 activity, or for the person to attend classes, as a
16 student, in an accredited educational institution; if the
17 person is able to demonstrate that no alternative means of
18 transportation is reasonably available; provided that the
19 Secretary's discretion shall be limited to cases where
20 undue hardship would result from a failure to issue such
21 restricted driving permit. In each case the Secretary of
22 State may issue such restricted driving permit for such
23 period as he deems appropriate, except that such permit
24 shall expire within one year from the date of issuance. A
25 restricted driving permit issued hereunder shall be
26 subject to cancellation, revocation and suspension by the

1 Secretary of State in like manner and for like cause as a
2 driver's license issued hereunder 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 restricted
7 driving permit. The Secretary of State may, as a condition
8 to the issuance of a restricted driving permit, require the
9 applicant to participate in a driver remedial or
10 rehabilitative program; or

11 8. failed to submit a report as required by Section
12 6-116.5 of this Code; or

13 9. has been convicted of a sex offense as defined in
14 the Sex Offender Registration Act. The driver's license
15 shall remain cancelled until the driver registers as a sex
16 offender as required by the Sex Offender Registration Act,
17 proof of the registration is furnished to the Secretary of
18 State and the sex offender provides proof of current
19 address to the Secretary; or.

20 10. ~~9.~~ is ineligible for a license or permit under
21 Section 6-107, 6-107.1, or 6-108 of this Code.

22 (b) Upon such cancellation the licensee or permittee must
23 surrender the license or permit so cancelled to the Secretary
24 of State.

25 (c) Except as provided in Sections 6-206.1 and 7-702.1, the
26 Secretary of State shall have exclusive authority to grant,

1 issue, deny, cancel, suspend and revoke driving privileges,
2 drivers' licenses and restricted driving permits.

3 (d) The Secretary of State may adopt rules to implement
4 this Section.

5 (Source: P.A. 94-556, eff. 9-11-05; 94-916, eff. 7-1-07;
6 94-993, eff. 1-1-07; revised 8-3-06.)

7 (625 ILCS 5/6-205.2)

8 Sec. 6-205.2. Suspension of driver's license of person
9 convicted of theft of motor fuel. The driver's license of a
10 person convicted of theft of motor fuel under Section 16K-15
11 ~~16J-15~~ of the Criminal Code of 1961 shall be suspended by the
12 Secretary for a period not to exceed 6 months for a first
13 offense. Upon a second or subsequent conviction for theft of
14 motor fuel, the suspension shall be for a period not to exceed
15 one year. Upon conviction of a person for theft of motor fuel,
16 the court shall order the person to surrender his or her
17 driver's license to the clerk of the court who shall forward
18 the suspended license to the Secretary.

19 (Source: P.A. 94-700, eff. 6-1-06; revised 9-28-06.)

20 (625 ILCS 5/6-208) (from Ch. 95 1/2, par. 6-208)

21 Sec. 6-208. Period of Suspension - Application After
22 Revocation.

23 (a) Except as otherwise provided by this Code or any other
24 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

1 revocation or after the expiration of 24 months from the
2 date of release from a period of imprisonment as provided
3 in Section 6-103 of this Code, whichever is later.

4 2. If such person is convicted of committing a second
5 violation within a 20 year period of:

6 (A) Section 11-501 of this Code, or a similar
7 provision of a local ordinance; or

8 (B) Paragraph (b) of Section 11-401 of this Code,
9 or a similar provision of a local ordinance; or

10 (C) Section 9-3 of the Criminal Code of 1961, as
11 amended, relating to the offense of reckless homicide;
12 or

13 (D) any combination of the above offenses
14 committed at different instances;

15 then such person may not make application for a license
16 until after the expiration of 5 years from the effective
17 date of the most recent revocation. The 20 year period
18 shall be computed by using the dates the offenses were
19 committed and shall also include similar out-of-state
20 offenses.

21 3. However, except as provided in subparagraph 4, if
22 such person is convicted of committing a third, or
23 subsequent, violation or any combination of the above
24 offenses, including similar out-of-state offenses,
25 contained in subparagraph 2, then such person may not make
26 application for a license until after the expiration of 10

1 years from the effective date of the most recent
2 revocation.

3 4. The person may not make application for a license if
4 the person is convicted of committing a fourth or
5 subsequent violation of Section 11-501 of this Code or a
6 similar provision of a local ordinance, Section 11-401 of
7 this Code, Section 9-3 of the Criminal Code of 1961, or a
8 combination of these offenses or similar provisions of
9 local ordinances or similar out-of-state offenses.

10 Notwithstanding any other provision of this Code, all
11 persons referred to in this paragraph (b) may not have their
12 privileges restored until the Secretary receives payment of the
13 required reinstatement fee pursuant to subsection (b) of
14 Section 6-118.

15 In no event shall the Secretary issue such license unless
16 and until such person has had a hearing pursuant to this Code
17 and the appropriate administrative rules and the Secretary is
18 satisfied, after a review or investigation of such person, that
19 to grant the privilege of driving a motor vehicle on the
20 highways will not endanger the public safety or welfare.

21 (c) (Blank).

22 (Source: P.A. 92-343, eff. 1-1-02; 92-418, eff. 8-17-01;
23 92-458, eff. 8-22-01; 92-651, eff. 7-11-02; 93-712, eff.
24 1-1-05; 93-788, eff. 1-1-05; revised 10-14-04.)

25 (625 ILCS 5/6-411) (from Ch. 95 1/2, par. 6-411)

1 Sec. 6-411. Qualifications of Driver Training Instructors.
2 In order to qualify for a license as an instructor for a
3 driving school, an applicant must:

4 (a) Be of good moral character;

5 (b) Authorize an investigation to include a fingerprint
6 based background check to determine if the applicant has ever
7 been convicted of a crime and if so, the disposition of those
8 convictions; this authorization shall indicate the scope of the
9 inquiry and the agencies which may be contacted. Upon this
10 authorization the Secretary of State may request and receive
11 information and assistance from any federal, state or local
12 governmental agency as part of the authorized investigation.
13 Each applicant shall submit ~~have~~ his or her fingerprints
14 ~~submitted~~ to the Department of State Police in the form and
15 manner prescribed by the Department of State Police. These
16 fingerprints shall be checked against the fingerprint records
17 now and hereafter filed in the Department of State Police and
18 Federal Bureau of Investigation criminal history records
19 ~~record information~~ databases. The Department of State Police
20 shall charge a fee for conducting the criminal history records
21 check, which shall be deposited in the State Police Services
22 Fund and shall not exceed the actual cost of the records check.
23 The applicant shall be required to pay all related fingerprint
24 fees including, but not limited to, the amounts established by
25 the Department of State Police and the Federal Bureau of
26 Investigation to process fingerprint based criminal background

1 investigations. The Department of State Police shall provide
2 information concerning any criminal convictions, and their
3 disposition, brought against the applicant upon request of the
4 Secretary of State when the request is made in the form and
5 manner required by the Department of State Police. Unless
6 otherwise prohibited by law, the information derived from this
7 investigation including the source of this information, and any
8 conclusions or recommendations derived from this information
9 by the Secretary of State shall be provided to the applicant,
10 or his designee, upon request to the Secretary of State, prior
11 to any final action by the Secretary of State on the
12 application. Any criminal convictions and their disposition
13 information obtained by the Secretary of State shall be
14 confidential and may not be transmitted outside the Office of
15 the Secretary of State, except as required herein, and may not
16 be transmitted to anyone within the Office of the Secretary of
17 State except as needed for the purpose of evaluating the
18 applicant. The information obtained from this investigation
19 may be maintained by the Secretary of State or any agency to
20 which such information was transmitted. Only information and
21 standards which bear a reasonable and rational relation to the
22 performance of a driver training instructor shall be used by
23 the Secretary of State. Any employee of the Secretary of State
24 who gives or causes to be given away any confidential
25 information concerning any criminal charges and their
26 disposition of an applicant shall be guilty of a Class A

1 misdemeanor unless release of such information is authorized by
2 this Section;

3 (c) Pass such examination as the Secretary of State shall
4 require on (1) traffic laws, (2) safe driving practices, (3)
5 operation of motor vehicles, and (4) qualifications of teacher;

6 (d) Be physically able to operate safely a motor vehicle
7 and to train others in the operation of motor vehicles. An
8 instructors license application must be accompanied by a
9 medical examination report completed by a competent physician
10 licensed to practice in the State of Illinois;

11 (e) Hold a valid Illinois drivers license;

12 (f) Have graduated from an accredited high school after at
13 least 4 years of high school education or the equivalent; and

14 (g) Pay to the Secretary of State an application and
15 license fee of \$70.

16 If a driver training school class room instructor teaches
17 an approved driver education course, as defined in Section
18 1-103 of this Code, to students under 18 years of age, he or
19 she shall furnish to the Secretary of State a certificate
20 issued by the State Board of Education that the said instructor
21 is qualified and meets the minimum educational standards for
22 teaching driver education courses in the local public or
23 parochial school systems, except that no State Board of
24 Education certification shall be required of any instructor who
25 teaches exclusively in a commercial driving school. On and
26 after July 1, 1986, the existing rules and regulations of the

1 State Board of Education concerning commercial driving schools
2 shall continue to remain in effect but shall be administered by
3 the Secretary of State until such time as the Secretary of
4 State shall amend or repeal the rules in accordance with The
5 Illinois Administrative Procedure Act. Upon request, the
6 Secretary of State shall issue a certificate of completion to a
7 student under 18 years of age who has completed an approved
8 driver education course at a commercial driving school.

9 (Source: P.A. 93-408, eff. 1-1-04; 93-418, eff. 1-1-04; revised
10 9-15-03.)

11 (625 ILCS 5/6-500) (from Ch. 95 1/2, par. 6-500)

12 Sec. 6-500. Definitions of words and phrases.
13 Notwithstanding the definitions set forth elsewhere in this
14 Code, for purposes of the Uniform Commercial Driver's License
15 Act (UCDLA), the words and phrases listed below have the
16 meanings ascribed to them as follows:

17 (1) Alcohol. "Alcohol" means any substance containing any
18 form of alcohol, including but not limited to ethanol,
19 methanol, propanol, and isopropanol.

20 (2) Alcohol concentration. "Alcohol concentration" means:

21 (A) the number of grams of alcohol per 210 liters of
22 breath; or

23 (B) the number of grams of alcohol per 100 milliliters
24 of blood; or

25 (C) the number of grams of alcohol per 67 milliliters

1 of urine.

2 Alcohol tests administered within 2 hours of the driver
3 being "stopped or detained" shall be considered that driver's
4 "alcohol concentration" for the purposes of enforcing this
5 UCDLA.

6 (3) (Blank).

7 (4) (Blank).

8 (5) (Blank).

9 (6) Commercial Motor Vehicle.

10 (A) "Commercial motor vehicle" or "CMV" means a motor
11 vehicle, except those referred to in subdivision (B),
12 designed to transport passengers or property if:

13 (i) the vehicle has a GVWR of 26,001 pounds or more
14 or such a lesser GVWR as subsequently determined by
15 federal regulations or the Secretary of State; or any
16 combination of vehicles with a GCWR of 26,001 pounds or
17 more, provided the GVWR of any vehicle or vehicles
18 being towed is 10,001 pounds or more; or

19 (ii) the vehicle is designed to transport 16 or
20 more persons; or

21 (iii) the vehicle is transporting hazardous
22 materials and is required to be placarded in accordance
23 with 49 C.F.R. Part 172, subpart F.

24 (B) Pursuant to the interpretation of the Commercial
25 Motor Vehicle Safety Act of 1986 by the Federal Highway
26 Administration, the definition of "commercial motor

1 vehicle" does not include:

2 (i) recreational vehicles, when operated primarily
3 for personal use;

4 (ii) United States Department of Defense vehicles
5 being operated by non-civilian personnel. This
6 includes any operator on active military duty; members
7 of the Reserves; National Guard; personnel on
8 part-time training; and National Guard military
9 technicians (civilians who are required to wear
10 military uniforms and are subject to the Code of
11 Military Justice); or

12 (iii) firefighting and other emergency equipment
13 (including, without limitation, equipment owned or
14 operated by a HazMat or technical rescue team
15 authorized by a county board under Section 5-1127 of
16 the Counties Code), with audible and visual signals,
17 owned or operated by or for a governmental entity,
18 which is necessary to the preservation of life or
19 property or the execution of emergency governmental
20 functions which are normally not subject to general
21 traffic rules and regulations.

22 (7) Controlled Substance. "Controlled substance" shall
23 have the same meaning as defined in Section 102 of the Illinois
24 Controlled Substances Act, and shall also include cannabis as
25 defined in Section 3 of the Cannabis Control Act.

26 (8) Conviction. "Conviction" means an unvacated

1 adjudication of guilt or a determination that a person has
2 violated or failed to comply with the law in a court of
3 original jurisdiction or an authorized administrative
4 tribunal; an unvacated forfeiture of bail or collateral
5 deposited to secure the person's appearance in court; the
6 payment of a fine or court cost regardless of whether the
7 imposition of sentence is deferred and ultimately a judgment
8 dismissing the underlying charge is entered; or a violation of
9 a condition of release without bail, regardless of whether or
10 not the penalty is rebated, suspended or probated.

11 (9) (Blank).

12 (10) (Blank).

13 (11) (Blank).

14 (12) (Blank).

15 (13) Driver. "Driver" means any person who drives,
16 operates, or is in physical control of a commercial motor
17 vehicle, any person who is required to hold a CDL, or any
18 person who is a holder of a CDL while operating a
19 non-commercial motor vehicle.

20 (14) Employee. "Employee" means a person who is employed as
21 a commercial motor vehicle driver. A person who is
22 self-employed as a commercial motor vehicle driver must comply
23 with the requirements of this UCDLA pertaining to employees. An
24 owner-operator on a long-term lease shall be considered an
25 employee.

26 (15) Employer. "Employer" means a person (including the

1 United States, a State or a local authority) who owns or leases
2 a commercial motor vehicle or assigns employees to operate such
3 a vehicle. A person who is self-employed as a commercial motor
4 vehicle driver must comply with the requirements of this UCCLA.

5 (16) (Blank).

6 (16.5) Fatality. "Fatality" means the death of a person as
7 a result of a motor vehicle accident.

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 (20.5) Imminent Hazard. "Imminent hazard" means the
25 existence of a condition that presents a substantial likelihood
26 that death, serious illness, severe personal injury, or a

1 substantial endangerment to health, property, or the
2 environment may occur before the reasonably foreseeable
3 completion date of a formal proceeding begun to lessen the risk
4 of that death, illness, injury or endangerment.

5 (21) Long-term lease. "Long-term lease" means a lease of a
6 commercial motor vehicle by the owner-lessor to a lessee, for a
7 period of more than 29 days.

8 (22) Motor Vehicle. "Motor vehicle" means every vehicle
9 which is self-propelled, and every vehicle which is propelled
10 by electric power obtained from over head trolley wires but not
11 operated upon rails, except vehicles moved solely by human
12 power and motorized wheel chairs.

13 (22.5) Non-CMV. "Non-CMV" means a motor vehicle or
14 combination of motor vehicles not defined by the term
15 "commercial motor vehicle" or "CMV" in this Section.

16 (23) Non-resident CDL. "Non-resident CDL" means a
17 commercial driver's license issued by a state under either of
18 the following two conditions:

19 (i) to an individual domiciled in a foreign country
20 meeting the requirements of Part 383.23(b)(1) of 49 C.F.R.
21 of the Federal Motor Carrier Safety Administration.

22 (ii) to an individual domiciled in another state
23 meeting the requirements of Part 383.23(b)(2) of 49 C.F.R.
24 of the Federal Motor Carrier Safety Administration.

25 (24) (Blank).

26 (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) Any other similar law or local ordinance of any
8 state relating to railroad-highway grade crossing.

9 (25.7) School Bus. "School bus" means a commercial motor
10 vehicle used to transport pre-primary, primary, or secondary
11 school students from home to school, from school to home, or to
12 and from school-sponsored events. "School bus" does not include
13 a bus used as a common carrier.

14 (26) Serious Traffic Violation. "Serious traffic
15 violation" means:

16 (A) a conviction when operating a commercial motor
17 vehicle, or when operating a non-CMV while holding a CDL,
18 of:

19 (i) a violation relating to excessive speeding,
20 involving a single speeding charge of 15 miles per hour
21 or more above the legal speed limit; or

22 (ii) a violation relating to reckless driving; or

23 (iii) a violation of any State law or local
24 ordinance relating to motor vehicle traffic control
25 (other than parking violations) arising in connection
26 with a fatal traffic accident; or

1 (iv) a violation of Section 6-501, relating to
2 having multiple driver's licenses; or

3 (v) a violation of paragraph (a) of Section 6-507,
4 relating to the requirement to have a valid CDL; or

5 (vi) a violation relating to improper or erratic
6 traffic lane changes; or

7 (vii) a violation relating to following another
8 vehicle too closely; or

9 (B) any other similar violation of a law or local
10 ordinance of any state relating to motor vehicle traffic
11 control, other than a parking violation, which the
12 Secretary of State determines by administrative rule to be
13 serious.

14 (27) State. "State" means a state of the United States, the
15 District of Columbia and any province or territory of Canada.

16 (28) (Blank).

17 (29) (Blank).

18 (30) (Blank).

19 (31) (Blank).

20 (Source: P.A. 94-307, eff. 9-30-05; 94-334, eff. 1-1-06;
21 revised 8-19-05.)

22 (625 ILCS 5/6-508) (from Ch. 95 1/2, par. 6-508)

23 Sec. 6-508. Commercial Driver's License (CDL) -
24 qualification standards.

25 (a) Testing.

1 (1) General. No person shall be issued an original or
2 renewal CDL unless that person is domiciled in this State.
3 The Secretary shall cause to be administered such tests as
4 the Secretary deems necessary to meet the requirements of
5 49 C.F.R. Part 383, subparts G and H.

6 (2) Third party testing. The Secretary of state may
7 authorize a "third party tester", pursuant to 49 C.F.R.
8 Part 383.75, to administer the skills test or tests
9 specified by Federal Highway Administration pursuant to
10 the Commercial Motor Vehicle Safety Act of 1986 and any
11 appropriate federal rule.

12 (b) Waiver of Skills Test. The Secretary of State may waive
13 the skills test specified in this Section for a commercial
14 driver license applicant who meets the requirements of 49
15 C.F.R. Part 383.77 and Part 383.123.

16 (c) Limitations on issuance of a CDL. A CDL, or a
17 commercial driver instruction permit, shall not be issued to a
18 person while the person is subject to a disqualification from
19 driving a commercial motor vehicle, or unless otherwise
20 permitted by this Code, while the person's driver's license is
21 suspended, revoked or cancelled in any state, or any territory
22 or province of Canada; nor may a CDL be issued to a person who
23 has a CDL issued by any other state, or foreign jurisdiction,
24 unless the person first surrenders all such licenses. No CDL
25 shall be issued to or renewed for a person who does not meet
26 the requirement of 49 CFR 391.41(b)(11). The requirement may be

1 met with the aid of a hearing aid.

2 (c-1) The Secretary may issue a CDL with a school bus
3 driver endorsement to allow a person to drive the type of bus
4 described in subsection (d-5) of Section 6-104 of this Code.
5 The CDL with a school bus driver endorsement may be issued only
6 to a person meeting the following requirements:

7 (1) the person has submitted his or her fingerprints to
8 the Department of State Police in the form and manner
9 prescribed by the Department of State Police. These
10 fingerprints shall be checked against the fingerprint
11 records now and hereafter filed in the Department of State
12 Police and Federal Bureau of Investigation criminal
13 history records databases;

14 (2) the person has passed a written test, administered
15 by the Secretary of State, on charter bus operation,
16 charter bus safety, and certain special traffic laws
17 relating to school buses determined by the Secretary of
18 State to be relevant to charter buses, and submitted to a
19 review of the applicant's driving habits by the Secretary
20 of State at the time the written test is given;

21 (3) the person has demonstrated physical fitness to
22 operate school buses by submitting the results of a medical
23 examination, including tests for drug use; and

24 (4) the person has not been convicted of committing or
25 attempting to commit any one or more of the following
26 offenses: (i) those offenses defined in Sections 9-1,

1 9-1.2, 9-2, 9-2.1, 9-3, 9-3.2, 9-3.3, 10-1, 10-2, 10-3.1,
2 10-4, 10-5, 10-6, 10-7, 11-6, 11-9, 11-9.1, 11-14, 11-15,
3 11-15.1, 11-16, 11-17, 11-18, 11-19, 11-19.1, 11-19.2,
4 11-20, 11-20.1, 11-21, 11-22, 12-3.1, 12-4.1, 12-4.2,
5 12-4.3, 12-4.4, 12-4.5, 12-6, 12-6.2, 12-7.1, 12-7.3,
6 12-7.4, 12-11, 12-13, 12-14, 12-14.1, 12-15, 12-16,
7 12-16.2, 12-21.5, 12-21.6, 12-33, 18-1, 18-2, 18-3, 18-4,
8 18-5, 20-1, 20-1.1, 20-2, 24-1, 24-1.1, 24-1.2, 24-3.3,
9 31A-1, 31A-1.1, and 33A-2, and in subsection (a) and
10 subsection (b), clause (1), of Section 12-4 of the Criminal
11 Code of 1961; (ii) those offenses defined in the Cannabis
12 Control Act except those offenses defined in subsections
13 (a) and (b) of Section 4, and subsection (a) of Section 5
14 of the Cannabis Control Act; (iii) those offenses defined
15 in the Illinois Controlled Substances Act; (iv) those
16 offenses defined in the Methamphetamine Control and
17 Community Protection Act; (v) any offense committed or
18 attempted in any other state or against the laws of the
19 United States, which if committed or attempted in this
20 State would be punishable as one or more of the foregoing
21 offenses; (vi) the offenses defined in Sections 4.1 and 5.1
22 of the Wrongs to Children Act; and (vii) those offenses
23 defined in Section 6-16 of the Liquor Control Act of 1934.

24 The Department of State Police shall charge a fee for
25 conducting the criminal history records check, which shall be
26 deposited into the State Police Services Fund and may not

1 exceed the actual cost of the records check.

2 (c-2) The Secretary shall issue a CDL with a school bus
3 endorsement to allow a person to drive a school bus as defined
4 in this Section. The CDL shall be issued according to the
5 requirements outlined in 49 C.F.R. 383. A person may not
6 operate a school bus as defined in this Section without a
7 school bus endorsement. The Secretary of State may adopt rules
8 consistent with Federal guidelines to implement this
9 subsection (c-2).

10 (d) Commercial driver instruction permit. A commercial
11 driver instruction permit may be issued to any person holding a
12 valid Illinois driver's license if such person successfully
13 passes such tests as the Secretary determines to be necessary.
14 A commercial driver instruction permit shall not be issued to a
15 person who does not meet the requirements of 49 CFR 391.41
16 (b)(11), except for the renewal of a commercial driver
17 instruction permit for a person who possesses a commercial
18 instruction permit prior to the effective date of this
19 amendatory Act of 1999.

20 (Source: P.A. 93-476, eff. 1-1-04; 93-644, eff. 6-1-04; 94-307,
21 eff. 9-30-05; 94-556, eff. 9-11-05; revised 8-19-05.)

22 (625 ILCS 5/11-208.3) (from Ch. 95 1/2, par. 11-208.3)

23 Sec. 11-208.3. Administrative adjudication of violations
24 of traffic regulations concerning the standing, parking, or
25 condition of vehicles and automated traffic law violations.

1 (a) Any municipality may provide by ordinance for a system
2 of administrative adjudication of vehicular standing and
3 parking violations and vehicle compliance violations as
4 defined in this subsection and automated traffic law violations
5 as defined in Section 11-208.6. The administrative system shall
6 have as its purpose the fair and efficient enforcement of
7 municipal regulations through the administrative adjudication
8 of automated traffic law violations and violations of municipal
9 ordinances regulating the standing and parking of vehicles, the
10 condition and use of vehicle equipment, and the display of
11 municipal wheel tax licenses within the municipality's
12 borders. The administrative system shall only have authority to
13 adjudicate civil offenses carrying fines not in excess of \$250
14 that occur after the effective date of the ordinance adopting
15 such a system under this Section. For purposes of this Section,
16 "compliance violation" means a violation of a municipal
17 regulation governing the condition or use of equipment on a
18 vehicle or governing the display of a municipal wheel tax
19 license.

20 (b) Any ordinance establishing a system of administrative
21 adjudication under this Section shall provide for:

22 (1) A traffic compliance administrator authorized to
23 adopt, distribute and process parking, compliance, and
24 automated traffic law violation notices and other notices
25 required by this Section, collect money paid as fines and
26 penalties for violation of parking and compliance

1 ordinances and automated traffic law violations, and
2 operate an administrative adjudication system. The traffic
3 compliance administrator also may make a certified report
4 to the Secretary of State under Section 6-306.5.

5 (2) A parking, standing, compliance, or automated
6 traffic law violation notice that shall specify the date,
7 time, and place of violation of a parking, standing, ~~or~~
8 compliance, or automated traffic law regulation; the
9 particular regulation violated; the fine and any penalty
10 that may be assessed for late payment, when so provided by
11 ordinance; the vehicle make and state registration number;
12 and the identification number of the person issuing the
13 notice. With regard to automated traffic law violations,
14 vehicle make shall be specified on the automated traffic
15 law violation notice if the make is available and readily
16 discernible. With regard to municipalities with a
17 population of 1 million or more, it shall be grounds for
18 dismissal of a parking violation if the state registration
19 number or vehicle make specified is incorrect. The
20 violation notice shall state that the payment of the
21 indicated fine, and of any applicable penalty for late
22 payment, shall operate as a final disposition of the
23 violation. The notice also shall contain information as to
24 the availability of a hearing in which the violation may be
25 contested on its merits. The violation notice shall specify
26 the time and manner in which a hearing may be had.

1 (3) Service of the parking, standing, or compliance
2 violation notice by affixing the original or a facsimile of
3 the notice to an unlawfully parked vehicle or by handing
4 the notice to the operator of a vehicle if he or she is
5 present and service of an automated traffic law violation
6 notice by mail to the address of the registered owner of
7 the cited vehicle as recorded with the Secretary of State
8 within 30 days after the Secretary of State notifies the
9 municipality or county of the identity of the owner of the
10 vehicle, but in no event later than 90 days after the
11 violation. A person authorized by ordinance to issue and
12 serve parking, standing, and compliance violation notices
13 shall certify as to the correctness of the facts entered on
14 the violation notice by signing his or her name to the
15 notice at the time of service or in the case of a notice
16 produced by a computerized device, by signing a single
17 certificate to be kept by the traffic compliance
18 administrator attesting to the correctness of all notices
19 produced by the device while it was under his or her
20 control. In the case of an automated traffic law violation,
21 the ordinance shall require a determination by a technician
22 employed or contracted by the municipality or county that,
23 based on inspection of recorded images, the motor vehicle
24 was being operated in violation of Section 11-208.6 or a
25 local ordinance. If the technician determines that the
26 vehicle entered the intersection as part of a funeral

1 procession or in order to yield the right-of-way to an
2 emergency vehicle, a citation shall not be issued. The
3 original or a facsimile of the violation notice or, in the
4 case of a notice produced by a computerized device, a
5 printed record generated by the device showing the facts
6 entered on the notice, shall be retained by the traffic
7 compliance administrator, and shall be a record kept in the
8 ordinary course of business. A parking, standing,
9 compliance, or automated traffic law violation notice
10 issued, signed and served in accordance with this Section,
11 a copy of the notice, or the computer generated record
12 shall be prima facie correct and shall be prima facie
13 evidence of the correctness of the facts shown on the
14 notice. The notice, copy, or computer generated record
15 shall be admissible in any subsequent administrative or
16 legal proceedings.

17 (4) An opportunity for a hearing for the registered
18 owner of the vehicle cited in the parking, standing,
19 compliance, or automated traffic law violation notice in
20 which the owner may contest the merits of the alleged
21 violation, and during which formal or technical rules of
22 evidence shall not apply; provided, however, that under
23 Section 11-1306 of this Code the lessee of a vehicle cited
24 in the violation notice likewise shall be provided an
25 opportunity for a hearing of the same kind afforded the
26 registered owner. The hearings shall be recorded, and the

1 person conducting the hearing on behalf of the traffic
2 compliance administrator shall be empowered to administer
3 oaths and to secure by subpoena both the attendance and
4 testimony of witnesses and the production of relevant books
5 and papers. Persons appearing at a hearing under this
6 Section may be represented by counsel at their expense. The
7 ordinance may also provide for internal administrative
8 review following the decision of the hearing officer.

9 (5) Service of additional notices, sent by first class
10 United States mail, postage prepaid, to the address of the
11 registered owner of the cited vehicle as recorded with the
12 Secretary of State or, if any notice to that address is
13 returned as undeliverable, to the last known address
14 recorded in a United States Post Office approved database,
15 or, under Section 11-1306 of this Code, to the lessee of
16 the cited vehicle at the last address known to the lessor
17 of the cited vehicle at the time of lease or, if any notice
18 to that address is returned as undeliverable, to the last
19 known address recorded in a United States Post Office
20 approved database. The service shall be deemed complete as
21 of the date of deposit in the United States mail. The
22 notices shall be in the following sequence and shall
23 include but not be limited to the information specified
24 herein:

25 (i) A second notice of parking, standing, or
26 compliance violation. This notice shall specify the

1 date and location of the violation cited in the
2 parking, standing, or compliance violation notice, the
3 particular regulation violated, the vehicle make and
4 state registration number, the fine and any penalty
5 that may be assessed for late payment when so provided
6 by ordinance, the availability of a hearing in which
7 the violation may be contested on its merits, and the
8 time and manner in which the hearing may be had. The
9 notice of violation shall also state that failure
10 either to pay the indicated fine and any applicable
11 penalty, or to appear at a hearing on the merits in the
12 time and manner specified, will result in a final
13 determination of violation liability for the cited
14 violation in the amount of the fine or penalty
15 indicated, and that, upon the occurrence of a final
16 determination of violation liability for the failure,
17 and the exhaustion of, or failure to exhaust, available
18 administrative or judicial procedures for review, any
19 unpaid fine or penalty will constitute a debt due and
20 owing the municipality.

21 (ii) A notice of final determination of parking,
22 standing, compliance, or automated traffic law
23 violation liability. This notice shall be sent
24 following a final determination of parking, standing,
25 compliance, or automated traffic law violation
26 liability and the conclusion of judicial review

1 procedures taken under this Section. The notice shall
2 state that the unpaid fine or penalty is a debt due and
3 owing the municipality. The notice shall contain
4 warnings that failure to pay any fine or penalty due
5 and owing the municipality within the time specified
6 may result in the municipality's filing of a petition
7 in the Circuit Court to have the unpaid fine or penalty
8 rendered a judgment as provided by this Section, or may
9 result in suspension of the person's drivers license
10 for failure to pay fines or penalties for 10 or more
11 parking violations under Section 6-306.5 or 5 or more
12 automated traffic law violations under Section
13 11-208.6.

14 (6) A Notice of impending drivers license suspension.

15 This notice shall be sent to the person liable for any fine
16 or penalty that remains due and owing on 10 or more parking
17 violations or 5 or more unpaid automated traffic law
18 violations. The notice shall state that failure to pay the
19 fine or penalty owing within 45 days of the notice's date
20 will result in the municipality notifying the Secretary of
21 State that the person is eligible for initiation of
22 suspension proceedings under Section 6-306.5 of this Code.
23 The notice shall also state that the person may obtain a
24 photostatic copy of an original ticket imposing a fine or
25 penalty by sending a self addressed, stamped envelope to
26 the municipality along with a request for the photostatic

1 copy. The notice of impending drivers license suspension
2 shall be sent by first class United States mail, postage
3 prepaid, to the address recorded with the Secretary of
4 State or, if any notice to that address is returned as
5 undeliverable, to the last known address recorded in a
6 United States Post Office approved database.

7 (7) Final determinations of violation liability. A
8 final determination of violation liability shall occur
9 following failure to pay the fine or penalty after a
10 hearing officer's determination of violation liability and
11 the exhaustion of or failure to exhaust any administrative
12 review procedures provided by ordinance. Where a person
13 fails to appear at a hearing to contest the alleged
14 violation in the time and manner specified in a prior
15 mailed notice, the hearing officer's determination of
16 violation liability shall become final: (A) upon denial of
17 a timely petition to set aside that determination, or (B)
18 upon expiration of the period for filing the petition
19 without a filing having been made.

20 (8) A petition to set aside a determination of parking,
21 standing, compliance, or automated traffic law violation
22 liability that may be filed by a person owing an unpaid
23 fine or penalty. The petition shall be filed with and ruled
24 upon by the traffic compliance administrator in the manner
25 and within the time specified by ordinance. The grounds for
26 the petition may be limited to: (A) the person not having

1 been the owner or lessee of the cited vehicle on the date
2 the violation notice was issued, (B) the person having
3 already paid the fine or penalty for the violation in
4 question, and (C) excusable failure to appear at or request
5 a new date for a hearing. With regard to municipalities
6 with a population of 1 million or more, it shall be grounds
7 for dismissal of a parking violation if the state
8 registration number, or vehicle make if specified, is
9 incorrect. After the determination of parking, standing,
10 compliance, or automated traffic law violation liability
11 has been set aside upon a showing of just cause, the
12 registered owner shall be provided with a hearing on the
13 merits for that violation.

14 (9) Procedures for non-residents. Procedures by which
15 persons who are not residents of the municipality may
16 contest the merits of the alleged violation without
17 attending a hearing.

18 (10) A schedule of civil fines for violations of
19 vehicular standing, parking, compliance, or automated
20 traffic law regulations enacted by ordinance pursuant to
21 this Section, and a schedule of penalties for late payment
22 of the fines, provided, however, that the total amount of
23 the fine and penalty for any one violation shall not exceed
24 \$250, except as provided in subsection (c) of Section
25 11-1301.3 of this Code.

26 (11) Other provisions as are necessary and proper to

1 carry into effect the powers granted and purposes stated in
2 this Section.

3 (c) Any municipality establishing vehicular standing,
4 parking, compliance, or automated traffic law regulations
5 under this Section may also provide by ordinance for a program
6 of vehicle immobilization for the purpose of facilitating
7 enforcement of those regulations. The program of vehicle
8 immobilization shall provide for immobilizing any eligible
9 vehicle upon the public way by presence of a restraint in a
10 manner to prevent operation of the vehicle. Any ordinance
11 establishing a program of vehicle immobilization under this
12 Section shall provide:

13 (1) Criteria for the designation of vehicles eligible
14 for immobilization. A vehicle shall be eligible for
15 immobilization when the registered owner of the vehicle has
16 accumulated the number of unpaid final determinations of
17 parking, standing, compliance, or automated traffic law
18 violation liability as determined by ordinance.

19 (2) A notice of impending vehicle immobilization and a
20 right to a hearing to challenge the validity of the notice
21 by disproving liability for the unpaid final
22 determinations of parking, standing, compliance, or
23 automated traffic law violation liability listed on the
24 notice.

25 (3) The right to a prompt hearing after a vehicle has
26 been immobilized or subsequently towed without payment of

1 the outstanding fines and penalties on parking, standing,
2 compliance, or automated traffic law violations for which
3 final determinations have been issued. An order issued
4 after the hearing is a final administrative decision within
5 the meaning of Section 3-101 of the Code of Civil
6 Procedure.

7 (4) A post immobilization and post-towing notice
8 advising the registered owner of the vehicle of the right
9 to a hearing to challenge the validity of the impoundment.

10 (d) Judicial review of final determinations of parking,
11 standing, compliance, or automated traffic law violations and
12 final administrative decisions issued after hearings regarding
13 vehicle immobilization and impoundment made under this Section
14 shall be subject to the provisions of the Administrative Review
15 Law.

16 (e) Any fine, penalty, or part of any fine or any penalty
17 remaining unpaid after the exhaustion of, or the failure to
18 exhaust, administrative remedies created under this Section
19 and the conclusion of any judicial review procedures shall be a
20 debt due and owing the municipality and, as such, may be
21 collected in accordance with applicable law. Payment in full of
22 any fine or penalty resulting from a standing, parking,
23 compliance, or automated traffic law violation shall
24 constitute a final disposition of that violation.

25 (f) After the expiration of the period within which
26 judicial review may be sought for a final determination of

1 parking, standing, compliance, or automated traffic law
2 violation, the municipality may commence a proceeding in the
3 Circuit Court for purposes of obtaining a judgment on the final
4 determination of violation. Nothing in this Section shall
5 prevent a municipality from consolidating multiple final
6 determinations of parking, standing, compliance, or automated
7 traffic law violations against a person in a proceeding. Upon
8 commencement of the action, the municipality shall file a
9 certified copy or record of the final determination of parking,
10 standing, compliance, or automated traffic law violation,
11 which shall be accompanied by a certification that recites
12 facts sufficient to show that the final determination of
13 violation was issued in accordance with this Section and the
14 applicable municipal ordinance. Service of the summons and a
15 copy of the petition may be by any method provided by Section
16 2-203 of the Code of Civil Procedure or by certified mail,
17 return receipt requested, provided that the total amount of
18 fines and penalties for final determinations of parking,
19 standing, compliance, or automated traffic law violations does
20 not exceed \$2500. If the court is satisfied that the final
21 determination of parking, standing, compliance, or automated
22 traffic law violation was entered in accordance with the
23 requirements of this Section and the applicable municipal
24 ordinance, and that the registered owner or the lessee, as the
25 case may be, had an opportunity for an administrative hearing
26 and for judicial review as provided in this Section, the court

1 shall render judgment in favor of the municipality and against
2 the registered owner or the lessee for the amount indicated in
3 the final determination of parking, standing, compliance, or
4 automated traffic law violation, plus costs. The judgment shall
5 have the same effect and may be enforced in the same manner as
6 other judgments for the recovery of money.

7 (Source: P.A. 94-294, eff. 1-1-06; 94-795, eff. 5-22-06;
8 94-930, eff. 6-26-06; revised 8-3-06.)

9 (625 ILCS 5/11-1201) (from Ch. 95 1/2, par. 11-1201)

10 Sec. 11-1201. Obedience to signal indicating approach of
11 train.

12 (a) Whenever any person driving a vehicle approaches a
13 railroad grade crossing where the driver is not always required
14 to stop, the person must exercise due care and caution as the
15 existence of a railroad track across a highway is a warning of
16 danger, and under any of the circumstances stated in this
17 Section, the driver shall stop within 50 feet but not less than
18 15 feet from the nearest rail of the railroad and shall not
19 proceed until the tracks are clear and he or she can do so
20 safely. The foregoing requirements shall apply when:

21 1. A clearly visible electric or mechanical signal
22 device gives warning of the immediate approach of a
23 railroad train;

24 2. A crossing gate is lowered or a human flagman gives
25 or continues to give a signal of the approach or passage of

1 a railroad train;

2 3. A railroad train approaching a highway crossing
3 emits a warning signal and such railroad train, by reason
4 of its speed or nearness to such crossing, is an immediate
5 hazard;

6 4. An approaching railroad train is plainly visible and
7 is in hazardous proximity to such crossing;

8 5. A railroad train is approaching so closely that an
9 immediate hazard is created.

10 (a-5) Whenever a person driving a vehicle approaches a
11 railroad grade crossing where the driver is not always required
12 to stop but must slow down, the person must exercise due care
13 and caution as the existence of a railroad track across a
14 highway is a warning of danger, and under any of the
15 circumstances stated in this Section, the driver shall slow
16 down within 50 feet but not less than 15 feet from the nearest
17 rail of the railroad and shall not proceed until he or she
18 checks that the tracks are clear of an approaching train.

19 (b) No person shall drive any vehicle through, around or
20 under any crossing gate or barrier at a railroad crossing while
21 such gate or barrier is closed or is being opened or closed.

22 (c) The Department, and local authorities with the approval
23 of the Department, are hereby authorized to designate
24 particularly dangerous highway grade crossings of railroads
25 and to erect stop signs thereat. When such stop signs are
26 erected the driver of any vehicle shall stop within 50 feet but

1 not less than 15 feet from the nearest rail of such railroad
2 and shall proceed only upon exercising due care.

3 (d) At any railroad grade crossing provided with railroad
4 crossbuck signs, without automatic, electric, or mechanical
5 signal devices, crossing gates, or a human flagman giving a
6 signal of the approach or passage of a train, the driver of a
7 vehicle shall in obedience to the railroad crossbuck sign,
8 yield the right-of-way and slow down to a speed reasonable for
9 the existing conditions and shall stop, if required for safety,
10 at a clearly marked stopped line, or if no stop line, within 50
11 feet but not less than 15 feet from the nearest rail of the
12 railroad and shall not proceed until he or she can do so
13 safely. If a driver is involved in a collision at a railroad
14 crossing or interferes with the movement of a train after
15 driving past the railroad crossbuck sign, the collision or
16 interference is prima facie evidence of the driver's failure to
17 yield right-of-way.

18 (d-1) No person shall, while driving a commercial motor
19 vehicle, fail to negotiate a railroad-highway grade railroad
20 crossing because of insufficient undercarriage clearance.

21 (d-5) (Blank).

22 (e) It is unlawful to violate any part of this Section.

23 (1) A violation of this Section is a petty offense for
24 which a fine of \$250 shall be imposed for a first
25 violation, and a fine of \$500 shall be imposed for a second
26 or subsequent violation. The court may impose 25 hours of

1 community service in place of the \$250 fine for the first
2 violation.

3 (2) For a second or subsequent violation, the Secretary
4 of State may suspend the driving privileges of the offender
5 for a minimum of 6 months.

6 (f) Corporate authorities of municipal corporations
7 regulating operators of vehicles that fail to obey signals
8 indicating the presence, approach, passage, or departure of a
9 train shall impose fines as established in subsection (e) of
10 this Section.

11 (Source: P.A. 92-245, eff. 8-3-01; 92-249, eff. 1-1-02; 92-651,
12 eff. 7-11-02; 92-814, eff. 1-1-03; 92-834, eff. 8-22-02;
13 revised 8-26-02.)

14 (625 ILCS 5/11-1414) (from Ch. 95 1/2, par. 11-1414)

15 Sec. 11-1414. Approaching, overtaking, and passing school
16 bus.

17 (a) The driver of a vehicle shall stop such vehicle before
18 meeting or overtaking, from either direction, any school bus
19 stopped at any location for the purpose of receiving or
20 discharging pupils. Such stop is required before reaching the
21 school bus when there is in operation on the school bus the
22 visual signals as specified in Sections 12-803 and 12-805 of
23 this Code. The driver of the vehicle shall not proceed until
24 the school bus resumes motion or the driver of the vehicle is
25 signaled by the school bus driver to proceed or the visual

1 signals are no longer actuated.

2 (b) The stop signal arm required by Section 12-803 of this
3 Code shall be extended after the school bus has come to a
4 complete stop for the purpose of loading or discharging pupils
5 and shall be closed before the school bus is placed in motion
6 again. The stop signal arm shall not be extended at any other
7 time.

8 (c) The alternately flashing red signal lamps of an 8-lamp
9 flashing signal system required by Section 12-805 of this Code
10 shall be actuated after the school bus has come to a complete
11 stop for the purpose of loading or discharging pupils and shall
12 be turned off before the school bus is placed in motion again.
13 The red signal lamps shall not be actuated at any other time
14 except as provided in paragraph (d) of this Section.

15 (d) The alternately flashing amber signal lamps of an
16 8-lamp flashing signal system required by Section 12-805 of
17 this Code shall be actuated continuously during not less than
18 the last 100 feet traveled by the school bus before stopping
19 for the purpose of loading or discharging pupils within an
20 urban area and during not less than the last 200 feet traveled
21 by the school bus outside an urban area. The amber signal lamps
22 shall remain actuated until the school bus is stopped. The
23 amber signal lamps shall not be actuated at any other time.

24 (d-5) The alternately flashing head lamps permitted by
25 Section 12-805 of this Code may be operated while the
26 alternately flashing red or amber signal lamps required by that

1 Section are actuated.

2 (e) The driver of a vehicle upon a highway having 4 or more
3 lanes which permits at least 2 lanes of traffic to travel in
4 opposite directions need not stop such vehicle upon meeting a
5 school bus which is stopped in the opposing roadway; and need
6 not stop such vehicle when driving upon a controlled access
7 highway when passing a school bus traveling in either direction
8 that is stopped in a loading zone adjacent to the surfaced or
9 improved part of the controlled access highway where
10 pedestrians are not permitted to cross.

11 (f) Beginning with the effective date of this amendatory
12 Act of 1985, the Secretary of State shall suspend for a period
13 of 3 months the driving privileges of any person convicted of a
14 violation of subsection (a) of this Section or a similar
15 provision of a local ordinance; the Secretary shall suspend for
16 a period of one year the driving privileges of any person
17 convicted of a second or subsequent violation of subsection (a)
18 of this Section or a similar provision of a local ordinance if
19 the second or subsequent violation occurs within 5 years of a
20 prior conviction for the same offense. In addition to the
21 suspensions authorized by this Section, any person convicted of
22 violating this Section or a similar provision of a local
23 ordinance shall be subject to a mandatory fine of \$150 or, upon
24 a second or subsequent violation, \$500. The Secretary may also
25 grant, for the duration of any suspension issued under this
26 subsection, a restricted driving permit granting the privilege

1 of driving a motor vehicle between the driver's residence and
2 place of employment or within other proper limits that the
3 Secretary of State shall find necessary to avoid any undue
4 hardship. A restricted driving permit issued hereunder shall be
5 subject to cancellation, revocation and suspension by the
6 Secretary of State in like manner and for like cause as a
7 driver's license may be cancelled, revoked or suspended; except
8 that a conviction upon one or more offenses against laws or
9 ordinances regulating the movement of traffic shall be deemed
10 sufficient cause for the revocation, suspension or
11 cancellation of the restricted driving permit. The Secretary of
12 State may, as a condition to the issuance of a restricted
13 driving permit, require the applicant to participate in a
14 designated driver remedial or rehabilitative program. Any
15 conviction for a violation of this subsection shall be included
16 as an offense for the purposes of determining suspension action
17 under any other provision of this Code, provided however, that
18 the penalties provided under this subsection shall be imposed
19 unless those penalties imposed under other applicable
20 provisions are greater.

21 The owner of any vehicle alleged to have violated paragraph
22 (a) of this Section shall, upon appropriate demand by the
23 State's Attorney or other authorized prosecutor acting in
24 response to a signed complaint, provide a written statement or
25 deposition identifying the operator of the vehicle if such
26 operator was not the owner at the time of the alleged

1 violation. Failure to supply such information shall be
2 construed to be the same as a violation of paragraph (a) and
3 shall be subject to the same penalties herein provided. In the
4 event the owner has assigned control for the use of the vehicle
5 to another, the person to whom control was assigned shall
6 comply with the provisions of this paragraph and be subject to
7 the same penalties as herein provided.

8 (Source: P.A. 93-180, eff. 7-11-03; 93-181, eff. 1-1-04;
9 revised 8-12-03.)

10 (625 ILCS 5/12-603.1) (from Ch. 95 1/2, par. 12-603.1)

11 Sec. 12-603.1. Driver and passenger required to use safety
12 belts, exceptions and penalty.

13 (a) Each driver and front seat passenger of a motor vehicle
14 operated on a street or highway in this State shall wear a
15 properly adjusted and fastened seat safety belt; except that, a
16 child less than 8 years of age shall be protected as required
17 pursuant to the Child Passenger Protection Act. Each driver
18 under the age of 18 years and each of the driver's passengers
19 under the age of 19 years of a motor vehicle operated on a
20 street or highway in this State shall wear a properly adjusted
21 and fastened seat safety belt. Each driver of a motor vehicle
22 transporting a child 8 years of age or more, but less than 16
23 years of age, shall secure the child in a properly adjusted and
24 fastened seat safety belt as required under the Child Passenger
25 Protection Act.

1 (b) Paragraph (a) shall not apply to any of the following:

2 1. A driver or passenger frequently stopping and
3 leaving the vehicle or delivering property from the
4 vehicle, if the speed of the vehicle between stops does not
5 exceed 15 miles per hour.

6 2. A driver or passenger possessing a written statement
7 from a physician that such person is unable, for medical or
8 physical reasons, to wear a seat safety belt.

9 3. A driver or passenger possessing an official
10 certificate or license endorsement issued by the
11 appropriate agency in another state or country indicating
12 that the driver is unable for medical, physical, or other
13 valid reasons to wear a seat safety belt.

14 4. A driver operating a motor vehicle in reverse.

15 5. A motor vehicle with a model year prior to 1965.

16 6. A motorcycle or motor driven cycle.

17 7. A motorized pedalcycle.

18 8. A motor vehicle which is not required to be equipped
19 with seat safety belts under federal law.

20 9. A motor vehicle operated by a rural letter carrier
21 of the United States postal service while performing duties
22 as a rural letter carrier.

23 (c) Failure to wear a seat safety belt in violation of this
24 Section shall not be considered evidence of negligence, shall
25 not limit the liability of an insurer, and shall not diminish
26 any recovery for damages arising out of the ownership,

1 maintenance, or operation of a motor vehicle.

2 (d) A violation of this Section shall be a petty offense
3 and subject to a fine not to exceed \$25.

4 (e) (Blank).

5 (f) A law enforcement officer may not search or inspect a
6 motor vehicle, its contents, the driver, or a passenger solely
7 because of a violation of this Section.

8 (Source: P.A. 93-99, eff. 7-3-03; 94-239, eff. 1-1-06; 94-241,
9 eff. 1-1-06; revised 8-19-05.)

10 (625 ILCS 5/12-613)

11 Sec. 12-613. Possession and use of radar or laser jamming
12 devices prohibited.

13 (a) Except as provided in subsection (b), a person may not
14 operate or be in actual physical control of a motor vehicle
15 while the motor vehicle is equipped with any instrument
16 designed to interfere with microwaves or lasers at frequencies
17 used by police radar for the purpose of monitoring vehicular
18 speed.

19 (b) A person operating a motor vehicle who possesses within
20 the vehicle a radar or laser jamming device that is contained
21 in a locked opaque box or similar container, or that is not in
22 the passenger compartment of the vehicle, and that is not in
23 operation, is not in violation of this Section.

24 (c) Any person found guilty of violating this Section is
25 guilty of a petty offense. A minimum fine of \$50 shall be

1 imposed for a first offense and a minimum fine of \$100 for a
2 second or subsequent offense.

3 (d) The radar or laser jamming device or mechanism shall be
4 seized by the law enforcement officer at the time of the
5 violation. This Section does not authorize the permanent
6 forfeiture to the State of any radar or laser jamming device or
7 mechanism. The device or mechanism shall be taken and held for
8 the period when needed as evidence. When no longer needed for
9 evidence, the defendant may petition the court for the return
10 of the device or mechanism. The defendant, however, must prove
11 to the court by a preponderance of the evidence that the device
12 or mechanism will be used only for a legitimate and lawful
13 purpose.

14 (e) ~~(d)~~ A law enforcement officer may not stop or search
15 any motor vehicle or the driver of any motor vehicle solely on
16 the basis of a violation or suspected violation of this
17 Section.

18 (Source: P.A. 94-594, eff. 1-1-06; revised 8-29-05.)

19 (625 ILCS 5/15-301) (from Ch. 95 1/2, par. 15-301)

20 Sec. 15-301. Permits for excess size and weight.

21 (a) The Department with respect to highways under its
22 jurisdiction and local authorities with respect to highways
23 under their jurisdiction may, in their discretion, upon
24 application and good cause being shown therefor, issue a
25 special permit authorizing the applicant to operate or move a

1 vehicle or combination of vehicles of a size or weight of
2 vehicle or load exceeding the maximum specified in this Act or
3 otherwise not in conformity with this Act upon any highway
4 under the jurisdiction of the party granting such permit and
5 for the maintenance of which the party is responsible.
6 Applications and permits other than those in written or printed
7 form may only be accepted from and issued to the company or
8 individual making the movement. Except for an application to
9 move directly across a highway, it shall be the duty of the
10 applicant to establish in the application that the load to be
11 moved by such vehicle or combination is composed of a single
12 nondivisible object that cannot reasonably be dismantled or
13 disassembled. For the purpose of over length movements, more
14 than one object may be carried side by side as long as the
15 height, width, and weight laws are not exceeded and the cause
16 for the over length is not due to multiple objects. For the
17 purpose of over height movements, more than one object may be
18 carried as long as the cause for the over height is not due to
19 multiple objects and the length, width, and weight laws are not
20 exceeded. For the purpose of an over width movement, more than
21 one object may be carried as long as the cause for the over
22 width is not due to multiple objects and length, height, and
23 weight laws are not exceeded. No state or local agency shall
24 authorize the issuance of excess size or weight permits for
25 vehicles and loads that are divisible and that can be carried,
26 when divided, within the existing size or weight maximums

1 specified in this Chapter. Any excess size or weight permit
2 issued in violation of the provisions of this Section shall be
3 void at issue and any movement made thereunder shall not be
4 authorized under the terms of the void permit. In any
5 prosecution for a violation of this Chapter when the
6 authorization of an excess size or weight permit is at issue,
7 it is the burden of the defendant to establish that the permit
8 was valid because the load to be moved could not reasonably be
9 dismantled or disassembled, or was otherwise nondivisible.

10 (b) The application for any such permit shall: (1) state
11 whether such permit is requested for a single trip or for
12 limited continuous operation; (2) state if the applicant is an
13 authorized carrier under the Illinois Motor Carrier of Property
14 Law, if so, his certificate, registration or permit number
15 issued by the Illinois Commerce Commission; (3) specifically
16 describe and identify the vehicle or vehicles and load to be
17 operated or moved except that for vehicles or vehicle
18 combinations registered by the Department as provided in
19 Section 15-319 of this Chapter, only the Illinois Department of
20 Transportation's (IDT) registration number or classification
21 need be given; (4) state the routing requested including the
22 points of origin and destination, and may identify and include
23 a request for routing to the nearest certified scale in
24 accordance with the Department's rules and regulations,
25 provided the applicant has approval to travel on local roads;
26 and (5) state if the vehicles or loads are being transported

1 for hire. No permits for the movement of a vehicle or load for
2 hire shall be issued to any applicant who is required under the
3 Illinois Motor Carrier of Property Law to have a certificate,
4 registration or permit and does not have such certificate,
5 registration or permit.

6 (c) The Department or local authority when not inconsistent
7 with traffic safety is authorized to issue or withhold such
8 permit at its discretion; or, if such permit is issued at its
9 discretion to prescribe the route or routes to be traveled, to
10 limit the number of trips, to establish seasonal or other time
11 limitations within which the vehicles described may be operated
12 on the highways indicated, or otherwise to limit or prescribe
13 conditions of operations of such vehicle or vehicles, when
14 necessary to assure against undue damage to the road
15 foundations, surfaces or structures, and may require such
16 undertaking or other security as may be deemed necessary to
17 compensate for any injury to any roadway or road structure. The
18 Department shall maintain a daily record of each permit issued
19 along with the fee and the stipulated dimensions, weights,
20 conditions and restrictions authorized and this record shall be
21 presumed correct in any case of questions or dispute. The
22 Department shall install an automatic device for recording
23 applications received and permits issued by telephone. In
24 making application by telephone, the Department and applicant
25 waive all objections to the recording of the conversation.

26 (d) The Department shall, upon application in writing from

1 any local authority, issue an annual permit authorizing the
2 local authority to move oversize highway construction,
3 transportation, utility and maintenance equipment over roads
4 under the jurisdiction of the Department. The permit shall be
5 applicable only to equipment and vehicles owned by or
6 registered in the name of the local authority, and no fee shall
7 be charged for the issuance of such permits.

8 (e) As an exception to paragraph (a) of this Section, the
9 Department and local authorities, with respect to highways
10 under their respective jurisdictions, in their discretion and
11 upon application in writing may issue a special permit for
12 limited continuous operation, authorizing the applicant to
13 move loads of agricultural commodities on a 2 axle single
14 vehicle registered by the Secretary of State with axle loads
15 not to exceed 35%, on a 3 or 4 axle vehicle registered by the
16 Secretary of State with axle loads not to exceed 20%, and on a
17 5 axle vehicle registered by the Secretary of State not to
18 exceed 10% above those provided in Section 15-111. The total
19 gross weight of the vehicle, however, may not exceed the
20 maximum gross weight of the registration class of the vehicle
21 allowed under Section 3-815 or 3-818 of this Code.

22 As used in this Section, "agricultural commodities" means:

23 (1) cultivated plants or agricultural produce grown
24 including, but is not limited to, corn, soybeans, wheat,
25 oats, grain sorghum, canola, and rice;

26 (2) livestock, including but not limited to hogs,

1 equine, sheep, and poultry;

2 (3) ensilage; and

3 (4) fruits and vegetables.

4 Permits may be issued for a period not to exceed 40 days
5 and moves may be made of a distance not to exceed 50 miles from
6 a field, an on-farm grain storage facility, a warehouse as
7 defined in the Illinois Grain Code, or a livestock management
8 facility as defined in the Livestock Management Facilities Act
9 over any highway except the National System of Interstate and
10 Defense Highways. The operator of the vehicle, however, must
11 abide by posted bridge and posted highway weight limits. All
12 implements of husbandry operating under this Section between
13 sunset and sunrise shall be equipped as prescribed in Section
14 12-205.1.

15 (e-1) Upon a declaration by the Governor that an emergency
16 harvest situation exists, a special permit issued by the
17 Department under this Section shall not be required from
18 September 1 through December 31 during harvest season
19 emergencies, provided that the weight does not exceed 20% above
20 the limits provided in Section 15-111. All other restrictions
21 that apply to permits issued under this Section shall apply
22 during the declared time period. With respect to highways under
23 the jurisdiction of local authorities, the local authorities
24 may, at their discretion, waive special permit requirements
25 during harvest season emergencies. This permit exemption shall
26 apply to all vehicles eligible to obtain permits under this

1 Section, including commercial vehicles in use during the
2 declared time period.

3 (f) The form and content of the permit shall be determined
4 by the Department with respect to highways under its
5 jurisdiction and by local authorities with respect to highways
6 under their jurisdiction. Every permit shall be in written form
7 and carried in the vehicle or combination of vehicles to which
8 it refers and shall be open to inspection by any police officer
9 or authorized agent of any authority granting the permit and no
10 person shall violate any of the terms or conditions of such
11 special permit. Violation of the terms and conditions of the
12 permit shall not be deemed a revocation of the permit; however,
13 any vehicle and load found to be off the route prescribed in
14 the permit shall be held to be operating without a permit. Any
15 off route vehicle and load shall be required to obtain a new
16 permit or permits, as necessary, to authorize the movement back
17 onto the original permit routing. No rule or regulation, nor
18 anything herein shall be construed to authorize any police
19 officer, court, or authorized agent of any authority granting
20 the permit to remove the permit from the possession of the
21 permittee unless the permittee is charged with a fraudulent
22 permit violation as provided in paragraph (i). However, upon
23 arrest for an offense of violation of permit, operating without
24 a permit when the vehicle is off route, or any size or weight
25 offense under this Chapter when the permittee plans to raise
26 the issuance of the permit as a defense, the permittee, or his

1 requirements:

2 (1) All operators shall be 18 years of age or over and
3 properly licensed to operate the vehicle.

4 (2) Vehicles escorting oversized loads more than
5 12-feet wide must be equipped with a rotating or flashing
6 amber light mounted on top as specified under Section
7 12-215.

8 The Department shall establish reasonable rules and
9 regulations regarding liability insurance or self insurance
10 for vehicles with oversized loads promulgated under The
11 Illinois Administrative Procedure Act. Police vehicles may be
12 required for escort under circumstances as required by rules
13 and regulations of the Department.

14 (h) Violation of any rule, limitation or condition or
15 provision of any permit issued in accordance with the
16 provisions of this Section shall not render the entire permit
17 null and void but the violator shall be deemed guilty of
18 violation of permit and guilty of exceeding any size, weight or
19 load limitations in excess of those authorized by the permit.
20 The prescribed route or routes on the permit are not mere
21 rules, limitations, conditions, or provisions of the permit,
22 but are also the sole extent of the authorization granted by
23 the permit. If a vehicle and load are found to be off the route
24 or routes prescribed by any permit authorizing movement, the
25 vehicle and load are operating without a permit. Any off route
26 movement shall be subject to the size and weight maximums,

1 under the applicable provisions of this Chapter, as determined
2 by the type or class highway upon which the vehicle and load
3 are being operated.

4 (i) Whenever any vehicle is operated or movement made under
5 a fraudulent permit the permit shall be void, and the person,
6 firm, or corporation to whom such permit was granted, the
7 driver of such vehicle in addition to the person who issued
8 such permit and any accessory, shall be guilty of fraud and
9 either one or all persons may be prosecuted for such violation.
10 Any person, firm, or corporation committing such violation
11 shall be guilty of a Class 4 felony and the Department shall
12 not issue permits to the person, firm or corporation convicted
13 of such violation for a period of one year after the date of
14 conviction. Penalties for violations of this Section shall be
15 in addition to any penalties imposed for violation of other
16 Sections of this Act.

17 (j) Whenever any vehicle is operated or movement made in
18 violation of a permit issued in accordance with this Section,
19 the person to whom such permit was granted, or the driver of
20 such vehicle, is guilty of such violation and either, but not
21 both, persons may be prosecuted for such violation as stated in
22 this subsection (j). Any person, firm or corporation convicted
23 of such violation shall be guilty of a petty offense and shall
24 be fined for the first offense, not less than \$50 nor more than
25 \$200 and, for the second offense by the same person, firm or
26 corporation within a period of one year, not less than \$200 nor

1 more than \$300 and, for the third offense by the same person,
2 firm or corporation within a period of one year after the date
3 of the first offense, not less than \$300 nor more than \$500 and
4 the Department shall not issue permits to the person, firm or
5 corporation convicted of a third offense during a period of one
6 year after the date of conviction for such third offense.

7 (k) Whenever any vehicle is operated on local roads under
8 permits for excess width or length issued by local authorities,
9 such vehicle may be moved upon a State highway for a distance
10 not to exceed one-half mile without a permit for the purpose of
11 crossing the State highway.

12 (l) Notwithstanding any other provision of this Section,
13 the Department, with respect to highways under its
14 jurisdiction, and local authorities, with respect to highways
15 under their jurisdiction, may at their discretion authorize the
16 movement of a vehicle in violation of any size or weight
17 requirement, or both, that would not ordinarily be eligible for
18 a permit, when there is a showing of extreme necessity that the
19 vehicle and load should be moved without unnecessary delay.

20 For the purpose of this subsection, showing of extreme
21 necessity shall be limited to the following: shipments of
22 livestock, hazardous materials, liquid concrete being hauled
23 in a mobile cement mixer, or hot asphalt.

24 (m) Penalties for violations of this Section shall be in
25 addition to any penalties imposed for violating any other
26 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;

1 (8) the tow-truck has a gross vehicle weight rating of
2 sufficient capacity to safely handle the load;

3 (9) the tow-truck is equipped with air brakes;

4 (10) the tow-truck is capable of utilizing the lighting
5 and braking systems of the disabled vehicle or combination
6 of vehicles;

7 (11) the tow commences at the initial point of wreck or
8 disablement and terminates at a point where the repairs are
9 actually to occur;

10 (12) the permit issued to the tow-truck is carried in
11 the tow-truck and exhibited on demand by a police officer;
12 and

13 (13) the movement shall be valid only on state routes
14 approved by the Department.

15 (o) The Department, with respect to highways under its
16 jurisdiction, and local authorities, with respect to highways
17 under their jurisdiction, in their discretion and upon
18 application in writing, may issue a special permit for
19 continuous limited operation, authorizing the applicant to
20 transport raw milk that exceeds the weight limits provided for
21 in subsections (b) and (f) of Section 15-111 of this Code,
22 provided:

23 (1) no single axle exceeds 20,000 pounds;

24 (2) no gross weight exceeds 80,000 pounds;

25 (3) permits issued by the State are good only for
26 federal and State highways and are not applicable to

1 interstate highways; and

2 (4) all road and bridge postings must be obeyed.

3 (Source: P.A. 93-718, eff. 1-1-05; 93-971, eff. 8-20-04;
4 93-1023, eff. 8-25-04; revised 10-14-04.)

5 (625 ILCS 5/15-308.3)

6 Sec. 15-308.3. Fees for special permits to transport raw
7 milk. The fee for a special permit to transport raw milk is
8 \$12.50 quarterly and \$50.00 annually.

9 (Source: P.A. 93-718, eff. 1-1-05; revised 9-25-06.)

10 (625 ILCS 5/16-104b)

11 Sec. 16-104b. Amounts for Trauma Center Fund. In counties
12 that have elected not to distribute moneys under the
13 disbursement formulas in Sections 27.5 and 27.6 of the Clerks
14 of Courts Act, the Circuit Clerk of the County, when collecting
15 fees, fines, costs, additional penalties, bail balances
16 assessed or forfeited, and any other amount imposed upon a
17 conviction of or an order of supervision for a violation of
18 laws or ordinances regulating the movement of traffic that
19 amounts to \$55 or more, shall remit \$5 of the total amount
20 collected, less 2 1/2% of the \$5 to help defray the
21 administrative costs incurred by the Clerk, except that upon a
22 conviction or order of supervision for driving under the
23 influence of alcohol or drugs the Clerk shall remit \$105 of the
24 total amount collected (\$5 for a traffic violation that amounts

1 to \$55 or more and an additional fee of \$100 to be collected by
2 the Circuit Clerk for a conviction or order of supervision for
3 driving under the influence of alcohol or drugs), less the 2
4 1/2%, within 60 days to the State Treasurer to be deposited
5 into the Trauma Center Fund. Of the amounts deposited into the
6 Trauma Center Fund under this Section, 50% shall be disbursed
7 to the Department of Public Health and 50% shall be disbursed
8 to the Department of Healthcare and Family Services ~~Public Aid~~.
9 Not later than March 1 of each year the Circuit Clerk shall
10 submit a report of the amount of funds remitted to the State
11 Treasurer under this Section during the preceding calendar
12 year.

13 (Source: P.A. 92-431, eff. 1-1-02; revised 12-15-05.)

14 (625 ILCS 5/18a-404) (from Ch. 95 1/2, par. 18a-404)

15 Sec. 18a-404. Operator's and dispatcher's employment
16 permits - Revocation.

17 (1) The Commission shall suspend or revoke the permit of an
18 operator if it finds that:

19 (a) The operator or dispatcher made a false statement
20 on the application for an operator's or dispatcher's
21 employment permit;

22 (b) The operator's or dispatcher's driver's license
23 issued by the Secretary of State has been suspended or
24 revoked; ~~or~~

25 (c) The operator or dispatcher has been convicted,

1 during the preceding 5 years, of any criminal offense of
2 the State of Illinois or any other jurisdiction involving
3 any of the following, and the holder does not make a
4 compelling showing that he is nevertheless fit to hold an
5 operator's license:

6 (i) Bodily injury or attempt to inflict bodily
7 injury to another;

8 (ii) Theft of property or attempted theft of
9 property; or

10 (iii) Sexual assault or attempted sexual assault
11 of any kind; or

12 (d) The operator or dispatcher has, during the
13 preceding 5 years, violated this Chapter, Commission
14 regulations or orders, or any other law affecting public
15 safety, and the holder does not make a compelling showing
16 that he or she is nevertheless fit to hold an operator's
17 license.

18 (2) The Commission, upon notification and verification of
19 any conviction described in this Section, of any person to whom
20 license has been issued, occurring within the 5 years prior to
21 such issuance or any time thereafter, shall immediately suspend
22 the employment permit of such person, and issue an order
23 setting forth the grounds for revocation. The person and his
24 employer shall be notified of such suspension. Such person
25 shall not thereafter be employed by a relocater until a final
26 order is issued by the Commission either reinstating the

1 employment permit, upon a finding that the reinstatement of an
2 employment permit to the person constitutes no threat to the
3 public safety, or revoking the employment permit.

4 (3) If the employment permit is revoked, the person shall
5 not thereafter be employed by a relocater until he obtains an
6 employment permit license under Article IV of this Chapter.

7 (Source: P.A. 94-895, eff. 1-1-07; revised 8-3-06.)

8 Section 1010. The Clerks of Courts Act is amended by
9 changing Sections 27.1a, 27.3b, and 27.3d as follows:

10 (705 ILCS 105/27.1a) (from Ch. 25, par. 27.1a)

11 Sec. 27.1a. The fees of the clerks of the circuit court in
12 all counties having a population of not more than 500,000
13 inhabitants in the instances described in this Section shall be
14 as provided in this Section. In those instances where a minimum
15 and maximum fee is stated, the clerk of the circuit court must
16 charge the minimum fee listed and may charge up to the maximum
17 fee if the county board has by resolution increased the fee.
18 The fees shall be paid in advance and shall be as follows:

19 (a) Civil Cases.

20 The fee for filing a complaint, petition, or other
21 pleading initiating a civil action, with the following
22 exceptions, shall be a minimum of \$40 and a maximum of
23 \$160.

24 (A) When the amount of money or damages or the

1 value of personal property claimed does not exceed
2 \$250, \$10.

3 (B) When that amount exceeds \$250 but does not
4 exceed \$500, a minimum of \$10 and a maximum of \$20.

5 (C) When that amount exceeds \$500 but does not
6 exceed \$2500, a minimum of \$25 and a maximum of \$40.

7 (D) When that amount exceeds \$2500 but does not
8 exceed \$15,000, a minimum of \$25 and a maximum of \$75.

9 (E) For the exercise of eminent domain, a minimum
10 of \$45 and a maximum of \$150. For each additional lot
11 or tract of land or right or interest therein subject
12 to be condemned, the damages in respect to which shall
13 require separate assessment by a jury, a minimum of \$45
14 and a maximum of \$150.

15 (a-1) Family.

16 For filing a petition under the Juvenile Court Act of
17 1987, \$25.

18 For filing a petition for a marriage license, \$10.

19 For performing a marriage in court, \$10.

20 For filing a petition under the Illinois Parentage Act
21 of 1984, \$40.

22 (b) Forcible Entry and Detainer.

23 In each forcible entry and detainer case when the
24 plaintiff seeks possession only or unites with his or her
25 claim for possession of the property a claim for rent or
26 damages or both in the amount of \$15,000 or less, a minimum

1 of \$10 and a maximum of \$50. When the plaintiff unites his
2 or her claim for possession with a claim for rent or
3 damages or both exceeding \$15,000, a minimum of \$40 and a
4 maximum of \$160.

5 (c) Counterclaim or Joining Third Party Defendant.

6 When any defendant files a counterclaim as part of his
7 or her answer or otherwise or joins another party as a
8 third party defendant, or both, the defendant shall pay a
9 fee for each counterclaim or third party action in an
10 amount equal to the fee he or she would have had to pay had
11 he or she brought a separate action for the relief sought
12 in the counterclaim or against the third party defendant,
13 less the amount of the appearance fee, if that has been
14 paid.

15 (d) Confession of Judgment.

16 In a confession of judgment when the amount does not
17 exceed \$1500, a minimum of \$20 and a maximum of \$50. When
18 the amount exceeds \$1500, but does not exceed \$15,000, a
19 minimum of \$40 and a maximum of \$115. When the amount
20 exceeds \$15,000, a minimum of \$40 and a maximum of \$200.

21 (e) Appearance.

22 The fee for filing an appearance in each civil case
23 shall be a minimum of \$15 and a maximum of \$60, except as
24 follows:

25 (A) When the plaintiff in a forcible entry and
26 detainer case seeks possession only, a minimum of \$10

1 and a maximum of \$50.

2 (B) When the amount in the case does not exceed
3 \$1500, a minimum of \$10 and a maximum of \$30.

4 (C) When that amount exceeds \$1500 but does not
5 exceed \$15,000, a minimum of \$15 and a maximum of \$60.

6 (f) Garnishment, Wage Deduction, and Citation.

7 In garnishment affidavit, wage deduction affidavit,
8 and citation petition when the amount does not exceed
9 \$1,000, a minimum of \$5 and a maximum of \$15; when the
10 amount exceeds \$1,000 but does not exceed \$5,000, a minimum
11 of \$5 and a maximum of \$30; and when the amount exceeds
12 \$5,000, a minimum of \$5 and a maximum of \$50.

13 (g) Petition to Vacate or Modify.

14 (1) Petition to vacate or modify any final judgment or
15 order of court, except in forcible entry and detainer cases
16 and small claims cases or a petition to reopen an estate,
17 to modify, terminate, or enforce a judgment or order for
18 child or spousal support, or to modify, suspend, or
19 terminate an order for withholding, if filed before 30 days
20 after the entry of the judgment or order, a minimum of \$20
21 and a maximum of \$50.

22 (2) Petition to vacate or modify any final judgment or
23 order of court, except a petition to modify, terminate, or
24 enforce a judgment or order for child or spousal support or
25 to modify, suspend, or terminate an order for withholding,
26 if filed later than 30 days after the entry of the judgment

1 or order, a minimum of \$20 and a maximum of \$75.

2 (3) Petition to vacate order of bond forfeiture, a
3 minimum of \$10 and a maximum of \$40.

4 (h) Mailing.

5 When the clerk is required to mail, the fee will be a
6 minimum of \$2 and a maximum of \$10, plus the cost of
7 postage.

8 (i) Certified Copies.

9 Each certified copy of a judgment after the first,
10 except in small claims and forcible entry and detainer
11 cases, a minimum of \$2 and a maximum of \$10.

12 (j) Habeas Corpus.

13 For filing a petition for relief by habeas corpus, a
14 minimum of \$60 and a maximum of \$100.

15 (k) Certification, Authentication, and Reproduction.

16 (1) Each certification or authentication for taking
17 the acknowledgment of a deed or other instrument in writing
18 with the seal of office, a minimum of \$2 and a maximum of
19 \$6.

20 (2) Court appeals when original documents are
21 forwarded, under 100 pages, plus delivery and costs, a
22 minimum of \$20 and a maximum of \$60.

23 (3) Court appeals when original documents are
24 forwarded, over 100 pages, plus delivery and costs, a
25 minimum of \$50 and a maximum of \$150.

26 (4) Court appeals when original documents are

1 forwarded, over 200 pages, an additional fee of a minimum
2 of 20 cents and a maximum of 25 cents per page.

3 (5) For reproduction of any document contained in the
4 clerk's files:

5 (A) First page, a minimum of \$1 and a maximum of
6 \$2.

7 (B) Next 19 pages, 50 cents per page.

8 (C) All remaining pages, 25 cents per page.

9 (l) Remands.

10 In any cases remanded to the Circuit Court from the
11 Supreme Court or the Appellate Court for a new trial, the
12 clerk shall file the remanding order and reinstate the case
13 with either its original number or a new number. The Clerk
14 shall not charge any new or additional fee for the
15 reinstatement. Upon reinstatement the Clerk shall advise
16 the parties of the reinstatement. A party shall have the
17 same right to a jury trial on remand and reinstatement as
18 he or she had before the appeal, and no additional or new
19 fee or charge shall be made for a jury trial after remand.

20 (m) Record Search.

21 For each record search, within a division or municipal
22 district, the clerk shall be entitled to a search fee of a
23 minimum of \$4 and a maximum of \$6 for each year searched.

24 (n) Hard Copy.

25 For each page of hard copy print output, when case
26 records are maintained on an automated medium, the clerk

1 shall be entitled to a fee of a minimum of \$4 and a maximum
2 of \$6.

3 (o) Index Inquiry and Other Records.

4 No fee shall be charged for a single
5 plaintiff/defendant index inquiry or single case record
6 inquiry when this request is made in person and the records
7 are maintained in a current automated medium, and when no
8 hard copy print output is requested. The fees to be charged
9 for management records, multiple case records, and
10 multiple journal records may be specified by the Chief
11 Judge pursuant to the guidelines for access and
12 dissemination of information approved by the Supreme
13 Court.

14 (p) (Blank).

15 ~~a minimum of \$25 and a maximum of \$50~~

16 (q) Alias Summons.

17 For each alias summons or citation issued by the clerk,
18 a minimum of \$2 and a maximum of \$5.

19 (r) Other Fees.

20 Any fees not covered in this Section shall be set by
21 rule or administrative order of the Circuit Court with the
22 approval of the Administrative Office of the Illinois
23 Courts.

24 The clerk of the circuit court may provide additional
25 services for which there is no fee specified by statute in
26 connection with the operation of the clerk's office as may

1 be requested by the public and agreed to by the clerk and
2 approved by the chief judge of the circuit court. Any
3 charges for additional services shall be as agreed to
4 between the clerk and the party making the request and
5 approved by the chief judge of the circuit court. Nothing
6 in this subsection shall be construed to require any clerk
7 to provide any service not otherwise required by law.

8 (s) Jury Services.

9 The clerk shall be entitled to receive, in addition to
10 other fees allowed by law, the sum of a minimum of \$62.50
11 and a maximum of \$212.50, as a fee for the services of a
12 jury in every civil action not quasi-criminal in its nature
13 and not a proceeding for the exercise of the right of
14 eminent domain and in every other action wherein the right
15 of trial by jury is or may be given by law. The jury fee
16 shall be paid by the party demanding a jury at the time of
17 filing the jury demand. If the fee is not paid by either
18 party, no jury shall be called in the action or proceeding,
19 and the same shall be tried by the court without a jury.

20 (t) Voluntary Assignment.

21 For filing each deed of voluntary assignment, a minimum
22 of \$10 and a maximum of \$20; for recording the same, a
23 minimum of 25 cents and a maximum of 50 cents for each 100
24 words. Exceptions filed to claims presented to an assignee
25 of a debtor who has made a voluntary assignment for the
26 benefit of creditors shall be considered and treated, for

1 the purpose of taxing costs therein, as actions in which
2 the party or parties filing the exceptions shall be
3 considered as party or parties plaintiff, and the claimant
4 or claimants as party or parties defendant, and those
5 parties respectively shall pay to the clerk the same fees
6 as provided by this Section to be paid in other actions.

7 (u) Expungement Petition.

8 The clerk shall be entitled to receive a fee of a
9 minimum of \$15 and a maximum of \$60 for each expungement
10 petition filed and an additional fee of a minimum of \$2 and
11 a maximum of \$4 for each certified copy of an order to
12 expunge arrest records.

13 (v) Probate.

14 The clerk is entitled to receive the fees specified in
15 this subsection (v), which shall be paid in advance, except
16 that, for good cause shown, the court may suspend, reduce,
17 or release the costs payable under this subsection:

18 (1) For administration of the estate of a decedent
19 (whether testate or intestate) or of a missing person, a
20 minimum of \$50 and a maximum of \$150, plus the fees
21 specified in subsection (v) (3), except:

22 (A) When the value of the real and personal
23 property does not exceed \$15,000, the fee shall be a
24 minimum of \$25 and a maximum of \$40.

25 (B) When (i) proof of heirship alone is made, (ii)
26 a domestic or foreign will is admitted to probate

1 without administration (including proof of heirship),
2 or (iii) letters of office are issued for a particular
3 purpose without administration of the estate, the fee
4 shall be a minimum of \$10 and a maximum of \$40.

5 (C) For filing a petition to sell Real Estate, \$50.

6 (2) For administration of the estate of a ward, a
7 minimum of \$50 and a maximum of \$75, plus the fees
8 specified in subsection (v) (3), except:

9 (A) When the value of the real and personal
10 property does not exceed \$15,000, the fee shall be a
11 minimum of \$25 and a maximum of \$40.

12 (B) When (i) letters of office are issued to a
13 guardian of the person or persons, but not of the
14 estate or (ii) letters of office are issued in the
15 estate of a ward without administration of the estate,
16 including filing or joining in the filing of a tax
17 return or releasing a mortgage or consenting to the
18 marriage of the ward, the fee shall be a minimum of \$10
19 and a maximum of \$20.

20 (C) For filing a Petition to sell Real Estate, \$50.

21 (3) In addition to the fees payable under subsection
22 (v) (1) or (v) (2) of this Section, the following fees are
23 payable:

24 (A) For each account (other than one final account)
25 filed in the estate of a decedent, or ward, a minimum
26 of \$10 and a maximum of \$25.

1 (B) For filing a claim in an estate when the amount
2 claimed is \$150 or more but less than \$500, a minimum
3 of \$10 and a maximum of \$25; when the amount claimed is
4 \$500 or more but less than \$10,000, a minimum of \$10
5 and a maximum of \$40; when the amount claimed is
6 \$10,000 or more, a minimum of \$10 and a maximum of \$60;
7 provided that the court in allowing a claim may add to
8 the amount allowed the filing fee paid by the claimant.

9 (C) For filing in an estate a claim, petition, or
10 supplemental proceeding based upon an action seeking
11 equitable relief including the construction or contest
12 of a will, enforcement of a contract to make a will,
13 and proceedings involving testamentary trusts or the
14 appointment of testamentary trustees, a minimum of \$40
15 and a maximum of \$60.

16 (D) For filing in an estate (i) the appearance of
17 any person for the purpose of consent or (ii) the
18 appearance of an executor, administrator,
19 administrator to collect, guardian, guardian ad litem,
20 or special administrator, no fee.

21 (E) Except as provided in subsection (v) (3) (D),
22 for filing the appearance of any person or persons, a
23 minimum of \$10 and a maximum of \$30.

24 (F) For each jury demand, a minimum of \$62.50 and a
25 maximum of \$137.50.

26 (G) For disposition of the collection of a judgment

1 or settlement of an action or claim for wrongful death
2 of a decedent or of any cause of action of a ward, when
3 there is no other administration of the estate, a
4 minimum of \$30 and a maximum of \$50, less any amount
5 paid under subsection (v) (1) (B) or (v) (2) (B) except
6 that if the amount involved does not exceed \$5,000, the
7 fee, including any amount paid under subsection
8 (v) (1) (B) or (v) (2) (B), shall be a minimum of \$10 and a
9 maximum of \$20.

10 (H) For each certified copy of letters of office,
11 of court order or other certification, a minimum of \$1
12 and a maximum of \$2, plus a minimum of 50 cents and a
13 maximum of \$1 per page in excess of 3 pages for the
14 document certified.

15 (I) For each exemplification, a minimum of \$1 and a
16 maximum of \$2, plus the fee for certification.

17 (4) The executor, administrator, guardian, petitioner,
18 or other interested person or his or her attorney shall pay
19 the cost of publication by the clerk directly to the
20 newspaper.

21 (5) The person on whose behalf a charge is incurred for
22 witness, court reporter, appraiser, or other miscellaneous
23 fee shall pay the same directly to the person entitled
24 thereto.

25 (6) The executor, administrator, guardian, petitioner,
26 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

1 "failure to comply" notices sent to the Secretary of
2 State, a minimum of \$20 and a maximum of \$40.

3 (2) In counties having a population of not more than
4 500,000 inhabitants, when the violation complaint is
5 issued by a municipal police department, the clerk shall be
6 entitled to costs from each person convicted therein as
7 follows:

8 (A) Minor traffic or ordinance violations, \$10.

9 (B) When court appearance required, \$15.

10 (3) In ordinance violation cases punishable by fine
11 only, the clerk of the circuit court shall be entitled to
12 receive, unless the fee is excused upon a finding by the
13 court that the defendant is indigent, in addition to other
14 fees or costs allowed or imposed by law, the sum of a
15 minimum of \$62.50 and a maximum of \$137.50 as a fee for the
16 services of a jury. The jury fee shall be paid by the
17 defendant at the time of filing his or her jury demand. If
18 the fee is not so paid by the defendant, no jury shall be
19 called, and the case shall be tried by the court without a
20 jury.

21 (x) Transcripts of Judgment.

22 For the filing of a transcript of judgment, the clerk
23 shall be entitled to the same fee as if it were the
24 commencement of a new suit.

25 (y) Change of Venue.

26 (1) For the filing of a change of case on a change of

1 venue, the clerk shall be entitled to the same fee as if it
2 were the commencement of a new suit.

3 (2) The fee for the preparation and certification of a
4 record on a change of venue to another jurisdiction, when
5 original documents are forwarded, a minimum of \$10 and a
6 maximum of \$40.

7 (z) Tax objection complaints.

8 For each tax objection complaint containing one or more
9 tax objections, regardless of the number of parcels
10 involved or the number of taxpayers joining on the
11 complaint, a minimum of \$10 and a maximum of \$50.

12 (aa) Tax Deeds.

13 (1) Petition for tax deed, if only one parcel is
14 involved, a minimum of \$45 and a maximum of \$200.

15 (2) For each additional parcel, add a fee of a minimum
16 of \$10 and a maximum of \$60.

17 (bb) Collections.

18 (1) For all collections made of others, except the
19 State and county and except in maintenance or child support
20 cases, a sum equal to a minimum of 2% and a maximum of 2.5%
21 of the amount collected and turned over.

22 (2) Interest earned on any funds held by the clerk
23 shall be turned over to the county general fund as an
24 earning of the office.

25 (3) For any check, draft, or other bank instrument
26 returned to the clerk for non-sufficient funds, account

1 closed, or payment stopped, \$25.

2 (4) In child support and maintenance cases, the clerk,
3 if authorized by an ordinance of the county board, may
4 collect an annual fee of up to \$36 from the person making
5 payment for maintaining child support records and the
6 processing of support orders to the State of Illinois KIDS
7 system and the recording of payments issued by the State
8 Disbursement Unit for the official record of the Court.
9 This fee shall be in addition to and separate from amounts
10 ordered to be paid as maintenance or child support and
11 shall be deposited into a Separate Maintenance and Child
12 Support Collection Fund, of which the clerk shall be the
13 custodian, ex-officio, to be used by the clerk to maintain
14 child support orders and record all payments issued by the
15 State Disbursement Unit for the official record of the
16 Court. The clerk may recover from the person making the
17 maintenance or child support payment any additional cost
18 incurred in the collection of this annual fee.

19 The clerk shall also be entitled to a fee of \$5 for
20 certifications made to the Secretary of State as provided
21 in Section 7-703 of the Family Financial Responsibility Law
22 and these fees shall also be deposited into the Separate
23 Maintenance and Child Support Collection Fund.

24 (cc) Corrections of Numbers.

25 For correction of the case number, case title, or
26 attorney computer identification number, if required by

1 rule of court, on any document filed in the clerk's office,
2 to be charged against the party that filed the document, a
3 minimum of \$10 and a maximum of \$25.

4 (dd) Exceptions.

5 (1) The fee requirements of this Section shall not
6 apply to police departments or other law enforcement
7 agencies. In this Section, "law enforcement agency" means
8 an agency of the State or a unit of local government which
9 is vested by law or ordinance with the duty to maintain
10 public order and to enforce criminal laws or ordinances.
11 "Law enforcement agency" also means the Attorney General or
12 any state's attorney.

13 (2) No fee provided herein shall be charged to any unit
14 of local government or school district.

15 (3) The fee requirements of this Section shall not
16 apply to any action instituted under subsection (b) of
17 Section 11-31-1 of the Illinois Municipal Code by a private
18 owner or tenant of real property within 1200 feet of a
19 dangerous or unsafe building seeking an order compelling
20 the owner or owners of the building to take any of the
21 actions authorized under that subsection.

22 (4) The fee requirements of this Section shall not
23 apply to the filing of any commitment petition or petition
24 for an order authorizing the administration of authorized
25 involuntary treatment in the form of medication under the
26 Mental Health and Developmental Disabilities Code.

1 (ee) Adoptions.

2 (1) For an adoption \$65

3 (2) Upon good cause shown, the court may waive the
4 adoption filing fee in a special needs adoption. The term
5 "special needs adoption" shall have the meaning ascribed to
6 it by the Illinois Department of Children and Family
7 Services.

8 (ff) Adoption exemptions.

9 No fee other than that set forth in subsection (ee)
10 shall be charged to any person in connection with an
11 adoption proceeding nor may any fee be charged for
12 proceedings for the appointment of a confidential
13 intermediary under the Adoption Act.

14 (Source: P.A. 92-16, eff. 6-28-01; 92-521, eff. 6-1-02; 93-39,
15 eff. 7-1-03; 93-385, eff. 7-25-03; 93-573, eff. 8-21-03;
16 revised 9-5-03.)

17 (705 ILCS 105/27.3b) (from Ch. 25, par. 27.3b)

18 Sec. 27.3b. The clerk of court may accept payment of fines,
19 penalties, or costs by credit card or debit card approved by
20 the clerk from an offender who has been convicted of or placed
21 on court supervision for a traffic offense, petty offense,
22 ordinance offense, or misdemeanor or who has been convicted of
23 a felony offense. The clerk of the circuit court may accept
24 credit card payments over the Internet for fines, penalties, or
25 costs from offenders on voluntary electronic pleas of guilty in

1 minor traffic and conservation offenses to satisfy the
2 requirement of written pleas of guilty as provided in Illinois
3 Supreme Court Rule 529. The clerk of the court may also accept
4 payment of statutory fees by a credit card or debit card. The
5 clerk of the court may also accept the credit card or debit
6 card for the cash deposit of bail bond fees.

7 The Clerk of the circuit court is authorized to enter into
8 contracts with credit card or debit card companies approved by
9 the clerk and to negotiate the payment of convenience and
10 administrative fees normally charged by those companies for
11 allowing the clerk of the circuit court to accept their credit
12 cards or debit cards in payment as authorized herein. The clerk
13 of the circuit court is authorized to enter into contracts with
14 third party fund guarantors, facilitators, and service
15 providers under which those entities may contract directly with
16 customers of the clerk of the circuit court and guarantee and
17 remit the payments to the clerk of the circuit court. Where the
18 offender pays fines, penalties, or costs by credit card or
19 debit card or through a third party fund guarantor,
20 facilitator, or service provider, or anyone paying statutory
21 fees of the circuit court clerk or the posting of cash bail,
22 the clerk shall collect a service fee of up to \$5 or the amount
23 charged to the clerk for use of its services by the credit card
24 or debit card issuer, third party fund guarantor, facilitator,
25 or service provider. This service fee shall be in addition to
26 any other fines, penalties, or costs. The clerk of the circuit

1 court is authorized to negotiate the assessment of convenience
2 and administrative fees by the third party fund guarantors,
3 facilitators, and service providers with the revenue earned by
4 the clerk of the circuit court to be remitted to the county
5 general revenue fund.

6 (Source: P.A. 93-391, eff. 1-1-04; 93-760, eff. 1-1-05; 93-836,
7 eff. 1-1-05; revised 10-14-04.)

8 (705 ILCS 105/27.3d)

9 Sec. 27.3d. Circuit Court Clerk Operation and
10 Administrative Fund. Each Circuit Court Clerk shall create a
11 Circuit Court Clerk Operation and Administrative Fund, to be
12 used to offset the costs incurred by the Circuit Court Clerk in
13 performing the additional duties required to collect and
14 disburse funds to entities of State and local government as
15 provided by law. The Circuit Court Clerk shall be the
16 custodian, ex officio, of this Fund and shall use the Fund to
17 perform the duties required by the office. The Fund shall be
18 audited by the ~~an~~ auditor retained by the Clerk for the purpose
19 of conducting the Annual Circuit Court Clerk Audit ~~an annual~~
20 ~~audit~~. Expenditures shall be made from the Fund by the Circuit
21 Court Clerk for expenses related to the cost of collection for
22 and disbursement to entities of State and local government.

23 (Source: P.A. 94-980, eff. 6-30-06; 94-1009, eff. 1-1-07;
24 revised 9-14-06.)

1 Section 1015. The Attorney Act is amended by changing
2 Section 1 as follows:

3 (705 ILCS 205/1) (from Ch. 13, par. 1)

4 Sec. 1. No person shall be permitted to practice as an
5 attorney or counselor at law within this State without having
6 previously obtained a license for that purpose from the Supreme
7 Court of this State.

8 No person shall receive any compensation directly or
9 indirectly for any legal services other than a regularly
10 licensed attorney, nor may an unlicensed person advertise or
11 hold himself or herself out to provide legal services.

12 A license, as provided for herein, constitutes the person
13 receiving the same an attorney and counselor at law, according
14 to the law and customs thereof, for and during his good
15 behavior in the practice and authorizes him to demand and
16 receive fees for any services which he may render as an
17 attorney and counselor at law in this State. No person shall be
18 granted a license or renewal authorized by this Act who has
19 defaulted on an educational loan guaranteed by the Illinois
20 Student Assistance Commission; however, a license or renewal
21 may be issued to the aforementioned persons who have
22 established a satisfactory repayment record as determined by
23 the Illinois Student Assistance Commission. No person shall be
24 granted a license or renewal authorized by this Act who is more
25 than 30 days delinquent in complying with a child support

1 order; a license or renewal may be issued, however, if the
2 person has established a satisfactory repayment record as
3 determined (i) by the Department of Healthcare and Family
4 Services (formerly Illinois Department of Public Aid) for cases
5 being enforced under Article X of the Illinois Public Aid Code
6 or (ii) in all other cases by order of court or by written
7 agreement between the custodial parent and non-custodial
8 parent. No person shall be refused a license under this Act on
9 account of sex.

10 Any person practicing, charging or receiving fees for legal
11 services or advertising or holding himself or herself out to
12 provide legal services within this State, either directly or
13 indirectly, without being licensed to practice as herein
14 required, is guilty of contempt of court and shall be punished
15 accordingly, upon complaint being filed in any Circuit Court of
16 this State. Such proceedings shall be conducted in the Courts
17 of the respective counties where the alleged contempt has been
18 committed in the same manner as in cases of indirect contempt
19 and with the right of review by the parties thereto.

20 The provisions of this Act shall be in addition to other
21 remedies permitted by law and shall not be construed to deprive
22 courts of this State of their inherent right to punish for
23 contempt or to restrain the unauthorized practice of law.

24 Nothing in this Act shall be construed to conflict with,
25 amend, or modify Section 5 of the Corporation Practice of Law
26 Prohibition Act or prohibit representation of a party by a

1 person who is not an attorney in a proceeding before either
2 panel of the Illinois Labor Relations Board under the Illinois
3 Public Labor Relations Act, as now or hereafter amended, the
4 Illinois Educational Labor Relations Board under the Illinois
5 Educational Labor Relations Act, as now or hereafter amended,
6 the State Civil Service Commission, the local Civil Service
7 Commissions, or the University Civil Service Merit Board, to
8 the extent allowed pursuant to rules and regulations
9 promulgated by those Boards and Commissions or the giving of
10 information, training, or advocacy or assistance in any
11 meetings or administrative proceedings held pursuant to the
12 federal Individuals with Disabilities Education Act, the
13 federal Rehabilitation Act of 1973, the federal Americans with
14 Disabilities Act of 1990, or the federal Social Security Act,
15 to the extent allowed by those laws or the federal regulations
16 or State statutes implementing those laws.

17 (Source: P.A. 94-659, eff. 1-1-06; revised 12-15-05.)

18 Section 1020. The Juvenile Court Act of 1987 is amended by
19 changing Sections 1-3, 2-23, 3-24, 4-21, 5-805, 5-810, and 6-9
20 as follows:

21 (705 ILCS 405/1-3) (from Ch. 37, par. 801-3)

22 Sec. 1-3. Definitions. Terms used in this Act, unless the
23 context otherwise requires, have the following meanings
24 ascribed to them:

1 (1) "Adjudicatory hearing" means a hearing to determine
2 whether the allegations of a petition under Section 2-13, 3-15
3 or 4-12 that a minor under 18 years of age is abused, neglected
4 or dependent, or requires authoritative intervention, or
5 addicted, respectively, are supported by a preponderance of the
6 evidence or whether the allegations of a petition under Section
7 5-520 that a minor is delinquent are proved beyond a reasonable
8 doubt.

9 (2) "Adult" means a person 21 years of age or older.

10 (3) "Agency" means a public or private child care facility
11 legally authorized or licensed by this State for placement or
12 institutional care or for both placement and institutional
13 care.

14 (4) "Association" means any organization, public or
15 private, engaged in welfare functions which include services to
16 or on behalf of children but does not include "agency" as
17 herein defined.

18 (4.05) Whenever a "best interest" determination is
19 required, the following factors shall be considered in the
20 context of the child's age and developmental needs:

21 (a) the physical safety and welfare of the child, including
22 food, shelter, health, and clothing;

23 (b) the development of the child's identity;

24 (c) the child's background and ties, including familial,
25 cultural, and religious;

26 (d) the child's sense of attachments, including:

1 (i) where the child actually feels love, attachment,
2 and a sense of being valued (as opposed to where adults
3 believe the child should feel such love, attachment, and a
4 sense of being valued);

5 (ii) the child's sense of security;

6 (iii) the child's sense of familiarity;

7 (iv) continuity of affection for the child;

8 (v) the least disruptive placement alternative for the
9 child;

10 (e) the child's wishes and long-term goals;

11 (f) the child's community ties, including church, school,
12 and friends;

13 (g) the child's need for permanence which includes the
14 child's need for stability and continuity of relationships with
15 parent figures and with siblings and other relatives;

16 (h) the uniqueness of every family and child;

17 (i) the risks attendant to entering and being in substitute
18 care; and

19 (j) the preferences of the persons available to care for
20 the child.

21 (4.1) "Chronic truant" shall have the definition ascribed
22 to it in Section 26-2a of the School Code.

23 (5) "Court" means the circuit court in a session or
24 division assigned to hear proceedings under this Act.

25 (6) "Dispositional hearing" means a hearing to determine
26 whether a minor should be adjudged to be a ward of the court,

1 and to determine what order of disposition should be made in
2 respect to a minor adjudged to be a ward of the court.

3 (7) "Emancipated minor" means any minor 16 years of age or
4 over who has been completely or partially emancipated under the
5 "~~Emancipation of Mature Minors Act~~", ~~enacted by the~~
6 ~~Eighty-First General Assembly~~, or under this Act.

7 (8) "Guardianship of the person" of a minor means the duty
8 and authority to act in the best interests of the minor,
9 subject to residual parental rights and responsibilities, to
10 make important decisions in matters having a permanent effect
11 on the life and development of the minor and to be concerned
12 with his or her general welfare. It includes but is not
13 necessarily limited to:

14 (a) the authority to consent to marriage, to enlistment
15 in the armed forces of the United States, or to a major
16 medical, psychiatric, and surgical treatment; to represent
17 the minor in legal actions; and to make other decisions of
18 substantial legal significance concerning the minor;

19 (b) the authority and duty of reasonable visitation,
20 except to the extent that these have been limited in the
21 best interests of the minor by court order;

22 (c) the rights and responsibilities of legal custody
23 except where legal custody has been vested in another
24 person or agency; and

25 (d) the power to consent to the adoption of the minor,
26 but only if expressly conferred on the guardian in

1 accordance with Section 2-29, 3-30, or 4-27.

2 (9) "Legal custody" means the relationship created by an
3 order of court in the best interests of the minor which imposes
4 on the custodian the responsibility of physical possession of a
5 minor and the duty to protect, train and discipline him and to
6 provide him with food, shelter, education and ordinary medical
7 care, except as these are limited by residual parental rights
8 and responsibilities and the rights and responsibilities of the
9 guardian of the person, if any.

10 (10) "Minor" means a person under the age of 21 years
11 subject to this Act.

12 (11) "Parent" means the father or mother of a child and
13 includes any adoptive parent. It also includes a man (i) whose
14 paternity is presumed or has been established under the law of
15 this or another jurisdiction or (ii) who has registered with
16 the Putative Father Registry in accordance with Section 12.1 of
17 the Adoption Act and whose paternity has not been ruled out
18 under the law of this or another jurisdiction. It does not
19 include a parent whose rights in respect to the minor have been
20 terminated in any manner provided by law.

21 (11.1) "Permanency goal" means a goal set by the court as
22 defined in subdivision (2) of Section 2-28.

23 (11.2) "Permanency hearing" means a hearing to set the
24 permanency goal and to review and determine (i) the
25 appropriateness of the services contained in the plan and
26 whether those services have been provided, (ii) whether

1 reasonable efforts have been made by all the parties to the
2 service plan to achieve the goal, and (iii) whether the plan
3 and goal have been achieved.

4 (12) "Petition" means the petition provided for in Section
5 2-13, 3-15, 4-12 or 5-520, including any supplemental petitions
6 thereunder in Section 3-15, 4-12 or 5-520.

7 (13) "Residual parental rights and responsibilities" means
8 those rights and responsibilities remaining with the parent
9 after the transfer of legal custody or guardianship of the
10 person, including, but not necessarily limited to, the right to
11 reasonable visitation (which may be limited by the court in the
12 best interests of the minor as provided in subsection (8) (b) of
13 this Section), the right to consent to adoption, the right to
14 determine the minor's religious affiliation, and the
15 responsibility for his support.

16 (14) "Shelter" means the temporary care of a minor in
17 physically unrestricting facilities pending court disposition
18 or execution of court order for placement.

19 (15) "Station adjustment" means the informal handling of an
20 alleged offender by a juvenile police officer.

21 (16) "Ward of the court" means a minor who is so adjudged
22 under Section 2-22, 3-23, 4-20 or 5-705, after a finding of the
23 requisite jurisdictional facts, and thus is subject to the
24 dispositional powers of the court under this Act.

25 (17) "Juvenile police officer" means a sworn police officer
26 who has completed a Basic Recruit Training Course, has been

1 assigned to the position of juvenile police officer by his or
2 her chief law enforcement officer and has completed the
3 necessary juvenile officers training as prescribed by the
4 Illinois Law Enforcement Training Standards Board, or in the
5 case of a State police officer, juvenile officer training
6 approved by the Director of the Department of State Police.

7 (18) "Secure child care facility" means any child care
8 facility licensed by the Department of Children and Family
9 Services to provide secure living arrangements for children
10 under 18 years of age who are subject to placement in
11 facilities under the Children and Family Services Act and who
12 are not subject to placement in facilities for whom standards
13 are established by the Department of Corrections under Section
14 3-15-2 of the Unified Code of Corrections. "Secure child care
15 facility" also means a facility that is designed and operated
16 to ensure that all entrances and exits from the facility, a
17 building, or a distinct part of the building are under the
18 exclusive control of the staff of the facility, whether or not
19 the child has the freedom of movement within the perimeter of
20 the facility, building, or distinct part of the building.

21 (Source: P.A. 90-28, eff. 1-1-98; 90-87, eff. 9-1-97; 90-590,
22 eff. 1-1-99; 90-608, eff. 6-30-98; 90-655, eff. 7-30-98;
23 91-357, eff. 7-29-99; revised 10-9-03.)

24 (705 ILCS 405/2-23) (from Ch. 37, par. 802-23)

25 Sec. 2-23. Kinds of dispositional orders.

1 (1) The following kinds of orders of disposition may be
2 made in respect of wards of the court:

3 (a) A minor under 18 years of age found to be neglected
4 or abused under Section 2-3 or dependent under Section 2-4
5 may be (1) continued in the custody of his or her parents,
6 guardian or legal custodian; (2) placed in accordance with
7 Section 2-27; (3) restored to the custody of the parent,
8 parents, guardian, or legal custodian, provided the court
9 shall order the parent, parents, guardian, or legal
10 custodian to cooperate with the Department of Children and
11 Family Services and comply with the terms of an after-care
12 plan or risk the loss of custody of the child and the
13 possible termination of their parental rights; or (4)
14 ordered partially or completely emancipated in accordance
15 with the provisions of the Emancipation of ~~Mature~~ Minors
16 Act.

17 However, in any case in which a minor is found by the
18 court to be neglected or abused under Section 2-3 of this
19 Act, custody of the minor shall not be restored to any
20 parent, guardian or legal custodian whose acts or omissions
21 or both have been identified, pursuant to subsection (1) of
22 Section 2-21, as forming the basis for the court's finding
23 of abuse or neglect, until such time as a hearing is held
24 on the issue of the best interests of the minor and the
25 fitness of such parent, guardian or legal custodian to care
26 for the minor without endangering the minor's health or

1 safety, and the court enters an order that such parent,
2 guardian or legal custodian is fit to care for the minor.

3 (b) A minor under 18 years of age found to be dependent
4 under Section 2-4 may be (1) placed in accordance with
5 Section 2-27 or (2) ordered partially or completely
6 emancipated in accordance with the provisions of the
7 Emancipation of ~~Mature~~ Minors Act.

8 However, in any case in which a minor is found by the
9 court to be dependent under Section 2-4 of this Act,
10 custody of the minor shall not be restored to any parent,
11 guardian or legal custodian whose acts or omissions or both
12 have been identified, pursuant to subsection (1) of Section
13 2-21, as forming the basis for the court's finding of
14 dependency, until such time as a hearing is held on the
15 issue of the fitness of such parent, guardian or legal
16 custodian to care for the minor without endangering the
17 minor's health or safety, and the court enters an order
18 that such parent, guardian or legal custodian is fit to
19 care for the minor.

20 (c) When the court awards guardianship to the
21 Department of Children and Family Services, the court shall
22 order the parents to cooperate with the Department of
23 Children and Family Services, comply with the terms of the
24 service plans, and correct the conditions that require the
25 child to be in care, or risk termination of their parental
26 rights.

1 (2) Any order of disposition may provide for protective
2 supervision under Section 2-24 and may include an order of
3 protection under Section 2-25.

4 Unless the order of disposition expressly so provides, it
5 does not operate to close proceedings on the pending petition,
6 but is subject to modification, not inconsistent with Section
7 2-28, until final closing and discharge of the proceedings
8 under Section 2-31.

9 (3) The court also shall enter any other orders necessary
10 to fulfill the service plan, including, but not limited to, (i)
11 orders requiring parties to cooperate with services, (ii)
12 restraining orders controlling the conduct of any party likely
13 to frustrate the achievement of the goal, and (iii) visiting
14 orders. Unless otherwise specifically authorized by law, the
15 court is not empowered under this subsection (3) to order
16 specific placements, specific services, or specific service
17 providers to be included in the plan. If the court concludes
18 that the Department of Children and Family Services has abused
19 its discretion in setting the current service plan or
20 permanency goal for the minor, the court shall enter specific
21 findings in writing based on the evidence and shall enter an
22 order for the Department to develop and implement a new
23 permanency goal and service plan consistent with the court's
24 findings. The new service plan shall be filed with the court
25 and served on all parties. The court shall continue the matter
26 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,

1 eff. 1-1-98; 90-28, eff. 1-1-98; 90-608, eff. 6-30-98; 90-655,
2 eff. 7-30-98; revised 10-9-03.)

3 (705 ILCS 405/3-24) (from Ch. 37, par. 803-24)

4 Sec. 3-24. Kinds of dispositional orders.

5 (1) The following kinds of orders of disposition may be
6 made in respect to wards of the court: A minor found to be
7 requiring authoritative intervention under Section 3-3 may be
8 (a) committed to the Department of Children and Family
9 Services, subject to Section 5 of the Children and Family
10 Services Act; (b) placed under supervision and released to his
11 or her parents, guardian or legal custodian; (c) placed in
12 accordance with Section 3-28 with or without also being placed
13 under supervision. Conditions of supervision may be modified or
14 terminated by the court if it deems that the best interests of
15 the minor and the public will be served thereby; (d) ordered
16 partially or completely emancipated in accordance with the
17 provisions of the Emancipation of ~~Mature~~ Minors Act; or (e)
18 subject to having his or her driver's license or driving
19 privilege suspended for such time as determined by the Court
20 but only until he or she attains 18 years of age.

21 (2) Any order of disposition may provide for protective
22 supervision under Section 3-25 and may include an order of
23 protection under Section 3-26.

24 (3) Unless the order of disposition expressly so provides,
25 it does not operate to close proceedings on the pending

1 petition, but is subject to modification until final closing
2 and discharge of the proceedings under Section 3-32.

3 (4) In addition to any other order of disposition, the
4 court may order any person found to be a minor requiring
5 authoritative intervention under Section 3-3 to make
6 restitution, in monetary or non-monetary form, under the terms
7 and conditions of Section 5-5-6 of the Unified Code of
8 Corrections, except that the "presentence hearing" referred to
9 therein shall be the dispositional hearing for purposes of this
10 Section. The parent, guardian or legal custodian of the minor
11 may pay some or all of such restitution on the minor's behalf.

12 (5) Any order for disposition where the minor is committed
13 or placed in accordance with Section 3-28 shall provide for the
14 parents or guardian of the estate of such minor to pay to the
15 legal custodian or guardian of the person of the minor such
16 sums as are determined by the custodian or guardian of the
17 person of the minor as necessary for the minor's needs. Such
18 payments may not exceed the maximum amounts provided for by
19 Section 9.1 of the Children and Family Services Act.

20 (6) Whenever the order of disposition requires the minor to
21 attend school or participate in a program of training, the
22 truant officer or designated school official shall regularly
23 report to the court if the minor is a chronic or habitual
24 truant under Section 26-2a of the School Code.

25 (7) The court must impose upon a minor under an order of
26 continuance under supervision or an order of disposition under

1 this Article III, as a condition of the order, a fee of \$25 for
2 each month or partial month of supervision with a probation
3 officer. If the court determines the inability of the minor, or
4 the parent, guardian, or legal custodian of the minor to pay
5 the fee, the court may impose a lesser fee. The court may not
6 impose the fee on a minor who is made a ward of the State under
7 this Act. The fee may be imposed only upon a minor who is
8 actively supervised by the probation and court services
9 department. The fee must be collected by the clerk of the
10 circuit court. The clerk of the circuit court must pay all
11 monies collected from this fee to the county treasurer for
12 deposit into the probation and court services fund under
13 Section 15.1 of the Probation and Probation Officers Act.

14 (Source: P.A. 92-329, eff. 8-9-01; revised 10-9-03.)

15 (705 ILCS 405/4-21) (from Ch. 37, par. 804-21)

16 Sec. 4-21. Kinds of dispositional orders.

17 (1) A minor found to be addicted under Section 4-3 may be
18 (a) committed to the Department of Children and Family
19 Services, subject to Section 5 of the Children and Family
20 Services Act; (b) placed under supervision and released to his
21 or her parents, guardian or legal custodian; (c) placed in
22 accordance with Section 4-25 with or without also being placed
23 under supervision. Conditions of supervision may be modified or
24 terminated by the court if it deems that the best interests of
25 the minor and the public will be served thereby; (d) required

1 to attend an approved alcohol or drug abuse treatment or
2 counseling program on an inpatient or outpatient basis instead
3 of or in addition to the disposition otherwise provided for in
4 this paragraph; (e) ordered partially or completely
5 emancipated in accordance with the provisions of the
6 Emancipation of ~~Mature~~ Minors Act; or (f) subject to having his
7 or her driver's license or driving privilege suspended for such
8 time as determined by the Court but only until he or she
9 attains 18 years of age. No disposition under this subsection
10 shall provide for the minor's placement in a secure facility.

11 (2) Any order of disposition may provide for protective
12 supervision under Section 4-22 and may include an order of
13 protection under Section 4-23.

14 (3) Unless the order of disposition expressly so provides,
15 it does not operate to close proceedings on the pending
16 petition, but is subject to modification until final closing
17 and discharge of the proceedings under Section 4-29.

18 (4) In addition to any other order of disposition, the
19 court may order any minor found to be addicted under this
20 Article as neglected with respect to his or her own injurious
21 behavior, to make restitution, in monetary or non-monetary
22 form, under the terms and conditions of Section 5-5-6 of the
23 Unified Code of Corrections, except that the "presentence
24 hearing" referred to therein shall be the dispositional hearing
25 for purposes of this Section. The parent, guardian or legal
26 custodian of the minor may pay some or all of such restitution

1 on the minor's behalf.

2 (5) Any order for disposition where the minor is placed in
3 accordance with Section 4-25 shall provide for the parents or
4 guardian of the estate of such minor to pay to the legal
5 custodian or guardian of the person of the minor such sums as
6 are determined by the custodian or guardian of the person of
7 the minor as necessary for the minor's needs. Such payments may
8 not exceed the maximum amounts provided for by Section 9.1 of
9 the Children and Family Services Act.

10 (6) Whenever the order of disposition requires the minor to
11 attend school or participate in a program of training, the
12 truant officer or designated school official shall regularly
13 report to the court if the minor is a chronic or habitual
14 truant under Section 26-2a of the School Code.

15 (7) The court must impose upon a minor under an order of
16 continuance under supervision or an order of disposition under
17 this Article IV, as a condition of the order, a fee of \$25 for
18 each month or partial month of supervision with a probation
19 officer. If the court determines the inability of the minor, or
20 the parent, guardian, or legal custodian of the minor to pay
21 the fee, the court may impose a lesser fee. The court may not
22 impose the fee on a minor who is made a ward of the State under
23 this Act. The fee may be imposed only upon a minor who is
24 actively supervised by the probation and court services
25 department. The fee must be collected by the clerk of the
26 circuit court. The clerk of the circuit court must pay all

1 monies collected from this fee to the county treasurer for
2 deposit into the probation and court services fund under
3 Section 15.1 of the Probation and Probation Officers Act.

4 (Source: P.A. 92-329, eff. 8-9-01; revised 10-9-03.)

5 (705 ILCS 405/5-805)

6 Sec. 5-805. Transfer of jurisdiction.

7 (1) Mandatory transfers.

8 (a) If a petition alleges commission by a minor 15
9 years of age or older of an act that constitutes a forcible
10 felony under the laws of this State, and if a motion by the
11 State's Attorney to prosecute the minor under the criminal
12 laws of Illinois for the alleged forcible felony alleges
13 that (i) the minor has previously been adjudicated
14 delinquent or found guilty for commission of an act that
15 constitutes a felony under the laws of this State or any
16 other state and (ii) the act that constitutes the offense
17 was committed in furtherance of criminal activity by an
18 organized gang, the Juvenile Judge assigned to hear and
19 determine those motions shall, upon determining that there
20 is probable cause that both allegations are true, enter an
21 order permitting prosecution under the criminal laws of
22 Illinois.

23 (b) If a petition alleges commission by a minor 15
24 years of age or older of an act that constitutes a felony
25 under the laws of this State, and if a motion by a State's

1 Attorney to prosecute the minor under the criminal laws of
2 Illinois for the alleged felony alleges that (i) the minor
3 has previously been adjudicated delinquent or found guilty
4 for commission of an act that constitutes a forcible felony
5 under the laws of this State or any other state and (ii)
6 the act that constitutes the offense was committed in
7 furtherance of criminal activities by an organized gang,
8 the Juvenile Judge assigned to hear and determine those
9 motions shall, upon determining that there is probable
10 cause that both allegations are true, enter an order
11 permitting prosecution under the criminal laws of
12 Illinois.

13 (c) If a petition alleges commission by a minor 15
14 years of age or older of: (i) an act that constitutes an
15 offense enumerated in the presumptive transfer provisions
16 of subsection (2); and (ii) the minor has previously been
17 adjudicated delinquent or found guilty of a forcible
18 felony, the Juvenile Judge designated to hear and determine
19 those motions shall, upon determining that there is
20 probable cause that both allegations are true, enter an
21 order permitting prosecution under the criminal laws of
22 Illinois.

23 (d) If a petition alleges commission by a minor 15
24 years of age or older of an act that constitutes the
25 offense of aggravated discharge of a firearm committed in a
26 school, on the real property comprising a school, within

1 1,000 feet of the real property comprising a school, at a
2 school related activity, or on, boarding, or departing from
3 any conveyance owned, leased, or contracted by a school or
4 school district to transport students to or from school or
5 a school related activity, regardless of the time of day or
6 the time of year, the juvenile judge designated to hear and
7 determine those motions shall, upon determining that there
8 is probable cause that the allegations are true, enter an
9 order permitting prosecution under the criminal laws of
10 Illinois.

11 For purposes of this paragraph (d) of subsection (1):

12 "School" means a public or private elementary or
13 secondary school, community college, college, or
14 university.

15 "School related activity" means any sporting, social,
16 academic, or other activity for which students' attendance
17 or participation is sponsored, organized, or funded in
18 whole or in part by a school or school district.

19 (2) Presumptive transfer.

20 (a) If the State's Attorney files a petition, at any
21 time prior to commencement of the minor's trial, to permit
22 prosecution under the criminal laws and the petition
23 alleges the commission by a minor 15 years of age or older
24 of: (i) a Class X felony other than armed violence; (ii)
25 aggravated discharge of a firearm; (iii) armed violence
26 with a firearm when the predicate offense is a Class 1 or

1 Class 2 felony and the State's Attorney's motion to
2 transfer the case alleges that the offense committed is in
3 furtherance of the criminal activities of an organized
4 gang; (iv) armed violence with a firearm when the predicate
5 offense is a violation of the Illinois Controlled
6 Substances Act, a violation of the Cannabis Control Act, or
7 a violation of the Methamphetamine Control and Community
8 Protection Act; (v) armed violence when the weapon involved
9 was a machine gun or other weapon described in subsection
10 (a)(7) of Section 24-1 of the Criminal Code of 1961; (vi)
11 an act in violation of Section 401 of the Illinois
12 Controlled Substances Act which is a Class X felony, while
13 in a school, regardless of the time of day or the time of
14 year, or on any conveyance owned, leased, or contracted by
15 a school to transport students to or from school or a
16 school related activity, or on residential property owned,
17 operated, or managed by a public housing agency or leased
18 by a public housing agency as part of a scattered site or
19 mixed-income development; or (vii) an act in violation of
20 Section 401 of the Illinois Controlled Substances Act and
21 the offense is alleged to have occurred while in a school
22 or on a public way within 1,000 feet of the real property
23 comprising any school, regardless of the time of day or the
24 time of year when the delivery or intended delivery of any
25 amount of the controlled substance is to a person under 17
26 years of age, (to qualify for a presumptive transfer under

1 paragraph (vi) or (vii) of this clause (2)(a), the
2 violation cannot be based upon subsection (b) of Section
3 407 of the Illinois Controlled Substances Act) and, if the
4 juvenile judge assigned to hear and determine motions to
5 transfer a case for prosecution in the criminal court
6 determines that there is probable cause to believe that the
7 allegations in the petition and motion are true, there is a
8 rebuttable presumption that the minor is not a fit and
9 proper subject to be dealt with under the Juvenile Justice
10 Reform Provisions of 1998 (Public Act 90-590), and that,
11 except as provided in paragraph (b), the case should be
12 transferred to the criminal court.

13 (b) The judge shall enter an order permitting
14 prosecution under the criminal laws of Illinois unless the
15 judge makes a finding based on clear and convincing
16 evidence that the minor would be amenable to the care,
17 treatment, and training programs available through the
18 facilities of the juvenile court based on an evaluation of
19 the following:

20 (i) the age of the minor;

21 (ii) the history of the minor, including:

22 (A) any previous delinquent or criminal
23 history of the minor,

24 (B) any previous abuse or neglect history of
25 the minor, and

26 (C) any mental health, physical or educational

1 history of the minor or combination of these
2 factors;

3 (iii) the circumstances of the offense, including:

4 (A) the seriousness of the offense,

5 (B) whether the minor is charged through
6 accountability,

7 (C) whether there is evidence the offense was
8 committed in an aggressive and premeditated
9 manner,

10 (D) whether there is evidence the offense
11 caused serious bodily harm,

12 (E) whether there is evidence the minor
13 possessed a deadly weapon;

14 (iv) the advantages of treatment within the
15 juvenile justice system including whether there are
16 facilities or programs, or both, particularly
17 available in the juvenile system;

18 (v) whether the security of the public requires
19 sentencing under Chapter V of the Unified Code of
20 Corrections:

21 (A) the minor's history of services, including
22 the minor's willingness to participate
23 meaningfully in available services;

24 (B) whether there is a reasonable likelihood
25 that the minor can be rehabilitated before the
26 expiration of the juvenile court's jurisdiction;

1 (C) the adequacy of the punishment or
2 services.

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

7 For purposes of clauses (2) (a) (vi) and (vii):

8 "School" means a public or private elementary or secondary
9 school, community college, college, or university.

10 "School related activity" means any sporting, social,
11 academic, or other activity for which students' attendance or
12 participation is sponsored, organized, or funded in whole or in
13 part by a school or school district.

14 (3) Discretionary transfer.

15 (a) If a petition alleges commission by a minor 13
16 years of age or over of an act that constitutes a crime
17 under the laws of this State and, on motion of the State's
18 Attorney to permit prosecution of the minor under the
19 criminal laws, a Juvenile Judge assigned by the Chief Judge
20 of the Circuit to hear and determine those motions, after
21 hearing but before commencement of the trial, finds that
22 there is probable cause to believe that the allegations in
23 the motion are true and that it is not in the best
24 interests of the public to proceed under this Act, the
25 court may enter an order permitting prosecution under the
26 criminal laws.

1 (b) In making its determination on the motion to permit
2 prosecution under the criminal laws, the court shall
3 consider among other matters:

4 (i) the age of the minor;

5 (ii) the history of the minor, including:

6 (A) any previous delinquent or criminal
7 history of the minor,

8 (B) any previous abuse or neglect history of
9 the minor, and

10 (C) any mental health, physical, or
11 educational history of the minor or combination of
12 these factors;

13 (iii) the circumstances of the offense, including:

14 (A) the seriousness of the offense,

15 (B) whether the minor is charged through
16 accountability,

17 (C) whether there is evidence the offense was
18 committed in an aggressive and premeditated
19 manner,

20 (D) whether there is evidence the offense
21 caused serious bodily harm,

22 (E) whether there is evidence the minor
23 possessed a deadly weapon;

24 (iv) the advantages of treatment within the
25 juvenile justice system including whether there are
26 facilities or programs, or both, particularly

1 available in the juvenile system;

2 (v) whether the security of the public requires
3 sentencing under Chapter V of the Unified Code of
4 Corrections:

5 (A) the minor's history of services, including
6 the minor's willingness to participate
7 meaningfully in available services;

8 (B) whether there is a reasonable likelihood
9 that the minor can be rehabilitated before the
10 expiration of the juvenile court's jurisdiction;

11 (C) the adequacy of the punishment or
12 services.

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

17 (4) The rules of evidence for this hearing shall be the
18 same as under Section 5-705 of this Act. A minor must be
19 represented in court by counsel before the hearing may be
20 commenced.

21 (5) If criminal proceedings are instituted, the petition
22 for adjudication of wardship shall be dismissed insofar as the
23 act or acts involved in the criminal proceedings. Taking of
24 evidence in a trial on petition for adjudication of wardship is
25 a bar to criminal proceedings based upon the conduct alleged in
26 the petition.

1 (Source: P.A. 94-556, eff. 9-11-05; 94-574, eff. 8-12-05;
2 revised 8-19-05.)

3 (705 ILCS 405/5-810)

4 Sec. 5-810. Extended jurisdiction juvenile prosecutions.

5 (1) (a) If the State's Attorney files a petition, at any
6 time prior to commencement of the minor's trial, to designate
7 the proceeding as an extended jurisdiction juvenile
8 prosecution and the petition alleges the commission by a minor
9 13 years of age or older of any offense which would be a felony
10 if committed by an adult, and, if the juvenile judge assigned
11 to hear and determine petitions to designate the proceeding as
12 an extended jurisdiction juvenile prosecution determines that
13 there is probable cause to believe that the allegations in the
14 petition and motion are true, there is a rebuttable presumption
15 that the proceeding shall be designated as an extended
16 jurisdiction juvenile proceeding.

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

23 (i) the age of the minor;

24 (ii) the history of the minor, including:

25 (A) any previous delinquent or criminal history of

1 the minor,

2 (B) any previous abuse or neglect history of the
3 minor, and

4 (C) any mental health, physical and/or educational
5 history of the minor;

6 (iii) the circumstances of the offense, including:

7 (A) the seriousness of the offense,

8 (B) whether the minor is charged through
9 accountability,

10 (C) whether there is evidence the offense was
11 committed in an aggressive and premeditated manner,

12 (D) whether there is evidence the offense caused
13 serious bodily harm,

14 (E) whether there is evidence the minor possessed a
15 deadly weapon;

16 (iv) the advantages of treatment within the juvenile
17 justice system including whether there are facilities or
18 programs, or both, particularly available in the juvenile
19 system;

20 (v) whether the security of the public requires
21 sentencing under Chapter V of the Unified Code of
22 Corrections:

23 (A) the minor's history of services, including the
24 minor's willingness to participate meaningfully in
25 available services;

26 (B) whether there is a reasonable likelihood that

1 the minor can be rehabilitated before the expiration of
2 the juvenile court's jurisdiction;

3 (C) the adequacy of the punishment or services.

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

8 (2) Procedures for extended jurisdiction juvenile
9 prosecutions. ~~(a)~~ The State's Attorney may file a written
10 motion for a proceeding to be designated as an extended
11 juvenile jurisdiction prior to commencement of trial. Notice of
12 the motion shall be in compliance with Section 5-530. When the
13 State's Attorney files a written motion that a proceeding be
14 designated an extended jurisdiction juvenile prosecution, the
15 court shall commence a hearing within 30 days of the filing of
16 the motion for designation, unless good cause is shown by the
17 prosecution or the minor as to why the hearing could not be
18 held within this time period. If the court finds good cause has
19 been demonstrated, then the hearing shall be held within 60
20 days of the filing of the motion. The hearings shall be open to
21 the public unless the judge finds that the hearing should be
22 closed for the protection of any party, victim or witness. If
23 the Juvenile Judge assigned to hear and determine a motion to
24 designate an extended jurisdiction juvenile prosecution
25 determines that there is probable cause to believe that the
26 allegations in the petition and motion are true the court shall

1 grant the motion for designation. Information used by the court
2 in its findings or stated in or offered in connection with this
3 Section may be by way of proffer based on reliable information
4 offered by the State or the minor. All evidence shall be
5 admissible if it is relevant and reliable regardless of whether
6 it would be admissible under the rules of evidence.

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

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

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

15 and

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

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

23 (5) If, after an extended jurisdiction juvenile
24 prosecution trial, a minor is convicted of a lesser-included
25 offense or of an offense that the State's Attorney did not
26 designate as an extended jurisdiction juvenile prosecution,

1 the State's Attorney may file a written motion, within 10 days
2 of the finding of guilt, that the minor be sentenced as an
3 extended jurisdiction juvenile prosecution offender. The court
4 shall rule on this motion using the factors found in paragraph
5 (1)(b) of Section 5-805. If the court denies the State's
6 Attorney's motion for sentencing under the extended
7 jurisdiction juvenile prosecution provision, the court shall
8 proceed to sentence the minor under Section 5-710.

9 (6) When it appears that a minor convicted in an extended
10 jurisdiction juvenile prosecution under subsection (1) has
11 violated the conditions of his or her sentence, or is alleged
12 to have committed a new offense upon the filing of a petition
13 to revoke the stay, the court may, without notice, issue a
14 warrant for the arrest of the minor. After a hearing, if the
15 court finds by a preponderance of the evidence that the minor
16 committed a new offense, the court shall order execution of the
17 previously imposed adult criminal sentence. After a hearing, if
18 the court finds by a preponderance of the evidence that the
19 minor committed a violation of his or her sentence other than
20 by a new offense, the court may order execution of the
21 previously imposed adult criminal sentence or may continue him
22 or her on the existing juvenile sentence with or without
23 modifying or enlarging the conditions. Upon revocation of the
24 stay of the adult criminal sentence and imposition of that
25 sentence, the minor's extended jurisdiction juvenile status
26 shall be terminated. The on-going jurisdiction over the minor's

1 case shall be assumed by the adult criminal court and juvenile
2 court jurisdiction shall be terminated and a report of the
3 imposition of the adult sentence shall be sent to the
4 Department of State Police.

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

7 (8) Nothing in this Section precludes the State from filing
8 a motion for transfer under Section 5-805.

9 (Source: P.A. 94-574, eff. 8-12-05; revised 9-6-05.)

10 (705 ILCS 405/6-9) (from Ch. 37, par. 806-9)

11 Sec. 6-9. Enforcement of liability of parents and others.

12 (1) If parentage is at issue in any proceeding under this
13 Act, the Illinois Parentage Act of 1984 shall apply and the
14 court shall enter orders consistent with that Act. If it
15 appears at any hearing that a parent or any other person named
16 in the petition, liable under the law for the support of the
17 minor, is able to contribute to his or her support, the court
18 shall enter an order requiring that parent or other person to
19 pay the clerk of the court, or to the guardian or custodian
20 appointed under Sections 2-27, 3-28, 4-25 or 5-740, a
21 reasonable sum from time to time for the care, support and
22 necessary special care or treatment, of the minor. If the court
23 determines at any hearing that a parent or any other person
24 named in the petition, liable under the law for the support of
25 the minor, is able to contribute to help defray the costs

1 associated with the minor's detention in a county or regional
2 detention center, the court shall enter an order requiring that
3 parent or other person to pay the clerk of the court a
4 reasonable sum for the care and support of the minor. The court
5 may require reasonable security for the payments. Upon failure
6 to pay, the court may enforce obedience to the order by a
7 proceeding as for contempt of court.

8 If it appears that the person liable for the support of the
9 minor is able to contribute to legal fees for representation of
10 the minor, the court shall enter an order requiring that person
11 to pay a reasonable sum for the representation, to the attorney
12 providing the representation or to the clerk of the court for
13 deposit in the appropriate account or fund. The sum may be paid
14 as the court directs, and the payment thereof secured and
15 enforced as provided in this Section for support.

16 If it appears at the detention or shelter care hearing of a
17 minor before the court under Section 5-501 that a parent or any
18 other person liable for support of the minor is able to
19 contribute to his or her support, that parent or other person
20 shall be required to pay a fee for room and board at a rate not
21 to exceed \$10 per day established, with the concurrence of the
22 chief judge of the judicial circuit, by the county board of the
23 county in which the minor is detained unless the court
24 determines that it is in the best interest and welfare of the
25 minor to waive the fee. The concurrence of the chief judge
26 shall be in the form of an administrative order. Each week, on

1 a day designated by the clerk of the circuit court, that parent
2 or other person shall pay the clerk for the minor's room and
3 board. All fees for room and board collected by the circuit
4 court clerk shall be disbursed into the separate county fund
5 under Section 6-7.

6 Upon application, the court shall waive liability for
7 support or legal fees under this Section if the parent or other
8 person establishes that he or she is indigent and unable to pay
9 the incurred liability, and the court may reduce or waive
10 liability if the parent or other person establishes
11 circumstances showing that full payment of support or legal
12 fees would result in financial hardship to the person or his or
13 her family.

14 (2) When a person so ordered to pay for the care and
15 support of a minor is employed for wages, salary or commission,
16 the court may order him to make the support payments for which
17 he is liable under this Act out of his wages, salary or
18 commission and to assign so much thereof as will pay the
19 support. The court may also order him to make discovery to the
20 court as to his place of employment and the amounts earned by
21 him. Upon his failure to obey the orders of court he may be
22 punished as for contempt of court.

23 (3) If the minor is a recipient of public aid under the
24 Illinois Public Aid Code, the court shall order that payments
25 made by a parent or through assignment of his wages, salary or
26 commission be made directly to (a) the ~~Illinois~~ Department of

1 Healthcare and Family Services ~~Public Aid~~ if the minor is a
2 recipient of aid under Article V of the Code, (b) the
3 Department of Human Services if the minor is a recipient of aid
4 under Article IV of the Code, or (c) the local governmental
5 unit responsible for the support of the minor if he is a
6 recipient under Articles VI or VII of the Code. The order shall
7 permit the ~~Illinois~~ Department of Healthcare and Family
8 Services ~~Public Aid~~, the Department of Human Services, or the
9 local governmental unit, as the case may be, to direct that
10 subsequent payments be made directly to the guardian or
11 custodian of the minor, or to some other person or agency in
12 the minor's behalf, upon removal of the minor from the public
13 aid rolls; and upon such direction and removal of the minor
14 from the public aid rolls, the ~~Illinois~~ Department of
15 Healthcare and Family Services ~~Public Aid~~, Department of Human
16 Services, or local governmental unit, as the case requires,
17 shall give written notice of such action to the court. Payments
18 received by the ~~Illinois~~ Department of Healthcare and Family
19 Services ~~Public Aid~~, Department of Human Services, or local
20 governmental unit are to be covered, respectively, into the
21 General Revenue Fund of the State Treasury or General
22 Assistance Fund of the governmental unit, as provided in
23 Section 10-19 of the Illinois Public Aid Code.

24 (Source: P.A. 90-157, eff. 1-1-98; 90-483, eff. 1-1-98; 90-590,
25 eff. 1-1-99; 90-655, eff. 7-30-98; 91-357, eff. 7-29-99;
26 revised 12-15-05.)

1 Section 1025. The Court of Claims Act is amended by
2 changing Sections 21 and 26-1 as follows:

3 (705 ILCS 505/21) (from Ch. 37, par. 439.21)

4 Sec. 21. The court is authorized to impose, by uniform
5 rules, a fee of \$15 for the filing of a petition in any case in
6 which the award sought is more than \$50 and less than \$1,000
7 and \$35 in any case in which the award sought is \$1,000 or
8 more; and to charge and collect for copies of opinions or other
9 documents filed in the Court of Claims such fees as may be
10 prescribed by the rules of the Court. All fees and charges so
11 collected shall be forthwith paid into the State Treasury.

12 A petitioner who is a prisoner in an Illinois Department of
13 Corrections facility who files a pleading, motion, or other
14 filing that purports to be a legal document against the State,
15 the Illinois Department of Corrections, the Prisoner Review
16 Board, or any of their officers or employees in which the court
17 makes a specific finding that it is frivolous shall pay all
18 filing fees and court costs in the manner provided in Article
19 XXII of the Code of Civil Procedure.

20 In claims based upon lapsed appropriations or lost warrant
21 or in claims filed under the Line of Duty Compensation Act, the
22 Illinois National Guardsman's Compensation Act, or the Crime
23 Victims Compensation Act or in claims filed by medical vendors
24 for medical services rendered by the claimant to persons

1 eligible for Medical Assistance under programs administered by
2 the ~~Illinois~~ Department of Healthcare and Family Services
3 ~~Public Aid~~, no filing fee shall be required.

4 (Source: P.A. 93-1047, eff. 10-18-04; revised 12-15-05.)

5 (705 ILCS 505/26-1) (from Ch. 37, par. 439.24-6.1)

6 Sec. 26-1. Except as otherwise provided herein, the maximum
7 contingent fee to be charged by an attorney practicing before
8 the Court shall not exceed 20 percent of the amount awarded,
9 which is in excess of the undisputed amount of the claim,
10 unless further fees shall be allowed by the Court. In cases
11 involving lapsed appropriations or lost warrants where there is
12 no dispute as to the liability of the respondent, the fee, if
13 any, for services rendered is to be fixed by the Court at a
14 nominal amount.

15 Nothing herein applies to awards made under the Line of
16 Duty ~~Law Enforcement Officers, Civil Defense Workers, Civil Air~~
17 ~~Patrol Members, Paramedics and Firemen Compensation Act~~ or the
18 Illinois National Guardsman's ~~and Naval Militiaman's~~
19 Compensation Act or the "Illinois Uniform Conviction
20 Information Act", ~~enacted by the 85th General Assembly, as~~
21 ~~heretofore or hereafter amended.~~

22 (Source: P.A. 90-492, eff. 8-17-97; revised 11-15-04.)

23 Section 1030. The Criminal Code of 1961 is amended by
24 changing Sections 1-6, 2-6.6, 2-13, 9-3.3, 10-6, 11-9.3, 12-2,

1 12-4, 12-20.5, 16G-15, 16G-21, 17-2, 21-3, 21-7, 24-1, 24-1.1,
2 24-1.6, 24-2, 24-3, 24-3.1, 32-5.2, and 44-3, by renumbering
3 and changing Sections 2-.5 and 5/2-7.5, and by setting forth
4 and renumbering multiple versions of Section 12-4.10 and
5 Article 16J as follows:

6 (720 ILCS 5/1-6) (from Ch. 38, par. 1-6)

7 Sec. 1-6. Place of trial.

8 (a) Generally.

9 Criminal actions shall be tried in the county where the
10 offense was committed, except as otherwise provided by law. The
11 State is not required to prove during trial that the alleged
12 offense occurred in any particular county in this State. When a
13 defendant contests the place of trial under this Section, all
14 proceedings regarding this issue shall be conducted under
15 Section 114-1 of the Code of Criminal Procedure of 1963. All
16 objections of improper place of trial are waived by a defendant
17 unless made before trial.

18 (b) Assailant and Victim in Different Counties.

19 If a person committing an offense upon the person of
20 another is located in one county and his victim is located in
21 another county at the time of the commission of the offense,
22 trial may be had in either of said counties.

23 (c) Death and Cause of Death in Different Places or
24 Undetermined.

25 If cause of death is inflicted in one county and death

1 ensues in another county, the offender may be tried in either
2 county. If neither the county in which the cause of death was
3 inflicted nor the county in which death ensued are known before
4 trial, the offender may be tried in the county where the body
5 was found.

6 (d) Offense Commenced Outside the State.

7 If the commission of an offense commenced outside the State
8 is consummated within this State, the offender shall be tried
9 in the county where the offense is consummated.

10 (e) Offenses Committed in Bordering Navigable Waters.

11 If an offense is committed on any of the navigable waters
12 bordering on this State, the offender may be tried in any
13 county adjacent to such navigable water.

14 (f) Offenses Committed while in Transit.

15 If an offense is committed upon any railroad car, vehicle,
16 watercraft or aircraft passing within this State, and it cannot
17 readily be determined in which county the offense was
18 committed, the offender may be tried in any county through
19 which such railroad car, vehicle, watercraft or aircraft has
20 passed.

21 (g) Theft.

22 A person who commits theft of property may be tried in any
23 county in which he exerted control over such property.

24 (h) Bigamy.

25 A person who commits the offense of bigamy may be tried in
26 any county where the bigamous marriage or bigamous cohabitation

1 has occurred.

2 (i) Kidnaping.

3 A person who commits the offense of kidnaping may be tried
4 in any county in which his victim has traveled or has been
5 confined during the course of the offense.

6 (j) Pandering.

7 A person who commits the offense of pandering may be tried
8 in any county in which the prostitution was practiced or in any
9 county in which any act in furtherance of the offense shall
10 have been committed.

11 (k) Treason.

12 A person who commits the offense of treason may be tried in
13 any county.

14 (l) Criminal Defamation.

15 If criminal defamation is spoken, printed or written in one
16 county and is received or circulated in another or other
17 counties, the offender shall be tried in the county where the
18 defamation is spoken, printed or written. If the defamation is
19 spoken, printed or written outside this state, or the offender
20 resides outside this state, the offender may be tried in any
21 county in this state in which the defamation was circulated or
22 received.

23 (m) Inchoate Offenses.

24 A person who commits an inchoate offense may be tried in
25 any county in which any act which is an element of the offense,
26 including the agreement in conspiracy, is committed.

1 (n) Accountability for Conduct of Another.

2 Where a person in one county solicits, aids, abets, agrees,
3 or attempts to aid another in the planning or commission of an
4 offense in another county, he may be tried for the offense in
5 either county.

6 (o) Child Abduction.

7 A person who commits the offense of child abduction may be
8 tried in any county in which his victim has traveled, been
9 detained, concealed or removed to during the course of the
10 offense. Notwithstanding the foregoing, unless for good cause
11 shown, the preferred place of trial shall be the county of the
12 residence of the lawful custodian.

13 (p) A person who commits the offense of narcotics
14 racketeering may be tried in any county where cannabis or a
15 controlled substance which is the basis for the charge of
16 narcotics racketeering was used; acquired; transferred or
17 distributed to, from or through; or any county where any act
18 was performed to further the use; acquisition, transfer or
19 distribution of said cannabis or controlled substance; any
20 money, property, property interest, or any other asset
21 generated by narcotics activities was acquired, used, sold,
22 transferred or distributed to, from or through; or, any
23 enterprise interest obtained as a result of narcotics
24 racketeering was acquired, used, transferred or distributed
25 to, from or through, or where any activity was conducted by the
26 enterprise or any conduct to further the interests of such an

1 enterprise.

2 (q) A person who commits the offense of money laundering
3 may be tried in any county where any part of a financial
4 transaction in criminally derived property took place or in any
5 county where any money or monetary instrument which is the
6 basis for the offense was acquired, used, sold, transferred or
7 distributed to, from or through.

8 (r) A person who commits the offense of cannabis
9 trafficking or controlled substance trafficking may be tried in
10 any county.

11 (s) A person who commits the offense of online sale of
12 stolen property, online theft by deception, or electronic
13 fencing may be tried in any county where any one or more
14 elements of the offense took place, regardless of whether the
15 element of the offense was the result of acts by the accused,
16 the victim or by another person, and regardless of whether the
17 defendant was ever physically present within the boundaries of
18 the county.

19 (t) ~~(s)~~ A person who commits the offense of identity theft
20 or aggravated identity theft may be tried in any one of the
21 following counties in which: (1) the offense occurred; (2) the
22 information used to commit the offense was illegally used; or
23 (3) the victim resides.

24 If a person is charged with more than one violation of
25 identity theft or aggravated identity theft and those
26 violations may be tried in more than one county, any of those

1 counties is a proper venue for all of the violations.

2 (Source: P.A. 94-51, eff. 1-1-06; 94-179, eff. 7-12-05; revised
3 8-19-05.)

4 (720 ILCS 5/2-0.5) (was 720 ILCS 5/2-.5)

5 Sec. 2-0.5 ~~2-.5~~. Definitions. For the purposes of this
6 Code, the words and phrases described in this Article have the
7 meanings designated in this Article, except when a particular
8 context clearly requires a different meaning.

9 (Source: Laws 1961, p. 1983; revised 1-22-04.)

10 (720 ILCS 5/2-6.6)

11 Sec. 2-6.6. Emergency management worker. "Emergency
12 management worker" shall include the following:

13 (a) any person, paid or unpaid, who is a member of a
14 local or county emergency services and disaster agency as
15 defined by the Illinois Emergency Management Agency Act, or
16 who is an employee of the Illinois Emergency Management
17 Agency or the Federal Emergency Management Agency~~;~~;

18 (b) any employee or volunteer of the American Red
19 Cross~~;~~;

20 (c) any employee of a federal, State, county~~,~~ or local
21 government agency assisting an emergency services and
22 disaster agency, the Illinois Emergency Management Agency,
23 or the Federal Emergency Management Agency through mutual
24 aid or as otherwise requested or directed in time of

1 disaster or emergency~~;~~; and

2 (d) any person volunteering or directed to assist an
3 emergency services and disaster agency, the Illinois
4 Emergency Management Agency, or the Federal Emergency
5 Management Agency.

6 (Source: P.A. 94-243, eff. 1-1-06; 94-323, eff. 1-1-06; revised
7 9-27-05.)

8 (720 ILCS 5/2-7.5)

9 Sec. 2-7.5 ~~5/2-7.5~~. "Firearm". Except as otherwise
10 provided in a specific Section, "firearm" has the meaning
11 ascribed to it in Section 1.1 of the Firearm Owners
12 Identification Card Act.

13 (Source: P.A. 91-404, eff. 1-1-00; revised 9-15-06.)

14 (720 ILCS 5/2-13) (from Ch. 38, par. 2-13)

15 Sec. 2-13. "Peace officer". "Peace officer" means (i) any
16 person who by virtue of his office or public employment is
17 vested by law with a duty to maintain public order or to make
18 arrests for offenses, whether that duty extends to all offenses
19 or is limited to specific offenses, or (ii) any person who, by
20 statute, is granted and authorized to exercise powers similar
21 to those conferred upon any peace officer employed by a law
22 enforcement agency of this State.

23 For purposes of Sections concerning unlawful use of
24 weapons, for the purposes of assisting an Illinois peace

1 officer in an arrest, or when the commission of a felony under
2 Illinois law is directly observed by the person, and statutes
3 involving the false personation of a peace officer, false
4 personation of a peace officer while carrying a deadly weapon,
5 and aggravated false personation of a peace officer, then
6 officers, agents or employees of the federal government
7 commissioned by federal statute to make arrests for violations
8 of federal criminal laws shall be considered "peace officers"
9 under this Code, including, but not limited to all criminal
10 investigators of:

11 (1) The United States Department of Justice, The
12 Federal Bureau of Investigation, The Drug Enforcement
13 Agency and The Department of Immigration and
14 Naturalization;

15 (2) The United States Department of the Treasury, The
16 Secret Service, The Bureau of Alcohol, Tobacco and Firearms
17 and The Customs Service;

18 (3) The United States Internal Revenue Service;

19 (4) The United States General Services Administration;

20 (5) The United States Postal Service; and

21 (6) all United States Marshals or Deputy United States
22 Marshals whose duties involve the enforcement of federal
23 criminal laws.

24 (Source: P.A. 94-730, eff. 4-17-06; 94-846, eff. 1-1-07;
25 revised 8-3-06.)

1 (720 ILCS 5/9-3.3) (from Ch. 38, par. 9-3.3)

2 Sec. 9-3.3. Drug-induced homicide.

3 (a) A person who violates Section 401 of the Illinois
4 Controlled Substances Act or Section 55 of the Methamphetamine
5 Control and Community Protection Act by unlawfully delivering a
6 controlled substance to another, and any person's death is
7 caused by the injection, inhalation or ingestion of any amount
8 of that controlled substance, commits the offense of
9 drug-induced homicide.

10 (b) Sentence. Drug-induced homicide is a Class X felony.

11 (c) A person who commits drug-induced homicide by violating
12 subsection (a) or subsection (c) of Section 401 of the Illinois
13 Controlled Substances Act or Section 55 of the Methamphetamine
14 Control and Community Protection Act commits a Class X felony
15 for which the defendant shall in addition to a sentence
16 authorized by law, be sentenced to a term of imprisonment of
17 not less than 15 years and not more than 30 years or an
18 extended term of not less than 30 years and not more than 60
19 years.

20 (Source: P.A. 94-556, eff. 9-11-05; 94-560, eff. 1-1-06;
21 revised 8-19-05.)

22 (720 ILCS 5/10-6) (from Ch. 38, par. 10-6)

23 Sec. 10-6. Harboring a runaway.

24 (a) Any person, other than an agency or association
25 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 5/11-9.3)

15 Sec. 11-9.3. Presence within school zone by child sex
16 offenders prohibited.

17 (a) It is unlawful for a child sex offender to knowingly be
18 present in any school building, on real property comprising any
19 school, or in any conveyance owned, leased, or contracted by a
20 school to transport students to or from school or a school
21 related activity when persons under the age of 18 are present
22 in the building, on the grounds or in the conveyance, unless
23 the offender is a parent or guardian of a student attending the
24 school and the parent or guardian is: (i) attending a
25 conference at the school with school personnel to discuss the

1 progress of his or her child academically or socially, (ii)
2 participating in child review conferences in which evaluation
3 and placement decisions may be made with respect to his or her
4 child regarding special education services, or (iii) attending
5 conferences to discuss other student issues concerning his or
6 her child such as retention and promotion and notifies the
7 principal of the school of his or her presence at the school or
8 unless the offender has permission to be present from the
9 superintendent or the school board or in the case of a private
10 school from the principal. In the case of a public school, if
11 permission is granted, the superintendent or school board
12 president must inform the principal of the school where the sex
13 offender will be present. Notification includes the nature of
14 the sex offender's visit and the hours in which the sex
15 offender will be present in the school. The sex offender is
16 responsible for notifying the principal's office when he or she
17 arrives on school property and when he or she departs from
18 school property. If the sex offender is to be present in the
19 vicinity of children, the sex offender has the duty to remain
20 under the direct supervision of a school official. A child sex
21 offender who violates this provision is guilty of a Class 4
22 felony.

23 Nothing in this Section shall be construed to infringe upon
24 the constitutional right of a child sex offender to be present
25 in a school building that is used as a polling place for the
26 purpose of voting.

1 ~~(1) (Blank; or)~~

2 ~~(2) (Blank.)~~

3 (b) It is unlawful for a child sex offender to knowingly
4 loiter within 500 feet of a school building or real property
5 comprising any school while persons under the age of 18 are
6 present in the building or on the grounds, unless the offender
7 is a parent or guardian of a student attending the school and
8 the parent or guardian is: (i) attending a conference at the
9 school with school personnel to discuss the progress of his or
10 her child academically or socially, (ii) participating in child
11 review conferences in which evaluation and placement decisions
12 may be made with respect to his or her child regarding special
13 education services, or (iii) attending conferences to discuss
14 other student issues concerning his or her child such as
15 retention and promotion and notifies the principal of the
16 school of his or her presence at the school or has permission
17 to be present from the superintendent or the school board or in
18 the case of a private school from the principal. In the case of
19 a public school, if permission is granted, the superintendent
20 or school board president must inform the principal of the
21 school where the sex offender will be present. Notification
22 includes the nature of the sex offender's visit and the hours
23 in which the sex offender will be present in the school. The
24 sex offender is responsible for notifying the principal's
25 office when he or she arrives on school property and when he or
26 she departs from school property. If the sex offender is to be

1 present in the vicinity of children, the sex offender has the
2 duty to remain under the direct supervision of a school
3 official. A child sex offender who violates this provision is
4 guilty of a Class 4 felony.

5 ~~(1) (Blank; or)~~

6 ~~(2) (Blank.)~~

7 (b-5) It is unlawful for a child sex offender to knowingly
8 reside within 500 feet of a school building or the real
9 property comprising any school that persons under the age of 18
10 attend. Nothing in this subsection (b-5) prohibits a child sex
11 offender from residing within 500 feet of a school building or
12 the real property comprising any school that persons under 18
13 attend if the property is owned by the child sex offender and
14 was purchased before the effective date of this amendatory Act
15 of the 91st General Assembly.

16 (c) Definitions. In this Section:

17 (1) "Child sex offender" means any person who:

18 (i) has been charged under Illinois law, or any
19 substantially similar federal law or law of another
20 state, with a sex offense set forth in paragraph (2) of
21 this subsection (c) or the attempt to commit an
22 included sex offense, and:

23 (A) is convicted of such offense or an attempt
24 to commit such offense; or

25 (B) is found not guilty by reason of insanity
26 of such offense or an attempt to commit such

1 offense; or

2 (C) is found not guilty by reason of insanity
3 pursuant to subsection (c) of Section 104-25 of the
4 Code of Criminal Procedure of 1963 of such offense
5 or an attempt to commit such offense; or

6 (D) is the subject of a finding not resulting
7 in an acquittal at a hearing conducted pursuant to
8 subsection (a) of Section 104-25 of the Code of
9 Criminal Procedure of 1963 for the alleged
10 commission or attempted commission of such
11 offense; or

12 (E) is found not guilty by reason of insanity
13 following a hearing conducted pursuant to a
14 federal law or the law of another state
15 substantially similar to subsection (c) of Section
16 104-25 of the Code of Criminal Procedure of 1963 of
17 such offense or of the attempted commission of such
18 offense; or

19 (F) is the subject of a finding not resulting
20 in an acquittal at a hearing conducted pursuant to
21 a federal law or the law of another state
22 substantially similar to subsection (a) of Section
23 104-25 of the Code of Criminal Procedure of 1963
24 for the alleged violation or attempted commission
25 of such offense; or

26 (ii) is certified as a sexually dangerous person

1 pursuant to the Illinois Sexually Dangerous Persons
2 Act, or any substantially similar federal law or the
3 law of another state, when any conduct giving rise to
4 such certification is committed or attempted against a
5 person less than 18 years of age; or

6 (iii) is subject to the provisions of Section 2 of
7 the Interstate Agreements on Sexually Dangerous
8 Persons Act.

9 Convictions that result from or are connected with the
10 same act, or result from offenses committed at the same
11 time, shall be counted for the purpose of this Section as
12 one conviction. Any conviction set aside pursuant to law is
13 not a conviction for purposes of this Section.

14 (2) Except as otherwise provided in paragraph (2.5),
15 "sex offense" means:

16 (i) A violation of any of the following Sections of
17 the Criminal Code of 1961: 10-7 (aiding and abetting
18 child abduction under Section 10-5(b)(10)),
19 10-5(b)(10) (child luring), 11-6 (indecent
20 solicitation of a child), 11-6.5 (indecent
21 solicitation of an adult), 11-9 (public indecency when
22 committed in a school, on the real property comprising
23 a school, or on a conveyance, owned, leased, or
24 contracted by a school to transport students to or from
25 school or a school related activity), 11-9.1 (sexual
26 exploitation of a child), 11-15.1 (soliciting for a

1 juvenile prostitute), 11-17.1 (keeping a place of
2 juvenile prostitution), 11-18.1 (patronizing a
3 juvenile prostitute), 11-19.1 (juvenile pimping),
4 11-19.2 (exploitation of a child), 11-20.1 (child
5 pornography), 11-21 (harmful material), 12-14.1
6 (predatory criminal sexual assault of a child), 12-33
7 (ritualized abuse of a child), 11-20 (obscenity) (when
8 that offense was committed in any school, on real
9 property comprising any school, in any conveyance
10 owned, leased, or contracted by a school to transport
11 students to or from school or a school related
12 activity). An attempt to commit any of these offenses.

13 (ii) A violation of any of the following Sections
14 of the Criminal Code of 1961, when the victim is a
15 person under 18 years of age: 12-13 (criminal sexual
16 assault), 12-14 (aggravated criminal sexual assault),
17 12-15 (criminal sexual abuse), 12-16 (aggravated
18 criminal sexual abuse). An attempt to commit any of
19 these offenses.

20 (iii) A violation of any of the following Sections
21 of the Criminal Code of 1961, when the victim is a
22 person under 18 years of age and the defendant is not a
23 parent of the victim:

24 10-1 (kidnapping),

25 10-2 (aggravated kidnapping),

26 10-3 (unlawful restraint),

1 10-3.1 (aggravated unlawful restraint).

2 An attempt to commit any of these offenses.

3 (iv) A violation of any former law of this State
4 substantially equivalent to any offense listed in
5 clause (2)(i) of subsection (c) of this Section.

6 (2.5) For the purposes of subsection (b-5) only, a sex
7 offense means:

8 (i) A violation of any of the following Sections of
9 the Criminal Code of 1961:

10 10-5(b)(10) (child luring), 10-7 (aiding and
11 abetting child abduction under Section
12 10-5(b)(10)), 11-6 (indecent solicitation of a
13 child), 11-6.5 (indecent solicitation of an
14 adult), 11-15.1 (soliciting for a juvenile
15 prostitute), 11-17.1 (keeping a place of juvenile
16 prostitution), 11-18.1 (patronizing a juvenile
17 prostitute), 11-19.1 (juvenile pimping), 11-19.2
18 (exploitation of a child), 11-20.1 (child
19 pornography), 12-14.1 (predatory criminal sexual
20 assault of a child), or 12-33 (ritualized abuse of
21 a child). An attempt to commit any of these
22 offenses.

23 (ii) A violation of any of the following Sections
24 of the Criminal Code of 1961, when the victim is a
25 person under 18 years of age: 12-13 (criminal sexual
26 assault), 12-14 (aggravated criminal sexual assault),

1 12-16 (aggravated criminal sexual abuse), and
2 subsection (a) of Section 12-15 (criminal sexual
3 abuse). An attempt to commit any of these offenses.

4 (iii) A violation of any of the following Sections
5 of the Criminal Code of 1961, when the victim is a
6 person under 18 years of age and the defendant is not a
7 parent of the victim:

8 10-1 (kidnapping),

9 10-2 (aggravated kidnapping),

10 10-3 (unlawful restraint),

11 10-3.1 (aggravated unlawful restraint).

12 An attempt to commit any of these offenses.

13 (iv) A violation of any former law of this State
14 substantially equivalent to any offense listed in this
15 paragraph (2.5) of this subsection.

16 (3) A conviction for an offense of federal law or the
17 law of another state that is substantially equivalent to
18 any offense listed in paragraph (2) of subsection (c) of
19 this Section shall constitute a conviction for the purpose
20 of this Article. A finding or adjudication as a sexually
21 dangerous person under any federal law or law of another
22 state that is substantially equivalent to the Sexually
23 Dangerous Persons Act shall constitute an adjudication for
24 the purposes of this Section.

25 (4) "School" means a public or private pre-school,
26 elementary, or secondary school.

1 (5) "Loiter" means:

2 (i) Standing, sitting idly, whether or not the
3 person is in a vehicle or remaining in or around school
4 property.

5 (ii) Standing, sitting idly, whether or not the
6 person is in a vehicle or remaining in or around school
7 property, for the purpose of committing or attempting
8 to commit a sex offense.

9 (iii) Entering or remaining in a building in or
10 around school property, other than the offender's
11 residence.

12 (6) "School official" means the principal, a teacher,
13 or any other certified employee of the school, the
14 superintendent of schools or a member of the school board.

15 (d) Sentence. A person who violates this Section is guilty
16 of a Class 4 felony.

17 (Source: P.A. 94-158, eff. 7-11-05; 94-164, eff. 1-1-06;
18 94-170, eff. 7-11-05; revised 9-15-06.)

19 (720 ILCS 5/12-2) (from Ch. 38, par. 12-2)

20 Sec. 12-2. Aggravated assault.

21 (a) A person commits an aggravated assault, when, in
22 committing an assault, he:

23 (1) Uses a deadly weapon or any device manufactured and
24 designed to be substantially similar in appearance to a
25 firearm, other than by discharging a firearm in the

1 direction of another person, a peace officer, a person
2 summoned or directed by a peace officer, a correctional
3 officer or a fireman or in the direction of a vehicle
4 occupied by another person, a peace officer, a person
5 summoned or directed by a peace officer, a correctional
6 officer or a fireman while the officer or fireman is
7 engaged in the execution of any of his official duties, or
8 to prevent the officer or fireman from performing his
9 official duties, or in retaliation for the officer or
10 fireman performing his official duties;

11 (2) Is hooded, robed or masked in such manner as to
12 conceal his identity or any device manufactured and
13 designed to be substantially similar in appearance to a
14 firearm;

15 (3) Knows the individual assaulted to be a teacher or
16 other person employed in any school and such teacher or
17 other employee is upon the grounds of a school or grounds
18 adjacent thereto, or is in any part of a building used for
19 school purposes;

20 (4) Knows the individual assaulted to be a supervisor,
21 director, instructor or other person employed in any park
22 district and such supervisor, director, instructor or
23 other employee is upon the grounds of the park or grounds
24 adjacent thereto, or is in any part of a building used for
25 park purposes;

26 (5) Knows the individual assaulted to be a caseworker,

1 investigator, or other person employed by the Department of
2 Healthcare and Family Services (formerly State Department
3 of Public Aid), a County Department of Public Aid, or the
4 Department of Human Services (acting as successor to the
5 Illinois Department of Public Aid under the Department of
6 Human Services Act) and such caseworker, investigator, or
7 other person is upon the grounds of a public aid office or
8 grounds adjacent thereto, or is in any part of a building
9 used for public aid purposes, or upon the grounds of a home
10 of a public aid applicant, recipient or any other person
11 being interviewed or investigated in the employees'
12 discharge of his duties, or on grounds adjacent thereto, or
13 is in any part of a building in which the applicant,
14 recipient, or other such person resides or is located;

15 (6) Knows the individual assaulted to be a peace
16 officer, or a community policing volunteer, or a fireman
17 while the officer or fireman is engaged in the execution of
18 any of his official duties, or to prevent the officer,
19 community policing volunteer, or fireman from performing
20 his official duties, or in retaliation for the officer,
21 community policing volunteer, or fireman performing his
22 official duties, and the assault is committed other than by
23 the discharge of a firearm in the direction of the officer
24 or fireman or in the direction of a vehicle occupied by the
25 officer or fireman;

26 (7) Knows the individual assaulted to be an emergency

1 medical technician - ambulance, emergency medical
2 technician - intermediate, emergency medical technician -
3 paramedic, ambulance driver or other medical assistance or
4 first aid personnel engaged in the execution of any of his
5 official duties, or to prevent the emergency medical
6 technician - ambulance, emergency medical technician -
7 intermediate, emergency medical technician - paramedic,
8 ambulance driver, or other medical assistance or first aid
9 personnel from performing his official duties, or in
10 retaliation for the emergency medical technician -
11 ambulance, emergency medical technician - intermediate,
12 emergency medical technician - paramedic, ambulance
13 driver, or other medical assistance or first aid personnel
14 performing his official duties;

15 (8) Knows the individual assaulted to be the driver,
16 operator, employee or passenger of any transportation
17 facility or system engaged in the business of
18 transportation of the public for hire and the individual
19 assaulted is then performing in such capacity or then using
20 such public transportation as a passenger or using any area
21 of any description designated by the transportation
22 facility or system as a vehicle boarding, departure, or
23 transfer location;

24 (9) Or the individual assaulted is on or about a public
25 way, public property, or public place of accommodation or
26 amusement;

1 (9.5) Is, or the individual assaulted is, in or about a
2 publicly or privately owned sports or entertainment arena,
3 stadium, community or convention hall, special event
4 center, amusement facility, or a special event center in a
5 public park during any 24-hour period when a professional
6 sporting event, National Collegiate Athletic Association
7 (NCAA)-sanctioned sporting event, United States Olympic
8 Committee-sanctioned sporting event, or International
9 Olympic Committee-sanctioned sporting event is taking
10 place in this venue;

11 (10) Knows the individual assaulted to be an employee
12 of the State of Illinois, a municipal corporation therein
13 or a political subdivision thereof, engaged in the
14 performance of his authorized duties as such employee;

15 (11) Knowingly and without legal justification,
16 commits an assault on a physically handicapped person;

17 (12) Knowingly and without legal justification,
18 commits an assault on a person 60 years of age or older;

19 (13) Discharges a firearm;

20 (14) Knows the individual assaulted to be a
21 correctional officer, while the officer is engaged in the
22 execution of any of his or her official duties, or to
23 prevent the officer from performing his or her official
24 duties, or in retaliation for the officer performing his or
25 her official duties;

26 (15) Knows the individual assaulted to be a

1 correctional employee or an employee of the Department of
2 Human Services supervising or controlling sexually
3 dangerous persons or sexually violent persons, while the
4 employee is engaged in the execution of any of his or her
5 official duties, or to prevent the employee from performing
6 his or her official duties, or in retaliation for the
7 employee performing his or her official duties, and the
8 assault is committed other than by the discharge of a
9 firearm in the direction of the employee or in the
10 direction of a vehicle occupied by the employee;

11 (16) Knows the individual assaulted to be an employee
12 of a police or sheriff's department engaged in the
13 performance of his or her official duties as such employee;

14 ~~or~~

15 (17) Knows the individual assaulted to be a sports
16 official or coach at any level of competition and the act
17 causing the assault to the sports official or coach
18 occurred within an athletic facility or an indoor or
19 outdoor playing field or within the immediate vicinity of
20 the athletic facility or an indoor or outdoor playing field
21 at which the sports official or coach was an active
22 participant in the athletic contest held at the athletic
23 facility. For the purposes of this paragraph (17), "sports
24 official" means a person at an athletic contest who
25 enforces the rules of the contest, such as an umpire or
26 referee; and "coach" means a person recognized as a coach

1 by the sanctioning authority that conducted the athletic
2 contest; or.

3 (18) Knows the individual assaulted to be an emergency
4 management worker, while the emergency management worker
5 is engaged in the execution of any of his or her official
6 duties, or to prevent the emergency management worker from
7 performing his or her official duties, or in retaliation
8 for the emergency management worker performing his or her
9 official duties, and the assault is committed other than by
10 the discharge of a firearm in the direction of the
11 emergency management worker or in the direction of a
12 vehicle occupied by the emergency management worker.

13 (a-5) A person commits an aggravated assault when he or she
14 knowingly and without lawful justification shines or flashes a
15 laser gunsight or other laser device that is attached or
16 affixed to a firearm, or used in concert with a firearm, so
17 that the laser beam strikes near or in the immediate vicinity
18 of any person.

19 (b) Sentence.

20 Aggravated assault as defined in paragraphs (1) through (5)
21 and (8) through (12) and (17) of subsection (a) of this Section
22 is a Class A misdemeanor. Aggravated assault as defined in
23 paragraphs (13), (14), and (15) of subsection (a) of this
24 Section and as defined in subsection (a-5) of this Section is a
25 Class 4 felony. Aggravated assault as defined in paragraphs
26 (6), (7), (16), and (18) of subsection (a) of this Section is a

1 Class A misdemeanor if a firearm is not used in the commission
2 of the assault. Aggravated assault as defined in paragraphs
3 (6), (7), (16), and (18) of subsection (a) of this Section is a
4 Class 4 felony if a firearm is used in the commission of the
5 assault.

6 (Source: P.A. 93-692, eff. 1-1-05; 94-243, eff. 1-1-06; 94-482,
7 eff. 1-1-06; revised 12-15-05.)

8 (720 ILCS 5/12-4) (from Ch. 38, par. 12-4)

9 Sec. 12-4. Aggravated Battery.

10 (a) A person who, in committing a battery, intentionally or
11 knowingly causes great bodily harm, or permanent disability or
12 disfigurement commits aggravated battery.

13 (b) In committing a battery, a person commits aggravated
14 battery if he or she:

15 (1) Uses a deadly weapon other than by the discharge of
16 a firearm;

17 (2) Is hooded, robed or masked, in such manner as to
18 conceal his identity;

19 (3) Knows the individual harmed to be a teacher or
20 other person employed in any school and such teacher or
21 other employee is upon the grounds of a school or grounds
22 adjacent thereto, or is in any part of a building used for
23 school purposes;

24 (4) (Blank);

25 (5) (Blank);

1 (6) Knows the individual harmed to be a community
2 policing volunteer while such volunteer is engaged in the
3 execution of any official duties, or to prevent the
4 volunteer from performing official duties, or in
5 retaliation for the volunteer performing official duties,
6 and the battery is committed other than by the discharge of
7 a firearm;

8 (7) Knows the individual harmed to be an emergency
9 medical technician - ambulance, emergency medical
10 technician - intermediate, emergency medical technician -
11 paramedic, ambulance driver, other medical assistance,
12 first aid personnel, or hospital personnel engaged in the
13 performance of any of his or her official duties, or to
14 prevent the emergency medical technician - ambulance,
15 emergency medical technician - intermediate, emergency
16 medical technician - paramedic, ambulance driver, other
17 medical assistance, first aid personnel, or hospital
18 personnel from performing official duties, or in
19 retaliation for performing official duties;

20 (8) Is, or the person battered is, on or about a public
21 way, public property or public place of accommodation or
22 amusement;

23 (8.5) Is, or the person battered is, on a publicly or
24 privately owned sports or entertainment arena, stadium,
25 community or convention hall, special event center,
26 amusement facility, or a special event center in a public

1 park during any 24-hour period when a professional sporting
2 event, National Collegiate Athletic Association
3 (NCAA)-sanctioned sporting event, United States Olympic
4 Committee-sanctioned sporting event, or International
5 Olympic Committee-sanctioned sporting event is taking
6 place in this venue;

7 (9) Knows the individual harmed to be the driver,
8 operator, employee or passenger of any transportation
9 facility or system engaged in the business of
10 transportation of the public for hire and the individual
11 assaulted is then performing in such capacity or then using
12 such public transportation as a passenger or using any area
13 of any description designated by the transportation
14 facility or system as a vehicle boarding, departure, or
15 transfer location;

16 (10) Knows the individual harmed to be an individual of
17 60 years of age or older;

18 (11) Knows the individual harmed is pregnant;

19 (12) Knows the individual harmed to be a judge whom the
20 person intended to harm as a result of the judge's
21 performance of his or her official duties as a judge;

22 (13) (Blank);

23 (14) Knows the individual harmed to be a person who is
24 physically handicapped;

25 (15) Knowingly and without legal justification and by
26 any means causes bodily harm to a merchant who detains the

1 person for an alleged commission of retail theft under
2 Section 16A-5 of this Code. In this item (15), "merchant"
3 has the meaning ascribed to it in Section 16A-2.4 of this
4 Code;

5 (16) Is, or the person battered is, in any building or
6 other structure used to provide shelter or other services
7 to victims or to the dependent children of victims of
8 domestic violence pursuant to the Illinois Domestic
9 Violence Act of 1986 or the Domestic Violence Shelters Act,
10 or the person battered is within 500 feet of such a
11 building or other structure while going to or from such a
12 building or other structure. "Domestic violence" has the
13 meaning ascribed to it in Section 103 of the Illinois
14 Domestic Violence Act of 1986. "Building or other structure
15 used to provide shelter" has the meaning ascribed to
16 "shelter" in Section 1 of the Domestic Violence Shelters
17 Act;

18 (17) (Blank); ~~or~~

19 (18) Knows the individual harmed to be an officer or
20 employee of the State of Illinois, a unit of local
21 government, or school district engaged in the performance
22 of his or her authorized duties as such officer or
23 employee; or

24 (19) ~~(18)~~ Knows the individual harmed to be an
25 emergency management worker engaged in the performance of
26 any of his or her official duties, or to prevent the

1 emergency management worker from performing official
2 duties, or in retaliation for the emergency management
3 worker performing official duties.

4 For the purpose of paragraph (14) of subsection (b) of this
5 Section, a physically handicapped person is a person who
6 suffers from a permanent and disabling physical
7 characteristic, resulting from disease, injury, functional
8 disorder or congenital condition.

9 (c) A person who administers to an individual or causes him
10 to take, without his consent or by threat or deception, and for
11 other than medical purposes, any intoxicating, poisonous,
12 stupefying, narcotic, anesthetic, or controlled substance
13 commits aggravated battery.

14 (d) A person who knowingly gives to another person any food
15 that contains any substance or object that is intended to cause
16 physical injury if eaten, commits aggravated battery.

17 (d-3) A person commits aggravated battery when he or she
18 knowingly and without lawful justification shines or flashes a
19 laser gunsight or other laser device that is attached or
20 affixed to a firearm, or used in concert with a firearm, so
21 that the laser beam strikes upon or against the person of
22 another.

23 (d-5) An inmate of a penal institution or a sexually
24 dangerous person or a sexually violent person in the custody of
25 the Department of Human Services who causes or attempts to
26 cause a correctional employee of the penal institution or an

1 employee of the Department of Human Services to come into
2 contact with blood, seminal fluid, urine, or feces, by
3 throwing, tossing, or expelling that fluid or material commits
4 aggravated battery. For purposes of this subsection (d-5),
5 "correctional employee" means a person who is employed by a
6 penal institution.

7 (e) Sentence.

8 (1) Except as otherwise provided in paragraphs (2) and
9 (3), aggravated battery is a Class 3 felony.

10 (2) Aggravated battery that does not cause great bodily
11 harm or permanent disability or disfigurement is a Class 2
12 felony when the person knows the individual harmed to be a
13 peace officer, a community policing volunteer, a
14 correctional institution employee, an employee of the
15 Department of Human Services supervising or controlling
16 sexually dangerous persons or sexually violent persons, or
17 a fireman while such officer, volunteer, employee, or
18 fireman is engaged in the execution of any official duties
19 including arrest or attempted arrest, or to prevent the
20 officer, volunteer, employee, or fireman from performing
21 official duties, or in retaliation for the officer,
22 volunteer, employee, or fireman performing official
23 duties, and the battery is committed other than by the
24 discharge of a firearm.

25 (3) Aggravated battery that causes great bodily harm or
26 permanent disability or disfigurement in violation of

1 subsection (a) is a Class 1 felony when the person knows
2 the individual harmed to be a peace officer, a community
3 policing volunteer, a correctional institution employee,
4 an employee of the Department of Human Services supervising
5 or controlling sexually dangerous persons or sexually
6 violent persons, or a fireman while such officer,
7 volunteer, employee, or fireman is engaged in the execution
8 of any official duties including arrest or attempted
9 arrest, or to prevent the officer, volunteer, employee, or
10 fireman from performing official duties, or in retaliation
11 for the officer, volunteer, employee, or fireman
12 performing official duties, and the battery is committed
13 other than by the discharge of a firearm.

14 (Source: P.A. 93-83, eff. 7-2-03; 94-243, eff. 1-1-06; 94-327,
15 eff. 1-1-06; 94-333, eff. 7-26-05; 94-363, eff. 7-29-05;
16 94-482, eff. 1-1-06; revised 8-19-05.)

17 (720 ILCS 5/12-4.10)

18 Sec. 12-4.10. (Repealed).

19 (Source: P.A. 93-340, eff. 7-24-03. Repealed by P.A. 94-556,
20 eff. 9-11-05.)

21 (720 ILCS 5/12-4.12)

22 Sec. 12-4.12 ~~12-4.10~~. (Repealed).

23 (Source: P.A. 93-111, eff. 7-8-03. Repealed by P.A. 94-556,
24 eff. 9-11-05; revised 9-22-05.)

1 (720 ILCS 5/12-20.5)

2 Sec. 12-20.5. Dismembering a human body.

3 (a) A person commits the offense of dismembering a human
4 body when he or she knowingly dismembers, severs, separates,
5 dissects, or mutilates any body part of a deceased's body.

6 (b) This Section does not apply to:

7 (1) an anatomical gift made in accordance with the
8 Illinois Uniform Anatomical Gift Act;

9 (2) the removal and use of a human cornea in accordance
10 with the Illinois Anatomical Gift ~~Corneal Transplant~~ Act;

11 (3) the purchase or sale of drugs, reagents, or other
12 substances made from human body parts, for the use in
13 medical or scientific research, treatment, or diagnosis;

14 (4) persons employed by a county medical examiner's
15 office or coroner's office acting within the scope of their
16 employment while performing an autopsy;

17 (5) the acts of a licensed funeral director or embalmer
18 while performing acts authorized by the Funeral Directors
19 and Embalmers Licensing Code;

20 (6) the acts of emergency medical personnel or
21 physicians performed in good faith and according to the
22 usual and customary standards of medical practice in an
23 attempt to resuscitate a life; or

24 (7) physicians licensed to practice medicine in all of
25 its branches or holding a visiting professor, physician, or

1 resident permit under the Medical Practice Act of 1987,
2 performing acts in accordance with usual and customary
3 standards of medical practice, or a currently enrolled
4 student in an accredited medical school in furtherance of
5 his or her education at the accredited medical school.

6 (c) It is not a defense to a violation of this Section that
7 the decedent died due to natural, accidental, or suicidal
8 causes.

9 (d) Sentence. Dismembering a human body is a Class X
10 felony.

11 (Source: P.A. 93-339, eff. 7-24-03; revised 11-15-04.)

12 (720 ILCS 5/16G-15)

13 Sec. 16G-15. Identity theft.

14 (a) A person commits the offense of identity theft when he
15 or she knowingly:

16 (1) uses any personal identifying information or
17 personal identification document of another person to
18 fraudulently obtain credit, money, goods, services, or
19 other property, or

20 (2) uses any personal identification information or
21 personal identification document of another with intent to
22 commit any felony theft or other felony violation of State
23 law not set forth in paragraph (1) of this subsection (a),
24 or

25 (3) obtains, records, possesses, sells, transfers,

1 purchases, or manufactures any personal identification
2 information or personal identification document of another
3 with intent to commit or to aid or abet another in
4 committing any felony theft or other felony violation of
5 State law, or

6 (4) uses, obtains, records, possesses, sells,
7 transfers, purchases, or manufactures any personal
8 identification information or personal identification
9 document of another knowing that such personal
10 identification information or personal identification
11 documents were stolen or produced without lawful
12 authority, or

13 (5) uses, transfers, or possesses document-making
14 implements to produce false identification or false
15 documents with knowledge that they will be used by the
16 person or another to commit any felony theft or other
17 felony violation of State law, or

18 (6) uses any personal identification information or
19 personal identification document of another to portray
20 himself or herself as that person, or otherwise, for the
21 purpose of gaining access to any personal identification
22 information or personal identification document of that
23 person, without the prior express permission of that
24 person, or

25 (7) uses any personal identification information or
26 personal identification document of another for the

1 purpose of gaining access to any record of the actions
2 taken, communications made or received, or other
3 activities or transactions of that person, without the
4 prior express permission of that person.

5 (b) Knowledge shall be determined by an evaluation of all
6 circumstances surrounding the use of the other person's
7 identifying information or document.

8 (c) When a charge of identity theft of credit, money,
9 goods, services, or other property exceeding a specified value
10 is brought the value of the credit, money, goods, services, or
11 other property is an element of the offense to be resolved by
12 the trier of fact as either exceeding or not exceeding the
13 specified value.

14 (d) Sentence.

15 (1) A person convicted of identity theft in violation
16 of paragraph (1) of subsection (a) shall be sentenced as
17 follows:

18 (A) identity theft of credit, money, goods,
19 services, or other property not exceeding \$300 in value
20 is a Class 4 felony. A person who has been previously
21 convicted of identity theft of less than \$300 who is
22 convicted of a second or subsequent offense of identity
23 theft of less than \$300 is guilty of a Class 3 felony.
24 A person who has been convicted of identity theft of
25 less than \$300 who has been previously convicted of any
26 type of theft, robbery, armed robbery, burglary,

1 residential burglary, possession of burglary tools,
2 home invasion, home repair fraud, aggravated home
3 repair fraud, or financial exploitation of an elderly
4 or disabled person is guilty of a Class 3 felony. When
5 a person has any such prior conviction, the information
6 or indictment charging that person shall state the
7 prior conviction so as to give notice of the State's
8 intention to treat the charge as a Class 3 felony. The
9 fact of the prior conviction is not an element of the
10 offense and may not be disclosed to the jury during
11 trial unless otherwise permitted by issues properly
12 raised during the trial.

13 (B) Identity theft of credit, money, goods,
14 services, or other property exceeding \$300 and not
15 exceeding \$2,000 in value is a Class 3 felony.

16 (C) Identity theft of credit, money, goods,
17 services, or other property exceeding \$2,000 and not
18 exceeding \$10,000 in value is a Class 2 felony.

19 (D) Identity theft of credit, money, goods,
20 services, or other property exceeding \$10,000 and not
21 exceeding \$100,000 in value is a Class 1 felony.

22 (E) Identity theft of credit, money, goods,
23 services, or other property exceeding \$100,000 in
24 value is a Class X felony.

25 (2) A person convicted of any offense enumerated in
26 paragraphs (2) through (7) of subsection (a) is guilty of a

1 Class 3 felony.

2 (3) A person convicted of any offense enumerated in
3 paragraphs (2) through (5) of subsection (a) a second or
4 subsequent time is guilty of a Class 2 felony.

5 (4) A person who, within a 12 month period, is found in
6 violation of any offense enumerated in paragraphs (2)
7 through (7) of subsection (a) with respect to the
8 identifiers of, or other information relating to, 3 or more
9 separate individuals, at the same time or consecutively, is
10 guilty of a Class 2 felony.

11 (5) A person convicted of identity theft in violation
12 of paragraph (2) of subsection (a) who uses any personal
13 identification information or personal identification
14 document of another to purchase methamphetamine
15 manufacturing material as defined in Section 10 of the
16 Methamphetamine Control and Community Protection Act with
17 the intent to unlawfully manufacture methamphetamine is
18 guilty of a Class 2 felony for a first offense and a Class
19 1 felony for a second or subsequent offense.

20 (Source: P.A. 93-401, eff. 7-31-03; 94-39, eff. 6-16-05;
21 94-827, eff. 1-1-07; 94-1008, eff. 7-5-06; revised 8-3-06.)

22 (720 ILCS 5/16G-21)

23 Sec. 16G-21. Civil remedies. A person who is convicted of
24 facilitating identity theft, identity theft, or aggravated
25 identity theft is liable in a civil action to the person who

1 suffered damages as a result of the violation. The person
2 suffering damages may recover court costs, attorney's fees,
3 lost wages, and actual damages. Where a person has been
4 convicted of identity theft in violation of subsection (a)(6)
5 or subsection (a)(7) of Section 16G-15, in the absence of proof
6 of actual damages, the person whose personal identification
7 information or personal identification documents were used in
8 the violation in question may recover damages of \$2,000.

9 (Source: P.A. 93-401, eff. 7-31-03; 94-969, eff. 1-1-07;
10 94-1008, eff. 7-5-06; revised 8-3-06.)

11 (720 ILCS 5/Art. 16J heading)

12 ARTICLE 16J. ONLINE PROPERTY OFFENSES

13 (Source: P.A. 94-179, eff. 7-12-05.)

14 (720 ILCS 5/16J-5)

15 Sec. 16J-5. Definitions. In this Article:

16 "Access" means to use, instruct, communicate with, store
17 data in, retrieve or intercept data from, or otherwise utilize
18 any services of a computer.

19 "Computer" means a device that accepts, processes, stores,
20 retrieves or outputs data, and includes but is not limited to
21 auxiliary storage and telecommunications devices connected to
22 computers.

23 "Internet" means an interactive computer service or system
24 or an information service, system, or access software provider

1 that provides or enables computer access by multiple users to a
2 computer server, and includes, but is not limited to, an
3 information service, system, or access software provider that
4 provides access to a network system commonly known as the
5 Internet, or any comparable system or service and also
6 includes, but is not limited to, a World Wide Web page,
7 newsgroup, message board, mailing list, or chat area on any
8 interactive computer service or system or other online service.

9 "Online" means the use of any electronic or wireless device
10 to access the Internet.

11 (Source: P.A. 94-179, eff. 7-12-05.)

12 (720 ILCS 5/16J-10)

13 Sec. 16J-10. Online sale of stolen property. A person
14 commits the offense of online sale of stolen property when he
15 or she uses or accesses the Internet with the intent of selling
16 property gained through unlawful means.

17 (Source: P.A. 94-179, eff. 7-12-05.)

18 (720 ILCS 5/16J-15)

19 Sec. 16J-15. Online theft by deception. A person commits
20 the offense of online theft by deception when he or she uses
21 the Internet to purchase or attempt to purchase property from a
22 seller with a mode of payment that he or she knows is
23 fictitious, stolen, or lacking the consent of the valid account
24 holder.

1 (Source: P.A. 94-179, eff. 7-12-05.)

2 (720 ILCS 5/16J-25)

3 Sec. 16J-25. Sentence. A violation of this Article is a
4 Class 4 felony if the full retail value of the stolen property
5 or property obtained by deception does not exceed \$150. A
6 violation of this Article is a Class 2 felony if the full
7 retail value of the stolen property or property obtained by
8 deception exceeds \$150.

9 (Source: P.A. 94-179, eff. 7-12-05.)

10 (720 ILCS 5/Art. 16K heading)

11 ARTICLE 16K ~~16J~~. THEFT OF MOTOR FUEL

12 (Source: P.A. 94-700, eff. 6-1-06; revised 9-14-06.)

13 (720 ILCS 5/16K-5)

14 Sec. 16K-5 ~~16J-5~~. Legislative declaration. It is the public
15 policy of this State that the substantial burden placed upon
16 the economy of this State resulting from the rising incidence
17 of theft of motor fuel is a matter of grave concern to the
18 people of this State who have a right to be protected in their
19 health, safety and welfare from the effects of this crime.

20 (Source: P.A. 94-700, eff. 6-1-06; revised 9-14-06.)

21 (720 ILCS 5/16K-10)

22 Sec. 16K-10 ~~16J-10~~. Definitions. For the purposes of this

1 Article:

2 "Motor fuel" means a liquid, regardless of its properties,
3 used to propel a vehicle, including gasoline and diesel.

4 "Retailer" means a person, business, or establishment that
5 sells motor fuel at retail.

6 "Vehicle" means a motor vehicle, motorcycle, or farm
7 implement that is self-propelled and that uses motor fuel for
8 propulsion.

9 (Source: P.A. 94-700, eff. 6-1-06; revised 9-14-06.)

10 (720 ILCS 5/16K-15)

11 Sec. 16K-15 ~~16J-15~~. Offense of theft of motor fuel. A
12 person commits the offense of theft of motor fuel when he or
13 she knowingly dispenses motor fuel into a storage container or
14 the fuel tank of a motor vehicle at an establishment in which
15 motor fuel is offered for retail sale and leaves the premises
16 of the establishment without making payment or the authorized
17 charge for the motor fuel with the intention of depriving the
18 establishment in which the motor fuel is offered for retail
19 sale of the possession, use, or benefit of that motor fuel
20 without paying the full retail value of the motor fuel.

21 (Source: P.A. 94-700, eff. 6-1-06; revised 9-14-06.)

22 (720 ILCS 5/16K-25)

23 Sec. 16K-25 ~~16J-25~~. Civil liability. A person who commits
24 the offense of theft of motor fuel as described in Section

1 16K-15 ~~16J-15~~ is civilly liable to the retailer as prescribed
2 in Section 16A-7.

3 (Source: P.A. 94-700, eff. 6-1-06; revised 9-14-06.)

4 (720 ILCS 5/16K-30)

5 Sec. 16K-30 ~~16J-30~~. Sentence.

6 (a) Theft of motor fuel, the full retail value of which
7 does not exceed \$150, is a Class A misdemeanor.

8 (b) A person who has been convicted of theft of motor fuel,
9 the full retail value of which does not exceed \$150, and who
10 has been previously convicted of any type of theft, robbery,
11 armed robbery, burglary, residential burglary, possession of
12 burglary tools or home invasion is guilty of a Class 4 felony.
13 When a person has any such prior conviction, the information or
14 indictment charging that person shall state such prior
15 conviction so as to give notice of the State's intention to
16 treat the charge as a felony. The fact of such prior conviction
17 is not an element of the offense and may not be disclosed to
18 the jury during trial unless otherwise permitted by issues
19 properly raised during such trial.

20 (c) Any theft of motor fuel, the full retail value of which
21 exceeds \$150, is a Class 3 felony. When a charge of theft of
22 motor fuel, the full value of which exceeds \$150, is brought,
23 the value of the motor fuel involved is an element of the
24 offense to be resolved by the trier of fact as either exceeding
25 or not exceeding \$150.

1 (Source: P.A. 94-700, eff. 6-1-06; revised 9-14-06.)

2 (720 ILCS 5/16K-35)

3 Sec. 16K-35 ~~16J-35~~. Continuation of prior law. The
4 provisions of this Article insofar as they are the same or
5 substantially the same as those of Article 16 of this Code
6 shall be construed as a continuation of that Article 16 and not
7 as a new enactment.

8 (Source: P.A. 94-700, eff. 6-1-06; revised 9-14-06.)

9 (720 ILCS 5/16K-40)

10 Sec. 16K-40 ~~16J-40~~. Severability. The provisions of this
11 Article are severable under Section 1.31 of the Statute on
12 Statutes.

13 (Source: P.A. 94-700, eff. 6-1-06; revised 9-14-06.)

14 (720 ILCS 5/17-2) (from Ch. 38, par. 17-2)

15 Sec. 17-2. False personation; use of title; solicitation;
16 certain entities.

17 (a) A person commits a false personation when he or she
18 falsely represents himself or herself to be a member or
19 representative of any veterans' or public safety personnel
20 organization or a representative of any charitable
21 organization, or when any person exhibits or uses in any manner
22 any decal, badge or insignia of any charitable, public safety
23 personnel, or veterans' organization when not authorized to do

1 so by the charitable, public safety personnel, or veterans'
2 organization. "Public safety personnel organization" has the
3 meaning ascribed to that term in Section 1 of the Solicitation
4 for Charity Act.

5 (a-5) A person commits a false personation when he or she
6 falsely represents himself or herself to be a veteran in
7 seeking employment or public office. In this subsection,
8 "veteran" means a person who has served in the Armed Services
9 or Reserved Forces of the United States.

10 (a-6) A person commits a false personation when he or she
11 falsely represents himself or herself to be a recipient of, or
12 wears on his or her person, any of the following medals if that
13 medal was not awarded to that person by the United States
14 government, irrespective of branch of service: the
15 Congressional Medal of Honor, the Distinguished Service Cross,
16 the Navy Cross, the Air Force Cross, the Silver Star, the
17 Bronze Star, or the Purple Heart.

18 It is a defense to a prosecution under this subsection
19 (a-6) that the medal is used, or is intended to be used,
20 exclusively:

21 (1) for a dramatic presentation, such as a theatrical,
22 film, or television production, or a historical
23 re-enactment; or

24 (2) for a costume worn, or intended to be worn, by a
25 person under 18 years of age.

26 (b) No person shall use the words "Chicago Police,"

1 "Chicago Police Department," "Chicago Patrolman," "Chicago
2 Sergeant," "Chicago Lieutenant," "Chicago Peace Officer" or
3 any other words to the same effect in the title of any
4 organization, magazine, or other publication without the
5 express approval of the Chicago Police Board.

6 (b-5) No person shall use the words "Cook County Sheriff's
7 Police" or "Cook County Sheriff" or any other words to the same
8 effect in the title of any organization, magazine, or other
9 publication without the express approval of the office of the
10 Cook County Sheriff's Merit Board. The references to names and
11 titles in this Section may not be construed as authorizing use
12 of the names and titles of other organizations or public safety
13 personnel organizations otherwise prohibited by this Section
14 or the Solicitation for Charity Act.

15 (b-10) No person may use, in the title of any organization,
16 magazine, or other publication, the words "officer", "peace
17 officer", "police", "law enforcement", "trooper", "sheriff",
18 "deputy", "deputy sheriff", or "state police" in combination
19 with the name of any state, state agency, public university, or
20 unit of local government without the express written
21 authorization of that state, state agency, or unit of local
22 government.

23 (c) (Blank).

24 (c-1) No person may claim or represent that he or she is
25 acting on behalf of any police department, chief of a police
26 department, fire department, chief of a fire department,

1 sheriff's department, or sheriff when soliciting financial
2 contributions or selling or delivering or offering to sell or
3 deliver any merchandise, goods, services, memberships, or
4 advertisements unless the chief of the police department, fire
5 department, and the corporate or municipal authority thereof,
6 or the sheriff has first entered into a written agreement with
7 the person or with an organization with which the person is
8 affiliated and the agreement permits the activity.

9 (c-2) No person, when soliciting financial contributions
10 or selling or delivering or offering to sell or deliver any
11 merchandise, goods, services, memberships, or advertisements
12 may claim or represent that he or she is representing or acting
13 on behalf of any nongovernmental organization by any name which
14 includes "officer", "peace officer", "police", "law
15 enforcement", "trooper", "sheriff", "deputy", "deputy
16 sheriff", "State police", or any other word or words which
17 would reasonably be understood to imply that the organization
18 is composed of law enforcement personnel unless the person is
19 actually representing or acting on behalf of the
20 nongovernmental organization, and the nongovernmental
21 organization is controlled by and governed by a membership of
22 and represents a group or association of active duty peace
23 officers, retired peace officers, or injured peace officers and
24 before commencing the solicitation or the sale or the offers to
25 sell any merchandise, goods, services, memberships, or
26 advertisements, a written contract between the soliciting or

1 selling person and the nongovernmental organization has been
2 entered into.

3 (c-3) No person may solicit financial contributions or sell
4 or deliver or offer to sell or deliver any merchandise, goods,
5 services, memberships, or advertisements on behalf of a police,
6 sheriff, or other law enforcement department unless that person
7 is actually representing or acting on behalf of the department
8 or governmental organization and has entered into a written
9 contract with the police chief, or head of the law enforcement
10 department, and the corporate or municipal authority thereof,
11 or the sheriff, which specifies and states clearly and fully
12 the purposes for which the proceeds of the solicitation,
13 contribution, or sale will be used.

14 (c-4) No person, when soliciting financial contributions
15 or selling or delivering or offering to sell or deliver any
16 merchandise, goods, services, memberships, or advertisements,
17 may claim or represent that he or she is representing or acting
18 on behalf of any nongovernmental organization by any name which
19 includes the term "fireman", "fire fighter", "paramedic", or
20 any other word or words which would reasonably be understood to
21 imply that the organization is composed of fire fighter or
22 paramedic personnel unless the person is actually representing
23 or acting on behalf of the nongovernmental organization, and
24 the nongovernmental organization is controlled by and governed
25 by a membership of and represents a group or association of
26 active duty, retired, or injured fire fighters (for the

1 purposes of this Section, "fire fighter" has the meaning
2 ascribed to that term in Section 2 of the Illinois Fire
3 Protection Training Act) or active duty, retired, or injured
4 emergency medical technicians - ambulance, emergency medical
5 technicians - intermediate, emergency medical technicians -
6 paramedic, ambulance drivers, or other medical assistance or
7 first aid personnel, and before commencing the solicitation or
8 the sale or delivery or the offers to sell or deliver any
9 merchandise, goods, services, memberships, or advertisements,
10 a written contract between the soliciting or selling person and
11 the nongovernmental organization has been entered into.

12 (c-5) No person may solicit financial contributions or sell
13 or deliver or offer to sell or deliver any merchandise, goods,
14 services, memberships, or advertisements on behalf of a
15 department or departments of fire fighters unless that person
16 is actually representing or acting on behalf of the department
17 or departments and has entered into a written contract with the
18 department chief and corporate or municipal authority thereof
19 which specifies and states clearly and fully the purposes for
20 which the proceeds of the solicitation, contribution, or sale
21 will be used.

22 (c-6) No person may claim or represent that he or she is an
23 airman, airline employee, airport employee, or contractor at an
24 airport in order to obtain the uniform, identification card,
25 license, or other identification paraphernalia of an airman,
26 airline employee, airport employee, or contractor at an

1 airport.

2 (d) Sentence. False personation, unapproved use of a name
3 or title, or solicitation in violation of subsection (a), (b),
4 (b-5), or (b-10) of this Section is a Class C misdemeanor.
5 False personation in violation of subsections (a-5) and (c-6)
6 is a Class A misdemeanor. False personation in violation of
7 subsection (a-6) of this Section is a petty offense for which
8 the offender shall be fined at least \$100 and not exceeding
9 \$200. Engaging in any activity in violation of subsection
10 (c-1), (c-2), (c-3), (c-4), or (c-5) of this Section is a Class
11 4 felony.

12 (Source: P.A. 94-548, eff. 8-11-05; 94-755, eff. 1-1-07;
13 94-984, eff. 6-30-06; revised 8-3-06.)

14 (720 ILCS 5/21-3) (from Ch. 38, par. 21-3)

15 Sec. 21-3. Criminal trespass to real property.

16 (a) Except as provided in subsection (a-5), whoever:

17 (1) knowingly and without lawful authority enters or
18 remains within or on a building; or

19 (2) enters upon the land of another, after receiving,
20 prior to such entry, notice from the owner or occupant that
21 such entry is forbidden; or

22 (3) remains upon the land of another, after receiving
23 notice from the owner or occupant to depart; or

24 (3.5) presents false documents or falsely represents
25 his or her identity orally to the owner or occupant of a

1 building or land in order to obtain permission from the
2 owner or occupant to enter or remain in the building or on
3 the land;

4 commits a Class B misdemeanor.

5 For purposes of item (1) of this subsection, this Section
6 shall not apply to being in a building which is open to the
7 public while the building is open to the public during its
8 normal hours of operation; nor shall this Section apply to a
9 person who enters a public building under the reasonable belief
10 that the building is still open to the public.

11 (a-5) Except as otherwise provided in this subsection,
12 whoever enters upon any of the following areas in or on a motor
13 vehicle (including an off-road vehicle, motorcycle, moped, or
14 any other powered two-wheel vehicle) after receiving, prior to
15 that entry, notice from the owner or occupant that the entry is
16 forbidden or remains upon or in the area after receiving notice
17 from the owner or occupant to depart commits a Class A
18 misdemeanor:

19 (1) A field that is used for growing crops or that is
20 capable of being used for growing crops.

21 (2) An enclosed area containing livestock.

22 (3) An orchard.

23 (4) A barn or other agricultural building containing
24 livestock.

25 (b) A person has received notice from the owner or occupant
26 within the meaning of Subsection (a) if he has been notified

1 personally, either orally or in writing including a valid court
2 order as defined by subsection (7) of Section 112A-3 of the
3 Code of Criminal Procedure of 1963 granting remedy (2) of
4 subsection (b) of Section 112A-14 of that Code, or if a printed
5 or written notice forbidding such entry has been conspicuously
6 posted or exhibited at the main entrance to such land or the
7 forbidden part thereof.

8 (c) This Section does not apply to any person, whether a
9 migrant worker or otherwise, living on the land with permission
10 of the owner or of his agent having apparent authority to hire
11 workers on such land and assign them living quarters or a place
12 of accommodations for living thereon, nor to anyone living on
13 such land at the request of, or by occupancy, leasing or other
14 agreement or arrangement with the owner or his agent, nor to
15 anyone invited by such migrant worker or other person so living
16 on such land to visit him at the place he is so living upon the
17 land.

18 (d) A person shall be exempt from prosecution under this
19 Section if he beautifies unoccupied and abandoned residential
20 and industrial properties located within any municipality. For
21 the purpose of this subsection, "unoccupied and abandoned
22 residential and industrial property" means any real estate (1)
23 in which the taxes have not been paid for a period of at least 2
24 years; and (2) which has been left unoccupied and abandoned for
25 a period of at least one year; and "beautifies" means to
26 landscape, clean up litter, or to repair dilapidated conditions

1 on or to board up windows and doors.

2 (e) No person shall be liable in any civil action for money
3 damages to the owner of unoccupied and abandoned residential
4 and industrial property which that person beautifies pursuant
5 to subsection (d) of this Section.

6 (f) This Section does not prohibit a person from entering a
7 building or upon the land of another for emergency purposes.
8 For purposes of this subsection (f), "emergency" means a
9 condition or circumstance in which an individual is or is
10 reasonably believed by the person to be in imminent danger of
11 serious bodily harm or in which property is or is reasonably
12 believed to be in imminent danger of damage or destruction.

13 (g) Paragraph (3.5) of subsection (a) does not apply to a
14 peace officer or other official of a unit of government who
15 enters a building or land in the performance of his or her
16 official duties.

17 (h) ~~(g)~~ A person may be liable in any civil action for
18 money damages to the owner of the land he or she entered upon
19 with a motor vehicle as prohibited under subsection (a-5)
20 ~~paragraph (4) of subsection (a)~~ of this Section. A person may
21 also be liable to the owner for court costs and reasonable
22 attorney's fees. The measure of damages shall be: (i) the
23 actual damages, but not less than \$250, if the vehicle is
24 operated in a nature preserve or registered area as defined in
25 Sections 3.11 and 3.14 of the Illinois Natural Areas
26 Preservation Act; (ii) twice the actual damages if the owner

1 has previously notified the person to cease trespassing; or
2 (iii) in any other case, the actual damages, but not less than
3 \$50. If the person operating the vehicle is under the age of
4 16, the owner of the vehicle and the parent or legal guardian
5 of the minor are jointly and severally liable. For the purposes
6 of this subsection (h) ~~(g)~~:

7 "Land" includes, but is not limited to, land used for
8 crop land, fallow land, orchard, pasture, feed lot, timber
9 land, prairie land, mine spoil nature preserves and
10 registered areas. "Land" does not include driveways or
11 private roadways upon which the owner allows the public to
12 drive.

13 "Owner" means the person who has the right to
14 possession of the land, including the owner, operator or
15 tenant.

16 "Vehicle" has the same meaning as provided under
17 Section 1-217 of the Illinois Vehicle Code.

18 (Source: P.A. 94-263, eff. 1-1-06; 94-509, eff. 8-9-05; 94-512,
19 eff. 1-1-06; revised 8-19-05.)

20 (720 ILCS 5/21-7) (from Ch. 38, par. 21-7)

21 Sec. 21-7. Criminal trespass to restricted areas and
22 restricted landing areas at airports; aggravated criminal
23 trespass to restricted areas and restricted landing areas at
24 airports.

25 (a) Whoever enters upon, or remains in, any restricted area

1 or restricted landing area used in connection with an airport
2 facility, or part thereof, in this State, after such person has
3 received notice from the airport authority that such entry is
4 forbidden commits a Class 4 felony.

5 (b) Whoever enters upon, or remains in, any restricted area
6 or restricted landing area used in connection with an airport
7 facility, or part thereof, in this State, while in possession
8 of a weapon, replica of a weapon, or ammunition, after the
9 person has received notice from the airport authority that the
10 entry is forbidden commits a Class 3 felony.

11 (c) Notice that the area is "restricted" and entry thereto
12 "forbidden", for purposes of this Section, means that the
13 person or persons have been notified personally, either orally
14 or in writing, or by a printed or written notice forbidding
15 such entry to him or a group or an organization of which he is a
16 member, which has been conspicuously posted or exhibited at
17 every usable entrance to such area or the forbidden part
18 thereof.

19 (d) ~~(b)~~ Whoever enters upon, or remains in, any restricted
20 area or restricted landing area used in connection with an
21 airport facility, or part thereof, in this State by presenting
22 false documents or falsely representing his or her identity
23 orally to the airport authority commits a Class A misdemeanor.

24 (e) ~~(b)~~ Whoever enters upon, or remains in, any restricted
25 area or restricted landing area as prohibited in subsection (a)
26 of this Section, while dressed in the uniform of, improperly

1 wearing the identification of, presenting false credentials
2 of, or otherwise physically impersonating an airman, employee
3 of an airline, employee of an airport, or contractor at an
4 airport commits a Class 4 felony.

5 (f) ~~(e)~~ The terms "Restricted area" or "Restricted landing
6 area" in this Section are defined to incorporate the meaning
7 ascribed to those terms in Section 8 of the "Illinois
8 Aeronautics Act", approved July 24, 1945, as amended, and also
9 include any other area of the airport that has been designated
10 such by the airport authority.

11 The terms "airman" and "airport" in this Section are
12 defined to incorporate the meaning ascribed to those terms in
13 Sections 6 and 12 of the Illinois Aeronautics Act.

14 (g) ~~(d)~~ Subsection (d) ~~(b)~~ does not apply to a peace
15 officer or other official of a unit of government who enters a
16 restricted area or a restricted landing area used in connection
17 with an airport facility, or part thereof, in the performance
18 of his or her official duties.

19 (Source: P.A. 94-263, eff. 1-1-06; 94-547, eff. 1-1-06; 94-548,
20 eff. 8-11-05; revised 10-5-05.)

21 (720 ILCS 5/24-1) (from Ch. 38, par. 24-1)

22 Sec. 24-1. Unlawful Use of Weapons.

23 (a) A person commits the offense of unlawful use of weapons
24 when he knowingly:

25 (1) Sells, manufactures, purchases, possesses or

1 carries any bludgeon, black-jack, slung-shot, sand-club,
2 sand-bag, metal knuckles, throwing star, or any knife,
3 commonly referred to as a switchblade knife, which has a
4 blade that opens automatically by hand pressure applied to
5 a button, spring or other device in the handle of the
6 knife, or a ballistic knife, which is a device that propels
7 a knifelike blade as a projectile by means of a coil
8 spring, elastic material or compressed gas; or

9 (2) Carries or possesses with intent to use the same
10 unlawfully against another, a dagger, dirk, billy,
11 dangerous knife, razor, stiletto, broken bottle or other
12 piece of glass, stun gun or taser or any other dangerous or
13 deadly weapon or instrument of like character; or

14 (3) Carries on or about his person or in any vehicle, a
15 tear gas gun projector or bomb or any object containing
16 noxious liquid gas or substance, other than an object
17 containing a non-lethal noxious liquid gas or substance
18 designed solely for personal defense carried by a person 18
19 years of age or older; or

20 (4) Carries or possesses in any vehicle or concealed on
21 or about his person except when on his land or in his own
22 abode or fixed place of business any pistol, revolver, stun
23 gun or taser or other firearm, except that this subsection
24 (a) (4) does not apply to or affect transportation of
25 weapons that meet one of the following conditions:

26 (i) are broken down in a non-functioning state; or

1 (ii) are not immediately accessible; or

2 (iii) are unloaded and enclosed in a case, firearm
3 carrying box, shipping box, or other container by a
4 person who has been issued a currently valid Firearm
5 Owner's Identification Card; or

6 (5) Sets a spring gun; or

7 (6) Possesses any device or attachment of any kind
8 designed, used or intended for use in silencing the report
9 of any firearm; or

10 (7) Sells, manufactures, purchases, possesses or
11 carries:

12 (i) a machine gun, which shall be defined for the
13 purposes of this subsection as any weapon, which
14 shoots, is designed to shoot, or can be readily
15 restored to shoot, automatically more than one shot
16 without manually reloading by a single function of the
17 trigger, including the frame or receiver of any such
18 weapon, or sells, manufactures, purchases, possesses,
19 or carries any combination of parts designed or
20 intended for use in converting any weapon into a
21 machine gun, or any combination or parts from which a
22 machine gun can be assembled if such parts are in the
23 possession or under the control of a person;

24 (ii) any rifle having one or more barrels less than
25 16 inches in length or a shotgun having one or more
26 barrels less than 18 inches in length or any weapon

1 made from a rifle or shotgun, whether by alteration,
2 modification, or otherwise, if such a weapon as
3 modified has an overall length of less than 26 inches;
4 or

5 (iii) any bomb, bomb-shell, grenade, bottle or
6 other container containing an explosive substance of
7 over one-quarter ounce for like purposes, such as, but
8 not limited to, black powder bombs and Molotov
9 cocktails or artillery projectiles; or

10 (8) Carries or possesses any firearm, stun gun or taser
11 or other deadly weapon in any place which is licensed to
12 sell intoxicating beverages, or at any public gathering
13 held pursuant to a license issued by any governmental body
14 or any public gathering at which an admission is charged,
15 excluding a place where a showing, demonstration or lecture
16 involving the exhibition of unloaded firearms is
17 conducted.

18 This subsection (a) (8) does not apply to any auction or
19 raffle of a firearm held pursuant to a license or permit
20 issued by a governmental body, nor does it apply to persons
21 engaged in firearm safety training courses; or

22 (9) Carries or possesses in a vehicle or on or about
23 his person any pistol, revolver, stun gun or taser or
24 firearm or ballistic knife, when he is hooded, robed or
25 masked in such manner as to conceal his identity; or

26 (10) Carries or possesses on or about his person, upon

1 any public street, alley, or other public lands within the
2 corporate limits of a city, village or incorporated town,
3 except when an invitee thereon or therein, for the purpose
4 of the display of such weapon or the lawful commerce in
5 weapons, or except when on his land or in his own abode or
6 fixed place of business, any pistol, revolver, stun gun or
7 taser or other firearm, except that this subsection (a)
8 (10) does not apply to or affect transportation of weapons
9 that meet one of the following conditions:

10 (i) are broken down in a non-functioning state; or

11 (ii) are not immediately accessible; or

12 (iii) are unloaded and enclosed in a case, firearm
13 carrying box, shipping box, or other container by a
14 person who has been issued a currently valid Firearm
15 Owner's Identification Card.

16 A "stun gun or taser", as used in this paragraph (a)
17 means (i) any device which is powered by electrical
18 charging units, such as, batteries, and which fires one or
19 several barbs attached to a length of wire and which, upon
20 hitting a human, can send out a current capable of
21 disrupting the person's nervous system in such a manner as
22 to render him incapable of normal functioning or (ii) any
23 device which is powered by electrical charging units, such
24 as batteries, and which, upon contact with a human or
25 clothing worn by a human, can send out current capable of
26 disrupting the person's nervous system in such a manner as

1 to render him incapable of normal functioning; or

2 (11) Sells, manufactures or purchases any explosive
3 bullet. For purposes of this paragraph (a) "explosive
4 bullet" means the projectile portion of an ammunition
5 cartridge which contains or carries an explosive charge
6 which will explode upon contact with the flesh of a human
7 or an animal. "Cartridge" means a tubular metal case having
8 a projectile affixed at the front thereof and a cap or
9 primer at the rear end thereof, with the propellant
10 contained in such tube between the projectile and the cap;
11 or

12 (12) (Blank).

13 (b) Sentence. A person convicted of a violation of
14 subsection 24-1(a)(1) through (5), subsection 24-1(a)(10), or
15 subsection 24-1(a)(11) commits a Class A misdemeanor. A person
16 convicted of a violation of subsection 24-1(a)(8) or 24-1(a)(9)
17 commits a Class 4 felony; a person convicted of a violation of
18 subsection 24-1(a)(6) or 24-1(a)(7)(ii) or (iii) commits a
19 Class 3 felony. A person convicted of a violation of subsection
20 24-1(a)(7)(i) commits a Class 2 felony and shall be sentenced
21 to a term of imprisonment of not less than 3 years and not more
22 than 7 years, unless the weapon is possessed in the passenger
23 compartment of a motor vehicle as defined in Section 1-146 of
24 the Illinois Vehicle Code, or on the person, while the weapon
25 is loaded, in which case it shall be a Class X felony. A person
26 convicted of a second or subsequent violation of subsection

1 24-1(a)(4), 24-1(a)(8), 24-1(a)(9), or 24-1(a)(10) commits a
2 Class 3 felony. The possession of each weapon in violation of
3 this Section constitutes a single and separate violation.

4 (c) Violations in specific places.

5 (1) A person who violates subsection 24-1(a)(6) or
6 24-1(a)(7) in any school, regardless of the time of day or
7 the time of year, in residential property owned, operated
8 or managed by a public housing agency or leased by a public
9 housing agency as part of a scattered site or mixed-income
10 development, in a public park, in a courthouse, on the real
11 property comprising any school, regardless of the time of
12 day or the time of year, on residential property owned,
13 operated or managed by a public housing agency or leased by
14 a public housing agency as part of a scattered site or
15 mixed-income development, on the real property comprising
16 any public park, on the real property comprising any
17 courthouse, in any conveyance owned, leased or contracted
18 by a school to transport students to or from school or a
19 school related activity, or on any public way within 1,000
20 feet of the real property comprising any school, public
21 park, courthouse, or residential property owned, operated,
22 or managed by a public housing agency or leased by a public
23 housing agency as part of a scattered site or mixed-income
24 development commits a Class 2 felony and shall be sentenced
25 to a term of imprisonment of not less than 3 years and not
26 more than 7 years.

1 (1.5) A person who violates subsection 24-1(a)(4),
2 24-1(a)(9), or 24-1(a)(10) in any school, regardless of the
3 time of day or the time of year, in residential property
4 owned, operated, or managed by a public housing agency or
5 leased by a public housing agency as part of a scattered
6 site or mixed-income development, in a public park, in a
7 courthouse, on the real property comprising any school,
8 regardless of the time of day or the time of year, on
9 residential property owned, operated, or managed by a
10 public housing agency or leased by a public housing agency
11 as part of a scattered site or mixed-income development, on
12 the real property comprising any public park, on the real
13 property comprising any courthouse, in any conveyance
14 owned, leased, or contracted by a school to transport
15 students to or from school or a school related activity, or
16 on any public way within 1,000 feet of the real property
17 comprising any school, public park, courthouse, or
18 residential property owned, operated, or managed by a
19 public housing agency or leased by a public housing agency
20 as part of a scattered site or mixed-income development
21 commits a Class 3 felony.

22 (2) A person who violates subsection 24-1(a)(1),
23 24-1(a)(2), or 24-1(a)(3) in any school, regardless of the
24 time of day or the time of year, in residential property
25 owned, operated or managed by a public housing agency or
26 leased by a public housing agency as part of a scattered

1 site or mixed-income development, in a public park, in a
2 courthouse, on the real property comprising any school,
3 regardless of the time of day or the time of year, on
4 residential property owned, operated or managed by a public
5 housing agency or leased by a public housing agency as part
6 of a scattered site or mixed-income development, on the
7 real property comprising any public park, on the real
8 property comprising any courthouse, in any conveyance
9 owned, leased or contracted by a school to transport
10 students to or from school or a school related activity, or
11 on any public way within 1,000 feet of the real property
12 comprising any school, public park, courthouse, or
13 residential property owned, operated, or managed by a
14 public housing agency or leased by a public housing agency
15 as part of a scattered site or mixed-income development
16 commits a Class 4 felony. "Courthouse" means any building
17 that is used by the Circuit, Appellate, or Supreme Court of
18 this State for the conduct of official business.

19 (3) Paragraphs (1), (1.5), and (2) of this subsection
20 (c) shall not apply to law enforcement officers or security
21 officers of such school, college, or university or to
22 students carrying or possessing firearms for use in
23 training courses, parades, hunting, target shooting on
24 school ranges, or otherwise with the consent of school
25 authorities and which firearms are transported unloaded
26 enclosed in a suitable case, box, or transportation

1 package.

2 (4) For the purposes of this subsection (c), "school"
3 means any public or private elementary or secondary school,
4 community college, college, or university.

5 (d) The presence in an automobile other than a public
6 omnibus of any weapon, instrument or substance referred to in
7 subsection (a)(7) is prima facie evidence that it is in the
8 possession of, and is being carried by, all persons occupying
9 such automobile at the time such weapon, instrument or
10 substance is found, except under the following circumstances:

11 (i) if such weapon, instrument or instrumentality is found upon
12 the person of one of the occupants therein; or (ii) if such
13 weapon, instrument or substance is found in an automobile
14 operated for hire by a duly licensed driver in the due, lawful
15 and proper pursuit of his trade, then such presumption shall
16 not apply to the driver.

17 (e) Exemptions. Crossbows, Common or Compound bows and
18 Underwater Spearguns are exempted from the definition of
19 ballistic knife as defined in paragraph (1) of subsection (a)
20 of this Section.

21 (Source: P.A. 94-72, eff. 1-1-06; 94-284, eff. 7-21-05; revised
22 8-19-05.)

23 (720 ILCS 5/24-1.1) (from Ch. 38, par. 24-1.1)

24 Sec. 24-1.1. Unlawful Use or Possession of Weapons by
25 Felons or Persons in the Custody of the Department of

1 Corrections Facilities.

2 (a) It is unlawful for a person to knowingly possess on or
3 about his person or on his land or in his own abode or fixed
4 place of business any weapon prohibited under Section 24-1 of
5 this Act or any firearm or any firearm ammunition if the person
6 has been convicted of a felony under the laws of this State or
7 any other jurisdiction. This Section shall not apply if the
8 person has been granted relief by the Director of the
9 Department of State Police under Section 10 of the Firearm
10 Owners Identification Card Act.

11 (b) It is unlawful for any person confined in a penal
12 institution, which is a facility of the Illinois Department of
13 Corrections, to possess any weapon prohibited under Section
14 24-1 of this Code or any firearm or firearm ammunition,
15 regardless of the intent with which he possesses it.

16 (c) It shall be an affirmative defense to a violation of
17 subsection (b), that such possession was specifically
18 authorized by rule, regulation, or directive of the Illinois
19 Department of Corrections or order issued pursuant thereto.

20 (d) The defense of necessity is not available to a person
21 who is charged with a violation of subsection (b) of this
22 Section.

23 (e) Sentence. Violation of this Section by a person not
24 confined in a penal institution shall be a Class 3 felony for
25 which the person, if sentenced to a term of imprisonment, shall
26 be sentenced to no less than 2 years and no more than 10 years

1 and any second or subsequent violation shall be a Class 2
2 felony for which the person shall be sentenced to a term of
3 imprisonment of not less than 3 years and not more than 14
4 years. Violation of this Section by a person not confined in a
5 penal institution who has been convicted of a forcible felony,
6 a felony violation of Article 24 of this Code or of the Firearm
7 Owners Identification Card Act, stalking or aggravated
8 stalking, or a Class 2 or greater felony under the Illinois
9 Controlled Substances Act, the Cannabis Control Act, or the
10 Methamphetamine Control and Community Protection Act is a Class
11 2 felony for which the person shall be sentenced to not less
12 than 3 years and not more than 14 years. Violation of this
13 Section by a person who is on parole or mandatory supervised
14 release is a Class 2 felony for which the person, if sentenced
15 to a term of imprisonment, shall be sentenced to not less than
16 3 years and not more than 14 years. Violation of this Section
17 by a person not confined in a penal institution is a Class X
18 felony when the firearm possessed is a machine gun. Any person
19 who violates this Section while confined in a penal
20 institution, which is a facility of the Illinois Department of
21 Corrections, is guilty of a Class 1 felony, if he possesses any
22 weapon prohibited under Section 24-1 of this Code regardless of
23 the intent with which he possesses it, a Class X felony if he
24 possesses any firearm, firearm ammunition or explosive, and a
25 Class X felony for which the offender shall be sentenced to not
26 less than 12 years and not more than 50 years when the firearm

1 possessed is a machine gun. A violation of this Section while
2 wearing or in possession of body armor as defined in Section
3 33F-1 is a Class X felony punishable by a term of imprisonment
4 of not less than 10 years and not more than 40 years. The
5 possession of each firearm or firearm ammunition in violation
6 of this Section constitutes a single and separate violation.

7 (Source: P.A. 93-906, eff. 8-11-04; 94-72, eff. 1-1-06; 94-284,
8 eff. 7-21-05; 94-556, eff. 9-11-05; revised 8-19-05.)

9 (720 ILCS 5/24-1.6)

10 Sec. 24-1.6. Aggravated unlawful use of a weapon.

11 (a) A person commits the offense of aggravated unlawful use
12 of a weapon when he or she knowingly:

13 (1) Carries on or about his or her person or in any
14 vehicle or concealed on or about his or her person except
15 when on his or her land or in his or her abode or fixed
16 place of business any pistol, revolver, stun gun or taser
17 or other firearm; or

18 (2) Carries or possesses on or about his or her person,
19 upon any public street, alley, or other public lands within
20 the corporate limits of a city, village or incorporated
21 town, except when an invitee thereon or therein, for the
22 purpose of the display of such weapon or the lawful
23 commerce in weapons, or except when on his or her own land
24 or in his or her own abode or fixed place of business, any
25 pistol, revolver, stun gun or taser or other firearm; and

1 (3) One of the following factors is present:

2 (A) the firearm possessed was uncased, loaded and
3 immediately accessible at the time of the offense; or

4 (B) the firearm possessed was uncased, unloaded
5 and the ammunition for the weapon was immediately
6 accessible at the time of the offense; or

7 (C) the person possessing the firearm has not been
8 issued a currently valid Firearm Owner's
9 Identification Card; or

10 (D) the person possessing the weapon was
11 previously adjudicated a delinquent minor under the
12 Juvenile Court Act of 1987 for an act that if committed
13 by an adult would be a felony; or

14 (E) the person possessing the weapon was engaged in
15 a misdemeanor violation of the Cannabis Control Act, in
16 a misdemeanor violation of the Illinois Controlled
17 Substances Act, or in a misdemeanor violation of the
18 Methamphetamine Control and Community Protection Act;
19 or

20 (F) the person possessing the weapon is a member of
21 a street gang or is engaged in street gang related
22 activity, as defined in Section 10 of the Illinois
23 Streetgang Terrorism Omnibus Prevention Act; or

24 (G) the person possessing the weapon had a order of
25 protection issued against him or her within the
26 previous 2 years; or

1 (H) the person possessing the weapon was engaged in
2 the commission or attempted commission of a
3 misdemeanor involving the use or threat of violence
4 against the person or property of another; or

5 (I) the person possessing the weapon was under 21
6 years of age and in possession of a handgun as defined
7 in Section 24-3, unless the person under 21 is engaged
8 in lawful activities under the Wildlife Code or
9 described in subsection 24-2(b)(1), (b)(3), or
10 24-2(f).

11 (b) "Stun gun or taser" as used in this Section has the
12 same definition given to it in Section 24-1 of this Code.

13 (c) This Section does not apply to or affect the
14 transportation or possession of weapons that:

15 (i) are broken down in a non-functioning state; or

16 (ii) are not immediately accessible; or

17 (iii) are unloaded and enclosed in a case, firearm
18 carrying box, shipping box, or other container by a
19 person who has been issued a currently valid Firearm
20 Owner's Identification Card.

21 (d) Sentence. Aggravated unlawful use of a weapon is a
22 Class 4 felony; a second or subsequent offense is a Class 2
23 felony for which the person shall be sentenced to a term of
24 imprisonment of not less than 3 years and not more than 7
25 years. Aggravated unlawful use of a weapon by a person who has
26 been previously convicted of a felony in this State or another

1 jurisdiction is a Class 2 felony for which the person shall be
2 sentenced to a term of imprisonment of not less than 3 years
3 and not more than 7 years. Aggravated unlawful use of a weapon
4 while wearing or in possession of body armor as defined in
5 Section 33F-1 by a person who has not been issued a valid
6 Firearms Owner's Identification Card in accordance with
7 Section 5 of the Firearm Owners Identification Card Act is a
8 Class X felony. The possession of each firearm in violation of
9 this Section constitutes a single and separate violation.

10 (Source: P.A. 93-906, eff. 8-11-04; 94-72, eff. 1-1-06; 94-284,
11 eff. 7-21-05; 94-556, eff. 9-11-05; revised 8-19-05.)

12 (720 ILCS 5/24-2) (from Ch. 38, par. 24-2)

13 Sec. 24-2. Exemptions.

14 (a) Subsections 24-1(a)(3), 24-1(a)(4) and 24-1(a)(10) and
15 Section 24-1.6 do not apply to or affect any of the following:

16 (1) Peace officers, and any person summoned by a peace
17 officer to assist in making arrests or preserving the
18 peace, while actually engaged in assisting such officer.

19 (2) Wardens, superintendents and keepers of prisons,
20 penitentiaries, jails and other institutions for the
21 detention of persons accused or convicted of an offense,
22 while in the performance of their official duty, or while
23 commuting between their homes and places of employment.

24 (3) Members of the Armed Services or Reserve Forces of
25 the United States or the Illinois National Guard or the

1 Reserve Officers Training Corps, while in the performance
2 of their official duty.

3 (4) Special agents employed by a railroad or a public
4 utility to perform police functions, and guards of armored
5 car companies, while actually engaged in the performance of
6 the duties of their employment or commuting between their
7 homes and places of employment; and watchmen while actually
8 engaged in the performance of the duties of their
9 employment.

10 (5) Persons licensed as private security contractors,
11 private detectives, or private alarm contractors, or
12 employed by an agency certified by the Department of
13 Professional Regulation, if their duties include the
14 carrying of a weapon under the provisions of the Private
15 Detective, Private Alarm, Private Security, and Locksmith
16 Act of 2004, while actually engaged in the performance of
17 the duties of their employment or commuting between their
18 homes and places of employment, provided that such
19 commuting is accomplished within one hour from departure
20 from home or place of employment, as the case may be.
21 Persons exempted under this subdivision (a)(5) shall be
22 required to have completed a course of study in firearms
23 handling and training approved and supervised by the
24 Department of Professional Regulation as prescribed by
25 Section 28 of the Private Detective, Private Alarm, Private
26 Security, and Locksmith Act of 2004, prior to becoming

1 eligible for this exemption. The Department of
2 Professional Regulation shall provide suitable
3 documentation demonstrating the successful completion of
4 the prescribed firearms training. Such documentation shall
5 be carried at all times when such persons are in possession
6 of a concealable weapon.

7 (6) Any person regularly employed in a commercial or
8 industrial operation as a security guard for the protection
9 of persons employed and private property related to such
10 commercial or industrial operation, while actually engaged
11 in the performance of his or her duty or traveling between
12 sites or properties belonging to the employer, and who, as
13 a security guard, is a member of a security force of at
14 least 5 persons registered with the Department of
15 Professional Regulation; provided that such security guard
16 has successfully completed a course of study, approved by
17 and supervised by the Department of Professional
18 Regulation, consisting of not less than 40 hours of
19 training that includes the theory of law enforcement,
20 liability for acts, and the handling of weapons. A person
21 shall be considered eligible for this exemption if he or
22 she has completed the required 20 hours of training for a
23 security officer and 20 hours of required firearm training,
24 and has been issued a firearm authorization card by the
25 Department of Professional Regulation. Conditions for the
26 renewal of firearm authorization cards issued under the

1 provisions of this Section shall be the same as for those
2 cards issued under the provisions of the Private Detective,
3 Private Alarm, Private Security, and Locksmith Act of 2004.
4 Such firearm authorization card shall be carried by the
5 security guard at all times when he or she is in possession
6 of a concealable weapon.

7 (7) Agents and investigators of the Illinois
8 Legislative Investigating Commission authorized by the
9 Commission to carry the weapons specified in subsections
10 24-1(a)(3) and 24-1(a)(4), while on duty in the course of
11 any investigation for the Commission.

12 (8) Persons employed by a financial institution for the
13 protection of other employees and property related to such
14 financial institution, while actually engaged in the
15 performance of their duties, commuting between their homes
16 and places of employment, or traveling between sites or
17 properties owned or operated by such financial
18 institution, provided that any person so employed has
19 successfully completed a course of study, approved by and
20 supervised by the Department of Professional Regulation,
21 consisting of not less than 40 hours of training which
22 includes theory of law enforcement, liability for acts, and
23 the handling of weapons. A person shall be considered to be
24 eligible for this exemption if he or she has completed the
25 required 20 hours of training for a security officer and 20
26 hours of required firearm training, and has been issued a

1 firearm authorization card by the Department of
2 Professional Regulation. Conditions for renewal of firearm
3 authorization cards issued under the provisions of this
4 Section shall be the same as for those issued under the
5 provisions of the Private Detective, Private Alarm,
6 Private Security, and Locksmith Act of 2004. Such firearm
7 authorization card shall be carried by the person so
8 trained at all times when such person is in possession of a
9 concealable weapon. For purposes of this subsection,
10 "financial institution" means a bank, savings and loan
11 association, credit union or company providing armored car
12 services.

13 (9) Any person employed by an armored car company to
14 drive an armored car, while actually engaged in the
15 performance of his duties.

16 (10) Persons who have been classified as peace officers
17 pursuant to the Peace Officer Fire Investigation Act.

18 (11) Investigators of the Office of the State's
19 Attorneys Appellate Prosecutor authorized by the board of
20 governors of the Office of the State's Attorneys Appellate
21 Prosecutor to carry weapons pursuant to Section 7.06 of the
22 State's Attorneys Appellate Prosecutor's Act.

23 (12) Special investigators appointed by a State's
24 Attorney under Section 3-9005 of the Counties Code.

25 (12.5) Probation officers while in the performance of
26 their duties, or while commuting between their homes,

1 places of employment or specific locations that are part of
2 their assigned duties, with the consent of the chief judge
3 of the circuit for which they are employed.

4 (13) Court Security Officers while in the performance
5 of their official duties, or while commuting between their
6 homes and places of employment, with the consent of the
7 Sheriff.

8 (13.5) A person employed as an armed security guard at
9 a nuclear energy, storage, weapons or development site or
10 facility regulated by the Nuclear Regulatory Commission
11 who has completed the background screening and training
12 mandated by the rules and regulations of the Nuclear
13 Regulatory Commission.

14 (14) Manufacture, transportation, or sale of weapons
15 to persons authorized under subdivisions (1) through
16 (13.5) of this subsection to possess those weapons.

17 (b) Subsections 24-1(a)(4) and 24-1(a)(10) and Section
18 24-1.6 do not apply to or affect any of the following:

19 (1) Members of any club or organization organized for
20 the purpose of practicing shooting at targets upon
21 established target ranges, whether public or private, and
22 patrons of such ranges, while such members or patrons are
23 using their firearms on those target ranges.

24 (2) Duly authorized military or civil organizations
25 while parading, with the special permission of the
26 Governor.

1 (3) Hunters, trappers or fishermen with a license or
2 permit while engaged in hunting, trapping or fishing.

3 (4) Transportation of weapons that are broken down in a
4 non-functioning state or are not immediately accessible.

5 (c) Subsection 24-1(a)(7) does not apply to or affect any
6 of the following:

7 (1) Peace officers while in performance of their
8 official duties.

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 (3) Members of the Armed Services or Reserve Forces of
13 the United States or the Illinois National Guard, while in
14 the performance of their official duty.

15 (4) Manufacture, transportation, or sale of machine
16 guns to persons authorized under subdivisions (1) through
17 (3) of this subsection to possess machine guns, if the
18 machine guns are broken down in a non-functioning state or
19 are not immediately accessible.

20 (5) Persons licensed under federal law to manufacture
21 any weapon from which 8 or more shots or bullets can be
22 discharged by a single function of the firing device, or
23 ammunition for such weapons, and actually engaged in the
24 business of manufacturing such weapons or ammunition, but
25 only with respect to activities which are within the lawful
26 scope of such business, such as the manufacture,

1 transportation, or testing of such weapons or ammunition.
2 This exemption does not authorize the general private
3 possession of any weapon from which 8 or more shots or
4 bullets can be discharged by a single function of the
5 firing device, but only such possession and activities as
6 are within the lawful scope of a licensed manufacturing
7 business described in this paragraph.

8 During transportation, such weapons shall be broken
9 down in a non-functioning state or not immediately
10 accessible.

11 (6) The manufacture, transport, testing, delivery,
12 transfer or sale, and all lawful commercial or experimental
13 activities necessary thereto, of rifles, shotguns, and
14 weapons made from rifles or shotguns, or ammunition for
15 such rifles, shotguns or weapons, where engaged in by a
16 person operating as a contractor or subcontractor pursuant
17 to a contract or subcontract for the development and supply
18 of such rifles, shotguns, weapons or ammunition to the
19 United States government or any branch of the Armed Forces
20 of the United States, when such activities are necessary
21 and incident to fulfilling the terms of such contract.

22 The exemption granted under this subdivision (c)(6)
23 shall also apply to any authorized agent of any such
24 contractor or subcontractor who is operating within the
25 scope of his employment, where such activities involving
26 such weapon, weapons or ammunition are necessary and

1 incident to fulfilling the terms of such contract.

2 During transportation, any such weapon shall be broken
3 down in a non-functioning state, or not immediately
4 accessible.

5 (d) Subsection 24-1(a)(1) does not apply to the purchase,
6 possession or carrying of a black-jack or slung-shot by a peace
7 officer.

8 (e) Subsection 24-1(a)(8) does not apply to any owner,
9 manager or authorized employee of any place specified in that
10 subsection nor to any law enforcement officer.

11 (f) Subsection 24-1(a)(4) and subsection 24-1(a)(10) and
12 Section 24-1.6 do not apply to members of any club or
13 organization organized for the purpose of practicing shooting
14 at targets upon established target ranges, whether public or
15 private, while using their firearms on those target ranges.

16 (g) Subsections 24-1(a)(11) and 24-3.1(a)(6) do not apply
17 to:

18 (1) Members of the Armed Services or Reserve Forces of
19 the United States or the Illinois National Guard, while in
20 the performance of their official duty.

21 (2) Bonafide collectors of antique or surplus military
22 ordinance.

23 (3) Laboratories having a department of forensic
24 ballistics, or specializing in the development of
25 ammunition or explosive ordinance.

26 (4) Commerce, preparation, assembly or possession of

1 explosive bullets by manufacturers of ammunition licensed
2 by the federal government, in connection with the supply of
3 those organizations and persons exempted by subdivision
4 (g)(1) of this Section, or like organizations and persons
5 outside this State, or the transportation of explosive
6 bullets to any organization or person exempted in this
7 Section by a common carrier or by a vehicle owned or leased
8 by an exempted manufacturer.

9 (g-5) Subsection 24-1(a)(6) does not apply to or affect
10 persons licensed under federal law to manufacture any device or
11 attachment of any kind designed, used, or intended for use in
12 silencing the report of any firearm, firearms, or ammunition
13 for those firearms equipped with those devices, and actually
14 engaged in the business of manufacturing those devices,
15 firearms, or ammunition, but only with respect to activities
16 that are within the lawful scope of that business, such as the
17 manufacture, transportation, or testing of those devices,
18 firearms, or ammunition. This exemption does not authorize the
19 general private possession of any device or attachment of any
20 kind designed, used, or intended for use in silencing the
21 report of any firearm, but only such possession and activities
22 as are within the lawful scope of a licensed manufacturing
23 business described in this subsection (g-5). During
24 transportation, those devices shall be detached from any weapon
25 or not immediately accessible.

26 (h) An information or indictment based upon a violation of

1 any subsection of this Article need not negative any exemptions
2 contained in this Article. The defendant shall have the burden
3 of proving such an exemption.

4 (i) Nothing in this Article shall prohibit, apply to, or
5 affect the transportation, carrying, or possession, of any
6 pistol or revolver, stun gun, taser, or other firearm consigned
7 to a common carrier operating under license of the State of
8 Illinois or the federal government, where such transportation,
9 carrying, or possession is incident to the lawful
10 transportation in which such common carrier is engaged; and
11 nothing in this Article shall prohibit, apply to, or affect the
12 transportation, carrying, or possession of any pistol,
13 revolver, stun gun, taser, or other firearm, not the subject of
14 and regulated by subsection 24-1(a)(7) or subsection 24-2(c) of
15 this Article, which is unloaded and enclosed in a case, firearm
16 carrying box, shipping box, or other container, by the
17 possessor of a valid Firearm Owners Identification Card.

18 (Source: P.A. 92-325, eff. 8-9-01; 93-438, eff. 8-5-03; 93-439,
19 eff. 8-5-03; 93-576, eff. 1-1-04; revised 9-15-03.)

20 (720 ILCS 5/24-3) (from Ch. 38, par. 24-3)

21 Sec. 24-3. Unlawful Sale of Firearms.

22 (A) A person commits the offense of unlawful sale of
23 firearms when he or she knowingly does any of the following:

24 (a) Sells or gives any firearm of a size which may be
25 concealed upon the person to any person under 18 years of

1 age.

2 (b) Sells or gives any firearm to a person under 21
3 years of age who has been convicted of a misdemeanor other
4 than a traffic offense or adjudged delinquent.

5 (c) Sells or gives any firearm to any narcotic addict.

6 (d) Sells or gives any firearm to any person who has
7 been convicted of a felony under the laws of this or any
8 other jurisdiction.

9 (e) Sells or gives any firearm to any person who has
10 been a patient in a mental hospital within the past 5
11 years.

12 (f) Sells or gives any firearms to any person who is
13 mentally retarded.

14 (g) Delivers any firearm of a size which may be
15 concealed upon the person, incidental to a sale, without
16 withholding delivery of such firearm for at least 72 hours
17 after application for its purchase has been made, or
18 delivers any rifle, shotgun or other long gun, or a stun
19 gun or taser, incidental to a sale, without withholding
20 delivery of such rifle, shotgun or other long gun, or a
21 stun gun or taser for at least 24 hours after application
22 for its purchase has been made. However, this paragraph (g)
23 does not apply to: (1) the sale of a firearm to a law
24 enforcement officer if the seller of the firearm knows that
25 the person to whom he or she is selling the firearm is a
26 law enforcement officer or the sale of a firearm to a

1 person who desires to purchase a firearm for use in
2 promoting the public interest incident to his or her
3 employment as a bank guard, armed truck guard, or other
4 similar employment; (2) a mail order sale of a firearm to a
5 nonresident of Illinois under which the firearm is mailed
6 to a point outside the boundaries of Illinois; (3) the sale
7 of a firearm to a nonresident of Illinois while at a
8 firearm showing or display recognized by the Illinois
9 Department of State Police; or (4) the sale of a firearm to
10 a dealer licensed as a federal firearms dealer under
11 Section 923 of the federal Gun Control Act of 1968 (18
12 U.S.C. 923). For purposes of this paragraph (g),
13 "application" means when the buyer and seller reach an
14 agreement to purchase a firearm.

15 (h) While holding any license as a dealer, importer,
16 manufacturer or pawnbroker under the federal Gun Control
17 Act of 1968, manufactures, sells or delivers to any
18 unlicensed person a handgun having a barrel, slide, frame
19 or receiver which is a die casting of zinc alloy or any
20 other nonhomogeneous metal which will melt or deform at a
21 temperature of less than 800 degrees Fahrenheit. For
22 purposes of this paragraph, (1) "firearm" is defined as in
23 the Firearm Owners Identification Card Act; and (2)
24 "handgun" is defined as a firearm designed to be held and
25 fired by the use of a single hand, and includes a
26 combination of parts from which such a firearm can be

1 assembled.

2 (i) Sells or gives a firearm of any size to any person
3 under 18 years of age who does not possess a valid Firearm
4 Owner's Identification Card.

5 (j) Sells or gives a firearm while engaged in the
6 business of selling firearms at wholesale or retail without
7 being licensed as a federal firearms dealer under Section
8 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).
9 In this paragraph (j):

10 A person "engaged in the business" means a person who
11 devotes time, attention, and labor to engaging in the
12 activity as a regular course of trade or business with the
13 principal objective of livelihood and profit, but does not
14 include a person who makes occasional repairs of firearms
15 or who occasionally fits special barrels, stocks, or
16 trigger mechanisms to firearms.

17 "With the principal objective of livelihood and
18 profit" means that the intent underlying the sale or
19 disposition of firearms is predominantly one of obtaining
20 livelihood and pecuniary gain, as opposed to other intents,
21 such as improving or liquidating a personal firearms
22 collection; however, proof of profit shall not be required
23 as to a person who engages in the regular and repetitive
24 purchase and disposition of firearms for criminal purposes
25 or terrorism.

26 (k) Sells or transfers ownership of a firearm to a

1 person who does not display to the seller or transferor of
2 the firearm a currently valid Firearm Owner's
3 Identification Card that has previously been issued in the
4 transferee's name by the Department of State Police under
5 the provisions of the Firearm Owners Identification Card
6 Act. This paragraph (k) does not apply to the transfer of a
7 firearm to a person who is exempt from the requirement of
8 possessing a Firearm Owner's Identification Card under
9 Section 2 of the Firearm Owners Identification Card Act.
10 For the purposes of this Section, a currently valid Firearm
11 Owner's Identification Card means (i) a Firearm Owner's
12 Identification Card that has not expired or (ii) if the
13 transferor is licensed as a federal firearms dealer under
14 Section 923 of the federal Gun Control Act of 1968 (18
15 U.S.C. 923), an approval number issued in accordance with
16 Section 3.1 of the Firearm Owners Identification Card Act
17 shall be proof that the Firearm Owner's Identification Card
18 was valid.

19 (B) Paragraph (h) of subsection (A) does not include
20 firearms sold within 6 months after enactment of Public Act
21 78-355 (approved August 21, 1973, effective October 1, 1973),
22 nor is any firearm legally owned or possessed by any citizen or
23 purchased by any citizen within 6 months after the enactment of
24 Public Act 78-355 subject to confiscation or seizure under the
25 provisions of that Public Act. Nothing in Public Act 78-355
26 shall be construed to prohibit the gift or trade of any firearm

1 if that firearm was legally held or acquired within 6 months
2 after the enactment of that Public Act.

3 (C) Sentence.

4 (1) Any person convicted of unlawful sale of firearms
5 in violation of any of paragraphs (c) through (h) of
6 subsection (A) commits a Class 4 felony.

7 (2) Any person convicted of unlawful sale of firearms
8 in violation of paragraph (b) or (i) of subsection (A)
9 commits a Class 3 felony.

10 (3) Any person convicted of unlawful sale of firearms
11 in violation of paragraph (a) of subsection (A) commits a
12 Class 2 felony.

13 (4) Any person convicted of unlawful sale of firearms
14 in violation of paragraph (a), (b), or (i) of subsection
15 (A) in any school, on the real property comprising a
16 school, within 1,000 feet of the real property comprising a
17 school, at a school related activity, or on or within 1,000
18 feet of any conveyance owned, leased, or contracted by a
19 school or school district to transport students to or from
20 school or a school related activity, regardless of the time
21 of day or time of year at which the offense was committed,
22 commits a Class 1 felony. Any person convicted of a second
23 or subsequent violation of unlawful sale of firearms in
24 violation of paragraph (a), (b), or (i) of subsection (A)
25 in any school, on the real property comprising a school,
26 within 1,000 feet of the real property comprising a school,

1 at a school related activity, or on or within 1,000 feet of
2 any conveyance owned, leased, or contracted by a school or
3 school district to transport students to or from school or
4 a school related activity, regardless of the time of day or
5 time of year at which the offense was committed, commits a
6 Class 1 felony for which the sentence shall be a term of
7 imprisonment of no less than 5 years and no more than 15
8 years.

9 (5) Any person convicted of unlawful sale of firearms
10 in violation of paragraph (a) or (i) of subsection (A) in
11 residential property owned, operated, or managed by a
12 public housing agency or leased by a public housing agency
13 as part of a scattered site or mixed-income development, in
14 a public park, in a courthouse, on residential property
15 owned, operated, or managed by a public housing agency or
16 leased by a public housing agency as part of a scattered
17 site or mixed-income development, on the real property
18 comprising any public park, on the real property comprising
19 any courthouse, or on any public way within 1,000 feet of
20 the real property comprising any public park, courthouse,
21 or residential property owned, operated, or managed by a
22 public housing agency or leased by a public housing agency
23 as part of a scattered site or mixed-income development
24 commits a Class 2 felony.

25 (6) Any person convicted of unlawful sale of firearms
26 in violation of paragraph (j) of subsection (A) commits a

1 Class A misdemeanor. A second or subsequent violation is a
2 Class 4 felony.

3 (7) Any person convicted of unlawful sale of firearms
4 in violation of paragraph (k) of subsection (A) commits a
5 Class 4 felony. A third or subsequent conviction for a
6 violation of paragraph (k) of subsection (A) is a Class 1
7 felony.

8 (D) For purposes of this Section:

9 "School" means a public or private elementary or secondary
10 school, community college, college, or university.

11 "School related activity" means any sporting, social,
12 academic, or other activity for which students' attendance or
13 participation is sponsored, organized, or funded in whole or in
14 part by a school or school district.

15 (E) A prosecution for a violation of paragraph (k) of
16 subsection (A) of this Section may be commenced within 6 years
17 after the commission of the offense. A prosecution for a
18 violation of this Section other than paragraph (g) of
19 subsection (A) of this Section may be commenced within 5 years
20 after the commission of the offense defined in the particular
21 paragraph.

22 (Source: P.A. 93-162, eff. 7-10-03; 93-906, eff. 8-11-04; 94-6,
23 eff. 1-1-06; 94-284, eff. 7-21-05; revised 8-19-05.)

24 (720 ILCS 5/24-3.1) (from Ch. 38, par. 24-3.1)

25 Sec. 24-3.1. Unlawful possession of firearms and firearm

1 ammunition.

2 (a) A person commits the offense of unlawful possession of
3 firearms or firearm ammunition when:

4 (1) He is under 18 years of age and has in his
5 possession any firearm of a size which may be concealed
6 upon the person; or

7 (2) He is under 21 years of age, has been convicted of
8 a misdemeanor other than a traffic offense or adjudged
9 delinquent and has any firearms or firearm ammunition in
10 his possession; or

11 (3) He is a narcotic addict and has any firearms or
12 firearm ammunition in his possession; or

13 (4) He has been a patient in a mental hospital within
14 the past 5 years and has any firearms or firearm ammunition
15 in his possession; or

16 (5) He is mentally retarded and has any firearms or
17 firearm ammunition in his possession; or

18 (6) He has in his possession any explosive bullet.

19 For purposes of this paragraph "explosive bullet" means the
20 projectile portion of an ammunition cartridge which contains or
21 carries an explosive charge which will explode upon contact
22 with the flesh of a human or an animal. "Cartridge" means a
23 tubular metal case having a projectile affixed at the front
24 thereof and a cap or primer at the rear end thereof, with the
25 propellant contained in such tube between the projectile and
26 the cap. ~~or~~

1 (b) Sentence.

2 Unlawful possession of firearms, other than handguns, and
3 firearm ammunition is a Class A misdemeanor. Unlawful
4 possession of handguns is a Class 4 felony. The possession of
5 each firearm or firearm ammunition in violation of this Section
6 constitutes a single and separate violation.

7 (c) Nothing in paragraph (1) of subsection (a) of this
8 Section prohibits a person under 18 years of age from
9 participating in any lawful recreational activity with a
10 firearm such as, but not limited to, practice shooting at
11 targets upon established public or private target ranges or
12 hunting, trapping, or fishing in accordance with the Wildlife
13 Code or the Fish and Aquatic Life Code.

14 (Source: P.A. 94-284, eff. 7-21-05; revised 8-23-05.)

15 (720 ILCS 5/32-5.2) (from Ch. 38, par. 32-5.2)

16 Sec. 32-5.2. Aggravated False Personation of a Peace
17 Officer. A person who knowingly and falsely represents himself
18 or herself to be a peace officer in attempting or committing a
19 felony commits a Class 2 felony. A person who knowingly and
20 falsely represents himself or herself to be a peace officer of
21 any jurisdiction in attempting or committing a forcible felony
22 commits a Class 1 felony.

23 (Source: P.A. 94-730, eff. 4-17-06; 94-985, eff. 1-1-07;
24 revised 8-3-06.)

1 (720 ILCS 5/44-3) (from Ch. 38, par. 44-3)

2 Sec. 44-3. (a) Seizure. Any telecommunications device
3 possessed by a person on the real property of any elementary or
4 secondary school without the authority of the school principal,
5 or used in the commission of an offense prohibited by this
6 Code, the Illinois Controlled Substances Act, the Cannabis
7 Control Act, or the Methamphetamine Control and Community
8 Protection Act or which constitutes evidence of the commission
9 of such offenses may be seized and delivered forthwith to the
10 investigating law enforcement agency. A person who is not a
11 student of the particular elementary or secondary school, who
12 is on school property as an invitee of the school, and who has
13 possession of a telecommunication device for lawful and
14 legitimate purposes, shall not need to obtain authority from
15 the school principal to possess the telecommunication device on
16 school property. Such telecommunication device shall not be
17 seized unless it was used in the commission of an offense
18 specified above, or constitutes evidence of such an offense.
19 Within 15 days after such delivery the investigating law
20 enforcement agency shall give notice of seizure to any known
21 owners, lienholders and secured parties of such property.
22 Within that 15 day period the investigating law enforcement
23 agency shall also notify the State's Attorney of the county of
24 seizure about the seizure.

25 (b) Rights of lienholders and secured parties.

26 The State's Attorney shall promptly release a

1 telecommunications device seized under the provisions of this
2 Article to any lienholder or secured party if such lienholder
3 or secured party shows to the State's Attorney that his lien or
4 security interest is bona fide and was created without actual
5 knowledge that such telecommunications device was or possessed
6 in violation of this Section or used or to be used in the
7 commission of the offense charged.

8 (c) Action for forfeiture. (1) The State's Attorney in the
9 county in which such seizure occurs if he finds that such
10 forfeiture was incurred without willful negligence or without
11 any intention on the part of the owner of the
12 telecommunications device or a lienholder or secured party to
13 violate the law, or finds the existence of such mitigating
14 circumstances as to justify remission of the forfeiture, may
15 cause the investigating law enforcement agency to remit the
16 same upon such terms and conditions as the State's Attorney
17 deems reasonable and just. The State's Attorney shall exercise
18 his discretion under the foregoing provision of this Section
19 promptly after notice is given in accordance with subsection
20 (a). If the State's Attorney does not cause the forfeiture to
21 be remitted he shall forthwith bring an action for forfeiture
22 in the circuit court within whose jurisdiction the seizure and
23 confiscation has taken place. The State's Attorney shall give
24 notice of the forfeiture proceeding by mailing a copy of the
25 complaint in the forfeiture proceeding to the persons and in
26 the manner set forth in subsection (a). The owner of the device

1 or any person with any right, title, or interest in the device
2 may within 20 days after the mailing of such notice file a
3 verified answer to the complaint and may appear at the hearing
4 on the action for forfeiture. The State shall show at such
5 hearing by a preponderance of the evidence that the device was
6 used in the commission of an offense described in subsection
7 (a). The owner of the device or any person with any right,
8 title, or interest in the device may show by a preponderance of
9 the evidence that he did not know, and did not have reason to
10 know, that the device was possessed in violation of this
11 Section or to be used in the commission of such an offense or
12 that any of the exceptions set forth in subsection (d) are
13 applicable. Unless the State shall make such showing, the Court
14 shall order the device released to the owner. Where the State
15 has made such showing, the Court may order the device
16 destroyed; may upon the request of the investigating law
17 enforcement agency, order it delivered to any local, municipal
18 or county law enforcement agency, or the Department of State
19 Police or the Department of Revenue of the State of Illinois;
20 or may order it sold at public auction.

21 (2) A copy of the order shall be filed with the
22 investigating law enforcement agency of the county in which the
23 seizure occurs. Such order, when filed, confers ownership of
24 the device to the department or agency to whom it is delivered
25 or any purchaser thereof. The investigating law enforcement
26 agency shall comply promptly with instructions to remit

1 received from the State's Attorney or Attorney General in
2 accordance with paragraph (1) of this subsection or subsection
3 (d).

4 (3) The proceeds of any sale at public auction pursuant to
5 this subsection, after payment of all liens and deduction of
6 the reasonable charges and expenses incurred by the
7 investigating law enforcement agency in storing and selling the
8 device, shall be paid into the general fund of the level of
9 government responsible for the operation of the investigating
10 law enforcement agency.

11 (d) Exceptions to forfeiture. ~~(b)~~ No device shall be
12 forfeited under the provisions of subsection (c) by reason of
13 any act or omission established by the owner thereof to have
14 been committed or omitted by any person other than the owner
15 while the device was unlawfully in the possession of a person
16 who acquired possession thereof in violation of the criminal
17 laws of the United States, or of any state.

18 (e) Remission by Attorney General. Whenever any owner of,
19 or other person interested in, a device seized under the
20 provisions of this Section files with the Attorney General
21 before the sale or destruction of the device a petition for the
22 remission of such forfeiture the Attorney General if he finds
23 that such forfeiture was incurred without willful negligence or
24 without any intention on the part of the owner or any person
25 with any right, title or interest in the device to violate the
26 law, or finds the existence of such mitigating circumstances as

1 to justify the remission of forfeiture, may cause the same to
2 be remitted upon such terms and conditions as he deems
3 reasonable and just, or order discontinuance of any forfeiture
4 proceeding relating thereto.

5 (Source: P.A. 94-556, eff. 9-11-05; revised 10-11-05.)

6 Section 1035. The Wild Plant Conservation Act is amended by
7 changing Section 1 as follows:

8 (720 ILCS 400/1) (from Ch. 5, par. 231)

9 Sec. 1. Any person, firm or corporation who knowingly buys,
10 sells, offers or exposes for sale any blood root (*Sanguinaria*
11 *canadensis*), lady slipper (*Cypripedium parviflorum* and
12 *Cypripedium hirsutum*), columbine (*Aquilegia canadensis*),
13 trillium (*Trillium grandiflorum* and *Trillium sessile*), lotus
14 (*Nelumbo lutes*), or gentian (*Gentiana crinita ~~erinta~~* and
15 *Gentiana andrewsii*), or any part thereof, dug, pulled up or
16 gathered from any public or private land, unless in the case of
17 private land the owner or person lawfully occupying such land
18 gives his consent in writing thereto, is guilty of a petty
19 offense.

20 (Source: P.A. 90-655, eff. 7-30-98; revised 10-11-05.)

21 Section 1040. The Illinois Controlled Substances Act is
22 amended by changing Sections 201, 204, and 402 and by setting
23 forth and renumbering multiple versions of Section 218 as

1 follows:

2 (720 ILCS 570/201) (from Ch. 56 1/2, par. 1201)

3 Sec. 201. (a) The Department shall carry out the provisions
4 of this Article. The Department or its successor agency may add
5 substances to or delete or reschedule all controlled substances
6 in the Schedules of Sections 204, 206, 208, 210 and 212 of this
7 Act. In making a determination regarding the addition,
8 deletion, or rescheduling of a substance, the Department shall
9 consider the following:

10 (1) the actual or relative potential for abuse;

11 (2) the scientific evidence of its pharmacological
12 effect, if known;

13 (3) the state of current scientific knowledge
14 regarding the substance;

15 (4) the history and current pattern of abuse;

16 (5) the scope, duration, and significance of abuse;

17 (6) the risk to the public health;

18 (7) the potential of the substance to produce
19 psychological or physiological dependence;

20 (8) whether the substance is an immediate precursor of
21 a substance already controlled under this Article;

22 (9) the immediate harmful effect in terms of
23 potentially fatal dosage; and

24 (10) the long-range effects in terms of permanent
25 health impairment.

1 (b) (Blank).

2 (c) (Blank).

3 (d) If any substance is scheduled, rescheduled, or deleted
4 as a controlled substance under Federal law and notice thereof
5 is given to the Department, the Department shall similarly
6 control the substance under this Act after the expiration of 30
7 days from publication in the Federal Register of a final order
8 scheduling a substance as a controlled substance or
9 rescheduling or deleting a substance, unless within that 30 day
10 period the Department objects, or a party adversely affected
11 files with the Department substantial written objections
12 objecting to inclusion, rescheduling, or deletion. In that
13 case, the Department shall publish the reasons for objection or
14 the substantial written objections and afford all interested
15 parties an opportunity to be heard. At the conclusion of the
16 hearing, the Department shall publish its decision, by means of
17 a rule, which shall be final unless altered by statute. Upon
18 publication of objections by the Department, similar control
19 under this Act whether by inclusion, rescheduling or deletion
20 is stayed until the Department publishes its ruling.

21 (e) The Department shall by rule exclude any non-narcotic
22 substances from a schedule if such substance may, under the
23 Federal Food, Drug, and Cosmetic Act, be lawfully sold over the
24 counter without a prescription.

25 (f) The sale, delivery, distribution, and possession of a
26 drug product containing dextromethorphan shall be in

1 accordance with Section 218 of this Act.↵

2 (g) Authority to control under this section does not extend
3 to distilled spirits, wine, malt beverages, or tobacco as those
4 terms are defined or used in the Liquor Control Act and the
5 Tobacco Products Tax Act.

6 (h) Persons registered with the Drug Enforcement
7 Administration to manufacture or distribute controlled
8 substances shall maintain adequate security and provide
9 effective controls and procedures to guard against theft and
10 diversion, but shall not otherwise be required to meet the
11 physical security control requirements (such as cage or vault)
12 for Schedule V controlled substances containing
13 pseudoephedrine or Schedule II controlled substances
14 containing dextromethorphan.

15 (Source: P.A. 94-800, eff. 1-1-07; revised 8-3-06.)

16 (720 ILCS 570/204) (from Ch. 56 1/2, par. 1204)

17 Sec. 204. (a) The controlled substances listed in this
18 Section are included in Schedule I.

19 (b) Unless specifically excepted or unless listed in
20 another schedule, any of the following opiates, including their
21 isomers, esters, ethers, salts, and salts of isomers, esters,
22 and ethers, whenever the existence of such isomers, esters,
23 ethers and salts is possible within the specific chemical
24 designation:

25 (1) Acetylmethadol;

- 1 (1.1) Acetyl-alpha-methylfentanyl
2 (N-[1-(1-methyl-2-phenethyl)-
3 4-piperidinyl] -N-phenylacetamide);
- 4 (2) Allylprodine;
- 5 (3) Alphacetylmethadol, except
6 levo-alphacetylmethadol (also known as levo-alpha-
7 acetylmethadol, levomethadyl acetate, or LAAM);
- 8 (4) Alphameprodine;
- 9 (5) Alphamethadol;
- 10 (6) Alpha-methylfentanyl
11 (N-(1-alpha-methyl-beta-phenyl) ethyl-4-piperidyl)
12 propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-
13 propanilido) piperidine;
- 14 (6.1) Alpha-methylthiofentanyl
15 (N-[1-methyl-2-(2-thienyl)ethyl-
16 4-piperidinyl] -N-phenylpropanamide);
- 17 (7) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP);
18 ~~(7) 1-methyl-4-phenyl-4-propionoxypiperidine (MPPP);~~
- 19 (7.1) PEPAP
20 (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);
- 21 (8) Benzethidine;
- 22 (9) Betacetylmethadol;
- 23 (9.1) Beta-hydroxyfentanyl
24 (N-[1-(2-hydroxy-2-phenethyl)-
25 4-piperidinyl] -N-phenylpropanamide);
- 26 (10) Betameprodine;

- 1 (11) Betamethadol;
- 2 (12) Betaprodine;
- 3 (13) Clonitazene;
- 4 (14) Dextromoramide;
- 5 (15) Diampromide;
- 6 (16) Diethylthiambutene;
- 7 (17) Difenoquin;
- 8 (18) Dimenoxadol;
- 9 (19) Dimepheptanol;
- 10 (20) Dimethylthiambutene;
- 11 (21) Dioxaphetylbutyrate;
- 12 (22) Dipipanone;
- 13 (23) Ethylmethylthiambutene;
- 14 (24) Etonitazene;
- 15 (25) Etoxadine;
- 16 (26) Furethidine;
- 17 (27) Hydroxypethidine;
- 18 (28) Ketobemidone;
- 19 (29) Levomoramide;
- 20 (30) Levophenacymorphan;
- 21 (31) 3-Methylfentanyl
- 22 (N-[3-methyl-1-(2-phenylethyl) -
- 23 4-piperidyl] -N-phenylpropanamide);
- 24 (31.1) 3-Methylthiofentanyl
- 25 (N-[(3-methyl-1-(2-thienyl) ethyl -
- 26 4-piperidinyl] -N-phenylpropanamide);

1 (32) Morpheridine;

2 (33) Noracymethadol;

3 (34) Norlevorphanol;

4 (35) Normethadone;

5 (36) Norpipanone;

6 (36.1) Para-fluorofentanyl

7 (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-

8 4-piperidinyl]propanamide);

9 (37) Phenadoxone;

10 (38) Phenampromide;

11 (39) Phenomorphan;

12 (40) Phenoperidine;

13 (41) Piritramide;

14 (42) Proheptazine;

15 (43) Properidine;

16 (44) Propiram;

17 (45) Racemoramide;

18 (45.1) Thiofentanyl

19 (N-phenyl-N-[1-(2-thienyl)ethyl-

20 4-piperidinyl]-propanamide);

21 (46) Tilidine;

22 (47) Trimeperidine;

23 (48) Beta-hydroxy-3-methylfentanyl (other name:

24 N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-

25 N-phenylpropanamide).

26 (c) Unless specifically excepted or unless listed in

1 another schedule, any of the following opium derivatives, its
2 salts, isomers and salts of isomers, whenever the existence of
3 such salts, isomers and salts of isomers is possible within the
4 specific chemical designation:

- 5 (1) Acetorphine;
- 6 (2) Acetyldihydrocodeine;
- 7 (3) Benzylmorphine;
- 8 (4) Codeine methylbromide;
- 9 (5) Codeine-N-Oxide;
- 10 (6) Cyprenorphine;
- 11 (7) Desomorphine;
- 12 (8) Diacetyldihydromorphine (Dihydroheroin);
- 13 (9) Dihydromorphine;
- 14 (10) Drotebanol;
- 15 (11) Etorphine (except hydrochloride salt);
- 16 (12) Heroin;
- 17 (13) Hydromorphanol;
- 18 (14) Methyldesorphine;
- 19 (15) Methyldihydromorphine;
- 20 (16) Morphine methylbromide;
- 21 (17) Morphine methylsulfonate;
- 22 (18) Morphine-N-Oxide;
- 23 (19) Myrophine;
- 24 (20) Nicocodeine;
- 25 (21) Nicomorphine;
- 26 (22) Normorphine;

1 (23) Pholcodine;

2 (24) Thebacon.

3 (d) Unless specifically excepted or unless listed in
4 another schedule, any material, compound, mixture, or
5 preparation which contains any quantity of the following
6 hallucinogenic substances, or which contains any of its salts,
7 isomers and salts of isomers, whenever the existence of such
8 salts, isomers, and salts of isomers is possible within the
9 specific chemical designation (for the purposes of this
10 paragraph only, the term "isomer" includes the optical,
11 position and geometric isomers):

12 (1) 3,4-methylenedioxyamphetamine

13 (alpha-methyl,3,4-methylenedioxyphenethylamine,
14 methylenedioxyamphetamine, MDA);

15 (1.1) Alpha-ethyltryptamine

16 (some trade or other names: etryptamine;

17 MONASE; alpha-ethyl-1H-indole-3-ethanamine;

18 3-(2-aminobutyl)indole; a-ET; and AET);

19 (2) 3,4-methylenedioxymethamphetamine (MDMA);

20 (2.1) 3,4-methylenedioxy-N-ethylamphetamine

21 (also known as: N-ethyl-alpha-methyl-

22 3,4(methylenedioxy) Phenethylamine, N-ethyl MDA, MDE,

23 and MDEA);

24 (3) 3-methoxy-4,5-methylenedioxyamphetamine, (MMDA);

25 (4) 3,4,5-trimethoxyamphetamine (TMA);

26 (5) (Blank);

- 1 (6) Diethyltryptamine (DET);
- 2 (7) Dimethyltryptamine (DMT);
- 3 (8) 4-methyl-2,5-dimethoxyamphetamine (DOM, STP);
- 4 (9) Ibogaine (some trade and other names:
5 7-ethyl-6,6,beta,7,8,9,10,12,13-octahydro-2-methoxy-
6 6,9-methano-5H-pyrido [1',2':1,2] azepino [5,4-b]
7 indole; Tabernanthe iboga);
- 8 (10) Lysergic acid diethylamide;
- 9 (11) 3,4,5-trimethoxyphenethylamine (Mescaline);
- 10 (12) Peyote (meaning all parts of the plant presently
11 classified botanically as Lophophora williamsii ~~williemaii~~
12 Lemaire, whether growing or not, the seeds thereof, any
13 extract from any part of that plant, and every compound,
14 manufacture, salts, derivative, mixture, or preparation of
15 that plant, its seeds or extracts);
- 16 (13) N-ethyl-3-piperidyl benzilate (JB 318);
- 17 (14) N-methyl-3-piperidyl benzilate;
- 18 (14.1) N-hydroxy-3,4-methylenedioxyamphetamine
19 (also known as N-hydroxy-alpha-methyl-
20 3,4(methylenedioxy)phenethylamine and N-hydroxy MDA);
- 21 (15) Parahexyl; some trade or other names:
22 3-hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-
23 dibenzo (b,d) pyran; Synhexyl;
- 24 (16) Psilocybin;
- 25 (17) Psilocyn;
- 26 (18) Alpha-methyltryptamine (AMT);

- 1 (19) 2,5-dimethoxyamphetamine
2 (2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA);
- 3 (20) 4-bromo-2,5-dimethoxyamphetamine
4 (4-bromo-2,5-dimethoxy-alpha-methylphenethylamine;
5 4-bromo-2,5-DMA);
- 6 (20.1) 4-Bromo-2,5 dimethoxyphenethylamine.
7 Some trade or other names: 2-(4-bromo-
8 2,5-dimethoxyphenyl)-1-aminoethane;
9 alpha-desmethyl DOB, 2CB, Nexus;
- 10 (21) 4-methoxyamphetamine
11 (4-methoxy-alpha-methylphenethylamine;
12 paramethoxyamphetamine; PMA);
- 13 (22) (Blank);
- 14 (23) Ethylamine analog of phencyclidine.
15 Some trade or other names:
16 N-ethyl-1-phenylcyclohexylamine,
17 (1-phenylcyclohexyl) ethylamine,
18 N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE;
- 19 (24) Pyrrolidine analog of phencyclidine. Some trade
20 or other names: 1-(1-phenylcyclohexyl) pyrrolidine, PCPy,
21 PHP;
- 22 (25) 5-methoxy-3,4-methylenedioxy-amphetamine;
- 23 (26) 2,5-dimethoxy-4-ethylamphetamine
24 (another name: DOET);
- 25 (27) 1-[1-(2-thienyl)cyclohexyl] pyrrolidine
26 (another name: TCPy);

1 (28) (Blank);

2 (29) Thiophene analog of phencyclidine (some trade
3 or other names: 1-[1-(2-thienyl)-cyclohexyl]-piperidine;
4 2-thienyl analog of phencyclidine; TPCP; TCP);

5 (30) Bufotenine (some trade or other names:
6 3-(Beta-Dimethylaminoethyl)-5-hydroxyindole;
7 3-(2-dimethylaminoethyl)-5-indolol;
8 5-hydroxy-N,N-dimethyltryptamine;
9 N,N-dimethylserotonin; mappine).

10 (e) Unless specifically excepted or unless listed in
11 another schedule, any material, compound, mixture, or
12 preparation which contains any quantity of the following
13 substances having a depressant effect on the central nervous
14 system, including its salts, isomers, and salts of isomers
15 whenever the existence of such salts, isomers, and salts of
16 isomers is possible within the specific chemical designation:

17 (1) mecloqualone;

18 (2) methaqualone; and

19 (3) gamma hydroxybutyric acid.

20 (f) Unless specifically excepted or unless listed in
21 another schedule, any material, compound, mixture, or
22 preparation which contains any quantity of the following
23 substances having a stimulant effect on the central nervous
24 system, including its salts, isomers, and salts of isomers:

25 (1) Fenethylline;

26 (2) N-ethylamphetamine;

1 (3) Aminorex (some other names:
2 2-amino-5-phenyl-2-oxazoline; aminoxaphen;
3 4-5-dihydro-5-phenyl-2-oxazolamine) and its
4 salts, optical isomers, and salts of optical isomers;

5 (4) Methcathinone (some other names:
6 2-methylamino-1-phenylpropan-1-one;
7 Ephedrone; 2-(methylamino)-propiophenone;
8 alpha-(methylamino)propiophenone; N-methylcathinone;
9 methcathinone; Monomethylpropion; UR 1431) and its
10 salts, optical isomers, and salts of optical isomers;

11 (5) Cathinone (some trade or other names:
12 2-aminopropiophenone; alpha-aminopropiophenone;
13 2-amino-1-phenyl-propanone; norephedrone);

14 (6) N,N-dimethylamphetamine (also known as:
15 N,N-alpha-trimethyl-benzeneethanamine;
16 N,N-alpha-trimethylphenethylamine);

17 (7) (+ or -) cis-4-methylaminorex ((+ or -) cis-
18 4,5-dihydro-4-methyl-4-5-phenyl-2-oxazolamine).

19 (g) Temporary listing of substances subject to emergency
20 scheduling. Any material, compound, mixture, or preparation
21 that contains any quantity of the following substances:

22 (1) N-[1-benzyl-4-piperidyl]-N-phenylpropanamide
23 (benzylfentanyl), its optical isomers, isomers, salts,
24 and salts of isomers;

25 (2) N-[1(2-thienyl)
26 methyl-4-piperidyl]-N-phenylpropanamide (thenylfentanyl),

1 its optical isomers, salts, and salts of isomers.
2 (Source: P.A. 90-382, eff. 8-15-97; 91-714, eff. 6-2-00;
3 revised 10-18-05.)

4 (720 ILCS 570/218)

5 Sec. 218. Dextromethorphan.

6 (a) A drug product containing dextromethorphan may not be
7 sold, delivered, distributed, or possessed except in
8 accordance with the prescription requirements of Sections 309,
9 312, and 313 of this Act.

10 (b) Possession of a drug product containing
11 dextromethorphan in violation of this Section is a Class 4
12 felony. The sale, delivery, distribution, or possession with
13 intent to sell, deliver, or distribute a drug product
14 containing dextromethorphan in violation of this Section is a
15 Class 2 felony.

16 (c) This Section does not apply to a drug product
17 containing dextromethorphan that is sold in solid, tablet,
18 liquid, capsule, powder, thin film, or gel form and which is
19 formulated, packaged, and sold in dosages and concentrations
20 for use as an over-the-counter drug product. For the purposes
21 of this Section, "over-the-counter drug product" means a drug
22 that is available to consumers without a prescription and sold
23 in compliance with the safety and labeling standards as set
24 forth by the United States Food and Drug Administration.

25 (Source: P.A. 94-800, eff. 1-1-07.)

1 (720 ILCS 570/219)

2 Sec. 219 ~~218~~. Dietary supplements containing ephedrine or
3 anabolic steroid precursors.

4 (a) It is a Class A misdemeanor for any manufacturer,
5 wholesaler, retailer, or other person to sell, transfer, or
6 otherwise furnish any of the following to a person under 18
7 years of age:

8 (1) a dietary supplement containing an ephedrine group
9 alkaloid; or

10 (2) a dietary supplement containing any of the
11 following:

12 (A) Androstenediol;

13 (B) Androstenedione;

14 (C) Androstenedione;

15 (D) Norandrostenediol;

16 (E) Norandrostenedione; or

17 (F) Dehydroepiandrosterone.

18 (b) A seller shall request valid identification from any
19 individual who attempts to purchase a dietary supplement set
20 forth in subsection (a) if that individual reasonably appears
21 to the seller to be under 18 years of age.

22 (Source: P.A. 94-339, eff. 7-26-05; revised 9-1-06.)

23 (720 ILCS 570/402) (from Ch. 56 1/2, par. 1402)

24 Sec. 402. Except as otherwise authorized by this Act, it is

1 unlawful for any person knowingly to possess a controlled or
2 counterfeit substance or controlled substance analog. A
3 violation of this Act with respect to each of the controlled
4 substances listed herein constitutes a single and separate
5 violation of this Act. For purposes of this Section,
6 "controlled substance analog" or "analog" means a substance
7 which is intended for human consumption, other than a
8 controlled substance, that has a chemical structure
9 substantially similar to that of a controlled substance in
10 Schedule I or II, or that was specifically designed to produce
11 an effect substantially similar to that of a controlled
12 substance in Schedule I or II. Examples of chemical classes in
13 which controlled substance analogs are found include, but are
14 not limited to, the following: phenethylamines, N-substituted
15 piperidines, morphinans, ecgonines, quinazolinones,
16 substituted indoles, and arylcycloalkylamines. For purposes of
17 this Act, a controlled substance analog shall be treated in the
18 same manner as the controlled substance to which it is
19 substantially similar.

20 (a) Any person who violates this Section with respect to
21 the following controlled or counterfeit substances and
22 amounts, notwithstanding any of the provisions of subsections
23 (c) and (d) to the contrary, is guilty of a Class 1 felony and
24 shall, if sentenced to a term of imprisonment, be sentenced as
25 provided in this subsection (a) and fined as provided in
26 subsection (b):

1 (1) (A) not less than 4 years and not more than 15
2 years with respect to 15 grams or more but less than
3 100 grams of a substance containing heroin;

4 (B) not less than 6 years and not more than 30
5 years with respect to 100 grams or more but less than
6 400 grams of a substance containing heroin;

7 (C) not less than 8 years and not more than 40
8 years with respect to 400 grams or more but less than
9 900 grams of any substance containing heroin;

10 (D) not less than 10 years and not more than 50
11 years with respect to 900 grams or more of any
12 substance containing heroin;

13 (2) (A) not less than 4 years and not more than 15
14 years with respect to 15 grams or more but less than
15 100 grams of any substance containing cocaine;

16 (B) not less than 6 years and not more than 30
17 years with respect to 100 grams or more but less than
18 400 grams of any substance containing cocaine;

19 (C) not less than 8 years and not more than 40
20 years with respect to 400 grams or more but less than
21 900 grams of any substance containing cocaine;

22 (D) not less than 10 years and not more than 50
23 years with respect to 900 grams or more of any
24 substance containing cocaine;

25 (3) (A) not less than 4 years and not more than 15
26 years with respect to 15 grams or more but less than

1 100 grams of any substance containing morphine;

2 (B) not less than 6 years and not more than 30
3 years with respect to 100 grams or more but less than
4 400 grams of any substance containing morphine;

5 (C) not less than 6 years and not more than 40
6 years with respect to 400 grams or more but less than
7 900 grams of any substance containing morphine;

8 (D) not less than 10 years and not more than 50
9 years with respect to 900 grams or more of any
10 substance containing morphine;

11 (4) 200 grams or more of any substance containing
12 peyote;

13 (5) 200 grams or more of any substance containing a
14 derivative of barbituric acid or any of the salts of a
15 derivative of barbituric acid;

16 (6) 200 grams or more of any substance containing
17 amphetamine or any salt of an optical isomer of
18 amphetamine;

19 (6.5) (blank);

20 (7) (A) not less than 4 years and not more than 15
21 years with respect to: (i) 15 grams or more but less
22 than 100 grams of any substance containing lysergic
23 acid diethylamide (LSD), or an analog thereof, or (ii)
24 15 or more objects or 15 or more segregated parts of an
25 object or objects but less than 200 objects or 200
26 segregated parts of an object or objects containing in

1 them or having upon them any amount of any substance
2 containing lysergic acid diethylamide (LSD), or an
3 analog thereof;

4 (B) not less than 6 years and not more than 30
5 years with respect to: (i) 100 grams or more but less
6 than 400 grams of any substance containing lysergic
7 acid diethylamide (LSD), or an analog thereof, or (ii)
8 200 or more objects or 200 or more segregated parts of
9 an object or objects but less than 600 objects or less
10 than 600 segregated parts of an object or objects
11 containing in them or having upon them any amount of
12 any substance containing lysergic acid diethylamide
13 (LSD), or an analog thereof;

14 (C) not less than 8 years and not more than 40
15 years with respect to: (i) 400 grams or more but less
16 than 900 grams of any substance containing lysergic
17 acid diethylamide (LSD), or an analog thereof, or (ii)
18 600 or more objects or 600 or more segregated parts of
19 an object or objects but less than 1500 objects or 1500
20 segregated parts of an object or objects containing in
21 them or having upon them any amount of any substance
22 containing lysergic acid diethylamide (LSD), or an
23 analog thereof;

24 (D) not less than 10 years and not more than 50
25 years with respect to: (i) 900 grams or more of any
26 substance containing lysergic acid diethylamide (LSD),

1 or an analog thereof, or (ii) 1500 or more objects or
2 1500 or more segregated parts of an object or objects
3 containing in them or having upon them any amount of a
4 substance containing lysergic acid diethylamide (LSD),
5 or an analog thereof;

6 (7.5) (A) not less than 4 years and not more than 15
7 years with respect to: (i) 15 grams or more but less
8 than 100 grams of any substance listed in paragraph
9 (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21),
10 (25), or (26) of subsection (d) of Section 204, or an
11 analog or derivative thereof, or (ii) 15 or more pills,
12 tablets, caplets, capsules, or objects but less than
13 200 pills, tablets, caplets, capsules, or objects
14 containing in them or having upon them any amount of
15 any substance listed in paragraph (1), (2), (2.1), (3),
16 (14.1), (19), (20), (20.1), (21), (25), or (26) of
17 subsection (d) of Section 204, or an analog or
18 derivative thereof;

19 (B) not less than 6 years and not more than 30
20 years with respect to: (i) 100 grams or more but less
21 than 400 grams of any substance listed in paragraph
22 (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21),
23 (25), or (26) of subsection (d) of Section 204, or an
24 analog or derivative thereof, or (ii) 200 or more
25 pills, tablets, caplets, capsules, or objects but less
26 than 600 pills, tablets, caplets, capsules, or objects

1 containing in them or having upon them any amount of
2 any substance listed in paragraph (1), (2), (2.1), (3),
3 (14.1), (19), (20), (20.1), (21), (25), or (26) of
4 subsection (d) of Section 204, or an analog or
5 derivative thereof;

6 (C) not less than 8 years and not more than 40
7 years with respect to: (i) 400 grams or more but less
8 than 900 grams of any substance listed in paragraph
9 (1), (2), (2.1), (3), (14.1), (19), (20), (20.1), (21),
10 (25), or (26) of subsection (d) of Section 204, or an
11 analog or derivative thereof, or (ii) 600 or more
12 pills, tablets, caplets, capsules, or objects but less
13 than 1,500 pills, tablets, caplets, capsules, or
14 objects containing in them or having upon them any
15 amount of any substance listed in paragraph (1), (2),
16 (2.1), (3), (14.1), (19), (20), (20.1), (21), (25), or
17 (26) of subsection (d) of Section 204, or an analog or
18 derivative thereof;

19 (D) not less than 10 years and not more than 50
20 years with respect to: (i) 900 grams or more of any
21 substance listed in paragraph (1), (2), (2.1), (3),
22 (14.1), (19), (20), (20.1), (21), (25), or (26) of
23 subsection (d) of Section 204, or an analog or
24 derivative thereof, or (ii) 1,500 or more pills,
25 tablets, caplets, capsules, or objects containing in
26 them or having upon them any amount of a substance

1 listed in paragraph (1), (2), (2.1), (3), (14.1), (19),
2 (20), (20.1), (21), (25), or (26) of subsection (d) of
3 Section 204, or an analog or derivative thereof;

4 (8) 30 grams or more of any substance containing
5 pentazocine or any of the salts, isomers and salts of
6 isomers of pentazocine, or an analog thereof;

7 (9) 30 grams or more of any substance containing
8 methaqualone or any of the salts, isomers and salts of
9 isomers of methaqualone;

10 (10) 30 grams or more of any substance containing
11 phencyclidine or any of the salts, isomers and salts of
12 isomers of phencyclidine (PCP);

13 (10.5) 30 grams or more of any substance containing
14 ketamine or any of the salts, isomers and salts of isomers
15 of ketamine;

16 (11) 200 grams or more of any substance containing any
17 substance classified as a narcotic drug in Schedules I or
18 II, or an analog thereof, which is not otherwise included
19 in this subsection.

20 (b) Any person sentenced with respect to violations of
21 paragraph (1), (2), (3), (7), or (7.5) of subsection (a)
22 involving 100 grams or more of the controlled substance named
23 therein, may in addition to the penalties provided therein, be
24 fined an amount not to exceed \$200,000 or the full street value
25 of the controlled or counterfeit substances, whichever is
26 greater. The term "street value" shall have the meaning

1 ascribed in Section 110-5 of the Code of Criminal Procedure of
2 1963. Any person sentenced with respect to any other provision
3 of subsection (a), may in addition to the penalties provided
4 therein, be fined an amount not to exceed \$200,000.

5 (c) Any person who violates this Section with regard to an
6 amount of a controlled substance other than methamphetamine or
7 counterfeit substance not set forth in subsection (a) or (d) is
8 guilty of a Class 4 felony. The fine for a violation punishable
9 under this subsection (c) shall not be more than \$25,000.

10 (d) Any person who violates this Section with regard to any
11 amount of anabolic steroid is guilty of a Class C misdemeanor
12 for the first offense and a Class B misdemeanor for a
13 subsequent offense committed within 2 years of a prior
14 conviction.

15 (Source: P.A. 94-324, eff. 7-26-05; 94-556, eff. 9-11-05;
16 revised 8-19-05.)

17 Section 1045. The Drug Paraphernalia Control Act is amended
18 by changing Section 4 as follows:

19 (720 ILCS 600/4) (from Ch. 56 1/2, par. 2104)

20 Sec. 4. Exemptions. This Act does not apply to:

21 (a) Items used in the preparation, compounding,
22 packaging, labeling, or other use of cannabis or a
23 controlled substance as an incident to lawful research,
24 teaching, or chemical analysis and not for sale.

1 (b) Items historically and customarily used in
2 connection with~~r~~ the planting, propagating, cultivating,
3 growing, harvesting, manufacturing, compounding,
4 converting, producing, processing, preparing, testing,
5 analyzing, packaging, repackaging, storing, containing,
6 concealing, injecting, ingesting, or inhaling of tobacco
7 or any other lawful substance.

8 Items exempt under this subsection include, but are not
9 limited to, garden hoes, rakes, sickles, baggies, tobacco
10 pipes, and cigarette-rolling papers.

11 (c) Items listed in Section 2 of this Act which are
12 used for decorative purposes, when such items have been
13 rendered completely inoperable or incapable of being used
14 for any illicit purpose prohibited by this Act.

15 (d) A person who is legally authorized to possess
16 hypodermic syringes or needles under the Hypodermic
17 Syringes and Needles Act.

18 In determining whether or not a particular item is exempt under
19 this Section ~~subsection~~, the trier of fact should consider, in
20 addition to all other logically relevant factors, the
21 following:

22 (1) the general, usual, customary, and historical use
23 to which the item involved has been put;

24 (2) expert evidence concerning the ordinary or
25 customary use of the item and the effect of any peculiarity
26 in the design or engineering of the device upon its

1 functioning;

2 (3) any written instructions accompanying the delivery
3 of the item concerning the purposes or uses to which the
4 item can or may be put;

5 (4) any oral instructions provided by the seller of the
6 item at the time and place of sale or commercial delivery;

7 (5) any national or local advertising concerning the
8 design, purpose or use of the item involved, and the entire
9 context in which such advertising occurs;

10 (6) the manner, place and circumstances in which the
11 item was displayed for sale, as well as any item or items
12 displayed for sale or otherwise exhibited upon the premises
13 where the sale was made;

14 (7) whether the owner or anyone in control of the
15 object is a legitimate supplier of like or related items to
16 the community, such as a licensed distributor or dealer of
17 tobacco products;

18 (8) the existence and scope of legitimate uses for the
19 object in the community.

20 (Source: P.A. 93-392, eff. 7-25-03; 93-526, eff. 8-12-03;
21 revised 9-22-03.)

22 Section 1050. The Code of Criminal Procedure of 1963 is
23 amended by changing Sections 108-4, 108B-1, 108B-3, 108B-5,
24 108B-11, 110-10, 112A-23, and 112A-28 as follows:

1 (725 ILCS 5/108-4) (from Ch. 38, par. 108-4)

2 Sec. 108-4. Issuance of search warrant.

3 (a) All warrants upon written complaint shall state the
4 time and date of issuance and be the warrants of the judge
5 issuing the same and not the warrants of the court in which he
6 is then sitting and such warrants need not bear the seal of the
7 court or clerk thereof. The complaint on which the warrant is
8 issued need not be filed with the clerk of the court nor with
9 the court if there is no clerk until the warrant has been
10 executed or has been returned "not executed".

11 The search warrant upon written complaint may be issued
12 electronically or electromagnetically by use of a facsimile
13 transmission machine and any such warrant shall have the same
14 validity as a written search warrant.

15 (b) Warrant upon oral testimony.

16 (1) General rule. When the offense in connection with
17 which a search warrant is sought constitutes terrorism or
18 any related offense as defined in Article 29D of the
19 Criminal Code of 1961, and if the circumstances make it
20 reasonable to dispense, in whole or in part, with a written
21 affidavit, a judge may issue a warrant based upon sworn
22 testimony communicated by telephone or other appropriate
23 means, including facsimile transmission.

24 (2) Application. The person who is requesting the
25 warrant shall prepare a document to be known as a duplicate
26 original warrant and shall read such duplicate original

1 warrant, verbatim, to the judge. The judge shall enter,
2 verbatim, what is so read to the judge on a document to be
3 known as the original warrant. The judge may direct that
4 the warrant be modified.

5 (3) Issuance. If the judge is satisfied that the
6 offense in connection with which the search warrant is
7 sought constitutes terrorism or any related offense as
8 defined in Article 29D of the Criminal Code of 1961, that
9 the circumstances are such as to make it reasonable to
10 dispense with a written affidavit, and that grounds for the
11 application exist or that there is probable cause to
12 believe that they exist, the judge shall order the issuance
13 of a warrant by directing the person requesting the warrant
14 to sign the judge's name on the duplicate original warrant.
15 The judge shall immediately sign the original warrant and
16 enter on the face of the original warrant the exact time
17 when the warrant was ordered to be issued. The finding of
18 probable cause for a warrant upon oral testimony may be
19 based on the same kind of evidence as is sufficient for a
20 warrant upon affidavit.

21 (4) Recording and certification of testimony. When a
22 caller informs the judge that the purpose of the call is to
23 request a warrant, the judge shall immediately place under
24 oath each person whose testimony forms a basis of the
25 application and each person applying for that warrant. If a
26 voice recording device is available, the judge shall record

1 by means of the device all of the call after the caller
2 informs the judge that the purpose of the call is to
3 request a warrant, otherwise a stenographic or longhand
4 verbatim record shall be made. If a voice recording device
5 is used or a stenographic record made, the judge shall have
6 the record transcribed, shall certify the accuracy of the
7 transcription, and shall file a copy of the original record
8 and the transcription with the court. If a longhand
9 verbatim record is made, the judge shall file a signed copy
10 with the court.

11 (5) Contents. The contents of a warrant upon oral
12 testimony shall be the same as the contents of a warrant
13 upon affidavit.

14 (6) Additional rule for execution. The person who
15 executes the warrant shall enter the exact time of
16 execution on the face of the duplicate original warrant.

17 (7) Motion to suppress based on failure to obtain a
18 written affidavit. Evidence obtained pursuant to a warrant
19 issued under this subsection (b) is not subject to a motion
20 to suppress on the ground that the circumstances were not
21 such as to make it reasonable to dispense with a written
22 affidavit, absent a finding of bad faith. All other grounds
23 to move to suppress are preserved.

24 (8) This subsection (b) is inoperative on and after
25 January 1, 2005.

26 (9) No evidence obtained pursuant to this subsection

1 (b) shall be inadmissible ~~inadmissable~~ in a court of law by
2 virtue of subdivision (8).

3 (Source: P.A. 92-854, eff. 12-5-02; revised 10-12-05.)

4 (725 ILCS 5/108B-1) (from Ch. 38, par. 108B-1)

5 Sec. 108B-1. Definitions. For the purpose of this Article:

6 (a) "Aggrieved person" means a person who was a party to
7 any intercepted private communication or any person against
8 whom the intercept was directed.

9 (b) "Chief Judge" means, when referring to a judge
10 authorized to receive application for, and to enter orders
11 authorizing, interceptions of private communications, the
12 Chief Judge of the Circuit Court wherein the application for
13 order of interception is filed, or a Circuit Judge designated
14 by the Chief Judge to enter these orders. In circuits other
15 than the Cook County Circuit, "Chief Judge" also means, when
16 referring to a judge authorized to receive application for, and
17 to enter orders authorizing, interceptions of private
18 communications, an Associate Judge authorized by Supreme Court
19 Rule to try felony cases who is assigned by the Chief Judge to
20 enter these orders. After assignment by the Chief Judge, an
21 Associate Judge shall have plenary authority to issue orders
22 without additional authorization for each specific application
23 made to him by the State's Attorney until the time the
24 Associate Judge's power is rescinded by the Chief Judge.

25 (c) "Communications common carrier" means any person

1 engaged as a common carrier in the transmission of
2 communications by wire or radio, not including radio
3 broadcasting.

4 (d) "Contents" includes information obtained from a
5 private communication concerning the existence, substance,
6 purport or meaning of the communication, or the identity of a
7 party of the communication.

8 (e) "Court of competent jurisdiction" means any circuit
9 court.

10 (f) "Department" means Illinois Department of State
11 Police.

12 (g) "Director" means Director of the Illinois Department of
13 State Police.

14 (g-1) "Electronic communication" means any transfer of
15 signs, signals, writing, images, sounds, data, or intelligence
16 of any nature transmitted in whole or part by a wire, radio,
17 pager, computer, or electromagnetic, photo electronic, or
18 photo optical system where the sending and receiving parties
19 intend the electronic communication to be private and the
20 interception, recording, or transcription of the electronic
21 communication is accomplished by a device in a surreptitious
22 manner contrary to the provisions of this Article. "Electronic
23 communication" does not include:

24 (1) any wire or oral communication; or

25 (2) any communication from a tracking device.

26 (h) "Electronic criminal surveillance device" or

1 "eavesdropping device" means any device or apparatus, or
2 computer program including an induction coil, that can be used
3 to intercept private communication other than:

4 (1) Any telephone, telegraph or telecommunication
5 instrument, equipment or facility, or any component of it,
6 furnished to the subscriber or user by a communication
7 common carrier in the ordinary course of its business, or
8 purchased by any person and being used by the subscriber,
9 user or person in the ordinary course of his business, or
10 being used by a communications common carrier in the
11 ordinary course of its business, or by an investigative or
12 law enforcement officer in the ordinary course of his
13 duties; or

14 (2) A hearing aid or similar device being used to
15 correct subnormal hearing to not better than normal.

16 (i) "Electronic criminal surveillance officer" means any
17 law enforcement officer or retired law enforcement officer of
18 the United States or of the State or political subdivision of
19 it, or of another State, or of a political subdivision of it,
20 who is certified by the Illinois Department of State Police to
21 intercept private communications. A retired law enforcement
22 officer may be certified by the Illinois State Police only to
23 (i) prepare petitions for the authority to intercept private
24 ~~oral~~ communications in accordance with the provisions of this
25 Act; (ii) intercept and supervise the interception of private
26 ~~oral~~ communications; (iii) handle, safeguard, and use evidence

1 derived from such private ~~oral~~ communications; and (iv) operate
2 and maintain equipment used to intercept private ~~oral~~
3 communications.

4 (j) "In-progress trace" means to determine the origin of a
5 wire communication to a telephone or telegraph instrument,
6 equipment or facility during the course of the communication.

7 (k) "Intercept" means the aural or other acquisition of the
8 contents of any private communication through the use of any
9 electronic criminal surveillance device.

10 (l) "Journalist" means a person engaged in, connected with,
11 or employed by news media, including newspapers, magazines,
12 press associations, news agencies, wire services, radio,
13 television or other similar media, for the purpose of
14 gathering, processing, transmitting, compiling, editing or
15 disseminating news for the general public.

16 (m) "Law enforcement agency" means any law enforcement
17 agency of the United States, or the State or a political
18 subdivision of it.

19 (n) "Oral communication" means human speech used to
20 communicate by one party to another, in person, by wire
21 communication or by any other means.

22 (o) "Private communication" means a wire, oral, or
23 electronic communication uttered or transmitted by a person
24 exhibiting an expectation that the communication is not subject
25 to interception, under circumstances reasonably justifying the
26 expectation. Circumstances that reasonably justify the

1 expectation that a communication is not subject to interception
2 include the use of a cordless telephone or cellular
3 communication device.

4 (p) "Wire communication" means any human speech used to
5 communicate by one party to another in whole or in part through
6 the use of facilities for the transmission of communications by
7 wire, cable or other like connection between the point of
8 origin and the point of reception furnished or operated by a
9 communications common carrier.

10 (q) "Privileged communications" means a private
11 communication between:

12 (1) a licensed and practicing physician and a patient
13 within the scope of the profession of the physician;

14 (2) a licensed and practicing psychologist to a patient
15 within the scope of the profession of the psychologist;

16 (3) a licensed and practicing attorney-at-law and a
17 client within the scope of the profession of the lawyer;

18 (4) a practicing clergyman and a confidant within the
19 scope of the profession of the clergyman;

20 (5) a practicing journalist within the scope of his
21 profession;

22 (6) spouses within the scope of their marital
23 relationship; or

24 (7) a licensed and practicing social worker to a client
25 within the scope of the profession of the social worker.

26 (r) "Retired law enforcement officer" means a person: (1)

1 who is a graduate of a police training institute or academy,
2 who after graduating served for at least 15 consecutive years
3 as a sworn, full-time peace officer qualified to carry firearms
4 for any federal or State department or agency or for any unit
5 of local government of Illinois; (2) who has retired as a
6 local, State, or federal peace officer in a publicly created
7 peace officer retirement system; and (3) whose service in law
8 enforcement was honorably terminated through retirement or
9 disability and not as a result of discipline, suspension, or
10 discharge.

11 (Source: P.A. 92-854, eff. 12-5-02; 92-863, eff. 1-3-03;
12 revised 1-9-03.)

13 (725 ILCS 5/108B-3) (from Ch. 38, par. 108B-3)

14 Sec. 108B-3. Authorization for the interception of private
15 communication.

16 (a) The State's Attorney, or a person designated in writing
17 or by law to act for him and to perform his duties during his
18 absence or disability, may authorize, in writing, an ex parte
19 application to the chief judge of a court of competent
20 jurisdiction for an order authorizing the interception of a
21 private communication when no party has consented to the
22 interception and (i) the interception may provide evidence of,
23 or may assist in the apprehension of a person who has
24 committed, is committing or is about to commit, a violation of
25 Section 8-1.1 (solicitation of murder), 8-1.2 (solicitation of

1 murder for hire), 9-1 (first degree murder), or 29B-1 (money
2 laundering) of the Criminal Code of 1961, Section 401, 401.1
3 (controlled substance trafficking), 405, 405.1 (criminal drug
4 conspiracy) or 407 of the Illinois Controlled Substances Act or
5 any Section of the Methamphetamine Control and Community
6 Protection Act, a violation of Section 24-2.1, 24-2.2, 24-3,
7 24-3.1, 24-3.3, 24-3.4, 24-4, or 24-5 or subsection 24-1(a) (4),
8 24-1(a) (6), 24-1(a) (7), 24-1(a) (9), 24-1(a) (10), or 24-1(c) of
9 the Criminal Code of 1961 or conspiracy to commit money
10 laundering or conspiracy to commit first degree murder; (ii) in
11 response to a clear and present danger of imminent death or
12 great bodily harm to persons resulting from: (1) a kidnapping
13 or the holding of a hostage by force or the threat of the
14 imminent use of force; or (2) the occupation by force or the
15 threat of the imminent use of force of any premises, place,
16 vehicle, vessel or aircraft; (iii) to aid an investigation or
17 prosecution of a civil action brought under the Illinois
18 Streetgang Terrorism Omnibus Prevention Act when there is
19 probable cause to believe the interception of the private
20 communication will provide evidence that a streetgang is
21 committing, has committed, or will commit a second or
22 subsequent gang-related offense or that the interception of the
23 private communication will aid in the collection of a judgment
24 entered under that Act; or (iv) upon information and belief
25 that a streetgang has committed, is committing, or is about to
26 commit a felony.

1 (b) The State's Attorney or a person designated in writing
2 or by law to act for the State's Attorney and to perform his or
3 her duties during his or her absence or disability, may
4 authorize, in writing, an ex parte application to the chief
5 judge of a circuit court for an order authorizing the
6 interception of a private communication when no party has
7 consented to the interception and the interception may provide
8 evidence of, or may assist in the apprehension of a person who
9 has committed, is committing or is about to commit, a violation
10 of an offense under Article 29D of the Criminal Code of 1961.

11 (b-1) Subsection (b) is inoperative on and after January 1,
12 2005.

13 (b-2) No conversations recorded or monitored pursuant to
14 subsection (b) shall be made inadmissible in a court of law by
15 virtue of subsection (b-1).

16 (c) As used in this Section, "streetgang" and
17 "gang-related" have the meanings ascribed to them in Section 10
18 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

19 (Source: P.A. 94-468, eff. 8-4-05; 94-556, eff. 9-11-05;
20 revised 8-19-05.)

21 (725 ILCS 5/108B-5) (from Ch. 38, par. 108B-5)

22 Sec. 108B-5. Requirements for order of interception.

23 (a) Upon consideration of an application, the chief judge
24 may enter an ex parte order, as requested or as modified,
25 authorizing the interception of a private communication, if the

1 chief judge determines on the basis of the application
2 submitted by the applicant, that:

3 (1) There is probable cause for belief that (A) ~~(a)~~ the
4 person whose private communication is to be intercepted is
5 committing, has committed, or is about to commit an offense
6 enumerated in Section 108B-3, or (B) ~~(b)~~ the facilities
7 from which, or the place where, the private communication
8 is to be intercepted, is, has been, or is about to be used
9 in connection with the commission of the offense, or is
10 leased to, listed in the name of, or commonly used by, the
11 person; and

12 (2) There is probable cause for belief that a
13 particular private communication concerning such offense
14 may be obtained through the interception; and

15 (3) Normal investigative procedures with respect to
16 the offense have been tried and have failed or reasonably
17 appear to be unlikely to succeed if tried or too dangerous
18 to employ; and

19 (4) The electronic criminal surveillance officers to
20 be authorized to supervise the interception of the private
21 communication have been certified by the Department.

22 (b) In the case of an application, other than for an
23 extension, for an order to intercept a communication of a
24 person or on a wire communication facility that was the subject
25 of a previous order authorizing interception, the application
26 shall be based upon new evidence or information different from

1 and in addition to the evidence or information offered to
2 support the prior order, regardless of whether the evidence was
3 derived from prior interceptions or from other sources.

4 (c) The chief judge may authorize interception of a private
5 communication anywhere in the judicial circuit. If the court
6 authorizes the use of an eavesdropping device with respect to a
7 vehicle, watercraft, or aircraft that is within the judicial
8 circuit at the time the order is issued, the order may provide
9 that the interception may continue anywhere within the State if
10 the vehicle, watercraft, or aircraft leaves the judicial
11 circuit.

12 (Source: P.A. 92-854, eff. 12-5-02; revised 1-20-03.)

13 (725 ILCS 5/108B-11) (from Ch. 38, par. 108B-11)

14 Sec. 108B-11. Inventory.

15 (a) Within a reasonable period of time but not later than
16 90 days after the termination of the period of the order, or
17 its extensions, or the date of the denial of an application
18 made under Section 108B-8, the chief judge issuing or denying
19 the order or extension shall cause an inventory to be served on
20 any person:

21 (1) named in the order;

22 (2) arrested as a result of the interception of his
23 private communication;

24 (3) indicted or otherwise charged as a result of the
25 interception of his private communication;

1 (4) ~~Any person~~ whose private communication was
2 intercepted and who the judge issuing or denying the order
3 or application may in his discretion determine should be
4 informed in the interest of justice.

5 (b) The inventory under this Section shall include:

6 (1) notice of the entry of the order or the application
7 for an order denied under Section 108B-8;

8 (2) the date of the entry of the order or the denial of
9 an order applied for under Section 108B-8;

10 (3) the period of authorized or disapproved
11 interception; and

12 (4) the fact that during the period a private
13 communication was or was not intercepted.

14 (c) A court of competent jurisdiction, upon filing of a
15 motion, may in its discretion make available to those persons
16 or their attorneys for inspection those portions of the
17 intercepted communications, applications and orders as the
18 court determines to be in the interest of justice.

19 (d) On an ex parte showing of good cause to a court of
20 competent jurisdiction, the serving of the inventories
21 required by this Section may be postponed for a period not to
22 exceed 12 months.

23 (Source: P.A. 92-854, eff. 12-5-02; revised 1-20-03.)

24 (725 ILCS 5/110-10) (from Ch. 38, par. 110-10)

1 Sec. 110-10. Conditions of bail bond.

2 (a) If a person is released prior to conviction, either
3 upon payment of bail security or on his or her own
4 recognizance, the conditions of the bail bond shall be that he
5 or she will:

6 (1) Appear to answer the charge in the court having
7 jurisdiction on a day certain and thereafter as ordered by
8 the court until discharged or final order of the court;

9 (2) Submit himself or herself to the orders and process
10 of the court;

11 (3) Not depart this State without leave of the court;

12 (4) Not violate any criminal statute of any
13 jurisdiction;

14 (5) At a time and place designated by the court,
15 surrender all firearms in his or her possession to a law
16 enforcement officer designated by the court to take custody
17 of and impound the firearms and physically surrender his or
18 her Firearm Owner's Identification Card to the clerk of the
19 circuit court when the offense the person has been charged
20 with is a forcible felony, stalking, aggravated stalking,
21 domestic battery, any violation of the Illinois Controlled
22 Substances Act, the Methamphetamine Control and Community
23 Protection Act, or the Cannabis Control Act that is
24 classified as a Class 2 or greater felony, or any felony
25 violation of Article 24 of the Criminal Code of 1961; the
26 court may, however, forgo the imposition of this condition

1 when the circumstances of the case clearly do not warrant
2 it or when its imposition would be impractical; all legally
3 possessed firearms shall be returned to the person upon the
4 charges being dismissed, or if the person is found not
5 guilty, unless the finding of not guilty is by reason of
6 insanity; and

7 (6) At a time and place designated by the court, submit
8 to a psychological evaluation when the person has been
9 charged with a violation of item (4) of subsection (a) of
10 Section 24-1 of the Criminal Code of 1961 and that
11 violation occurred in a school or in any conveyance owned,
12 leased, or contracted by a school to transport students to
13 or from school or a school-related activity, or on any
14 public way within 1,000 feet of real property comprising
15 any school.

16 Psychological evaluations ordered pursuant to this Section
17 shall be completed promptly and made available to the State,
18 the defendant, and the court. As a further condition of bail
19 under these circumstances, the court shall order the defendant
20 to refrain from entering upon the property of the school,
21 including any conveyance owned, leased, or contracted by a
22 school to transport students to or from school or a
23 school-related activity, or on any public way within 1,000 feet
24 of real property comprising any school. Upon receipt of the
25 psychological evaluation, either the State or the defendant may
26 request a change in the conditions of bail, pursuant to Section

1 110-6 of this Code. The court may change the conditions of bail
2 to include a requirement that the defendant follow the
3 recommendations of the psychological evaluation, including
4 undergoing psychiatric treatment. The conclusions of the
5 psychological evaluation and any statements elicited from the
6 defendant during its administration are not admissible as
7 evidence of guilt during the course of any trial on the charged
8 offense, unless the defendant places his or her mental
9 competency in issue.

10 (b) The court may impose other conditions, such as the
11 following, if the court finds that such conditions are
12 reasonably necessary to assure the defendant's appearance in
13 court, protect the public from the defendant, or prevent the
14 defendant's unlawful interference with the orderly
15 administration of justice:

16 (1) Report to or appear in person before such person or
17 agency as the court may direct;

18 (2) Refrain from possessing a firearm or other
19 dangerous weapon;

20 (3) Refrain from approaching or communicating with
21 particular persons or classes of persons;

22 (4) Refrain from going to certain described
23 geographical areas or premises;

24 (5) Refrain from engaging in certain activities or
25 indulging in intoxicating liquors or in certain drugs;

26 (6) Undergo treatment for drug addiction or

1 alcoholism;

2 (7) Undergo medical or psychiatric treatment;

3 (8) Work or pursue a course of study or vocational
4 training;

5 (9) Attend or reside in a facility designated by the
6 court;

7 (10) Support his or her dependents;

8 (11) If a minor resides with his or her parents or in a
9 foster home, attend school, attend a non-residential
10 program for youths, and contribute to his or her own
11 support at home or in a foster home;

12 (12) Observe any curfew ordered by the court;

13 (13) Remain in the custody of such designated person or
14 organization agreeing to supervise his release. Such third
15 party custodian shall be responsible for notifying the
16 court if the defendant fails to observe the conditions of
17 release which the custodian has agreed to monitor, and
18 shall be subject to contempt of court for failure so to
19 notify the court;

20 (14) Be placed under direct supervision of the Pretrial
21 Services Agency, Probation Department or Court Services
22 Department in a pretrial bond home supervision capacity
23 with or without the use of an approved electronic
24 monitoring device subject to Article 8A of Chapter V of the
25 Unified Code of Corrections;

26 (14.1) The court shall impose upon a defendant who is

1 charged with any alcohol, cannabis, methamphetamine, or
2 controlled substance violation and is placed under direct
3 supervision of the Pretrial Services Agency, Probation
4 Department or Court Services Department in a pretrial bond
5 home supervision capacity with the use of an approved
6 monitoring device, as a condition of such bail bond, a fee
7 that represents costs incidental to the electronic
8 monitoring for each day of such bail supervision ordered by
9 the court, unless after determining the inability of the
10 defendant to pay the fee, the court assesses a lesser fee
11 or no fee as the case may be. The fee shall be collected by
12 the clerk of the circuit court. The clerk of the circuit
13 court shall pay all monies collected from this fee to the
14 county treasurer for deposit in the substance abuse
15 services fund under Section 5-1086.1 of the Counties Code;

16 (14.2) The court shall impose upon all defendants,
17 including those defendants subject to paragraph (14.1)
18 above, placed under direct supervision of the Pretrial
19 Services Agency, Probation Department or Court Services
20 Department in a pretrial bond home supervision capacity
21 with the use of an approved monitoring device, as a
22 condition of such bail bond, a fee which shall represent
23 costs incidental to such electronic monitoring for each day
24 of such bail supervision ordered by the court, unless after
25 determining the inability of the defendant to pay the fee,
26 the court assesses a lesser fee or no fee as the case may

1 be. The fee shall be collected by the clerk of the circuit
2 court. The clerk of the circuit court shall pay all monies
3 collected from this fee to the county treasurer who shall
4 use the monies collected to defray the costs of
5 corrections. The county treasurer shall deposit the fee
6 collected in the county working cash fund under Section
7 6-27001 or Section 6-29002 of the Counties Code, as the
8 case may be;

9 (14.3) The Chief Judge of the Judicial Circuit may
10 establish reasonable fees to be paid by a person receiving
11 pretrial services while under supervision of a pretrial
12 services agency, probation department, or court services
13 department. Reasonable fees may be charged for pretrial
14 services including, but not limited to, pretrial
15 supervision, diversion programs, electronic monitoring,
16 victim impact services, drug and alcohol testing, and
17 victim mediation services. The person receiving pretrial
18 services may be ordered to pay all costs incidental to
19 pretrial services in accordance with his or her ability to
20 pay those costs;

21 (14.4) For persons charged with violating Section
22 11-501 of the Illinois Vehicle Code, refrain from operating
23 a motor vehicle not equipped with an ignition interlock
24 device, as defined in Section 1-129.1 of the Illinois
25 Vehicle Code, pursuant to the rules promulgated by the
26 Secretary of State for the installation of ignition

1 interlock devices. Under this condition the court may allow
2 a defendant who is not self-employed to operate a vehicle
3 owned by the defendant's employer that is not equipped with
4 an ignition interlock device in the course and scope of the
5 defendant's employment;

6 (15) Comply with the terms and conditions of an order
7 of protection issued by the court under the Illinois
8 Domestic Violence Act of 1986 or an order of protection
9 issued by the court of another state, tribe, or United
10 States territory;

11 (16) Under Section 110-6.5 comply with the conditions
12 of the drug testing program; and

13 (17) Such other reasonable conditions as the court may
14 impose.

15 (c) When a person is charged with an offense under Section
16 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the "Criminal Code of
17 1961", involving a victim who is a minor under 18 years of age
18 living in the same household with the defendant at the time of
19 the offense, in granting bail or releasing the defendant on his
20 own recognizance, the judge shall impose conditions to restrict
21 the defendant's access to the victim which may include, but are
22 not limited to conditions that he will:

23 1. Vacate the Household.

24 2. Make payment of temporary support to his dependents.

25 3. Refrain from contact or communication with the child
26 victim, except as ordered by the court.

1 (d) When a person is charged with a criminal offense and
2 the victim is a family or household member as defined in
3 Article 112A, conditions shall be imposed at the time of the
4 defendant's release on bond that restrict the defendant's
5 access to the victim. Unless provided otherwise by the court,
6 the restrictions shall include requirements that the defendant
7 do the following:

8 (1) refrain from contact or communication with the
9 victim for a minimum period of 72 hours following the
10 defendant's release; and

11 (2) refrain from entering or remaining at the victim's
12 residence for a minimum period of 72 hours following the
13 defendant's release.

14 (e) Local law enforcement agencies shall develop
15 standardized bond forms for use in cases involving family or
16 household members as defined in Article 112A, including
17 specific conditions of bond as provided in subsection (d).
18 Failure of any law enforcement department to develop or use
19 those forms shall in no way limit the applicability and
20 enforcement of subsections (d) and (f).

21 (f) If the defendant is admitted to bail after conviction
22 the conditions of the bail bond shall be that he will, in
23 addition to the conditions set forth in subsections (a) and (b)
24 hereof:

25 (1) Duly prosecute his appeal;

26 (2) Appear at such time and place as the court may

1 direct;

2 (3) Not depart this State without leave of the court;

3 (4) Comply with such other reasonable conditions as the
4 court may impose; and

5 (5) If the judgment is affirmed or the cause reversed
6 and remanded for a new trial, forthwith surrender to the
7 officer from whose custody he was bailed.

8 (g) Upon a finding of guilty for any felony offense, the
9 defendant shall physically surrender, at a time and place
10 designated by the court, any and all firearms in his or her
11 possession and his or her Firearm Owner's Identification Card
12 as a condition of remaining on bond pending sentencing.

13 (Source: P.A. 93-184, eff. 1-1-04; 94-556, eff. 9-11-05;
14 94-590, eff. 1-1-06; revised 8-19-05.)

15 (725 ILCS 5/112A-23) (from Ch. 38, par. 112A-23)

16 Sec. 112A-23. Enforcement of orders of protection.

17 (a) When violation is crime. A violation of any order of
18 protection, whether issued in a civil, quasi-criminal
19 proceeding, shall be enforced by a criminal court when:

20 (1) The respondent commits the crime of violation of an
21 order of protection pursuant to Section 12-30 of the
22 Criminal Code of 1961, by having knowingly violated:

23 (i) remedies described in paragraphs (1), (2),
24 (3), (14), or (14.5) of subsection (b) of Section
25 112A-14,

1 (ii) a remedy, which is substantially similar to
2 the remedies authorized under paragraphs (1), (2),
3 (3), (14) or (14.5) of subsection (b) of Section 214 of
4 the Illinois Domestic Violence Act of 1986, in a valid
5 order of protection, which is authorized under the laws
6 of another state, tribe or United States territory,

7 (iii) or any other remedy when the act constitutes
8 a crime against the protected parties as defined by the
9 Criminal Code of 1961.

10 Prosecution for a violation of an order of protection shall
11 not bar concurrent prosecution for any other crime, including
12 any crime that may have been committed at the time of the
13 violation of the order of protection; or

14 (2) The respondent commits the crime of child abduction
15 pursuant to Section 10-5 of the Criminal Code of 1961, by
16 having knowingly violated:

17 (i) remedies described in paragraphs (5), (6) or
18 (8) of subsection (b) of Section 112A-14, or

19 (ii) a remedy, which is substantially similar to
20 the remedies authorized under paragraphs (1), (5),
21 (6), or (8) of subsection (b) of Section 214 of the
22 Illinois Domestic Violence Act of 1986, in a valid
23 order of protection, which is authorized under the laws
24 of another state, tribe or United States territory.

25 (b) When violation is contempt of court. A violation of any
26 valid order of protection, whether issued in a civil or

1 criminal proceeding, may be enforced through civil or criminal
2 contempt procedures, as appropriate, by any court with
3 jurisdiction, regardless where the act or acts which violated
4 the order of protection were committed, to the extent
5 consistent with the venue provisions of this Article. Nothing
6 in this Article shall preclude any Illinois court from
7 enforcing any valid order of protection issued in another
8 state. Illinois courts may enforce orders of protection through
9 both criminal prosecution and contempt proceedings, unless the
10 action which is second in time is barred by collateral estoppel
11 or the constitutional prohibition against double jeopardy.

12 (1) In a contempt proceeding where the petition for a
13 rule to show cause sets forth facts evidencing an immediate
14 danger that the respondent will flee the jurisdiction,
15 conceal a child, or inflict physical abuse on the
16 petitioner or minor children or on dependent adults in
17 petitioner's care, the court may order the attachment of
18 the respondent without prior service of the rule to show
19 cause or the petition for a rule to show cause. Bond shall
20 be set unless specifically denied in writing.

21 (2) A petition for a rule to show cause for violation
22 of an order of protection shall be treated as an expedited
23 proceeding.

24 (c) Violation of custody or support orders. A violation of
25 remedies described in paragraphs (5), (6), (8), or (9) of
26 subsection (b) of Section 112A-14 may be enforced by any remedy

1 provided by Section 611 of the Illinois Marriage and
2 Dissolution of Marriage Act. The court may enforce any order
3 for support issued under paragraph (12) of subsection (b) of
4 Section 112A-14 in the manner provided for under Parts ~~Articles~~
5 V and VII of the Illinois Marriage and Dissolution of Marriage
6 Act.

7 (d) Actual knowledge. An order of protection may be
8 enforced pursuant to this Section if the respondent violates
9 the order after respondent has actual knowledge of its contents
10 as shown through one of the following means:

11 (1) By service, delivery, or notice under Section
12 112A-10.

13 (2) By notice under Section 112A-11.

14 (3) By service of an order of protection under Section
15 112A-22.

16 (4) By other means demonstrating actual knowledge of
17 the contents of the order.

18 (e) The enforcement of an order of protection in civil or
19 criminal court shall not be affected by either of the
20 following:

21 (1) The existence of a separate, correlative order
22 entered under Section 112A-15.

23 (2) Any finding or order entered in a conjoined
24 criminal proceeding.

25 (f) Circumstances. The court, when determining whether or
26 not a violation of an order of protection has occurred, shall

1 not require physical manifestations of abuse on the person of
2 the victim.

3 (g) Penalties.

4 (1) Except as provided in paragraph (3) of this
5 subsection, where the court finds the commission of a crime
6 or contempt of court under subsections (a) or (b) of this
7 Section, the penalty shall be the penalty that generally
8 applies in such criminal or contempt proceedings, and may
9 include one or more of the following: incarceration,
10 payment of restitution, a fine, payment of attorneys' fees
11 and costs, or community service.

12 (2) The court shall hear and take into account evidence
13 of any factors in aggravation or mitigation before deciding
14 an appropriate penalty under paragraph (1) of this
15 subsection.

16 (3) To the extent permitted by law, the court is
17 encouraged to:

18 (i) increase the penalty for the knowing violation
19 of any order of protection over any penalty previously
20 imposed by any court for respondent's violation of any
21 order of protection or penal statute involving
22 petitioner as victim and respondent as defendant;

23 (ii) impose a minimum penalty of 24 hours
24 imprisonment for respondent's first violation of any
25 order of protection; and

26 (iii) impose a minimum penalty of 48 hours

1 imprisonment for respondent's second or subsequent
2 violation of an order of protection
3 unless the court explicitly finds that an increased penalty
4 or that period of imprisonment would be manifestly unjust.

5 (4) In addition to any other penalties imposed for a
6 violation of an order of protection, a criminal court may
7 consider evidence of any violations of an order of
8 protection:

9 (i) to increase, revoke or modify the bail bond on
10 an underlying criminal charge pursuant to Section
11 110-6;

12 (ii) to revoke or modify an order of probation,
13 conditional discharge or supervision, pursuant to
14 Section 5-6-4 of the Unified Code of Corrections;

15 (iii) to revoke or modify a sentence of periodic
16 imprisonment, pursuant to Section 5-7-2 of the Unified
17 Code of Corrections.

18 (Source: P.A. 93-359, eff. 1-1-04; revised 10-11-05.)

19 (725 ILCS 5/112A-28) (from Ch. 38, par. 112A-28)

20 Sec. 112A-28. Data maintenance by law enforcement
21 agencies.

22 (a) All sheriffs shall furnish to the Department of State
23 Police, daily, in the form and detail the Department requires,
24 copies of any recorded orders of protection issued by the
25 court, and any foreign orders of protection filed by the clerk

1 of the court, and transmitted to the sheriff by the clerk of
2 the court pursuant to subsection (b) of Section 112A-22 of this
3 Act. Each order of protection shall be entered in the Law
4 Enforcement Agencies ~~Automated~~ Data System on the same day it
5 is issued by the court. If an emergency order of protection was
6 issued in accordance with subsection (c) of Section 112A-17,
7 the order shall be entered in the Law Enforcement Agencies
8 ~~Automated~~ Data System as soon as possible after receipt from
9 the clerk.

10 (b) The Department of State Police shall maintain a
11 complete and systematic record and index of all valid and
12 recorded orders of protection issued or filed pursuant to this
13 Act. The data shall be used to inform all dispatchers and law
14 enforcement officers at the scene of an alleged incident of
15 abuse or violation of an order of protection of any recorded
16 prior incident of abuse involving the abused party and the
17 effective dates and terms of any recorded order of protection.

18 (c) The data, records and transmittals required under this
19 Section shall pertain to any valid emergency, interim or
20 plenary order of protection, whether issued in a civil or
21 criminal proceeding or authorized under the laws of another
22 state, tribe, or United States territory.

23 (Source: P.A. 90-392, eff. 1-1-98; 91-903, eff. 1-1-01; revised
24 2-17-03.)

25 Section 1055. The Capital Crimes Litigation Act is amended

1 by changing Section 19 as follows:

2 (725 ILCS 124/19)

3 Sec. 19. Report, ~~repeal~~.

4 (a) The Cook County Public Defender, the Cook County
5 State's Attorney, the State Appellate Defender, the State's
6 Attorneys Appellate Prosecutor, and the Attorney General shall
7 each report separately to the General Assembly by January 1,
8 2004 detailing the amounts of money received by them through
9 this Act, the uses for which those funds were expended, the
10 balances then in the Capital Litigation Trust Fund or county
11 accounts, as the case may be, dedicated to them for the use and
12 support of Public Defenders, appointed trial defense counsel,
13 and State's Attorneys, as the case may be. The report shall
14 describe and discuss the need for continued funding through the
15 Fund and contain any suggestions for changes to this Act.

16 (b) (Blank).

17 (Source: P.A. 93-605, eff. 11-19-03; revised 12-9-03.)

18 Section 1060. The Pretrial Services Act is amended by
19 changing Section 33 as follows:

20 (725 ILCS 185/33) (from Ch. 38, par. 333)

21 Sec. 33. The Supreme Court shall pay from funds
22 appropriated to it for this purpose 100% of all approved costs
23 for pretrial services, including pretrial services officers,

1 necessary support personnel, travel costs reasonably related
2 to the delivery of pretrial services, space costs, equipment,
3 telecommunications, postage, commodities, printing and
4 contractual services. Costs shall be reimbursed monthly, based
5 on a plan and budget approved by the Supreme Court. No
6 department may be reimbursed for costs which exceed or are not
7 provided for in the approved plan and budget. For State fiscal
8 years 2004, 2005, ~~and~~ 2006, and 2007 only, the Mandatory
9 Arbitration Fund may be used to reimburse approved costs for
10 pretrial services.

11 (Source: P.A. 93-25, eff. 6-20-03; 93-839, eff. 7-30-04; 94-91,
12 eff. 7-1-05; 94-839, eff. 6-6-06; revised 8-3-06.)

13 Section 1065. The Sexually Violent Persons Commitment Act
14 is amended by changing Section 90 as follows:

15 (725 ILCS 207/90)

16 Sec. 90. Committed persons ability to pay for services.
17 Each person committed or detained under this Act who receives
18 services provided directly or funded by the Department and the
19 estate of that person is liable for the payment of sums
20 representing charges for services to the person at a rate to be
21 determined by the Department. Services charges against that
22 person take effect on the date of admission or the effective
23 date of this Section. The Department in its rules may establish
24 a maximum rate for the cost of services. In the case of any

1 person who has received residential services from the
2 Department, whether directly from the Department or through a
3 public or private agency or entity funded by the Department,
4 the liability shall be the same regardless of the source of
5 services. When the person is placed in a facility outside the
6 Department, the facility shall collect reimbursement from the
7 person. The Department may supplement the contribution of the
8 person to private facilities after all other sources of income
9 have been utilized; however the supplement shall not exceed the
10 allowable rate under Title XVIII or Title XIX of the Federal
11 Social Security Act for those persons eligible for those
12 respective programs. The Department may pay the actual costs of
13 services or maintenance in the facility and may collect
14 reimbursement for the entire amount paid from the person or an
15 amount not to exceed the maximum. Lesser or greater amounts may
16 be accepted by the Department when conditions warrant that
17 action or when offered by persons not liable under this Act.
18 Nothing in this Section shall preclude the Department from
19 applying federal benefits that are specifically provided for
20 the care and treatment of a disabled person toward the cost of
21 care provided by a State facility or private agency. The
22 Department may investigate the financial condition of each
23 person committed under this Act, may make determinations of the
24 ability of each such person to pay sums representing services
25 charges, and for those purposes may set a standard as a basis
26 of judgment of ability to pay. The Department shall by rule

1 make provisions for unusual and exceptional circumstances in
2 the application of that standard. The Department may issue to
3 any person liable under this Act a statement of amount due as
4 treatment charges requiring him or her to pay monthly,
5 quarterly, or otherwise as may be arranged, an amount not
6 exceeding that required under this Act, plus fees to which the
7 Department may be entitled under this Act.

8 (a) Whenever an individual is covered, in part or in whole,
9 under any type of insurance arrangement, private or public, for
10 services provided by the Department, the proceeds from the
11 insurance shall be considered as part of the individual's
12 ability to pay notwithstanding that the insurance contract was
13 entered into by a person other than the individual or that the
14 premiums for the insurance were paid for by a person other than
15 the individual. Remittances from intermediary agencies under
16 Title XVIII of the Federal Social Security Act for services to
17 committed persons shall be deposited with the State Treasurer
18 and placed in the Mental Health Fund. Payments received from
19 the Department of Healthcare and Family Services ~~Public Aid~~
20 under Title XIX of the Federal Social Security Act for services
21 to those persons shall be deposited with the State Treasurer
22 and shall be placed in the General Revenue Fund.

23 (b) Any person who has been issued a Notice of
24 Determination of sums due as services charges may petition the
25 Department for a review of that determination. The petition
26 must be in writing and filed with the Department within 90 days

1 from the date of the Notice of Determination. The Department
2 shall provide for a hearing to be held on the charges for the
3 period covered by the petition. The Department may after the
4 hearing, cancel, modify, or increase the former determination
5 to an amount not to exceed the maximum provided for the person
6 by this Act. The Department at its expense shall take testimony
7 and preserve a record of all proceedings at the hearing upon
8 any petition for a release from or modification of the
9 determination. The petition and other documents in the nature
10 of pleadings and motions filed in the case, a transcript of
11 testimony, findings of the Department, and orders of the
12 Secretary constitute the record. The Secretary shall furnish a
13 transcript of the record to any person upon payment of 75¢ per
14 page for each original transcript and 25¢ per page for each
15 copy of the transcript. Any person aggrieved by the decision of
16 the Department upon a hearing may, within 30 days thereafter,
17 file a petition with the Department for review of the decision
18 by the Board of Reimbursement Appeals established in the Mental
19 Health and Developmental Disabilities Code. The Board of
20 Reimbursement Appeals may approve action taken by the
21 Department or may remand the case to the Secretary with
22 recommendation for redetermination of charges.

23 (c) Upon receiving a petition for review under subsection
24 (b) of this Section, the Department shall thereupon notify the
25 Board of Reimbursement Appeals which shall render its decision
26 thereon within 30 days after the petition is filed and certify

1 such decision to the Department. Concurrence of a majority of
2 the Board is necessary in any such decision. Upon request of
3 the Department, the State's Attorney of the county in which a
4 client who is liable under this Act for payment of sums
5 representing services charges resides, shall institute
6 appropriate legal action against any such client, or within the
7 time provided by law shall file a claim against the estate of
8 the client who fails or refuses to pay those charges. The court
9 shall order the payment of sums due for services charges for
10 such period or periods of time as the circumstances require.
11 The order may be entered against any defendant and may be based
12 upon the proportionate ability of each defendant to contribute
13 to the payment of sums representing services charges including
14 the actual charges for services in facilities outside the
15 Department where the Department has paid those charges. Orders
16 for the payment of money may be enforced by attachment as for
17 contempt against the persons of the defendants and, in
18 addition, as other judgments for the payment of money, and
19 costs may be adjudged against the defendants and apportioned
20 among them.

21 (d) The money collected shall be deposited into the Mental
22 Health Fund.

23 (Source: P.A. 90-793, eff. 8-14-98; revised 12-15-05.)

24 Section 1070. The Unified Code of Corrections is amended by
25 changing Sections 3-3-10, 3-5-4, 5-2-4, 5-4-1, 5-5-3, 5-5-6,

1 5-6-3, 5-6-3.1, 5-8-1.3, 5-9-1.2, and 5-9-1.7 and by setting
2 forth, renumbering, and changing multiple versions of Article
3 17 of Chapter III and Section 5-9-1.12 as follows:

4 (730 ILCS 5/3-3-10) (from Ch. 38, par. 1003-3-10)

5 Sec. 3-3-10. Eligibility after Revocation; Release under
6 Supervision.

7 (a) A person whose parole or mandatory supervised release
8 has been revoked may be reparaoled or rereleased by the Board at
9 any time to the full parole or mandatory supervised release
10 term under Section 3-3-8, except that the time which the person
11 shall remain subject to the Board shall not exceed (1) the
12 imposed maximum term of imprisonment or confinement and the
13 parole term for those sentenced under the law in effect prior
14 to the effective date of this amendatory Act of 1977 or (2) the
15 term of imprisonment imposed by the court and the mandatory
16 supervised release term for those sentenced under the law in
17 effect on and after such effective date.

18 (b) If the Board sets no earlier release date:

19 (1) A person sentenced for any violation of law which
20 occurred before January 1, 1973, shall be released under
21 supervision 6 months prior to the expiration of his maximum
22 sentence of imprisonment less good time credit under
23 Section 3-6-3.†

24 (2) Any person who has violated the conditions of his
25 parole and been reconfined under Section 3-3-9 shall be

1 released under supervision 6 months prior to the expiration
2 of the term of his reconfinement under paragraph (a) of
3 Section 3-3-9 less good time credit under Section 3-6-3.
4 This paragraph shall not apply to persons serving terms of
5 mandatory supervised release.

6 (3) Nothing herein shall require the release of a
7 person who has violated his parole within 6 months of the
8 date when his release under this Section would otherwise be
9 mandatory.

10 (c) Persons released under this Section shall be subject to
11 Sections 3-3-6, 3-3-7, 3-3-9, 3-14-1, 3-14-2, 3-14-2.5,
12 3-14-3, and 3-14-4.

13 (Source: P.A. 94-165, eff. 7-11-05; revised 8-29-05.)

14 (730 ILCS 5/3-5-4)

15 Sec. 3-5-4. Exchange of information for child support
16 enforcement.

17 (a) The Department shall exchange with the ~~Illinois~~
18 Department of Healthcare and Family Services ~~Public Aid~~
19 information that may be necessary for the enforcement of child
20 support orders entered pursuant to the Illinois Public Aid
21 Code, the Illinois Marriage and Dissolution of Marriage Act,
22 the Non-Support of Spouse and Children Act, the Non-Support
23 Punishment Act, the Revised Uniform Reciprocal Enforcement of
24 Support Act, the Uniform Interstate Family Support Act, or the
25 Illinois Parentage Act of 1984.

1 (b) Notwithstanding any provisions in this Code to the
2 contrary, the Department shall not be liable to any person for
3 any disclosure of information to the Department of Healthcare
4 and Family Services (formerly Illinois Department of Public
5 Aid) under subsection (a) or for any other action taken in good
6 faith to comply with the requirements of subsection (a).

7 (Source: P.A. 90-18, eff. 1-1-97; 91-613, eff. 10-1-99; revised
8 12-15-05.)

9 (730 ILCS 5/Ch. III Art. 17 heading)

10 ARTICLE 17. TRANSITIONAL HOUSING FOR SEX OFFENDERS

11 (Source: P.A. 94-161, eff. 7-11-05.)

12 (730 ILCS 5/3-17-1)

13 Sec. 3-17-1. Transitional housing for sex offenders. This
14 Article may be cited as the Transitional Housing For Sex
15 Offenders Law.

16 (Source: P.A. 94-161, eff. 7-11-05.)

17 (730 ILCS 5/3-17-5)

18 Sec. 3-17-5. Transitional housing; licensing.

19 (a) The Department of Corrections shall license
20 transitional housing facilities for persons convicted of or
21 placed on supervision for sex offenses as defined in the Sex
22 Offender Management Board Act.

23 (b) A transitional housing facility must meet the following

1 criteria to be licensed by the Department:

2 (1) The facility shall provide housing to a sex
3 offender who is in compliance with his or her parole,
4 mandatory supervised release, probation, or supervision
5 order for a period not to exceed 90 days, unless extended
6 with approval from the Director or his or her designee.
7 Notice of any extension approved shall be provided to the
8 Prisoner Review Board.

9 (2) The Department of Corrections must approve a
10 treatment plan and counseling for each sex offender
11 residing in the transitional housing.

12 (3) The transitional housing facility must provide
13 security 24 hours each day and 7 days each week as defined
14 and approved by the Department.

15 (4) The facility must notify the police department,
16 public and private elementary and secondary schools,
17 public libraries, and each residential home and apartment
18 complex located within 500 feet of the transitional housing
19 facility of its initial licensure as a transitional housing
20 facility, and of its continuing operation as a transitional
21 housing facility annually thereafter.

22 (5) Upon its initial licensure as a transitional
23 housing facility and during its licensure, each facility
24 shall maintain at its main entrance a visible and
25 conspicuous exterior sign identifying itself as, in
26 letters at least 4 inches tall, a "Department of

1 Corrections Licensed Transitional Housing Facility".

2 (6) Upon its initial licensure as a transitional
3 housing facility, each facility shall file in the office of
4 the county clerk of the county in which such facility is
5 located, a certificate setting forth the name under which
6 the facility is, or is to be, operated, and the true or
7 real full name or names of the person, persons or entity
8 operating the same, with the address of the facility. The
9 certificate shall be executed and duly acknowledged by the
10 person or persons so operating or intending to operate the
11 facility. Notice of the filing of the certificate shall be
12 published in a newspaper of general circulation published
13 within the county in which the certificate is filed. The
14 notice shall be published once a week for 3 consecutive
15 weeks. The first publication shall be within 15 days after
16 the certificate is filed in the office of the county clerk.
17 Proof of publication shall be filed with the county clerk
18 within 50 days from the date of filing the certificate.
19 Upon receiving proof of publication, the clerk shall issue
20 a receipt to the person filing the certificate, but no
21 additional charge shall be assessed by the clerk for giving
22 such receipt. Unless proof of publication is made to the
23 clerk, the notification is void.

24 (7) Each licensed transitional housing facility shall
25 be identified on the Illinois State Police Sex Offender
26 Registry website, including the address of the facility

1 together with the maximum possible number of sex offenders
2 that the facility could house.

3 (c) The Department of Corrections shall establish rules
4 consistent with this Section establishing licensing procedures
5 and criteria for transitional housing facilities for sex
6 offenders, and may create criteria for, and issue licenses for,
7 different levels of facilities to be licensed. The Department
8 is authorized to set and charge a licensing fee for each
9 application for a transitional housing license. The rules shall
10 be adopted within 60 days after the effective date of this
11 amendatory Act of the 94th General Assembly. Facilities which
12 on the effective date of this amendatory Act of the 94th
13 General Assembly are currently housing and providing sex
14 offender treatment to sex offenders may continue housing more
15 than one sex offender on parole, mandatory supervised release,
16 probation, or supervision for a period of 120 days after the
17 adoption of licensure rules during which time the facility
18 shall apply for a transitional housing license.

19 (d) The Department of Corrections shall maintain a file on
20 each sex offender housed in a transitional housing facility.
21 The file shall contain efforts of the Department in placing a
22 sex offender in non-transitional housing, efforts of the
23 Department to place the sex offender in a county from which he
24 or she was convicted, the anticipated length of stay of each
25 sex offender in the transitional housing facility, the number
26 of sex offenders residing in the transitional housing facility,

1 and the services to be provided the sex offender while he or
2 she resides in the transitional housing facility.

3 (e) The Department of Corrections shall, on or before
4 December 31 of each year, file a report with the General
5 Assembly on the number of transitional housing facilities for
6 sex offenders licensed by the Department, the addresses of each
7 licensed facility, how many sex offenders are housed in each
8 facility, and the particular sex offense that each resident of
9 the transitional housing facility committed.

10 (Source: P.A. 94-161, eff. 7-11-05.)

11 (730 ILCS 5/Ch. III Art. 18 heading)

12 ARTICLE 18 ~~17~~. PROGRAM OF REENTRY INTO COMMUNITY

13 (Source: P.A. 94-383, eff. 1-1-06; revised 9-21-05.)

14 (730 ILCS 5/3-18-5)

15 Sec. 3-18-5 ~~3-17-5~~. Definitions. As used in this Article:

16 "Board" means the Prisoner Review Board.

17 "Department" means the Department of Corrections.

18 "Director" means the Director of Corrections.

19 "Offender" means a person who has been convicted of a
20 felony under the laws of this State and sentenced to a term of
21 imprisonment.

22 "Program" means a program established by a county or
23 municipality under Section 3-18-10 ~~3-17-10~~ for reentry of
24 persons into the community who have been committed to the

1 Department for commission of a felony.

2 (Source: P.A. 94-383, eff. 1-1-06; revised 9-21-05.)

3 (730 ILCS 5/3-18-10)

4 Sec. 3-18-10 ~~3-17-10~~. Establishment of program.

5 (a) A county with the approval of the county board or a
6 municipality that maintains a jail or house of corrections with
7 the approval of the corporate authorities may establish a
8 program for reentry of offenders into the community who have
9 been committed to the Department for commission of a felony.
10 Any program shall be approved by the Director prior to
11 placement of inmates in a program.

12 (b) If a county or municipality establishes a program under
13 this Section, the sheriff in the case of a county or the police
14 chief in the case of a municipality shall:

15 (1) Determine whether offenders who are referred by the
16 Director of Corrections under Section 3-18-15 ~~3-17-15~~
17 should be assigned to participate in a program.

18 (2) Supervise offenders participating in the program
19 during their participation in the program.

20 (c) A county or municipality shall be liable for the well
21 being and actions of inmates in its custody while in a program
22 and shall indemnify the Department for any loss incurred by the
23 Department caused while an inmate is in a program.

24 (d) An offender may not be assigned to participate in a
25 program unless the Director of Corrections, in consultation

1 with the Prisoner Review Board, grants prior approval of the
2 assignment under this Section.

3 (Source: P.A. 94-383, eff. 1-1-06; revised 9-21-05.)

4 (730 ILCS 5/3-18-15)

5 Sec. 3-18-15 ~~3-17-15~~. Referral of person to sheriff or
6 police chief; assignment of person by the Department.

7 (a) Except as otherwise provided in this Section, if a
8 program has been established in a county or municipality in
9 which an offender was sentenced to imprisonment for a felony,
10 the Director may refer the offender to the county sheriff or
11 municipal police chief if:

12 (1) The offender qualifies under the standards
13 established by the Director in subsection (c);

14 (2) The offender has demonstrated a willingness to:

15 (A) engage in employment or participate in
16 vocational rehabilitation or job skills training; and

17 (B) meet any existing obligation for restitution
18 to any victim of his or her crime; and

19 (3) the offender is within one year of his or her
20 probable release from prison, as determined by the
21 Director.

22 (b) Except as otherwise provided in this Section, if the
23 Director is notified by the sheriff or police chief under
24 Section 3-18-10 ~~3-17-10~~ that an offender would benefit by being
25 assigned to the custody of the sheriff or police chief to

1 participate in the program, the Director shall review whether
2 the offender should be assigned to participate in a program for
3 not longer than the remainder of his or her sentence.

4 (c) The Director, by rule, shall adopt standards setting
5 forth which offenders are eligible to be assigned to the
6 custody of the sheriff or police chief to participate in the
7 program under this Section. The standards adopted by the
8 Director must be approved by the Prisoner Review Board and must
9 provide that an offender is ineligible for participation in the
10 program who:

11 (1) has recently committed a serious infraction of the
12 rules of an institution or facility of the Department;

13 (2) has not performed the duties assigned to him or her
14 in a faithful and orderly manner;

15 (3) has, within the immediately preceding 5 years, been
16 convicted of any crime involving the use or threatened use
17 of force or violence against a victim that is punishable as
18 a felony;

19 (4) has ever been convicted of a sex offense as defined
20 in Section 10 of the Sex Offender Management Board Act;

21 (5) has escaped or attempted to escape from any jail or
22 correctional institution for adults; or

23 (6) has not made an effort in good faith to participate
24 in or to complete any educational or vocational program or
25 any program of treatment, as ordered by the Director.

26 (d) The Director shall adopt rules requiring offenders who

1 are assigned to the custody of the sheriff or police chief
2 under this Section to reimburse the Department for the cost of
3 their participation in a program, to the extent of their
4 ability to pay.

5 (e) The sheriff or police chief may return the offender to
6 the custody of the Department at any time for any violation of
7 the terms and conditions imposed by the Director in
8 consultation with the Prisoner Review Board.

9 (f) If an offender assigned to the custody of the sheriff
10 or police chief under this Section violates any of the terms or
11 conditions imposed by the Director in consultation with the
12 Prisoner Review Board and is returned to the custody of the
13 Department, the offender forfeits all or part of the credits
14 for good behavior earned by him or her before he or she was
15 returned to the custody of the Department, as determined by the
16 Director. The Director may provide for a forfeiture of credits
17 under this subsection (f) only after proof of the violation and
18 notice is given to the offender. The Director may restore
19 credits so forfeited for such reasons as he or she considers
20 proper. The Director, by rule, shall establish procedures for
21 review of forfeiture of good behavior credit. The decision of
22 the Director regarding such a forfeiture is final.

23 (g) The assignment of an offender to the custody of the
24 sheriff or police chief under this Section shall be deemed:

25 (1) a continuation of his or her imprisonment and not a
26 release on parole or mandatory supervised release; and

1 (2) for the purposes of Section 3-8-1, an assignment to
2 a facility of the Department, except that the offender is
3 not entitled to obtain any benefits or to participate in
4 any programs provided to offenders in the custody of the
5 Department.

6 (h) An offender does not have a right to be assigned to the
7 custody of the sheriff or police chief under this Section, or
8 to remain in that custody after such an assignment. It is not
9 intended that the establishment or operation of a program
10 creates any right or interest in liberty or property or
11 establishes a basis for any cause of action against this State
12 or its political subdivisions, agencies, boards, commissions,
13 departments, officers, or employees.

14 (Source: P.A. 94-383, eff. 1-1-06; revised 9-21-05.)

15 (730 ILCS 5/3-18-20)

16 Sec. 3-18-20 ~~3-17-20~~. Director to contract for certain
17 services for offenders in program.

18 (a) The Director may enter into one or more contracts with
19 one or more public or private entities to provide any of the
20 following services, as necessary and appropriate, to offenders
21 participating in a program:

22 (1) transitional housing;

23 (2) treatment pertaining to substance abuse or mental
24 health;

25 (3) training in life skills;

1 (4) vocational rehabilitation and job skills training;

2 and

3 (5) any other services required by offenders who are
4 participating in a program.

5 (b) The Director shall, as necessary and appropriate,
6 provide referrals and information regarding:

7 (1) any of the services provided pursuant to subsection

8 (a);

9 (2) access and availability of any appropriate
10 self-help groups;

11 (3) social services for families and children; and

12 (4) permanent housing.

13 (c) The Director may apply for and accept any gift,
14 donation, bequest, grant, or other source of money to carry out
15 the provisions of this Section.

16 (d) As used in this Section, training in life skills
17 includes, without limitation, training in the areas of: (1)
18 parenting; (2) improving human relationships; (3) preventing
19 domestic violence; (4) maintaining emotional and physical
20 health; (5) preventing abuse of alcohol and drugs; (6)
21 preparing for and obtaining employment; and (7) budgeting,
22 consumerism, and personal finances.

23 (Source: P.A. 94-383, eff. 1-1-06; revised 9-21-05.)

24 (730 ILCS 5/3-18-25)

25 Sec. 3-18-25 ~~3-17-25~~. Monitoring of participant in

1 program. The Department shall retain the authority to monitor
2 each person who is participating in a program under Section
3 3-18-15 ~~3-17-15~~. Such authority shall include site
4 inspections, review of program activities, and access to inmate
5 files and records.

6 (Source: P.A. 94-383, eff. 1-1-06; revised 9-21-05.)

7 (730 ILCS 5/Ch. III Art. 19 heading)

8 ARTICLE 19 ~~17~~. METHAMPHETAMINE ABUSERS PILOT PROGRAMS

9 (Source: P.A. 94-549, eff. 1-1-06; revised 9-21-05.)

10 (730 ILCS 5/3-19-5)

11 Sec. 3-19-5 ~~3-17-5~~. Methamphetamine abusers pilot program;
12 Franklin County Juvenile Detention Center.

13 (a) There is created the Methamphetamine Abusers Pilot
14 Program at the Franklin County Juvenile Detention Center. The
15 Program shall be established upon adoption of a resolution or
16 ordinance by the Franklin County Board and with the consent of
17 the Secretary of Human Services.

18 (b) A person convicted of the unlawful possession of
19 methamphetamine under Section 60 of the Methamphetamine
20 Control and Community Protection Act ~~Section 402 of the~~
21 ~~Illinois Controlled Substances Act~~, after an assessment by a
22 designated program licensed under the Alcoholism and Other Drug
23 Abuse and Dependency Act that the person is a methamphetamine
24 abuser or addict and may benefit from treatment for his or her

1 abuse or addiction, may be ordered by the court to be committed
2 to the Program established under this Section.

3 (c) The Program shall consist of medical and psychiatric
4 treatment for the abuse or addiction for a period of at least
5 90 days and not to exceed 180 days. A treatment plan for each
6 person participating in the Program shall be approved by the
7 court in consultation with the Department of Human Services.
8 The Secretary of Human Services shall appoint a Program
9 Administrator to operate the Program who shall be licensed to
10 provide residential treatment for alcoholism and other drug
11 abuse and dependency.

12 (d) Persons committed to the Program who are 17 years of
13 age or older shall be separated from minors under 17 years of
14 age who are detained in the Juvenile Detention Center and there
15 shall be no contact between them.

16 (e) Upon the establishment of the Pilot Program, the
17 Secretary of Human Services shall inform the chief judge of
18 each judicial circuit of this State of the existence of the
19 Program and its date of termination.

20 (f) The Secretary of Human Services, after consultation
21 with the Program Administrator, shall determine the
22 effectiveness of the Program in rehabilitating methamphetamine
23 abusers and addicts committed to the Program. The Secretary
24 shall prepare a report based on his or her assessment of the
25 effectiveness of the Program and shall submit the report to the
26 Governor and General Assembly within one year after January 1,

1 2006 (the effective date of Public Act 94-549) ~~this amendatory~~
2 ~~Act of the 94th General Assembly~~ and each year thereafter that
3 the Program continues operation.

4 (Source: P.A. 94-549, eff. 1-1-06; revised 9-29-05.)

5 (730 ILCS 5/3-19-10)

6 Sec. 3-19-10 ~~3-17-10~~. Methamphetamine abusers pilot
7 program; Franklin County Jail.

8 (a) There is created the Methamphetamine Abusers Pilot
9 Program at the Franklin County Jail. The Program shall be
10 established upon adoption of a resolution or ordinance by the
11 Franklin County Board and with the consent of the Secretary of
12 Human Services.

13 (b) A person convicted of the unlawful possession of
14 methamphetamine under Section 402 of the Illinois Controlled
15 Substances Act, after an assessment by a designated program
16 licensed under the Alcoholism and Other Drug Abuse and
17 Dependency Act that the person is a methamphetamine abuser or
18 addict and may benefit from treatment for his or her abuse or
19 addiction, may be ordered by the court to be committed to the
20 Program established under this Section.

21 (c) The Program shall consist of medical and psychiatric
22 treatment for the abuse or addiction for a period of at least
23 90 days and not to exceed 180 days. A treatment plan for each
24 person participating in the Program shall be approved by the
25 court in consultation with the Department of Human Services.

1 The Secretary of Human Services shall appoint a Program
2 Administrator to operate the Program who shall be licensed to
3 provide residential treatment for alcoholism and other drug
4 abuse and dependency.

5 (d) Upon the establishment of the Pilot Program, the
6 Secretary of Human Services shall inform the chief judge of
7 each judicial circuit of this State of the existence of the
8 Program and its date of termination.

9 (e) The Secretary of Human Services, after consultation
10 with the Program Administrator, shall determine the
11 effectiveness of the Program in rehabilitating methamphetamine
12 abusers and addicts committed to the Program. The Secretary
13 shall prepare a report based on his or her assessment of the
14 effectiveness of the Program and shall submit the report to the
15 Governor and General Assembly within one year after the
16 effective date of this amendatory Act of the 94th General
17 Assembly and each year thereafter that the Program continues
18 operation.

19 (Source: P.A. 94-549, eff. 1-1-06; revised 9-21-05.)

20 (730 ILCS 5/5-2-4) (from Ch. 38, par. 1005-2-4)

21 Sec. 5-2-4. Proceedings after Acquittal by Reason of
22 Insanity.

23 (a) After a finding or verdict of not guilty by reason of
24 insanity under Sections 104-25, 115-3 or 115-4 of The Code of
25 Criminal Procedure of 1963, the defendant shall be ordered to

1 the Department of Human Services for an evaluation as to
2 whether he is in need of mental health services. The order
3 shall specify whether the evaluation shall be conducted on an
4 inpatient or outpatient basis. If the evaluation is to be
5 conducted on an inpatient basis, the defendant shall be placed
6 in a secure setting unless the Court determines that there are
7 compelling reasons why such placement is not necessary. After
8 the evaluation and during the period of time required to
9 determine the appropriate placement, the defendant shall
10 remain in jail. Upon completion of the placement process the
11 sheriff shall be notified and shall transport the defendant to
12 the designated facility.

13 The Department shall provide the Court with a report of its
14 evaluation within 30 days of the date of this order. The Court
15 shall hold a hearing as provided under the Mental Health and
16 Developmental Disabilities Code to determine if the individual
17 is: (a) in need of mental health services on an inpatient
18 basis; (b) in need of mental health services on an outpatient
19 basis; (c) a person not in need of mental health services. The
20 Court shall enter its findings.

21 If the defendant is found to be in need of mental health
22 services on an inpatient care basis, the Court shall order the
23 defendant to the Department of Human Services. The defendant
24 shall be placed in a secure setting unless the Court determines
25 that there are compelling reasons why such placement is not
26 necessary. Such defendants placed in a secure setting shall not

1 be permitted outside the facility's housing unit unless
2 escorted or accompanied by personnel of the Department of Human
3 Services or with the prior approval of the Court for
4 unsupervised on-grounds privileges as provided herein. Any
5 defendant placed in a secure setting pursuant to this Section,
6 transported to court hearings or other necessary appointments
7 off facility grounds by personnel of the Department of Human
8 Services, shall be placed in security devices or otherwise
9 secured during the period of transportation to assure secure
10 transport of the defendant and the safety of Department of
11 Human Services personnel and others. These security measures
12 shall not constitute restraint as defined in the Mental Health
13 and Developmental Disabilities Code. If the defendant is found
14 to be in need of mental health services, but not on an
15 inpatient care basis, the Court shall conditionally release the
16 defendant, under such conditions as set forth in this Section
17 as will reasonably assure the defendant's satisfactory
18 progress and participation in treatment or rehabilitation and
19 the safety of the defendant and others. If the Court finds the
20 person not in need of mental health services, then the Court
21 shall order the defendant discharged from custody.

22 (a-1) ~~(1)~~ Definitions. For the purposes of this Section:

23 (A) (Blank).

24 (B) "In need of mental health services on an inpatient
25 basis" means: a defendant who has been found not guilty by
26 reason of insanity but who due to mental illness is

1 reasonably expected to inflict serious physical harm upon
2 himself or another and who would benefit from inpatient
3 care or is in need of inpatient care.

4 (C) "In need of mental health services on an outpatient
5 basis" means: a defendant who has been found not guilty by
6 reason of insanity who is not in need of mental health
7 services on an inpatient basis, but is in need of
8 outpatient care, drug and/or alcohol rehabilitation
9 programs, community adjustment programs, individual,
10 group, or family therapy, or chemotherapy.

11 (D) "Conditional Release" means: the release from
12 either the custody of the Department of Human Services or
13 the custody of the Court of a person who has been found not
14 guilty by reason of insanity under such conditions as the
15 Court may impose which reasonably assure the defendant's
16 satisfactory progress in treatment or habilitation and the
17 safety of the defendant and others. The Court shall
18 consider such terms and conditions which may include, but
19 need not be limited to, outpatient care, alcoholic and drug
20 rehabilitation programs, community adjustment programs,
21 individual, group, family, and chemotherapy, random
22 testing to ensure the defendant's timely and continuous
23 taking of any medicines prescribed to control or manage his
24 or her conduct or mental state, and periodic checks with
25 the legal authorities and/or the Department of Human
26 Services. The Court may order as a condition of conditional

1 release that the defendant not contact the victim of the
2 offense that resulted in the finding or verdict of not
3 guilty by reason of insanity or any other person. The Court
4 may order the Department of Human Services to provide care
5 to any person conditionally released under this Section.
6 The Department may contract with any public or private
7 agency in order to discharge any responsibilities imposed
8 under this Section. The Department shall monitor the
9 provision of services to persons conditionally released
10 under this Section and provide periodic reports to the
11 Court concerning the services and the condition of the
12 defendant. Whenever a person is conditionally released
13 pursuant to this Section, the State's Attorney for the
14 county in which the hearing is held shall designate in
15 writing the name, telephone number, and address of a person
16 employed by him or her who shall be notified in the event
17 that either the reporting agency or the Department decides
18 that the conditional release of the defendant should be
19 revoked or modified pursuant to subsection (i) of this
20 Section. Such conditional release shall be for a period of
21 five years. However, the defendant, the person or facility
22 rendering the treatment, therapy, program or outpatient
23 care, the Department, or the State's Attorney may petition
24 the Court for an extension of the conditional release
25 period for an additional 5 years. Upon receipt of such a
26 petition, the Court shall hold a hearing consistent with

1 the provisions of ~~this~~ paragraph (a), this paragraph (a-1),
2 and paragraph (f) of this Section, shall determine whether
3 the defendant should continue to be subject to the terms of
4 conditional release, and shall enter an order either
5 extending the defendant's period of conditional release
6 for an additional 5 year period or discharging the
7 defendant. Additional 5-year periods of conditional
8 release may be ordered following a hearing as provided in
9 this Section. However, in no event shall the defendant's
10 period of conditional release continue beyond the maximum
11 period of commitment ordered by the Court pursuant to
12 paragraph (b) of this Section. These provisions for
13 extension of conditional release shall only apply to
14 defendants conditionally released on or after August 8,
15 2003 ~~the effective date of this amendatory Act of the 93rd~~
16 ~~General Assembly~~. However the extension provisions of
17 Public Act 83-1449 apply only to defendants charged with a
18 forcible felony.

19 (E) "Facility director" means the chief officer of a
20 mental health or developmental disabilities facility or
21 his or her designee or the supervisor of a program of
22 treatment or habilitation or his or her designee.
23 "Designee" may include a physician, clinical psychologist,
24 social worker, nurse, or clinical professional counselor.

25 (b) If the Court finds the defendant in need of mental
26 health services on an inpatient basis, the admission,

1 detention, care, treatment or habilitation, treatment plans,
2 review proceedings, including review of treatment and
3 treatment plans, and discharge of the defendant after such
4 order shall be under the Mental Health and Developmental
5 Disabilities Code, except that the initial order for admission
6 of a defendant acquitted of a felony by reason of insanity
7 shall be for an indefinite period of time. Such period of
8 commitment shall not exceed the maximum length of time that the
9 defendant would have been required to serve, less credit for
10 good behavior as provided in Section 5-4-1 of the Unified Code
11 of Corrections, before becoming eligible for release had he
12 been convicted of and received the maximum sentence for the
13 most serious crime for which he has been acquitted by reason of
14 insanity. The Court shall determine the maximum period of
15 commitment by an appropriate order. During this period of time,
16 the defendant shall not be permitted to be in the community in
17 any manner, including but not limited to off-grounds
18 privileges, with or without escort by personnel of the
19 Department of Human Services, unsupervised on-grounds
20 privileges, discharge or conditional or temporary release,
21 except by a plan as provided in this Section. In no event shall
22 a defendant's continued unauthorized absence be a basis for
23 discharge. Not more than 30 days after admission and every 60
24 days thereafter so long as the initial order remains in effect,
25 the facility director shall file a treatment plan report in
26 writing with the court and forward a copy of the treatment plan

1 report to the clerk of the court, the State's Attorney, and the
2 defendant's attorney, if the defendant is represented by
3 counsel, or to a person authorized by the defendant under the
4 Mental Health and Developmental Disabilities Confidentiality
5 Act to be sent a copy of the report. The report shall include
6 an opinion as to whether the defendant is currently in need of
7 mental health services on an inpatient basis or in need of
8 mental health services on an outpatient basis. The report shall
9 also summarize the basis for those findings and provide a
10 current summary of the following items from the treatment plan:
11 (1) an assessment of the defendant's treatment needs, (2) a
12 description of the services recommended for treatment, (3) the
13 goals of each type of element of service, (4) an anticipated
14 timetable for the accomplishment of the goals, and (5) a
15 designation of the qualified professional responsible for the
16 implementation of the plan. The report may also include
17 unsupervised on-grounds privileges, off-grounds privileges
18 (with or without escort by personnel of the Department of Human
19 Services), home visits and participation in work programs, but
20 only where such privileges have been approved by specific court
21 order, which order may include such conditions on the defendant
22 as the Court may deem appropriate and necessary to reasonably
23 assure the defendant's satisfactory progress in treatment and
24 the safety of the defendant and others.

25 (c) Every defendant acquitted of a felony by reason of
26 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

1 any, of the facility director, concerning conditional release.
2 Any recommendation for conditional release shall include an
3 evaluation of the defendant's need for psychotropic
4 medication, what provisions should be made, if any, to ensure
5 that the defendant will continue to receive psychotropic
6 medication following discharge, and what provisions should be
7 made to assure the safety of the defendant and others in the
8 event the defendant is no longer receiving psychotropic
9 medication. Within 30 days of the notification by the facility
10 director, the Court shall set a hearing and make a finding as
11 to whether the defendant is:

12 (i) (blank); or

13 (ii) in need of mental health services in the form of
14 inpatient care; or

15 (iii) in need of mental health services but not subject
16 to inpatient care; or

17 (iv) no longer in need of mental health services; or

18 (v) no longer requires placement in a secure setting.

19 Upon finding by the Court, the Court shall enter its
20 findings and such appropriate order as provided in subsections
21 ~~subsection~~ (a) and (a-1) of this Section.

22 (e) A defendant admitted pursuant to this Section, or any
23 person on his behalf, may file a petition for treatment plan
24 review, transfer to a non-secure setting within the Department
25 of Human Services or discharge or conditional release under the
26 standards of this Section in the Court which rendered the

1 verdict. Upon receipt of a petition for treatment plan review,
2 transfer to a non-secure setting or discharge or conditional
3 release, the Court shall set a hearing to be held within 120
4 days. Thereafter, no new petition may be filed for 180 days
5 without leave of the Court.

6 (f) The Court shall direct that notice of the time and
7 place of the hearing be served upon the defendant, the facility
8 director, the State's Attorney, and the defendant's attorney.
9 If requested by either the State or the defense or if the Court
10 feels it is appropriate, an impartial examination of the
11 defendant by a psychiatrist or clinical psychologist as defined
12 in Section 1-103 of the Mental Health and Developmental
13 Disabilities Code who is not in the employ of the Department of
14 Human Services shall be ordered, and the report considered at
15 the time of the hearing.

16 (g) The findings of the Court shall be established by clear
17 and convincing evidence. The burden of proof and the burden of
18 going forth with the evidence rest with the defendant or any
19 person on the defendant's behalf when a hearing is held to
20 review a petition filed by or on behalf of the defendant. The
21 evidence shall be presented in open Court with the right of
22 confrontation and cross-examination. Such evidence may
23 include, but is not limited to:

24 (1) whether the defendant appreciates the harm caused
25 by the defendant to others and the community by his or her
26 prior conduct that resulted in the finding of not guilty by

1 reason of insanity;

2 (2) Whether the person appreciates the criminality of
3 conduct similar ~~similiar~~ to the conduct for which he or she
4 was originally charged in this matter;

5 (3) the current state of the defendant's illness;

6 (4) what, if any, medications the defendant is taking
7 to control his or her mental illness;

8 (5) what, if any, adverse physical side effects the
9 medication has on the defendant;

10 (6) the length of time it would take for the
11 defendant's mental health to deteriorate if the defendant
12 stopped taking prescribed medication;

13 (7) the defendant's history or potential for alcohol
14 and drug abuse;

15 (8) the defendant's past criminal history;

16 (9) any specialized physical or medical needs of the
17 defendant;

18 (10) any family participation or involvement expected
19 upon release and what is the willingness and ability of the
20 family to participate or be involved;

21 (11) the defendant's potential to be a danger to
22 himself, herself, or others; and

23 (12) any other factor or factors the Court deems
24 appropriate.

25 (h) Before the court orders that the defendant be
26 discharged or conditionally released, it shall order the

1 facility director to establish a discharge plan that includes a
2 plan for the defendant's shelter, support, and medication. If
3 appropriate, the court shall order that the facility director
4 establish a program to train the defendant in self-medication
5 under standards established by the Department of Human
6 Services. If the Court finds, consistent with the provisions of
7 this Section, that the defendant is no longer in need of mental
8 health services it shall order the facility director to
9 discharge the defendant. If the Court finds, consistent with
10 the provisions of this Section, that the defendant is in need
11 of mental health services, and no longer in need of inpatient
12 care, it shall order the facility director to release the
13 defendant under such conditions as the Court deems appropriate
14 and as provided by this Section. Such conditional release shall
15 be imposed for a period of 5 years as provided in paragraph ~~(1)~~
16 (D) of subsection (a-1) ~~(a)~~ and shall be subject to later
17 modification by the Court as provided by this Section. If the
18 Court finds consistent with the provisions in this Section that
19 the defendant is in need of mental health services on an
20 inpatient basis, it shall order the facility director not to
21 discharge or release the defendant in accordance with paragraph
22 (b) of this Section.

23 (i) If within the period of the defendant's conditional
24 release the State's Attorney determines that the defendant has
25 not fulfilled the conditions of his or her release, the State's
26 Attorney may petition the Court to revoke or modify the

1 conditional release of the defendant. Upon the filing of such
2 petition the defendant may be remanded to the custody of the
3 Department, or to any other mental health facility designated
4 by the Department, pending the resolution of the petition.
5 Nothing in this Section shall prevent the emergency admission
6 of a defendant pursuant to Article VI of Chapter III of the
7 Mental Health and Developmental Disabilities Code or the
8 voluntary admission of the defendant pursuant to Article IV of
9 Chapter III of the Mental Health and Developmental Disabilities
10 Code. If the Court determines, after hearing evidence, that the
11 defendant has not fulfilled the conditions of release, the
12 Court shall order a hearing to be held consistent with the
13 provisions of paragraph (f) and (g) of this Section. At such
14 hearing, if the Court finds that the defendant is in need of
15 mental health services on an inpatient basis, it shall enter an
16 order remanding him or her to the Department of Human Services
17 or other facility. If the defendant is remanded to the
18 Department of Human Services, he or she shall be placed in a
19 secure setting unless the Court determines that there are
20 compelling reasons that such placement is not necessary. If the
21 Court finds that the defendant continues to be in need of
22 mental health services but not on an inpatient basis, it may
23 modify the conditions of the original release in order to
24 reasonably assure the defendant's satisfactory progress in
25 treatment and his or her safety and the safety of others in
26 accordance with the standards established in paragraph ~~(1)~~ (D)

1 of subsection (a-1) ~~(a)~~. Nothing in this Section shall limit a
2 Court's contempt powers or any other powers of a Court.

3 (j) An order of admission under this Section does not
4 affect the remedy of habeas corpus.

5 (k) In the event of a conflict between this Section and the
6 Mental Health and Developmental Disabilities Code or the Mental
7 Health and Developmental Disabilities Confidentiality Act, the
8 provisions of this Section shall govern.

9 (l) This amendatory Act shall apply to all persons who have
10 been found not guilty by reason of insanity and who are
11 presently committed to the Department of Mental Health and
12 Developmental Disabilities (now the Department of Human
13 Services).

14 (m) The Clerk of the Court shall, after the entry of an
15 order of transfer to a non-secure setting of the Department of
16 Human Services or discharge or conditional release, transmit a
17 certified copy of the order to the Department of Human
18 Services, and the sheriff of the county from which the
19 defendant was admitted. The Clerk of the Court shall also
20 transmit a certified copy of the order of discharge or
21 conditional release to the Illinois Department of State Police,
22 to the proper law enforcement agency for the municipality where
23 the offense took place, and to the sheriff of the county into
24 which the defendant is conditionally discharged. The Illinois
25 Department of State Police shall maintain a centralized record
26 of discharged or conditionally released defendants while they

1 are under court supervision for access and use of appropriate
2 law enforcement agencies.

3 (Source: P.A. 93-78, eff. 1-1-04; 93-473, eff. 8-8-03; revised
4 9-15-06.)

5 (730 ILCS 5/5-4-1) (from Ch. 38, par. 1005-4-1)

6 Sec. 5-4-1. Sentencing Hearing.

7 (a) Except when the death penalty is sought under hearing
8 procedures otherwise specified, after a determination of
9 guilt, a hearing shall be held to impose the sentence. However,
10 prior to the imposition of sentence on an individual being
11 sentenced for an offense based upon a charge for a violation of
12 Section 11-501 of the Illinois Vehicle Code or a similar
13 provision of a local ordinance, the individual must undergo a
14 professional evaluation to determine if an alcohol or other
15 drug abuse problem exists and the extent of such a problem.
16 Programs conducting these evaluations shall be licensed by the
17 Department of Human Services. However, if the individual is not
18 a resident of Illinois, the court may, in its discretion,
19 accept an evaluation from a program in the state of such
20 individual's residence. The court may in its sentencing order
21 approve an eligible defendant for placement in a Department of
22 Corrections impact incarceration program as provided in
23 Section 5-8-1.1 or 5-8-1.3. The court may in its sentencing
24 order recommend a defendant for placement in a Department of
25 Corrections substance abuse treatment program as provided in

1 paragraph (a) of subsection (1) of Section 3-2-2 conditioned
2 upon the defendant being accepted in a program by the
3 Department of Corrections. At the hearing the court shall:

4 (1) consider the evidence, if any, received upon the
5 trial;

6 (2) consider any presentence reports;

7 (3) consider the financial impact of incarceration
8 based on the financial impact statement filed with the
9 clerk of the court by the Department of Corrections;

10 (4) consider evidence and information offered by the
11 parties in aggravation and mitigation;

12 (4.5) consider substance abuse treatment, eligibility
13 screening, and an assessment, if any, of the defendant by
14 an agent designated by the State of Illinois to provide
15 assessment services for the Illinois courts;

16 (5) hear arguments as to sentencing alternatives;

17 (6) afford the defendant the opportunity to make a
18 statement in his own behalf;

19 (7) afford the victim of a violent crime or a violation
20 of Section 11-501 of the Illinois Vehicle Code, or a
21 similar provision of a local ordinance, or a qualified
22 individual affected by: (i) a violation of Section 405,
23 405.1, 405.2, or 407 of the Illinois Controlled Substances
24 Act or a violation of Section 55 or Section 65 of the
25 Methamphetamine Control and Community Protection Act, or
26 (ii) a Class 4 felony violation of Section 11-14, 11-15,

1 11-17, 11-18, 11-18.1, or 11-19 of the Criminal Code of
2 1961, committed by the defendant the opportunity to make a
3 statement concerning the impact on the victim and to offer
4 evidence in aggravation or mitigation; provided that the
5 statement and evidence offered in aggravation or
6 mitigation must first be prepared in writing in conjunction
7 with the State's Attorney before it may be presented orally
8 at the hearing. Any sworn testimony offered by the victim
9 is subject to the defendant's right to cross-examine. All
10 statements and evidence offered under this paragraph (7)
11 shall become part of the record of the court. For the
12 purpose of this paragraph (7), "qualified individual"
13 means any person who (i) lived or worked within the
14 territorial jurisdiction where the offense took place when
15 the offense took place; and (ii) is familiar with various
16 public places within the territorial jurisdiction where
17 the offense took place when the offense took place. For the
18 purposes of this paragraph (7), "qualified individual"
19 includes any peace officer, or any member of any duly
20 organized State, county, or municipal peace unit assigned
21 to the territorial jurisdiction where the offense took
22 place when the offense took place;

23 (8) in cases of reckless homicide afford the victim's
24 spouse, guardians, parents or other immediate family
25 members an opportunity to make oral statements; and

26 (9) in cases involving a felony sex offense as defined

1 under the Sex Offender Management Board Act, consider the
2 results of the sex offender evaluation conducted pursuant
3 to Section 5-3-2 of this Act.

4 (b) All sentences shall be imposed by the judge based upon
5 his independent assessment of the elements specified above and
6 any agreement as to sentence reached by the parties. The judge
7 who presided at the trial or the judge who accepted the plea of
8 guilty shall impose the sentence unless he is no longer sitting
9 as a judge in that court. Where the judge does not impose
10 sentence at the same time on all defendants who are convicted
11 as a result of being involved in the same offense, the
12 defendant or the State's Attorney may advise the sentencing
13 court of the disposition of any other defendants who have been
14 sentenced.

15 (c) In imposing a sentence for a violent crime or for an
16 offense of operating or being in physical control of a vehicle
17 while under the influence of alcohol, any other drug or any
18 combination thereof, or a similar provision of a local
19 ordinance, when such offense resulted in the personal injury to
20 someone other than the defendant, the trial judge shall specify
21 on the record the particular evidence, information, factors in
22 mitigation and aggravation or other reasons that led to his
23 sentencing determination. The full verbatim record of the
24 sentencing hearing shall be filed with the clerk of the court
25 and shall be a public record.

26 (c-1) In imposing a sentence for the offense of aggravated

1 kidnapping for ransom, home invasion, armed robbery,
2 aggravated vehicular hijacking, aggravated discharge of a
3 firearm, or armed violence with a category I weapon or category
4 II weapon, the trial judge shall make a finding as to whether
5 the conduct leading to conviction for the offense resulted in
6 great bodily harm to a victim, and shall enter that finding and
7 the basis for that finding in the record.

8 (c-2) If the defendant is sentenced to prison, other than
9 when a sentence of natural life imprisonment or a sentence of
10 death is imposed, at the time the sentence is imposed the judge
11 shall state on the record in open court the approximate period
12 of time the defendant will serve in custody according to the
13 then current statutory rules and regulations for early release
14 found in Section 3-6-3 and other related provisions of this
15 Code. This statement is intended solely to inform the public,
16 has no legal effect on the defendant's actual release, and may
17 not be relied on by the defendant on appeal.

18 The judge's statement, to be given after pronouncing the
19 sentence, other than when the sentence is imposed for one of
20 the offenses enumerated in paragraph (a) (3) of Section 3-6-3,
21 shall include the following:

22 "The purpose of this statement is to inform the public of
23 the actual period of time this defendant is likely to spend in
24 prison as a result of this sentence. The actual period of
25 prison time served is determined by the statutes of Illinois as
26 applied to this sentence by the Illinois Department of

1 Corrections and the Illinois Prisoner Review Board. In this
2 case, assuming the defendant receives all of his or her good
3 conduct credit, the period of estimated actual custody is ...
4 years and ... months, less up to 180 days additional good
5 conduct credit for meritorious service. If the defendant,
6 because of his or her own misconduct or failure to comply with
7 the institutional regulations, does not receive those credits,
8 the actual time served in prison will be longer. The defendant
9 may also receive an additional one-half day good conduct credit
10 for each day of participation in vocational, industry,
11 substance abuse, and educational programs as provided for by
12 Illinois statute."

13 When the sentence is imposed for one of the offenses
14 enumerated in paragraph (a)(3) of Section 3-6-3, other than
15 when the sentence is imposed for one of the offenses enumerated
16 in paragraph (a)(2) of Section 3-6-3 committed on or after June
17 19, 1998, and other than when the sentence is imposed for
18 reckless homicide as defined in subsection (e) of Section 9-3
19 of the Criminal Code of 1961 if the offense was committed on or
20 after January 1, 1999, and other than when the sentence is
21 imposed for aggravated arson if the offense was committed on or
22 after July 27, 2001 (the effective date of Public Act 92-176),
23 the judge's statement, to be given after pronouncing the
24 sentence, shall include the following:

25 "The purpose of this statement is to inform the public of
26 the actual period of time this defendant is likely to spend in

1 prison as a result of this sentence. The actual period of
2 prison time served is determined by the statutes of Illinois as
3 applied to this sentence by the Illinois Department of
4 Corrections and the Illinois Prisoner Review Board. In this
5 case, assuming the defendant receives all of his or her good
6 conduct credit, the period of estimated actual custody is ...
7 years and ... months, less up to 90 days additional good
8 conduct credit for meritorious service. If the defendant,
9 because of his or her own misconduct or failure to comply with
10 the institutional regulations, does not receive those credits,
11 the actual time served in prison will be longer. The defendant
12 may also receive an additional one-half day good conduct credit
13 for each day of participation in vocational, industry,
14 substance abuse, and educational programs as provided for by
15 Illinois statute."

16 When the sentence is imposed for one of the offenses
17 enumerated in paragraph (a)(2) of Section 3-6-3, other than
18 first degree murder, and the offense was committed on or after
19 June 19, 1998, and when the sentence is imposed for reckless
20 homicide as defined in subsection (e) of Section 9-3 of the
21 Criminal Code of 1961 if the offense was committed on or after
22 January 1, 1999, and when the sentence is imposed for
23 aggravated driving under the influence of alcohol, other drug
24 or drugs, or intoxicating compound or compounds, or any
25 combination thereof as defined in subparagraph (F) of paragraph
26 (1) of subsection (d) of Section 11-501 of the Illinois Vehicle

1 Code, and when the sentence is imposed for aggravated arson if
2 the offense was committed on or after July 27, 2001 (the
3 effective date of Public Act 92-176), the judge's statement, to
4 be given after pronouncing the sentence, shall include the
5 following:

6 "The purpose of this statement is to inform the public of
7 the actual period of time this defendant is likely to spend in
8 prison as a result of this sentence. The actual period of
9 prison time served is determined by the statutes of Illinois as
10 applied to this sentence by the Illinois Department of
11 Corrections and the Illinois Prisoner Review Board. In this
12 case, the defendant is entitled to no more than 4 1/2 days of
13 good conduct credit for each month of his or her sentence of
14 imprisonment. Therefore, this defendant will serve at least 85%
15 of his or her sentence. Assuming the defendant receives 4 1/2
16 days credit for each month of his or her sentence, the period
17 of estimated actual custody is ... years and ... months. If the
18 defendant, because of his or her own misconduct or failure to
19 comply with the institutional regulations receives lesser
20 credit, the actual time served in prison will be longer."

21 When a sentence of imprisonment is imposed for first degree
22 murder and the offense was committed on or after June 19, 1998,
23 the judge's statement, to be given after pronouncing the
24 sentence, shall include the following:

25 "The purpose of this statement is to inform the public of
26 the actual period of time this defendant is likely to spend in

1 prison as a result of this sentence. The actual period of
2 prison time served is determined by the statutes of Illinois as
3 applied to this sentence by the Illinois Department of
4 Corrections and the Illinois Prisoner Review Board. In this
5 case, the defendant is not entitled to good conduct credit.
6 Therefore, this defendant will serve 100% of his or her
7 sentence."

8 When the sentencing order recommends placement in a
9 substance abuse program for any offense that results in
10 incarceration in a Department of Corrections facility and the
11 crime was committed on or after September 1, 2003 (the
12 effective date of Public Act 93-354), the judge's statement, in
13 addition to any other judge's statement required under this
14 Section, to be given after pronouncing the sentence, shall
15 include the following:

16 "The purpose of this statement is to inform the public of
17 the actual period of time this defendant is likely to spend in
18 prison as a result of this sentence. The actual period of
19 prison time served is determined by the statutes of Illinois as
20 applied to this sentence by the Illinois Department of
21 Corrections and the Illinois Prisoner Review Board. In this
22 case, the defendant shall receive no good conduct credit under
23 clause (3) of subsection (a) of Section 3-6-3 until he or she
24 participates in and completes a substance abuse treatment
25 program or receives a waiver from the Director of Corrections
26 pursuant to clause (4.5) of subsection (a) of Section 3-6-3."

1 (d) When the defendant is committed to the Department of
2 Corrections, the State's Attorney shall and counsel for the
3 defendant may file a statement with the clerk of the court to
4 be transmitted to the department, agency or institution to
5 which the defendant is committed to furnish such department,
6 agency or institution with the facts and circumstances of the
7 offense for which the person was committed together with all
8 other factual information accessible to them in regard to the
9 person prior to his commitment relative to his habits,
10 associates, disposition and reputation and any other facts and
11 circumstances which may aid such department, agency or
12 institution during its custody of such person. The clerk shall
13 within 10 days after receiving any such statements transmit a
14 copy to such department, agency or institution and a copy to
15 the other party, provided, however, that this shall not be
16 cause for delay in conveying the person to the department,
17 agency or institution to which he has been committed.

18 (e) The clerk of the court shall transmit to the
19 department, agency or institution, if any, to which the
20 defendant is committed, the following:

21 (1) the sentence imposed;

22 (2) any statement by the court of the basis for
23 imposing the sentence;

24 (3) any presentence reports;

25 (3.5) any sex offender evaluations;

26 (3.6) any substance abuse treatment eligibility

1 screening and assessment of the defendant by an agent
2 designated by the State of Illinois to provide assessment
3 services for the Illinois courts;

4 (4) the number of days, if any, which the defendant has
5 been in custody and for which he is entitled to credit
6 against the sentence, which information shall be provided
7 to the clerk by the sheriff;

8 (4.1) any finding of great bodily harm made by the
9 court with respect to an offense enumerated in subsection
10 (c-1);

11 (5) all statements filed under subsection (d) of this
12 Section;

13 (6) any medical or mental health records or summaries
14 of the defendant;

15 (7) the municipality where the arrest of the offender
16 or the commission of the offense has occurred, where such
17 municipality has a population of more than 25,000 persons;

18 (8) all statements made and evidence offered under
19 paragraph (7) of subsection (a) of this Section; and

20 (9) all additional matters which the court directs the
21 clerk to transmit.

22 (Source: P.A. 93-213, eff. 7-18-03; 93-317, eff. 1-1-04;
23 93-354, eff. 9-1-03; 93-616, eff. 1-1-04; 94-156, eff. 7-8-05;
24 94-556, eff. 9-11-05; revised 8-19-05.)

25 (730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

1 (Text of Section before amendment by P.A. 94-1035)

2 Sec. 5-5-3. Disposition.

3 (a) Except as provided in Section 11-501 of the Illinois
4 Vehicle Code, every person convicted of an offense shall be
5 sentenced as provided in this Section.

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

10 (1) A period of probation.

11 (2) A term of periodic imprisonment.

12 (3) A term of conditional discharge.

13 (4) A term of imprisonment.

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

18 (6) A fine.

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

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

23 (9) A term of imprisonment in combination with a term
24 of probation when the offender has been admitted into a
25 drug court program under Section 20 of the Drug Court
26 Treatment Act.

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

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

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

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

18 (B) Attempted first degree murder.

19 (C) A Class X felony.

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

25 (E) A violation of Section 5.1 or 9 of the Cannabis
26 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 (F-5) A violation of Section 24-1, 24-1.1, or
8 24-1.6 of the Criminal Code of 1961 for which
9 imprisonment is prescribed in those Sections.

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

13 (H) Criminal sexual assault.

14 (I) Aggravated battery of a senior citizen.

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

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

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

1 (K) Vehicular hijacking.

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

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

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

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

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

17 (Q) A violation of Section 20-1.2 or 20-1.3 of the
18 Criminal Code of 1961.

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

21 (S) (Blank).

22 (T) A second or subsequent violation of the
23 Methamphetamine Control and Community Protection Act.

24 (3) (Blank).

25 (4) A minimum term of imprisonment of not less than 10
26 consecutive days or 30 days of community service shall be

1 imposed for a violation of paragraph (c) of Section 6-303
2 of the Illinois Vehicle Code.

3 (4.1) (Blank).

4 (4.2) Except as provided in paragraph (4.3) of this
5 subsection (c), a minimum of 100 hours of community service
6 shall be imposed for a second violation of Section 6-303 of
7 the Illinois Vehicle Code.

8 (4.3) A minimum term of imprisonment of 30 days or 300
9 hours of community service, as determined by the court,
10 shall be imposed for a second violation of subsection (c)
11 of Section 6-303 of the Illinois Vehicle Code.

12 (4.4) Except as provided in paragraph (4.5) and
13 paragraph (4.6) of this subsection (c), a minimum term of
14 imprisonment of 30 days or 300 hours of community service,
15 as determined by the court, shall be imposed for a third or
16 subsequent violation of Section 6-303 of the Illinois
17 Vehicle Code.

18 (4.5) A minimum term of imprisonment of 30 days shall
19 be imposed for a third violation of subsection (c) of
20 Section 6-303 of the Illinois Vehicle Code.

21 (4.6) A minimum term of imprisonment of 180 days shall
22 be imposed for a fourth or subsequent violation of
23 subsection (c) of Section 6-303 of the Illinois Vehicle
24 Code.

25 (5) The court may sentence an offender convicted of a
26 business offense or a petty offense or a corporation or

1 unincorporated association convicted of any offense to:

2 (A) a period of conditional discharge;

3 (B) a fine;

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

6 (5.1) In addition to any penalties imposed under
7 paragraph (5) of this subsection (c), and except as
8 provided in paragraph (5.2) or (5.3), a person convicted of
9 violating subsection (c) of Section 11-907 of the Illinois
10 Vehicle Code shall have his or her driver's license,
11 permit, or privileges suspended for at least 90 days but
12 not more than one year, if the violation resulted in damage
13 to the property of another person.

14 (5.2) In addition to any penalties imposed under
15 paragraph (5) of this subsection (c), and except as
16 provided in paragraph (5.3), a person convicted of
17 violating subsection (c) of Section 11-907 of the Illinois
18 Vehicle Code shall have his or her driver's license,
19 permit, or privileges suspended for at least 180 days but
20 not more than 2 years, if the violation resulted in injury
21 to another person.

22 (5.3) In addition to any penalties imposed under
23 paragraph (5) of this subsection (c), a person convicted of
24 violating subsection (c) of Section 11-907 of the Illinois
25 Vehicle Code shall have his or her driver's license,
26 permit, or privileges suspended for 2 years, if the

1 violation resulted in the death of another person.

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

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

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

26 (9) A defendant convicted of a second or subsequent

1 offense of ritualized abuse of a child may be sentenced to
2 a term of natural life imprisonment.

3 (10) (Blank).

4 (11) The court shall impose a minimum fine of \$1,000
5 for a first offense and \$2,000 for a second or subsequent
6 offense upon a person convicted of or placed on supervision
7 for battery when the individual harmed was a sports
8 official or coach at any level of competition and the act
9 causing harm to the sports official or coach occurred
10 within an athletic facility or within the immediate
11 vicinity of the athletic facility at which the sports
12 official or coach was an active participant of the athletic
13 contest held at the athletic facility. For the purposes of
14 this paragraph (11), "sports official" means a person at an
15 athletic contest who enforces the rules of the contest,
16 such as an umpire or referee; "athletic facility" means an
17 indoor or outdoor playing field or recreational area where
18 sports activities are conducted; and "coach" means a person
19 recognized as a coach by the sanctioning authority that
20 conducted the sporting event.

21 (12) A person may not receive a disposition of court
22 supervision for a violation of Section 5-16 of the Boat
23 Registration and Safety Act if that person has previously
24 received a disposition of court supervision for a violation
25 of that Section.

26 (d) In any case in which a sentence originally imposed is

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

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

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

25 (A) the defendant is willing to undergo a court
26 approved counseling program for a minimum duration of 2

1 years; or

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

5 (i) removal from the household;

6 (ii) restricted contact with the victim;

7 (iii) continued financial support of the
8 family;

9 (iv) restitution for harm done to the victim;

10 and

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

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

20 Probation may be revoked or modified pursuant to Section
21 5-6-4; except where the court determines at the hearing that
22 the defendant violated a condition of his or her probation
23 restricting contact with the victim or other family members or
24 commits another offense with the victim or other family
25 members, the court shall revoke the defendant's probation and
26 impose a term of imprisonment.

1 For the purposes of this Section, "family member" and
2 "victim" shall have the meanings ascribed to them in Section
3 12-12 of the Criminal Code of 1961.

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

8 (g) Whenever a defendant is convicted of an offense under
9 Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,
10 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16
11 of the Criminal Code of 1961, the defendant shall undergo
12 medical testing to determine whether the defendant has any
13 sexually transmissible disease, including a test for infection
14 with human immunodeficiency virus (HIV) or any other identified
15 causative agent of acquired immunodeficiency syndrome (AIDS).
16 Any such medical test shall be performed only by appropriately
17 licensed medical practitioners and may include an analysis of
18 any bodily fluids as well as an examination of the defendant's
19 person. Except as otherwise provided by law, the results of
20 such test shall be kept strictly confidential by all medical
21 personnel involved in the testing and must be personally
22 delivered in a sealed envelope to the judge of the court in
23 which the conviction was entered for the judge's inspection in
24 camera. Acting in accordance with the best interests of the
25 victim and the public, the judge shall have the discretion to
26 determine to whom, if anyone, the results of the testing may be

1 revealed. The court shall notify the defendant of the test
2 results. The court shall also notify the victim if requested by
3 the victim, and if the victim is under the age of 15 and if
4 requested by the victim's parents or legal guardian, the court
5 shall notify the victim's parents or legal guardian of the test
6 results. The court shall provide information on the
7 availability of HIV testing and counseling at Department of
8 Public Health facilities to all parties to whom the results of
9 the testing are revealed and shall direct the State's Attorney
10 to provide the information to the victim when possible. A
11 State's Attorney may petition the court to obtain the results
12 of any HIV test administered under this Section, and the court
13 shall grant the disclosure if the State's Attorney shows it is
14 relevant in order to prosecute a charge of criminal
15 transmission of HIV under Section 12-16.2 of the Criminal Code
16 of 1961 against the defendant. The court shall order that the
17 cost of any such test shall be paid by the county and may be
18 taxed as costs against the convicted defendant.

19 (g-5) When an inmate is tested for an airborne communicable
20 disease, as determined by the Illinois Department of Public
21 Health including but not limited to tuberculosis, the results
22 of the test shall be personally delivered by the warden or his
23 or her designee in a sealed envelope to the judge of the court
24 in which the inmate must appear for the judge's inspection in
25 camera if requested by the judge. Acting in accordance with the
26 best interests of those in the courtroom, the judge shall have

1 the discretion to determine what if any precautions need to be
2 taken to prevent transmission of the disease in the courtroom.

3 (h) Whenever a defendant is convicted of an offense under
4 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
5 defendant shall undergo medical testing to determine whether
6 the defendant has been exposed to human immunodeficiency virus
7 (HIV) or any other identified causative agent of acquired
8 immunodeficiency syndrome (AIDS). Except as otherwise provided
9 by law, the results of such test shall be kept strictly
10 confidential by all medical personnel involved in the testing
11 and must be personally delivered in a sealed envelope to the
12 judge of the court in which the conviction was entered for the
13 judge's inspection in camera. Acting in accordance with the
14 best interests of the public, the judge shall have the
15 discretion to determine to whom, if anyone, the results of the
16 testing may be revealed. The court shall notify the defendant
17 of a positive test showing an infection with the human
18 immunodeficiency virus (HIV). The court shall provide
19 information on the availability of HIV testing and counseling
20 at Department of Public Health facilities to all parties to
21 whom the results of the testing are revealed and shall direct
22 the State's Attorney to provide the information to the victim
23 when possible. A State's Attorney may petition the court to
24 obtain the results of any HIV test administered under this
25 Section, and the court shall grant the disclosure if the
26 State's Attorney shows it is relevant in order to prosecute a

1 charge of criminal transmission of HIV under Section 12-16.2 of
2 the Criminal Code of 1961 against the defendant. The court
3 shall order that the cost of any such test shall be paid by the
4 county and may be taxed as costs against the convicted
5 defendant.

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

13 (j) In cases when prosecution for any violation of Section
14 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,
15 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
16 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal
17 Code of 1961, any violation of the Illinois Controlled
18 Substances Act, any violation of the Cannabis Control Act, or
19 any violation of the Methamphetamine Control and Community
20 Protection Act results in conviction, a disposition of court
21 supervision, or an order of probation granted under Section 10
22 of the Cannabis Control Act, Section 410 of the Illinois
23 Controlled Substance Act, or Section 70 of the Methamphetamine
24 Control and Community Protection Act of a defendant, the court
25 shall determine whether the defendant is employed by a facility
26 or center as defined under the Child Care Act of 1969, a public

1 or private elementary or secondary school, or otherwise works
2 with children under 18 years of age on a daily basis. When a
3 defendant is so employed, the court shall order the Clerk of
4 the Court to send a copy of the judgment of conviction or order
5 of supervision or probation to the defendant's employer by
6 certified mail. If the employer of the defendant is a school,
7 the Clerk of the Court shall direct the mailing of a copy of
8 the judgment of conviction or order of supervision or probation
9 to the appropriate regional superintendent of schools. The
10 regional superintendent of schools shall notify the State Board
11 of Education of any notification under this subsection.

12 (j-5) A defendant at least 17 years of age who is convicted
13 of a felony and who has not been previously convicted of a
14 misdemeanor or felony and who is sentenced to a term of
15 imprisonment in the Illinois Department of Corrections shall as
16 a condition of his or her sentence be required by the court to
17 attend educational courses designed to prepare the defendant
18 for a high school diploma and to work toward a high school
19 diploma or to work toward passing the high school level Test of
20 General Educational Development (GED) or to work toward
21 completing a vocational training program offered by the
22 Department of Corrections. If a defendant fails to complete the
23 educational training required by his or her sentence during the
24 term of incarceration, the Prisoner Review Board shall, as a
25 condition of mandatory supervised release, require the
26 defendant, at his or her own expense, to pursue a course of

1 study toward a high school diploma or passage of the GED test.
2 The Prisoner Review Board shall revoke the mandatory supervised
3 release of a defendant who wilfully fails to comply with this
4 subsection (j-5) upon his or her release from confinement in a
5 penal institution while serving a mandatory supervised release
6 term; however, the inability of the defendant after making a
7 good faith effort to obtain financial aid or pay for the
8 educational training shall not be deemed a wilful failure to
9 comply. The Prisoner Review Board shall recommit the defendant
10 whose mandatory supervised release term has been revoked under
11 this subsection (j-5) as provided in Section 3-3-9. This
12 subsection (j-5) does not apply to a defendant who has a high
13 school diploma or has successfully passed the GED test. This
14 subsection (j-5) does not apply to a defendant who is
15 determined by the court to be developmentally disabled or
16 otherwise mentally incapable of completing the educational or
17 vocational program.

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

21 (l) (A) Except as provided in paragraph (C) of subsection
22 (l), whenever a defendant, who is an alien as defined by
23 the Immigration and Nationality Act, is convicted of any
24 felony or misdemeanor offense, the court after sentencing
25 the defendant may, upon motion of the State's Attorney,
26 hold sentence in abeyance and remand the defendant to the

1 custody of the Attorney General of the United States or his
2 or her designated agent to be deported when:

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

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

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

11 (B) If the defendant has already been sentenced for a
12 felony or misdemeanor offense, or has been placed on
13 probation under Section 10 of the Cannabis Control Act,
14 Section 410 of the Illinois Controlled Substances Act, or
15 Section 70 of the Methamphetamine Control and Community
16 Protection Act, the court may, upon motion of the State's
17 Attorney to suspend the sentence imposed, commit the
18 defendant to the custody of the Attorney General of the
19 United States or his or her 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

1 are subject to the provisions of paragraph (2) of
2 subsection (a) of Section 3-6-3.

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

13 (m) A person convicted of criminal defacement of property
14 under Section 21-1.3 of the Criminal Code of 1961, in which the
15 property damage exceeds \$300 and the property damaged is a
16 school building, shall be ordered to perform community service
17 that may include cleanup, removal, or painting over the
18 defacement.

19 (n) The court may sentence a person convicted of a
20 violation of Section 12-19, 12-21, or 16-1.3 of the Criminal
21 Code of 1961 (i) to an impact incarceration program if the
22 person is otherwise eligible for that program under Section
23 5-8-1.1, (ii) to community service, or (iii) if the person is
24 an addict or alcoholic, as defined in the Alcoholism and Other
25 Drug Abuse and Dependency Act, to a substance or alcohol abuse
26 program licensed under that Act.

1 (o) Whenever a person is convicted of a sex offense as
2 defined in Section 2 of the Sex Offender Registration Act, the
3 defendant's driver's license or permit shall be subject to
4 renewal on an annual basis in accordance with the provisions of
5 license renewal established by the Secretary of State.

6 (Source: P.A. 93-44, eff. 7-1-03; 93-156, eff. 1-1-04; 93-169,
7 eff. 7-10-03; 93-301, eff. 1-1-04; 93-419, eff. 1-1-04; 93-546,
8 eff. 1-1-04; 93-694, eff. 7-9-04; 93-782, eff. 1-1-05; 93-800,
9 eff. 1-1-05; 93-1014, eff. 1-1-05; 94-72, eff. 1-1-06; 94-556,
10 eff. 9-11-05; 94-993, eff. 1-1-07.)

11 (Text of Section after amendment by P.A. 94-1035)

12 Sec. 5-5-3. Disposition.

13 (a) Except as provided in Section 11-501 of the Illinois
14 Vehicle Code, every person convicted of an offense shall be
15 sentenced as provided in this Section.

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

20 (1) A period of probation.

21 (2) A term of periodic imprisonment.

22 (3) A term of conditional discharge.

23 (4) A term of imprisonment.

24 (5) An order directing the offender to clean up and
25 repair the damage, if the offender was convicted under

1 paragraph (h) of Section 21-1 of the Criminal Code of 1961
2 (now repealed).

3 (6) A fine.

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

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

8 (9) A term of imprisonment in combination with a term
9 of probation when the offender has been admitted into a
10 drug court program under Section 20 of the Drug Court
11 Treatment Act.

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

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

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

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

3 (B) Attempted first degree murder.

4 (C) A Class X felony.

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

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

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

18 (F-5) A violation of Section 24-1, 24-1.1, or
19 24-1.6 of the Criminal Code of 1961 for which
20 imprisonment is prescribed in those Sections.

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

24 (H) Criminal sexual assault.

25 (I) Aggravated battery of a senior citizen.

26 (J) A forcible felony if the offense was related to

1 the activities of an organized gang.

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

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

12 (K) Vehicular hijacking.

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

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

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

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

25 (P) A violation of paragraph (1), (2), (3), (4),
26 (5), or (7) of subsection (a) of Section 11-20.1 of the

1 Criminal Code of 1961.

2 (Q) A violation of Section 20-1.2 or 20-1.3 of the
3 Criminal Code of 1961.

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

6 (S) (Blank).

7 (T) A second or subsequent violation of the
8 Methamphetamine Control and Community Protection Act.

9 (3) (Blank).

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

14 (4.1) (Blank).

15 (4.2) Except as provided in paragraph (4.3) of this
16 subsection (c), a minimum of 100 hours of community service
17 shall be imposed for a second violation of Section 6-303 of
18 the Illinois Vehicle Code.

19 (4.3) A minimum term of imprisonment of 30 days or 300
20 hours of community service, as determined by the court,
21 shall be imposed for a second violation of subsection (c)
22 of Section 6-303 of the Illinois Vehicle Code.

23 (4.4) Except as provided in paragraph (4.5) and
24 paragraph (4.6) of this subsection (c), a minimum term of
25 imprisonment of 30 days or 300 hours of community service,
26 as determined by the court, shall be imposed for a third or

1 subsequent violation of Section 6-303 of the Illinois
2 Vehicle Code.

3 (4.5) A minimum term of imprisonment of 30 days shall
4 be imposed for a third violation of subsection (c) of
5 Section 6-303 of the Illinois Vehicle Code.

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

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

13 (A) a period of conditional discharge;

14 (B) a fine;

15 (C) make restitution to the victim under Section
16 5-5-6 of this Code.

17 (5.1) In addition to any penalties imposed under
18 paragraph (5) of this subsection (c), and except as
19 provided in paragraph (5.2) or (5.3), a person convicted of
20 violating subsection (c) of Section 11-907 of the Illinois
21 Vehicle Code shall have his or her driver's license,
22 permit, or privileges suspended for at least 90 days but
23 not more than one year, if the violation resulted in damage
24 to the property of another person.

25 (5.2) In addition to any penalties imposed under
26 paragraph (5) of this subsection (c), and except as

1 provided in paragraph (5.3), a person convicted of
2 violating subsection (c) of Section 11-907 of the Illinois
3 Vehicle Code shall have his or her driver's license,
4 permit, or privileges suspended for at least 180 days but
5 not more than 2 years, if the violation resulted in injury
6 to another person.

7 (5.3) In addition to any penalties imposed under
8 paragraph (5) of this subsection (c), a person convicted of
9 violating subsection (c) of Section 11-907 of the Illinois
10 Vehicle Code shall have his or her driver's license,
11 permit, or privileges suspended for 2 years, if the
12 violation resulted in the death of another person.

13 (5.4) In addition to any penalties imposed under
14 paragraph (5) of this subsection (c), a person convicted of
15 violating Section 3-707 of the Illinois Vehicle Code shall
16 have his or her driver's license, permit, or privileges
17 suspended for 3 months and until he or she has paid a
18 reinstatement fee of \$100.

19 (5.5) In addition to any penalties imposed under
20 paragraph (5) of this subsection (c), a person convicted of
21 violating Section 3-707 of the Illinois Vehicle Code during
22 a period in which his or her driver's license, permit, or
23 privileges were suspended for a previous violation of that
24 Section shall have his or her driver's license, permit, or
25 privileges suspended for an additional 6 months after the
26 expiration of the original 3-month suspension and until he

1 or she has paid a reinstatement fee of \$100.

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

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

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

26 (9) A defendant convicted of a second or subsequent

1 offense of ritualized abuse of a child may be sentenced to
2 a term of natural life imprisonment.

3 (10) (Blank).

4 (11) The court shall impose a minimum fine of \$1,000
5 for a first offense and \$2,000 for a second or subsequent
6 offense upon a person convicted of or placed on supervision
7 for battery when the individual harmed was a sports
8 official or coach at any level of competition and the act
9 causing harm to the sports official or coach occurred
10 within an athletic facility or within the immediate
11 vicinity of the athletic facility at which the sports
12 official or coach was an active participant of the athletic
13 contest held at the athletic facility. For the purposes of
14 this paragraph (11), "sports official" means a person at an
15 athletic contest who enforces the rules of the contest,
16 such as an umpire or referee; "athletic facility" means an
17 indoor or outdoor playing field or recreational area where
18 sports activities are conducted; and "coach" means a person
19 recognized as a coach by the sanctioning authority that
20 conducted the sporting event.

21 (12) A person may not receive a disposition of court
22 supervision for a violation of Section 5-16 of the Boat
23 Registration and Safety Act if that person has previously
24 received a disposition of court supervision for a violation
25 of that Section.

26 (d) In any case in which a sentence originally imposed is

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

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

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

25 (A) the defendant is willing to undergo a court
26 approved counseling program for a minimum duration of 2

1 years; or

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

5 (i) removal from the household;

6 (ii) restricted contact with the victim;

7 (iii) continued financial support of the
8 family;

9 (iv) restitution for harm done to the victim;

10 and

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

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

20 Probation may be revoked or modified pursuant to Section
21 5-6-4; except where the court determines at the hearing that
22 the defendant violated a condition of his or her probation
23 restricting contact with the victim or other family members or
24 commits another offense with the victim or other family
25 members, the court shall revoke the defendant's probation and
26 impose a term of imprisonment.

1 For the purposes of this Section, "family member" and
2 "victim" shall have the meanings ascribed to them in Section
3 12-12 of the Criminal Code of 1961.

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

8 (g) Whenever a defendant is convicted of an offense under
9 Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1,
10 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16
11 of the Criminal Code of 1961, the defendant shall undergo
12 medical testing to determine whether the defendant has any
13 sexually transmissible disease, including a test for infection
14 with human immunodeficiency virus (HIV) or any other identified
15 causative agent of acquired immunodeficiency syndrome (AIDS).
16 Any such medical test shall be performed only by appropriately
17 licensed medical practitioners and may include an analysis of
18 any bodily fluids as well as an examination of the defendant's
19 person. Except as otherwise provided by law, the results of
20 such test shall be kept strictly confidential by all medical
21 personnel involved in the testing and must be personally
22 delivered in a sealed envelope to the judge of the court in
23 which the conviction was entered for the judge's inspection in
24 camera. Acting in accordance with the best interests of the
25 victim and the public, the judge shall have the discretion to
26 determine to whom, if anyone, the results of the testing may be

1 revealed. The court shall notify the defendant of the test
2 results. The court shall also notify the victim if requested by
3 the victim, and if the victim is under the age of 15 and if
4 requested by the victim's parents or legal guardian, the court
5 shall notify the victim's parents or legal guardian of the test
6 results. The court shall provide information on the
7 availability of HIV testing and counseling at Department of
8 Public Health facilities to all parties to whom the results of
9 the testing are revealed and shall direct the State's Attorney
10 to provide the information to the victim when possible. A
11 State's Attorney may petition the court to obtain the results
12 of any HIV test administered under this Section, and the court
13 shall grant the disclosure if the State's Attorney shows it is
14 relevant in order to prosecute a charge of criminal
15 transmission of HIV under Section 12-16.2 of the Criminal Code
16 of 1961 against the defendant. The court shall order that the
17 cost of any such test shall be paid by the county and may be
18 taxed as costs against the convicted defendant.

19 (g-5) When an inmate is tested for an airborne communicable
20 disease, as determined by the Illinois Department of Public
21 Health including but not limited to tuberculosis, the results
22 of the test shall be personally delivered by the warden or his
23 or her designee in a sealed envelope to the judge of the court
24 in which the inmate must appear for the judge's inspection in
25 camera if requested by the judge. Acting in accordance with the
26 best interests of those in the courtroom, the judge shall have

1 the discretion to determine what if any precautions need to be
2 taken to prevent transmission of the disease in the courtroom.

3 (h) Whenever a defendant is convicted of an offense under
4 Section 1 or 2 of the Hypodermic Syringes and Needles Act, the
5 defendant shall undergo medical testing to determine whether
6 the defendant has been exposed to human immunodeficiency virus
7 (HIV) or any other identified causative agent of acquired
8 immunodeficiency syndrome (AIDS). Except as otherwise provided
9 by law, the results of such test shall be kept strictly
10 confidential by all medical personnel involved in the testing
11 and must be personally delivered in a sealed envelope to the
12 judge of the court in which the conviction was entered for the
13 judge's inspection in camera. Acting in accordance with the
14 best interests of the public, the judge shall have the
15 discretion to determine to whom, if anyone, the results of the
16 testing may be revealed. The court shall notify the defendant
17 of a positive test showing an infection with the human
18 immunodeficiency virus (HIV). The court shall provide
19 information on the availability of HIV testing and counseling
20 at Department of Public Health facilities to all parties to
21 whom the results of the testing are revealed and shall direct
22 the State's Attorney to provide the information to the victim
23 when possible. A State's Attorney may petition the court to
24 obtain the results of any HIV test administered under this
25 Section, and the court shall grant the disclosure if the
26 State's Attorney shows it is relevant in order to prosecute a

1 charge of criminal transmission of HIV under Section 12-16.2 of
2 the Criminal Code of 1961 against the defendant. The court
3 shall order that the cost of any such test shall be paid by the
4 county and may be taxed as costs against the convicted
5 defendant.

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

13 (j) In cases when prosecution for any violation of Section
14 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17,
15 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1,
16 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal
17 Code of 1961, any violation of the Illinois Controlled
18 Substances Act, any violation of the Cannabis Control Act, or
19 any violation of the Methamphetamine Control and Community
20 Protection Act results in conviction, a disposition of court
21 supervision, or an order of probation granted under Section 10
22 of the Cannabis Control Act, Section 410 of the Illinois
23 Controlled Substance Act, or Section 70 of the Methamphetamine
24 Control and Community Protection Act of a defendant, the court
25 shall determine whether the defendant is employed by a facility
26 or center as defined under the Child Care Act of 1969, a public

1 or private elementary or secondary school, or otherwise works
2 with children under 18 years of age on a daily basis. When a
3 defendant is so employed, the court shall order the Clerk of
4 the Court to send a copy of the judgment of conviction or order
5 of supervision or probation to the defendant's employer by
6 certified mail. If the employer of the defendant is a school,
7 the Clerk of the Court shall direct the mailing of a copy of
8 the judgment of conviction or order of supervision or probation
9 to the appropriate regional superintendent of schools. The
10 regional superintendent of schools shall notify the State Board
11 of Education of any notification under this subsection.

12 (j-5) A defendant at least 17 years of age who is convicted
13 of a felony and who has not been previously convicted of a
14 misdemeanor or felony and who is sentenced to a term of
15 imprisonment in the Illinois Department of Corrections shall as
16 a condition of his or her sentence be required by the court to
17 attend educational courses designed to prepare the defendant
18 for a high school diploma and to work toward a high school
19 diploma or to work toward passing the high school level Test of
20 General Educational Development (GED) or to work toward
21 completing a vocational training program offered by the
22 Department of Corrections. If a defendant fails to complete the
23 educational training required by his or her sentence during the
24 term of incarceration, the Prisoner Review Board shall, as a
25 condition of mandatory supervised release, require the
26 defendant, at his or her own expense, to pursue a course of

1 study toward a high school diploma or passage of the GED test.
2 The Prisoner Review Board shall revoke the mandatory supervised
3 release of a defendant who wilfully fails to comply with this
4 subsection (j-5) upon his or her release from confinement in a
5 penal institution while serving a mandatory supervised release
6 term; however, the inability of the defendant after making a
7 good faith effort to obtain financial aid or pay for the
8 educational training shall not be deemed a wilful failure to
9 comply. The Prisoner Review Board shall recommit the defendant
10 whose mandatory supervised release term has been revoked under
11 this subsection (j-5) as provided in Section 3-3-9. This
12 subsection (j-5) does not apply to a defendant who has a high
13 school diploma or has successfully passed the GED test. This
14 subsection (j-5) does not apply to a defendant who is
15 determined by the court to be developmentally disabled or
16 otherwise mentally incapable of completing the educational or
17 vocational program.

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

21 (l) (A) Except as provided in paragraph (C) of subsection
22 (l), whenever a defendant, who is an alien as defined by
23 the Immigration and Nationality Act, is convicted of any
24 felony or misdemeanor offense, the court after sentencing
25 the defendant may, upon motion of the State's Attorney,
26 hold sentence in abeyance and remand the defendant to the

1 custody of the Attorney General of the United States or his
2 or her designated agent to be deported when:

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

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

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

11 (B) If the defendant has already been sentenced for a
12 felony or misdemeanor offense, or has been placed on
13 probation under Section 10 of the Cannabis Control Act,
14 Section 410 of the Illinois Controlled Substances Act, or
15 Section 70 of the Methamphetamine Control and Community
16 Protection Act, the court may, upon motion of the State's
17 Attorney to suspend the sentence imposed, commit the
18 defendant to the custody of the Attorney General of the
19 United States or his or her 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

1 are subject to the provisions of paragraph (2) of
2 subsection (a) of Section 3-6-3.

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

13 (m) A person convicted of criminal defacement of property
14 under Section 21-1.3 of the Criminal Code of 1961, in which the
15 property damage exceeds \$300 and the property damaged is a
16 school building, shall be ordered to perform community service
17 that may include cleanup, removal, or painting over the
18 defacement.

19 (n) The court may sentence a person convicted of a
20 violation of Section 12-19, 12-21, or 16-1.3 of the Criminal
21 Code of 1961 (i) to an impact incarceration program if the
22 person is otherwise eligible for that program under Section
23 5-8-1.1, (ii) to community service, or (iii) if the person is
24 an addict or alcoholic, as defined in the Alcoholism and Other
25 Drug Abuse and Dependency Act, to a substance or alcohol abuse
26 program licensed under that Act.

1 (o) Whenever a person is convicted of a sex offense as
2 defined in Section 2 of the Sex Offender Registration Act, the
3 defendant's driver's license or permit shall be subject to
4 renewal on an annual basis in accordance with the provisions of
5 license renewal established by the Secretary of State.

6 (Source: P.A. 93-44, eff. 7-1-03; 93-156, eff. 1-1-04; 93-169,
7 eff. 7-10-03; 93-301, eff. 1-1-04; 93-419, eff. 1-1-04; 93-546,
8 eff. 1-1-04; 93-694, eff. 7-9-04; 93-782, eff. 1-1-05; 93-800,
9 eff. 1-1-05; 93-1014, eff. 1-1-05; 94-72, eff. 1-1-06; 94-556,
10 eff. 9-11-05; 94-993, eff. 1-1-07; 94-1035, eff. 7-1-07;
11 revised 8-28-06.)

12 (730 ILCS 5/5-5-6) (from Ch. 38, par. 1005-5-6)

13 Sec. 5-5-6. In all convictions for offenses in violation of
14 the Criminal Code of 1961 in which the person received any
15 injury to their person or damage to their real or personal
16 property as a result of the criminal act of the defendant, the
17 court shall order restitution as provided in this Section. In
18 all other cases, except cases in which restitution is required
19 under this Section, the court must at the sentence hearing
20 determine whether restitution is an appropriate sentence to be
21 imposed on each defendant convicted of an offense. If the court
22 determines that an order directing the offender to make
23 restitution is appropriate, the offender may be sentenced to
24 make restitution. The court may consider restitution an
25 appropriate sentence to be imposed on each defendant convicted

1 of an offense in addition to a sentence of imprisonment. The
2 sentence of the defendant to a term of imprisonment is not a
3 mitigating factor that prevents the court from ordering the
4 defendant to pay restitution. If the offender is sentenced to
5 make restitution the Court shall determine the restitution as
6 hereinafter set forth:

7 (a) At the sentence hearing, the court shall determine
8 whether the property may be restored in kind to the
9 possession of the owner or the person entitled to
10 possession thereof; or whether the defendant is possessed
11 of sufficient skill to repair and restore property damaged;
12 or whether the defendant should be required to make
13 restitution in cash, for out-of-pocket expenses, damages,
14 losses, or injuries found to have been proximately caused
15 by the conduct of the defendant or another for whom the
16 defendant is legally accountable under the provisions of
17 Article V of the Criminal Code of 1961.

18 (b) In fixing the amount of restitution to be paid in
19 cash, the court shall allow credit for property returned in
20 kind, for property damages ordered to be repaired by the
21 defendant, and for property ordered to be restored by the
22 defendant; and after granting the credit, the court shall
23 assess the actual out-of-pocket expenses, losses, damages,
24 and injuries suffered by the victim named in the charge and
25 any other victims who may also have suffered out-of-pocket
26 expenses, losses, damages, and injuries proximately caused

1 by the same criminal conduct of the defendant, and
2 insurance carriers who have indemnified the named victim or
3 other victims for the out-of-pocket expenses, losses,
4 damages, or injuries, provided that in no event shall
5 restitution be ordered to be paid on account of pain and
6 suffering. If a defendant is placed on supervision for, or
7 convicted of, domestic battery, the defendant shall be
8 required to pay restitution to any domestic violence
9 shelter in which the victim and any other family or
10 household members lived because of the domestic battery.
11 The amount of the restitution shall equal the actual
12 expenses of the domestic violence shelter in providing
13 housing and any other services for the victim and any other
14 family or household members living at the shelter. If a
15 defendant fails to pay restitution in the manner or within
16 the time period specified by the court, the court may enter
17 an order directing the sheriff to seize any real or
18 personal property of a defendant to the extent necessary to
19 satisfy the order of restitution and dispose of the
20 property by public sale. All proceeds from such sale in
21 excess of the amount of restitution plus court costs and
22 the costs of the sheriff in conducting the sale shall be
23 paid to the defendant. The defendant convicted of domestic
24 battery, if a person under 18 years of age was present and
25 witnessed the domestic battery of the victim, is liable to
26 pay restitution for the cost of any counseling required for

1 the child at the discretion of the court.

2 (c) In cases where more than one defendant is
3 accountable for the same criminal conduct that results in
4 out-of-pocket expenses, losses, damages, or injuries, each
5 defendant shall be ordered to pay restitution in the amount
6 of the total actual out-of-pocket expenses, losses,
7 damages, or injuries to the victim proximately caused by
8 the conduct of all of the defendants who are legally
9 accountable for the offense.

10 (1) In no event shall the victim be entitled to
11 recover restitution in excess of the actual
12 out-of-pocket expenses, losses, damages, or injuries,
13 proximately caused by the conduct of all of the
14 defendants.

15 (2) As between the defendants, the court may
16 apportion the restitution that is payable in
17 proportion to each co-defendant's culpability in the
18 commission of the offense.

19 (3) In the absence of a specific order apportioning
20 the restitution, each defendant shall bear his pro rata
21 share of the restitution.

22 (4) As between the defendants, each defendant
23 shall be entitled to a pro rata reduction in the total
24 restitution required to be paid to the victim for
25 amounts of restitution actually paid by co-defendants,
26 and defendants who shall have paid more than their pro

1 rata share shall be entitled to refunds to be computed
2 by the court as additional amounts are paid by
3 co-defendants.

4 (d) In instances where a defendant has more than one
5 criminal charge pending against him in a single case, or
6 more than one case, and the defendant stands convicted of
7 one or more charges, a plea agreement negotiated by the
8 State's Attorney and the defendants may require the
9 defendant to make restitution to victims of charges that
10 have been dismissed or which it is contemplated will be
11 dismissed under the terms of the plea agreement, and under
12 the agreement, the court may impose a sentence of
13 restitution on the charge or charges of which the defendant
14 has been convicted that would require the defendant to make
15 restitution to victims of other offenses as provided in the
16 plea agreement.

17 (e) The court may require the defendant to apply the
18 balance of the cash bond, after payment of court costs, and
19 any fine that may be imposed to the payment of restitution.

20 (f) Taking into consideration the ability of the
21 defendant to pay, including any real or personal property
22 or any other assets of the defendant, the court shall
23 determine whether restitution shall be paid in a single
24 payment or in installments, and shall fix a period of time
25 not in excess of 5 years or the period of time specified in
26 subsection (f-1), not including periods of incarceration,

1 within which payment of restitution is to be paid in full.
2 Complete restitution shall be paid in as short a time
3 period as possible. However, if the court deems it
4 necessary and in the best interest of the victim, the court
5 may extend beyond 5 years the period of time within which
6 the payment of restitution is to be paid. If the defendant
7 is ordered to pay restitution and the court orders that
8 restitution is to be paid over a period greater than 6
9 months, the court shall order that the defendant make
10 monthly payments; the court may waive this requirement of
11 monthly payments only if there is a specific finding of
12 good cause for waiver.

13 (f-1) (1) In addition to any other penalty prescribed by
14 law and any restitution ordered under this Section that did
15 not include long-term physical health care costs, the court
16 may, upon conviction of any misdemeanor or felony, order a
17 defendant to pay restitution to a victim in accordance with
18 the provisions of this subsection (f-1) if the victim has
19 suffered physical injury as a result of the offense that is
20 reasonably probable to require or has required long-term
21 physical health care for more than 3 months. As used in
22 this subsection (f-1) "long-term physical health care"
23 includes mental health care.

24 (2) The victim's estimate of long-term physical health
25 care costs may be made as part of a victim impact statement
26 under Section 6 of the Rights of Crime Victims and

1 Witnesses Act or made separately. The court shall enter the
2 long-term physical health care restitution order at the
3 time of sentencing. An order of restitution made under this
4 subsection (f-1) shall fix a monthly amount to be paid by
5 the defendant for as long as long-term physical health care
6 of the victim is required as a result of the offense. The
7 order may exceed the length of any sentence imposed upon
8 the defendant for the criminal activity. The court shall
9 include as a special finding in the judgment of conviction
10 its determination of the monthly cost of long-term physical
11 health care.

12 (3) After a sentencing order has been entered, the
13 court may from time to time, on the petition of either the
14 defendant or the victim, or upon its own motion, enter an
15 order for restitution for long-term physical care or modify
16 the existing order for restitution for long-term physical
17 care as to the amount of monthly payments. Any modification
18 of the order shall be based only upon a substantial change
19 of circumstances relating to the cost of long-term physical
20 health care or the financial condition of either the
21 defendant or the victim. The petition shall be filed as
22 part of the original criminal docket.

23 (g) In addition to the sentences provided for in
24 Sections 11-19.2, 11-20.1, 12-13, 12-14, 12-14.1, 12-15,
25 and 12-16 of the Criminal Code of 1961, the court may order
26 any person who is convicted of violating any of those

1 Sections or who was charged with any of those offenses and
2 which charge was reduced to another charge as a result of a
3 plea agreement under subsection (d) of this Section to meet
4 all or any portion of the financial obligations of
5 treatment, including but not limited to medical,
6 psychiatric, or rehabilitative treatment or psychological
7 counseling, prescribed for the victim or victims of the
8 offense.

9 The payments shall be made by the defendant to the
10 clerk of the circuit court and transmitted by the clerk to
11 the appropriate person or agency as directed by the court.
12 Except as otherwise provided in subsection (f-1), the order
13 may require such payments to be made for a period not to
14 exceed 5 years after sentencing, not including periods of
15 incarceration.

16 (h) The judge may enter an order of withholding to
17 collect the amount of restitution owed in accordance with
18 Part 8 of Article XII of the Code of Civil Procedure.

19 (i) A sentence of restitution may be modified or
20 revoked by the court if the offender commits another
21 offense, or the offender fails to make restitution as
22 ordered by the court, but no sentence to make restitution
23 shall be revoked unless the court shall find that the
24 offender has had the financial ability to make restitution,
25 and he has wilfully refused to do so. When the offender's
26 ability to pay restitution was established at the time an

1 order of restitution was entered or modified, or when the
2 offender's ability to pay was based on the offender's
3 willingness to make restitution as part of a plea agreement
4 made at the time the order of restitution was entered or
5 modified, there is a rebuttable presumption that the facts
6 and circumstances considered by the court at the hearing at
7 which the order of restitution was entered or modified
8 regarding the offender's ability or willingness to pay
9 restitution have not materially changed. If the court shall
10 find that the defendant has failed to make restitution and
11 that the failure is not wilful, the court may impose an
12 additional period of time within which to make restitution.
13 The length of the additional period shall not be more than
14 2 years. The court shall retain all of the incidents of the
15 original sentence, including the authority to modify or
16 enlarge the conditions, and to revoke or further modify the
17 sentence if the conditions of payment are violated during
18 the additional period.

19 (j) The procedure upon the filing of a Petition to
20 Revoke a sentence to make restitution shall be the same as
21 the procedures set forth in Section 5-6-4 of this Code
22 governing violation, modification, or revocation of
23 Probation, of Conditional Discharge, or of Supervision.

24 (k) Nothing contained in this Section shall preclude
25 the right of any party to proceed in a civil action to
26 recover for any damages incurred due to the criminal

1 misconduct of the defendant.

2 (l) Restitution ordered under this Section shall not be
3 subject to disbursement by the circuit clerk under Section
4 27.5 of the Clerks of Courts Act.

5 (m) A restitution order under this Section is a
6 judgment lien in favor of the victim that:

7 (1) Attaches to the property of the person subject
8 to the order;

9 (2) May be perfected in the same manner as provided
10 in Part 3 of Article 9 of the Uniform Commercial Code;

11 (3) May be enforced to satisfy any payment that is
12 delinquent under the restitution order by the person in
13 whose favor the order is issued or the person's
14 assignee; and

15 (4) Expires in the same manner as a judgment lien
16 created in a civil proceeding.

17 When a restitution order is issued under this Section,
18 the issuing court shall send a certified copy of the order
19 to the clerk of the circuit court in the county where the
20 charge was filed. Upon receiving the order, the clerk shall
21 enter and index the order in the circuit court judgment
22 docket.

23 (n) An order of restitution under this Section does not
24 bar a civil action for:

25 (1) Damages that the court did not require the
26 person to pay to the victim under the restitution order

1 but arise from an injury or property damages that is
2 the basis of restitution ordered by the court; and

3 (2) Other damages suffered by the victim.

4 The restitution order is not discharged by the completion
5 of the sentence imposed for the offense.

6 A restitution order under this Section is not discharged by
7 the liquidation of a person's estate by a receiver. A
8 restitution order under this Section may be enforced in the
9 same manner as judgment liens are enforced under Article XII of
10 the Code of Civil Procedure.

11 The provisions of Section 2-1303 of the Code of Civil
12 Procedure, providing for interest on judgments, apply to
13 judgments for restitution entered under this Section.

14 (Source: P.A. 94-148, eff. 1-1-06; 94-397, eff. 1-1-06; revised
15 8-19-05.)

16 (730 ILCS 5/5-6-3) (from Ch. 38, par. 1005-6-3)

17 Sec. 5-6-3. Conditions of Probation and of Conditional
18 Discharge.

19 (a) The conditions of probation and of conditional
20 discharge shall be that the person:

21 (1) not violate any criminal statute of any
22 jurisdiction;

23 (2) report to or appear in person before such person or
24 agency as directed by the court;

25 (3) refrain from possessing a firearm or other

1 dangerous weapon;

2 (4) not leave the State without the consent of the
3 court or, in circumstances in which the reason for the
4 absence is of such an emergency nature that prior consent
5 by the court is not possible, without the prior
6 notification and approval of the person's probation
7 officer. Transfer of a person's probation or conditional
8 discharge supervision to another state is subject to
9 acceptance by the other state pursuant to the Interstate
10 Compact for Adult Offender Supervision;

11 (5) permit the probation officer to visit him at his
12 home or elsewhere to the extent necessary to discharge his
13 duties;

14 (6) perform no less than 30 hours of community service
15 and not more than 120 hours of community service, if
16 community service is available in the jurisdiction and is
17 funded and approved by the county board where the offense
18 was committed, where the offense was related to or in
19 furtherance of the criminal activities of an organized gang
20 and was motivated by the offender's membership in or
21 allegiance to an organized gang. The community service
22 shall include, but not be limited to, the cleanup and
23 repair of any damage caused by a violation of Section
24 21-1.3 of the Criminal Code of 1961 and similar damage to
25 property located within the municipality or county in which
26 the violation occurred. When possible and reasonable, the

1 community service should be performed in the offender's
2 neighborhood. For purposes of this Section, "organized
3 gang" has the meaning ascribed to it in Section 10 of the
4 Illinois Streetgang Terrorism Omnibus Prevention Act;

5 (7) if he or she is at least 17 years of age and has
6 been sentenced to probation or conditional discharge for a
7 misdemeanor or felony in a county of 3,000,000 or more
8 inhabitants and has not been previously convicted of a
9 misdemeanor or felony, may be required by the sentencing
10 court to attend educational courses designed to prepare the
11 defendant for a high school diploma and to work toward a
12 high school diploma or to work toward passing the high
13 school level Test of General Educational Development (GED)
14 or to work toward completing a vocational training program
15 approved by the court. The person on probation or
16 conditional discharge must attend a public institution of
17 education to obtain the educational or vocational training
18 required by this clause (7). The court shall revoke the
19 probation or conditional discharge of a person who wilfully
20 fails to comply with this clause (7). The person on
21 probation or conditional discharge shall be required to pay
22 for the cost of the educational courses or GED test, if a
23 fee is charged for those courses or test. The court shall
24 resentence the offender whose probation or conditional
25 discharge has been revoked as provided in Section 5-6-4.
26 This clause (7) does not apply to a person who has a high

1 school diploma or has successfully passed the GED test.
2 This clause (7) does not apply to a person who is
3 determined by the court to be developmentally disabled or
4 otherwise mentally incapable of completing the educational
5 or vocational program;

6 (8) if convicted of possession of a substance
7 prohibited by the Cannabis Control Act, the Illinois
8 Controlled Substances Act, or the Methamphetamine Control
9 and Community Protection Act after a previous conviction or
10 disposition of supervision for possession of a substance
11 prohibited by the Cannabis Control Act or Illinois
12 Controlled Substances Act or after a sentence of probation
13 under Section 10 of the Cannabis Control Act, Section 410
14 of the Illinois Controlled Substances Act, or Section 70 of
15 the Methamphetamine Control and Community Protection Act
16 and upon a finding by the court that the person is
17 addicted, undergo treatment at a substance abuse program
18 approved by the court;

19 (8.5) if convicted of a felony sex offense as defined
20 in the Sex Offender Management Board Act, the person shall
21 undergo and successfully complete sex offender treatment
22 by a treatment provider approved by the Board and conducted
23 in conformance with the standards developed under the Sex
24 Offender Management Board Act;

25 (8.6) if convicted of a sex offense as defined in the
26 Sex Offender Management Board Act, refrain from residing at

1 the same address or in the same condominium unit or
2 apartment unit or in the same condominium complex or
3 apartment complex with another person he or she knows or
4 reasonably should know is a convicted sex offender or has
5 been placed on supervision for a sex offense; the
6 provisions of this paragraph do not apply to a person
7 convicted of a sex offense who is placed in a Department of
8 Corrections licensed transitional housing facility for sex
9 offenders; ~~and~~

10 (9) if convicted of a felony, physically surrender at a
11 time and place designated by the court, his or her Firearm
12 Owner's Identification Card and any and all firearms in his
13 or her possession; and

14 (10) if convicted of a sex offense as defined in
15 subsection (a-5) of Section 3-1-2 of this Code, unless the
16 offender is a parent or guardian of the person under 18
17 years of age present in the home and no non-familial minors
18 are present, not participate in a holiday event involving
19 children under 18 years of age, such as distributing candy
20 or other items to children on Halloween, wearing a Santa
21 Claus costume on or preceding Christmas, being employed as
22 a department store Santa Claus, or wearing an Easter Bunny
23 costume on or preceding Easter.

24 (b) The Court may in addition to other reasonable
25 conditions relating to the nature of the offense or the
26 rehabilitation of the defendant as determined for each

1 defendant in the proper discretion of the Court require that
2 the person:

3 (1) serve a term of periodic imprisonment under Article
4 7 for a period not to exceed that specified in paragraph
5 (d) of Section 5-7-1;

6 (2) pay a fine and costs;

7 (3) work or pursue a course of study or vocational
8 training;

9 (4) undergo medical, psychological or psychiatric
10 treatment; or treatment for drug addiction or alcoholism;

11 (5) attend or reside in a facility established for the
12 instruction or residence of defendants on probation;

13 (6) support his dependents;

14 (7) and in addition, if a minor:

15 (i) reside with his parents or in a foster home;

16 (ii) attend school;

17 (iii) attend a non-residential program for youth;

18 (iv) contribute to his own support at home or in a
19 foster home;

20 (v) with the consent of the superintendent of the
21 facility, attend an educational program at a facility
22 other than the school in which the offense was
23 committed if he or she is convicted of a crime of
24 violence as defined in Section 2 of the Crime Victims
25 Compensation Act committed in a school, on the real
26 property comprising a school, or within 1,000 feet of

1 the real property comprising a school;

2 (8) make restitution as provided in Section 5-5-6 of
3 this Code;

4 (9) perform some reasonable public or community
5 service;

6 (10) serve a term of home confinement. In addition to
7 any other applicable condition of probation or conditional
8 discharge, the conditions of home confinement shall be that
9 the offender:

10 (i) remain within the interior premises of the
11 place designated for his confinement during the hours
12 designated by the court;

13 (ii) admit any person or agent designated by the
14 court into the offender's place of confinement at any
15 time for purposes of verifying the offender's
16 compliance with the conditions of his confinement; and

17 (iii) if further deemed necessary by the court or
18 the Probation or Court Services Department, be placed
19 on an approved electronic monitoring device, subject
20 to Article 8A of Chapter V;

21 (iv) for persons convicted of any alcohol,
22 cannabis or controlled substance violation who are
23 placed on an approved monitoring device as a condition
24 of probation or conditional discharge, the court shall
25 impose a reasonable fee for each day of the use of the
26 device, as established by the county board in

1 subsection (g) of this Section, unless after
2 determining the inability of the offender to pay the
3 fee, the court assesses a lesser fee or no fee as the
4 case may be. This fee shall be imposed in addition to
5 the fees imposed under subsections (g) and (i) of this
6 Section. The fee shall be collected by the clerk of the
7 circuit court. The clerk of the circuit court shall pay
8 all monies collected from this fee to the county
9 treasurer for deposit in the substance abuse services
10 fund under Section 5-1086.1 of the Counties Code; and

11 (v) for persons convicted of offenses other than
12 those referenced in clause (iv) above and who are
13 placed on an approved monitoring device as a condition
14 of probation or conditional discharge, the court shall
15 impose a reasonable fee for each day of the use of the
16 device, as established by the county board in
17 subsection (g) of this Section, unless after
18 determining the inability of the defendant to pay the
19 fee, the court assesses a lesser fee or no fee as the
20 case may be. This fee shall be imposed in addition to
21 the fees imposed under subsections (g) and (i) of this
22 Section. The fee shall be collected by the clerk of the
23 circuit court. The clerk of the circuit court shall pay
24 all monies collected from this fee to the county
25 treasurer who shall use the monies collected to defray
26 the costs of corrections. The county treasurer shall

1 deposit the fee collected in the county working cash
2 fund under Section 6-27001 or Section 6-29002 of the
3 Counties Code, as the case may be.

4 (11) comply with the terms and conditions of an order
5 of protection issued by the court pursuant to the Illinois
6 Domestic Violence Act of 1986, as now or hereafter amended,
7 or an order of protection issued by the court of another
8 state, tribe, or United States territory. A copy of the
9 order of protection shall be transmitted to the probation
10 officer or agency having responsibility for the case;

11 (12) reimburse any "local anti-crime program" as
12 defined in Section 7 of the Anti-Crime Advisory Council Act
13 for any reasonable expenses incurred by the program on the
14 offender's case, not to exceed the maximum amount of the
15 fine authorized for the offense for which the defendant was
16 sentenced;

17 (13) contribute a reasonable sum of money, not to
18 exceed the maximum amount of the fine authorized for the
19 offense for which the defendant was sentenced, to a "local
20 anti-crime program", as defined in Section 7 of the
21 Anti-Crime Advisory Council Act;

22 (14) refrain from entering into a designated
23 geographic area except upon such terms as the court finds
24 appropriate. Such terms may include consideration of the
25 purpose of the entry, the time of day, other persons
26 accompanying the defendant, and advance approval by a

1 probation officer, if the defendant has been placed on
2 probation or advance approval by the court, if the
3 defendant was placed on conditional discharge;

4 (15) refrain from having any contact, directly or
5 indirectly, with certain specified persons or particular
6 types of persons, including but not limited to members of
7 street gangs and drug users or dealers;

8 (16) refrain from having in his or her body the
9 presence of any illicit drug prohibited by the Cannabis
10 Control Act, the Illinois Controlled Substances Act, or the
11 Methamphetamine Control and Community Protection Act,
12 unless prescribed by a physician, and submit samples of his
13 or her blood or urine or both for tests to determine the
14 presence of any illicit drug.

15 (c) The court may as a condition of probation or of
16 conditional discharge require that a person under 18 years of
17 age found guilty of any alcohol, cannabis or controlled
18 substance violation, refrain from acquiring a driver's license
19 during the period of probation or conditional discharge. If
20 such person is in possession of a permit or license, the court
21 may require that the minor refrain from driving or operating
22 any motor vehicle during the period of probation or conditional
23 discharge, except as may be necessary in the course of the
24 minor's lawful employment.

25 (d) An offender sentenced to probation or to conditional
26 discharge shall be given a certificate setting forth the

1 conditions thereof.

2 (e) Except where the offender has committed a fourth or
3 subsequent violation of subsection (c) of Section 6-303 of the
4 Illinois Vehicle Code, the court shall not require as a
5 condition of the sentence of probation or conditional discharge
6 that the offender be committed to a period of imprisonment in
7 excess of 6 months. This 6 month limit shall not include
8 periods of confinement given pursuant to a sentence of county
9 impact incarceration under Section 5-8-1.2. This 6 month limit
10 does not apply to a person sentenced to probation as a result
11 of a conviction of a fourth or subsequent violation of
12 subsection (c-4) of Section 11-501 of the Illinois Vehicle Code
13 or a similar provision of a local ordinance.

14 Persons committed to imprisonment as a condition of
15 probation or conditional discharge shall not be committed to
16 the Department of Corrections.

17 (f) The court may combine a sentence of periodic
18 imprisonment under Article 7 or a sentence to a county impact
19 incarceration program under Article 8 with a sentence of
20 probation or conditional discharge.

21 (g) An offender sentenced to probation or to conditional
22 discharge and who during the term of either undergoes mandatory
23 drug or alcohol testing, or both, or is assigned to be placed
24 on an approved electronic monitoring device, shall be ordered
25 to pay all costs incidental to such mandatory drug or alcohol
26 testing, or both, and all costs incidental to such approved

1 electronic monitoring in accordance with the defendant's
2 ability to pay those costs. The county board with the
3 concurrence of the Chief Judge of the judicial circuit in which
4 the county is located shall establish reasonable fees for the
5 cost of maintenance, testing, and incidental expenses related
6 to the mandatory drug or alcohol testing, or both, and all
7 costs incidental to approved electronic monitoring, involved
8 in a successful probation program for the county. The
9 concurrence of the Chief Judge shall be in the form of an
10 administrative order. The fees shall be collected by the clerk
11 of the circuit court. The clerk of the circuit court shall pay
12 all moneys collected from these fees to the county treasurer
13 who shall use the moneys collected to defray the costs of drug
14 testing, alcohol testing, and electronic monitoring. The
15 county treasurer shall deposit the fees collected in the county
16 working cash fund under Section 6-27001 or Section 6-29002 of
17 the Counties Code, as the case may be.

18 (h) Jurisdiction over an offender may be transferred from
19 the sentencing court to the court of another circuit with the
20 concurrence of both courts. Further transfers or retransfers of
21 jurisdiction are also authorized in the same manner. The court
22 to which jurisdiction has been transferred shall have the same
23 powers as the sentencing court.

24 (i) The court shall impose upon an offender sentenced to
25 probation after January 1, 1989 or to conditional discharge
26 after January 1, 1992 or to community service under the

1 supervision of a probation or court services department after
2 January 1, 2004, as a condition of such probation or
3 conditional discharge or supervised community service, a fee of
4 \$50 for each month of probation or conditional discharge
5 supervision or supervised community service ordered by the
6 court, unless after determining the inability of the person
7 sentenced to probation or conditional discharge or supervised
8 community service to pay the fee, the court assesses a lesser
9 fee. The court may not impose the fee on a minor who is made a
10 ward of the State under the Juvenile Court Act of 1987 while
11 the minor is in placement. The fee shall be imposed only upon
12 an offender who is actively supervised by the probation and
13 court services department. The fee shall be collected by the
14 clerk of the circuit court. The clerk of the circuit court
15 shall pay all monies collected from this fee to the county
16 treasurer for deposit in the probation and court services fund
17 under Section 15.1 of the Probation and Probation Officers Act.

18 A circuit court may not impose a probation fee under this
19 subsection (i) in excess of \$25 per month unless: (1) the
20 circuit court has adopted, by administrative order issued by
21 the chief judge, a standard probation fee guide determining an
22 offender's ability to pay, under guidelines developed by the
23 Administrative Office of the Illinois Courts; and (2) the
24 circuit court has authorized, by administrative order issued by
25 the chief judge, the creation of a Crime Victim's Services
26 Fund, to be administered by the Chief Judge or his or her

1 designee, for services to crime victims and their families. Of
2 the amount collected as a probation fee, up to \$5 of that fee
3 collected per month may be used to provide services to crime
4 victims and their families.

5 This amendatory Act of the 93rd General Assembly deletes
6 the \$10 increase in the fee under this subsection that was
7 imposed by Public Act 93-616. This deletion is intended to
8 control over any other Act of the 93rd General Assembly that
9 retains or incorporates that fee increase.

10 (i-5) In addition to the fees imposed under subsection (i)
11 of this Section, in the case of an offender convicted of a
12 felony sex offense (as defined in the Sex Offender Management
13 Board Act) or an offense that the court or probation department
14 has determined to be sexually motivated (as defined in the Sex
15 Offender Management Board Act), the court or the probation
16 department shall assess additional fees to pay for all costs of
17 treatment, assessment, evaluation for risk and treatment, and
18 monitoring the offender, based on that offender's ability to
19 pay those costs either as they occur or under a payment plan.

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

1 (k) Any offender who is sentenced to probation or
2 conditional discharge for a felony sex offense as defined in
3 the Sex Offender Management Board Act or any offense that the
4 court or probation department has determined to be sexually
5 motivated as defined in the Sex Offender Management Board Act
6 shall be required to refrain from any contact, directly or
7 indirectly, with any persons specified by the court and shall
8 be available for all evaluations and treatment programs
9 required by the court or the probation department.

10 (Source: P.A. 93-475, eff. 8-8-03; 93-616, eff. 1-1-04; 93-970,
11 eff. 8-20-04; 94-159, eff. 7-11-05; 94-161, eff. 7-11-05;
12 94-556, eff. 9-11-05; revised 8-19-05.)

13 (730 ILCS 5/5-6-3.1) (from Ch. 38, par. 1005-6-3.1)

14 Sec. 5-6-3.1. Incidents and Conditions of Supervision.

15 (a) When a defendant is placed on supervision, the court
16 shall enter an order for supervision specifying the period of
17 such supervision, and shall defer further proceedings in the
18 case until the conclusion of the period.

19 (b) The period of supervision shall be reasonable under all
20 of the circumstances of the case, but may not be longer than 2
21 years, unless the defendant has failed to pay the assessment
22 required by Section 10.3 of the Cannabis Control Act, Section
23 411.2 of the Illinois Controlled Substances Act, or Section 80
24 of the Methamphetamine Control and Community Protection Act, in
25 which case the court may extend supervision beyond 2 years.

1 Additionally, the court shall order the defendant to perform no
2 less than 30 hours of community service and not more than 120
3 hours of community service, if community service is available
4 in the jurisdiction and is funded and approved by the county
5 board where the offense was committed, when the offense (1) was
6 related to or in furtherance of the criminal activities of an
7 organized gang or was motivated by the defendant's membership
8 in or allegiance to an organized gang; or (2) is a violation of
9 any Section of Article 24 of the Criminal Code of 1961 where a
10 disposition of supervision is not prohibited by Section 5-6-1
11 of this Code. The community service shall include, but not be
12 limited to, the cleanup and repair of any damage caused by
13 violation of Section 21-1.3 of the Criminal Code of 1961 and
14 similar damages to property located within the municipality or
15 county in which the violation occurred. Where possible and
16 reasonable, the community service should be performed in the
17 offender's neighborhood.

18 For the purposes of this Section, "organized gang" has the
19 meaning ascribed to it in Section 10 of the Illinois Streetgang
20 Terrorism Omnibus Prevention Act.

21 (c) The court may in addition to other reasonable
22 conditions relating to the nature of the offense or the
23 rehabilitation of the defendant as determined for each
24 defendant in the proper discretion of the court require that
25 the person:

26 (1) make a report to and appear in person before or

1 participate with the court or such courts, person, or
2 social service agency as directed by the court in the order
3 of supervision;

4 (2) pay a fine and costs;

5 (3) work or pursue a course of study or vocational
6 training;

7 (4) undergo medical, psychological or psychiatric
8 treatment; or treatment for drug addiction or alcoholism;

9 (5) attend or reside in a facility established for the
10 instruction or residence of defendants on probation;

11 (6) support his dependents;

12 (7) refrain from possessing a firearm or other
13 dangerous weapon;

14 (8) and in addition, if a minor:

15 (i) reside with his parents or in a foster home;

16 (ii) attend school;

17 (iii) attend a non-residential program for youth;

18 (iv) contribute to his own support at home or in a
19 foster home; or

20 (v) with the consent of the superintendent of the
21 facility, attend an educational program at a facility
22 other than the school in which the offense was
23 committed if he or she is placed on supervision for a
24 crime of violence as defined in Section 2 of the Crime
25 Victims Compensation Act committed in a school, on the
26 real property comprising a school, or within 1,000 feet

1 of the real property comprising a school;

2 (9) make restitution or reparation in an amount not to
3 exceed actual loss or damage to property and pecuniary loss
4 or make restitution under Section 5-5-6 to a domestic
5 violence shelter. The court shall determine the amount and
6 conditions of payment;

7 (10) perform some reasonable public or community
8 service;

9 (11) comply with the terms and conditions of an order
10 of protection issued by the court pursuant to the Illinois
11 Domestic Violence Act of 1986 or an order of protection
12 issued by the court of another state, tribe, or United
13 States territory. If the court has ordered the defendant to
14 make a report and appear in person under paragraph (1) of
15 this subsection, a copy of the order of protection shall be
16 transmitted to the person or agency so designated by the
17 court;

18 (12) reimburse any "local anti-crime program" as
19 defined in Section 7 of the Anti-Crime Advisory Council Act
20 for any reasonable expenses incurred by the program on the
21 offender's case, not to exceed the maximum amount of the
22 fine authorized for the offense for which the defendant was
23 sentenced;

24 (13) contribute a reasonable sum of money, not to
25 exceed the maximum amount of the fine authorized for the
26 offense for which the defendant was sentenced, to a "local

1 anti-crime program", as defined in Section 7 of the
2 Anti-Crime Advisory Council Act;

3 (14) refrain from entering into a designated
4 geographic area except upon such terms as the court finds
5 appropriate. Such terms may include consideration of the
6 purpose of the entry, the time of day, other persons
7 accompanying the defendant, and advance approval by a
8 probation officer;

9 (15) refrain from having any contact, directly or
10 indirectly, with certain specified persons or particular
11 types of person, including but not limited to members of
12 street gangs and drug users or dealers;

13 (16) refrain from having in his or her body the
14 presence of any illicit drug prohibited by the Cannabis
15 Control Act, the Illinois Controlled Substances Act, or the
16 Methamphetamine Control and Community Protection Act,
17 unless prescribed by a physician, and submit samples of his
18 or her blood or urine or both for tests to determine the
19 presence of any illicit drug;

20 (17) refrain from operating any motor vehicle not
21 equipped with an ignition interlock device as defined in
22 Section 1-129.1 of the Illinois Vehicle Code. Under this
23 condition the court may allow a defendant who is not
24 self-employed to operate a vehicle owned by the defendant's
25 employer that is not equipped with an ignition interlock
26 device in the course and scope of the defendant's

1 employment; and

2 (18) if placed on supervision for a sex offense as
3 defined in subsection (a-5) of Section 3-1-2 of this Code,
4 unless the offender is a parent or guardian of the person
5 under 18 years of age present in the home and no
6 non-familial minors are present, not participate in a
7 holiday event involving children under 18 years of age,
8 such as distributing candy or other items to children on
9 Halloween, wearing a Santa Claus costume on or preceding
10 Christmas, being employed as a department store Santa
11 Claus, or wearing an Easter Bunny costume on or preceding
12 Easter.

13 (d) The court shall defer entering any judgment on the
14 charges until the conclusion of the supervision.

15 (e) At the conclusion of the period of supervision, if the
16 court determines that the defendant has successfully complied
17 with all of the conditions of supervision, the court shall
18 discharge the defendant and enter a judgment dismissing the
19 charges.

20 (f) Discharge and dismissal upon a successful conclusion of
21 a disposition of supervision shall be deemed without
22 adjudication of guilt and shall not be termed a conviction for
23 purposes of disqualification or disabilities imposed by law
24 upon conviction of a crime. Two years after the discharge and
25 dismissal under this Section, unless the disposition of
26 supervision was for a violation of Sections 3-707, 3-708,

1 3-710, 5-401.3, or 11-503 of the Illinois Vehicle Code or a
2 similar provision of a local ordinance, or for a violation of
3 Sections 12-3.2 or 16A-3 of the Criminal Code of 1961, in which
4 case it shall be 5 years after discharge and dismissal, a
5 person may have his record of arrest sealed or expunged as may
6 be provided by law. However, any defendant placed on
7 supervision before January 1, 1980, may move for sealing or
8 expungement of his arrest record, as provided by law, at any
9 time after discharge and dismissal under this Section. A person
10 placed on supervision for a sexual offense committed against a
11 minor as defined in subsection (g) of Section 5 of the Criminal
12 Identification Act or for a violation of Section 11-501 of the
13 Illinois Vehicle Code or a similar provision of a local
14 ordinance shall not have his or her record of arrest sealed or
15 expunged.

16 (g) A defendant placed on supervision and who during the
17 period of supervision undergoes mandatory drug or alcohol
18 testing, or both, or is assigned to be placed on an approved
19 electronic monitoring device, shall be ordered to pay the costs
20 incidental to such mandatory drug or alcohol testing, or both,
21 and costs incidental to such approved electronic monitoring in
22 accordance with the defendant's ability to pay those costs. The
23 county board with the concurrence of the Chief Judge of the
24 judicial circuit in which the county is located shall establish
25 reasonable fees for the cost of maintenance, testing, and
26 incidental expenses related to the mandatory drug or alcohol

1 testing, or both, and all costs incidental to approved
2 electronic monitoring, of all defendants placed on
3 supervision. The concurrence of the Chief Judge shall be in the
4 form of an administrative order. The fees shall be collected by
5 the clerk of the circuit court. The clerk of the circuit court
6 shall pay all moneys collected from these fees to the county
7 treasurer who shall use the moneys collected to defray the
8 costs of drug testing, alcohol testing, and electronic
9 monitoring. The county treasurer shall deposit the fees
10 collected in the county working cash fund under Section 6-27001
11 or Section 6-29002 of the Counties Code, as the case may be.

12 (h) A disposition of supervision is a final order for the
13 purposes of appeal.

14 (i) The court shall impose upon a defendant placed on
15 supervision after January 1, 1992 or to community service under
16 the supervision of a probation or court services department
17 after January 1, 2004, as a condition of supervision or
18 supervised community service, a fee of \$50 for each month of
19 supervision or supervised community service ordered by the
20 court, unless after determining the inability of the person
21 placed on supervision or supervised community service to pay
22 the fee, the court assesses a lesser fee. The court may not
23 impose the fee on a minor who is made a ward of the State under
24 the Juvenile Court Act of 1987 while the minor is in placement.
25 The fee shall be imposed only upon a defendant who is actively
26 supervised by the probation and court services department. The

1 fee shall be collected by the clerk of the circuit court. The
2 clerk of the circuit court shall pay all monies collected from
3 this fee to the county treasurer for deposit in the probation
4 and court services fund pursuant to Section 15.1 of the
5 Probation and Probation Officers Act.

6 A circuit court may not impose a probation fee in excess of
7 \$25 per month unless: (1) the circuit court has adopted, by
8 administrative order issued by the chief judge, a standard
9 probation fee guide determining an offender's ability to pay,
10 under guidelines developed by the Administrative Office of the
11 Illinois Courts; and (2) the circuit court has authorized, by
12 administrative order issued by the chief judge, the creation of
13 a Crime Victim's Services Fund, to be administered by the Chief
14 Judge or his or her designee, for services to crime victims and
15 their families. Of the amount collected as a probation fee, not
16 to exceed \$5 of that fee collected per month may be used to
17 provide services to crime victims and their families.

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

25 (k) A defendant at least 17 years of age who is placed on
26 supervision for a misdemeanor in a county of 3,000,000 or more

1 inhabitants and who has not been previously convicted of a
2 misdemeanor or felony may as a condition of his or her
3 supervision be required by the court to attend educational
4 courses designed to prepare the defendant for a high school
5 diploma and to work toward a high school diploma or to work
6 toward passing the high school level Test of General
7 Educational Development (GED) or to work toward completing a
8 vocational training program approved by the court. The
9 defendant placed on supervision must attend a public
10 institution of education to obtain the educational or
11 vocational training required by this subsection (k). The
12 defendant placed on supervision shall be required to pay for
13 the cost of the educational courses or GED test, if a fee is
14 charged for those courses or test. The court shall revoke the
15 supervision of a person who wilfully fails to comply with this
16 subsection (k). The court shall resentence the defendant upon
17 revocation of supervision as provided in Section 5-6-4. This
18 subsection (k) does not apply to a defendant who has a high
19 school diploma or has successfully passed the GED test. This
20 subsection (k) does not apply to a defendant who is determined
21 by the court to be developmentally disabled or otherwise
22 mentally incapable of completing the educational or vocational
23 program.

24 (1) The court shall require a defendant placed on
25 supervision for possession of a substance prohibited by the
26 Cannabis Control Act, the Illinois Controlled Substances Act,

1 or the Methamphetamine Control and Community Protection Act
2 after a previous conviction or disposition of supervision for
3 possession of a substance prohibited by the Cannabis Control
4 Act, the Illinois Controlled Substances Act, or the
5 Methamphetamine Control and Community Protection Act or a
6 sentence of probation under Section 10 of the Cannabis Control
7 Act or Section 410 of the Illinois Controlled Substances Act
8 and after a finding by the court that the person is addicted,
9 to undergo treatment at a substance abuse program approved by
10 the court.

11 (m) The Secretary of State shall require anyone placed on
12 court supervision for a violation of Section 3-707 of the
13 Illinois Vehicle Code or a similar provision of a local
14 ordinance to give proof of his or her financial responsibility
15 as defined in Section 7-315 of the Illinois Vehicle Code. The
16 proof shall be maintained by the individual in a manner
17 satisfactory to the Secretary of State for a minimum period of
18 one year after the date the proof is first filed. The proof
19 shall be limited to a single action per arrest and may not be
20 affected by any post-sentence disposition. The Secretary of
21 State shall suspend the driver's license of any person
22 determined by the Secretary to be in violation of this
23 subsection.

24 (n) Any offender placed on supervision for any offense that
25 the court or probation department has determined to be sexually
26 motivated as defined in the Sex Offender Management Board Act

1 shall be required to refrain from any contact, directly or
2 indirectly, with any persons specified by the court and shall
3 be available for all evaluations and treatment programs
4 required by the court or the probation department.

5 (o) An offender placed on supervision for a sex offense as
6 defined in the Sex Offender Management Board Act shall refrain
7 from residing at the same address or in the same condominium
8 unit or apartment unit or in the same condominium complex or
9 apartment complex with another person he or she knows or
10 reasonably should know is a convicted sex offender or has been
11 placed on supervision for a sex offense. The provisions of this
12 subsection (o) do not apply to a person convicted of a sex
13 offense who is placed in a Department of Corrections licensed
14 transitional housing facility for sex offenders.

15 (Source: P.A. 93-475, eff. 8-8-03; 93-970, eff. 8-20-04;
16 94-159, eff. 7-11-05; 94-161, eff. 7-11-05; 94-556, eff.
17 9-11-05; revised 8-19-05.)

18 (730 ILCS 5/5-8-1.3)

19 Sec. 5-8-1.3. Pilot residential and transition treatment
20 program for women.

21 (a) The General Assembly recognizes:

22 (1) that drug-offending women with children who have
23 been in and out of the criminal justice system for years
24 are a serious problem;

25 (2) that the intergenerational cycle of women

1 continuously being part of the criminal justice system
2 needs to be broken;

3 (3) that the effects of drug offending women with
4 children disrupts family harmony and creates an atmosphere
5 that is not conducive to healthy childhood development;

6 (4) that there is a need for an effective residential
7 community supervision model to provide help to women to
8 become drug free, recover from trauma, focus on healthy
9 mother-child relationships, and establish economic
10 independence and long-term support;

11 (5) that certain non-violent women offenders with
12 children eligible for sentences of incarceration, may
13 benefit from the rehabilitative aspects of gender
14 responsive treatment programs and services. This Section
15 shall not be construed to allow violent offenders to
16 participate in a treatment program.

17 (b) Under the direction of the sheriff and with the
18 approval of the county board of commissioners, the sheriff, in
19 any county with more than 3,000,000 inhabitants, may operate a
20 residential and transition treatment program for women
21 established by the Illinois Department of Corrections if
22 funding has been provided by federal, local or private
23 entities. If the court finds during the sentencing hearing
24 conducted under Section 5-4-1 that a woman convicted of a
25 felony meets the eligibility requirements of the sheriff's
26 residential and transition treatment program for women, the

1 court may refer the offender to the sheriff's residential and
2 transition treatment program for women for consideration as a
3 participant as an alternative to incarceration in the
4 penitentiary. The sheriff shall be responsible for supervising
5 all women who are placed in the residential and transition
6 treatment program for women for the 12-month period. In the
7 event that the woman is not accepted for placement in the
8 sheriff's residential and transition treatment program for
9 women, the court shall proceed to sentence the woman to any
10 other disposition authorized by this Code. If the woman does
11 not successfully complete the residential and transition
12 treatment program for women, the woman's failure to do so shall
13 constitute a violation of the sentence to the residential and
14 transition treatment program for women.

15 (c) In order to be eligible to be a participant in the
16 pilot residential and transition treatment program for women,
17 the participant shall meet all of the following conditions:

18 (1) The woman has not been convicted of a violent crime
19 as defined in subsection (c) of Section 3 of the Rights of
20 Crime Victims and Witnesses Act, a Class X felony, first or
21 second degree murder, armed violence, aggravated
22 kidnapping, criminal sexual assault, aggravated criminal
23 sexual abuse or a subsequent conviction for criminal sexual
24 abuse, forcible detention, or arson and has not been
25 previously convicted of any of those offenses.

26 (2) The woman must undergo an initial assessment

1 evaluation to determine the treatment and program plan.

2 (3) The woman was recommended and accepted for
3 placement in the pilot residential and transition
4 treatment program for women by the Department of
5 Corrections and has consented in writing to participation
6 in the program under the terms and conditions of the
7 program. The Department of Corrections may consider
8 whether space is available.

9 (d) The program may include a substance abuse treatment
10 program designed for women offenders, mental health, trauma,
11 and medical treatment; parenting skills and family
12 relationship counseling, preparation for a GED or vocational
13 certificate; life skills program; job readiness and job skill
14 training, and a community transition development plan.

15 (e) With the approval of the Department of Corrections, the
16 sheriff shall issue requirements for the program and inform the
17 participants who shall sign an agreement to adhere to all rules
18 and all requirements for the pilot residential and transition
19 treatment program.

20 (f) Participation in the pilot residential and transition
21 treatment program for women shall be for a period not to exceed
22 12 months. The period may not be reduced by accumulation of
23 good time.

24 (g) If the woman successfully completes the pilot
25 residential and transition treatment program for women, the
26 sheriff shall notify the Department of Corrections, the court,

1 and the State's Attorney of the county of the woman's
2 successful completion.

3 (h) A woman may be removed from the pilot residential and
4 transition treatment program for women for violation of the
5 terms and conditions of the program or in the event she is
6 unable to participate. The failure to complete the program
7 shall be deemed a violation of the conditions of the program.
8 The sheriff shall give notice to the Department of Corrections,
9 the court, and the State's Attorney of the woman's failure to
10 complete the program. The Department of Corrections or its
11 designee shall file a petition alleging that the woman has
12 violated the conditions of the program with the court. The
13 State's Attorney may proceed on the petition under Section
14 5-4-1 of this Code.

15 (i) The conditions of the pilot residential and transition
16 treatment program for women shall include that the woman while
17 in the program:

18 (1) not violate any criminal statute of any
19 jurisdiction;

20 (2) report or appear in person before any person or
21 agency as directed by the court, the sheriff, or Department
22 of Corrections;

23 (3) refrain from possessing a firearm or other
24 dangerous weapon;

25 (4) consent to drug testing;

26 (5) not leave the State without the consent of the

1 court or, in circumstances in which reason for the absence
2 is of such an emergency nature that prior consent by the
3 court is not possible, without prior notification and
4 approval of the Department of Corrections;

5 (6) upon placement in the program, must agree to follow
6 all requirements of the program.†

7 (j) The Department of Corrections or the sheriff may
8 terminate the program at any time by mutual agreement or with
9 30 days prior written notice by either the Department of
10 Corrections or the sheriff.

11 (k) The Department of Corrections may enter into a joint
12 contract with a county with more than 3,000,000 inhabitants to
13 establish and operate a pilot residential and treatment program
14 for women.

15 (l) The Director of the Department of Corrections shall
16 have the authority to develop rules to establish and operate a
17 pilot residential and treatment program for women that shall
18 include criteria for selection of the participants of the
19 program in conjunction and approval by the sentencing court.
20 Violent crime offenders are not eligible to participate in the
21 program.

22 (m) The Department shall report to the Governor and the
23 General Assembly before September 30th of each year on the
24 pilot residential and treatment program for women, including
25 the composition of the program by offenders, sentence, age,
26 offense, and race.

1 (n) The Department of Corrections or the sheriff may
2 terminate the program with 30 days prior written notice.

3 (o) A county with more than 3,000,000 inhabitants is
4 authorized to apply for funding from federal, local or private
5 entities to create a Residential and Treatment Program for
6 Women. This sentencing option may not go into effect until the
7 funding is secured for the program and the program has been
8 established.

9 (Source: P.A. 92-806, eff. 1-1-03; revised 1-20-03.)

10 (730 ILCS 5/5-9-1.2) (from Ch. 38, par. 1005-9-1.2)

11 Sec. 5-9-1.2. (a) Twelve and one-half percent of all
12 amounts collected as fines pursuant to Section 5-9-1.1 shall be
13 paid into the Youth Drug Abuse Prevention Fund, which is hereby
14 created in the State treasury, to be used by the Department of
15 Human Services for the funding of programs and services for
16 drug-abuse treatment, and prevention and education services,
17 for juveniles.

18 (b) Eighty-seven and one-half percent of the proceeds of
19 all fines received pursuant to Section 5-9-1.1 shall be
20 transmitted to and deposited in the treasurer's office at the
21 level of government as follows:

22 (1) If such seizure was made by a combination of law
23 enforcement personnel representing differing units of
24 local government, the court levying the fine shall
25 equitably allocate 50% of the fine among these units of

1 local government and shall allocate 37 1/2% to the county
2 general corporate fund. In the event that the seizure was
3 made by law enforcement personnel representing a unit of
4 local government from a municipality where the number of
5 inhabitants exceeds 2 million in population, the court
6 levying the fine shall allocate 87 1/2% of the fine to that
7 unit of local government. If the seizure was made by a
8 combination of law enforcement personnel representing
9 differing units of local government, and at least one of
10 those units represents a municipality where the number of
11 inhabitants exceeds 2 million in population, the court
12 shall equitably allocate 87 1/2% of the proceeds of the
13 fines received among the differing units of local
14 government.

15 (2) If such seizure was made by State law enforcement
16 personnel, then the court shall allocate 37 1/2% to the
17 State treasury and 50% to the county general corporate
18 fund.

19 (3) If a State law enforcement agency in combination
20 with a law enforcement agency or agencies of a unit or
21 units of local government conducted the seizure, the court
22 shall equitably allocate 37 1/2% of the fines to or among
23 the law enforcement agency or agencies of the unit or units
24 of local government which conducted the seizure and shall
25 allocate 50% to the county general corporate fund.

26 (c) The proceeds of all fines allocated to the law

1 enforcement agency or agencies of the unit or units of local
2 government pursuant to subsection (b) shall be made available
3 to that law enforcement agency as expendable receipts for use
4 in the enforcement of laws regulating controlled substances and
5 cannabis. The proceeds of fines awarded to the State treasury
6 shall be deposited in a special fund known as the Drug Traffic
7 Prevention Fund. Monies from this fund may be used by the
8 Department of State Police for use in the enforcement of laws
9 regulating controlled substances and cannabis; to satisfy
10 funding provisions of the Intergovernmental Drug Laws
11 Enforcement Act; and to defray costs and expenses associated
12 with returning violators of the Cannabis Control Act, the
13 Illinois Controlled Substances Act, and the Methamphetamine
14 Control and Community Protection Act only, as provided in those
15 Acts, when punishment of the crime shall be confinement of the
16 criminal in the penitentiary. Moneys in the Drug Traffic
17 Prevention Fund deposited from fines awarded as a direct result
18 of enforcement efforts of the Illinois Conservation Police may
19 be used by the Department of Natural Resources Office of Law
20 Enforcement for use in enforcing laws regulating controlled
21 substances and cannabis on Department of Natural Resources
22 regulated lands and waterways. All other monies shall be paid
23 into the general revenue fund in the State treasury.

24 (d) There is created in the State treasury the
25 Methamphetamine Law Enforcement Fund. Moneys in the Fund shall
26 be equitably allocated to local law enforcement agencies to:

1 (1) reimburse those agencies for the costs of securing and
2 cleaning up sites and facilities used for the illegal
3 manufacture of methamphetamine; (2) defray the costs of
4 employing full-time or part-time peace officers from a
5 Metropolitan Enforcement Group or other local drug task force,
6 including overtime costs for those officers; and (3) defray the
7 costs associated with medical or dental expenses incurred by
8 the county resulting from the incarceration of methamphetamine
9 addicts in the county jail or County Department of Corrections.
10 (Source: P.A. 94-550, eff. 1-1-06; 94-556, eff. 9-11-05;
11 revised 8-19-05.)

12 (730 ILCS 5/5-9-1.7) (from Ch. 38, par. 1005-9-1.7)

13 Sec. 5-9-1.7. Sexual assault fines.

14 (a) Definitions. The terms used in this Section shall have
15 the following meanings ascribed to them:

16 (1) "Sexual assault" means the commission or attempted
17 commission of the following: sexual exploitation of a
18 child, criminal sexual assault, predatory criminal sexual
19 assault of a child, aggravated criminal sexual assault,
20 criminal sexual abuse, aggravated criminal sexual abuse,
21 indecent solicitation of a child, public indecency, sexual
22 relations within families, soliciting for a juvenile
23 prostitute, keeping a place of juvenile prostitution,
24 patronizing a juvenile prostitute, juvenile pimping,
25 exploitation of a child, obscenity, child pornography,

1 harmful material, or ritualized abuse of a child, as those
2 offenses are defined in the Criminal Code of 1961.

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

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

12 (b) Sexual assault fine; collection by clerk.

13 (1) In addition to any other penalty imposed, a fine of
14 \$200 shall be imposed upon any person who pleads guilty or
15 who is convicted of, or who receives a disposition of court
16 supervision for, a sexual assault or attempt of a sexual
17 assault. Upon request of the victim or the victim's
18 representative, the court shall determine whether the fine
19 will impose an undue burden on the victim of the offense.
20 For purposes of this paragraph, the defendant may not be
21 considered the victim's representative. If the court finds
22 that the fine would impose an undue burden on the victim,
23 the court may reduce or waive the fine. The court shall
24 order that the defendant may not use funds belonging solely
25 to the victim of the offense for payment of the fine.

26 (2) Sexual assault fines shall be assessed by the court

1 imposing the sentence and shall be collected by the circuit
2 clerk. The circuit clerk shall retain 10% of the penalty to
3 cover the costs involved in administering and enforcing
4 this Section. The circuit clerk shall remit the remainder
5 of each fine within one month of its receipt to the State
6 Treasurer for deposit as follows:

7 (i) for family member offenders, one-half to the
8 Sexual Assault Services Fund, and one-half to the
9 Domestic Violence Shelter and Service Fund; and

10 (ii) for other than family member offenders, the
11 full amount to the Sexual Assault Services Fund.

12 (c) Sexual Assault Services Fund; administration. There is
13 created a Sexual Assault Services Fund. Moneys deposited into
14 the Fund under this Section shall be appropriated to the
15 Department of Public Health. Upon appropriation of moneys from
16 the Sexual Assault Services Fund, the Department of Public
17 Health shall make grants of these moneys from the Fund to
18 sexual assault organizations with whom the Department has
19 contracts for the purpose of providing community-based
20 services to victims of sexual assault. Grants made under this
21 Section are in addition to, and are not substitutes for, other
22 grants authorized and made by the Department.

23 (Source: P.A. 93-699, eff. 1-1-05; 93-810, eff. 1-1-05; revised
24 10-14-04.)

1 Sec. 5-9-1.12. Arson fines.

2 (a) In addition to any other penalty imposed, a fine of
3 \$500 shall be imposed upon a person convicted of the offense of
4 arson, residential arson, or aggravated arson.

5 (b) The additional fine shall be assessed by the court
6 imposing sentence and shall be collected by the Circuit Clerk
7 in addition to the fine, if any, and costs in the case. Each
8 such additional fine shall be remitted by the Circuit Clerk
9 within one month after receipt to the State Treasurer for
10 deposit into the Fire Prevention Fund. The Circuit Clerk shall
11 retain 10% of such fine to cover the costs incurred in
12 administering and enforcing this Section. The additional fine
13 may not be considered a part of the fine for purposes of any
14 reduction in the fine for time served either before or after
15 sentencing.

16 (c) The moneys in the Fire Prevention Fund collected as
17 additional fines under this Section shall be distributed by the
18 Office of the State Fire Marshal to the fire department or fire
19 protection district that suppressed or investigated the fire
20 that was set by the defendant and for which the defendant was
21 convicted of arson, residential arson, or aggravated arson. If
22 more than one fire department or fire protection district
23 suppressed or investigated the fire, the additional fine shall
24 be distributed equally among those departments or districts.

25 (d) The moneys distributed to the fire departments or fire
26 protection districts under this Section may only be used to

1 purchase fire suppression or fire investigation equipment.

2 (Source: P.A. 93-169, eff. 7-10-03.)

3 (730 ILCS 5/5-9-1.13)

4 Sec. 5-9-1.13 ~~5-9-1.12~~. Applications for transfer to other
5 states. A person subject to conditions of probation, parole,
6 or mandatory supervised release who seeks to transfer to
7 another state subject to the Interstate Compact for Adult
8 Offender Supervision must make provisions for the payment of
9 any restitution awarded by the circuit court and pay a fee of
10 \$125 to the proper administrative or judicial authorities
11 before being granted the transfer, or otherwise arrange for
12 payment. The fee payment from persons subject to a sentence of
13 probation shall be deposited into the general fund of the
14 county in which the circuit has jurisdiction. The fee payment
15 from persons subject to parole or mandatory supervised release
16 shall be deposited into the General Revenue Fund. The proceeds
17 of this fee shall be used to defray the costs of the Department
18 of Corrections or county sheriff departments, respectively,
19 who will be required to retrieve offenders that violate the
20 terms of their transfers to other states. Upon return to the
21 State of Illinois, these persons shall also be subject to
22 reimbursing either the State of Illinois or the county for the
23 actual costs of returning them to Illinois.

24 (Source: P.A. 93-475, eff. 8-8-03; revised 9-26-03.)

1 Section 1075. The Sex Offender Registration Act is amended
2 by changing Sections 2, 6, and 7 as follows:

3 (730 ILCS 150/2) (from Ch. 38, par. 222)

4 Sec. 2. Definitions.

5 (A) As used in this Article, "sex offender" means any
6 person who is:

7 (1) charged pursuant to Illinois law, or any
8 substantially similar federal, Uniform Code of Military
9 Justice, sister state, or foreign country law, with a sex
10 offense set forth in subsection (B) of this Section or the
11 attempt to commit an included sex offense, and:

12 (a) is convicted of such offense or an attempt to
13 commit such offense; or

14 (b) is found not guilty by reason of insanity of
15 such offense or an attempt to commit such offense; or

16 (c) is found not guilty by reason of insanity
17 pursuant to Section 104-25(c) of the Code of Criminal
18 Procedure of 1963 of such offense or an attempt to
19 commit such offense; or

20 (d) is the subject of a finding not resulting in an
21 acquittal at a hearing conducted pursuant to Section
22 104-25(a) of the Code of Criminal Procedure of 1963 for
23 the alleged commission or attempted commission of such
24 offense; or

25 (e) is found not guilty by reason of insanity

1 following a hearing conducted pursuant to a federal,
2 Uniform Code of Military Justice, sister state, or
3 foreign country law substantially similar to Section
4 104-25(c) of the Code of Criminal Procedure of 1963 of
5 such offense or of the attempted commission of such
6 offense; or

7 (f) is the subject of a finding not resulting in an
8 acquittal at a hearing conducted pursuant to a federal,
9 Uniform Code of Military Justice, sister state, or
10 foreign country law substantially similar to Section
11 104-25(a) of the Code of Criminal Procedure of 1963 for
12 the alleged violation or attempted commission of such
13 offense; or

14 (2) certified as a sexually dangerous person pursuant
15 to the Illinois Sexually Dangerous Persons Act, or any
16 substantially similar federal, Uniform Code of Military
17 Justice, sister state, or foreign country law; or

18 (3) subject to the provisions of Section 2 of the
19 Interstate Agreements on Sexually Dangerous Persons Act;
20 or

21 (4) found to be a sexually violent person pursuant to
22 the Sexually Violent Persons Commitment Act or any
23 substantially similar federal, Uniform Code of Military
24 Justice, sister state, or foreign country law; or

25 (5) adjudicated a juvenile delinquent as the result of
26 committing or attempting to commit an act which, if

1 committed by an adult, would constitute any of the offenses
2 specified in item (B), (C), or (C-5) of this Section or a
3 violation of any substantially similar federal, Uniform
4 Code of Military Justice, sister state, or foreign country
5 law, or found guilty under Article V of the Juvenile Court
6 Act of 1987 of committing or attempting to commit an act
7 which, if committed by an adult, would constitute any of
8 the offenses specified in item (B), (C), or (C-5) of this
9 Section or a violation of any substantially similar
10 federal, Uniform Code of Military Justice, sister state, or
11 foreign country law.

12 Convictions that result from or are connected with the same
13 act, or result from offenses committed at the same time, shall
14 be counted for the purpose of this Article as one conviction.
15 Any conviction set aside pursuant to law is not a conviction
16 for purposes of this Article.

17 For purposes of this Section, "convicted" shall have the
18 same meaning as "adjudicated". For the purposes of this
19 Article, a person who is defined as a sex offender as a result
20 of being adjudicated a juvenile delinquent under paragraph (5)
21 of this subsection (A) upon attaining 17 years of age shall be
22 considered as having committed the sex offense on or after the
23 sex offender's 17th birthday. Registration of juveniles upon
24 attaining 17 years of age shall not extend the original
25 registration of 10 years from the date of conviction.

26 (B) As used in this Article, "sex offense" means:

1 (1) A violation of any of the following Sections of the
2 Criminal Code of 1961:

- 3 11-20.1 (child pornography),
4 11-6 (indecent solicitation of a child),
5 11-9.1 (sexual exploitation of a child),
6 11-9.2 (custodial sexual misconduct),
7 11-9.5 (sexual misconduct with a person with a
8 disability),
9 11-15.1 (soliciting for a juvenile prostitute),
10 11-18.1 (patronizing a juvenile prostitute),
11 11-17.1 (keeping a place of juvenile
12 prostitution),
13 11-19.1 (juvenile pimping),
14 11-19.2 (exploitation of a child),
15 12-13 (criminal sexual assault),
16 12-14 (aggravated criminal sexual assault),
17 12-14.1 (predatory criminal sexual assault of a
18 child),
19 12-15 (criminal sexual abuse),
20 12-16 (aggravated criminal sexual abuse),
21 12-33 (ritualized abuse of a child).

22 An attempt to commit any of these offenses.

23 (1.5) A violation of any of the following Sections of
24 the Criminal Code of 1961, when the victim is a person
25 under 18 years of age, the defendant is not a parent of the
26 victim, the offense was sexually motivated as defined in

1 Section 10 of the Sex Offender Management Board Act, and
2 the offense was committed on or after January 1, 1996:

3 10-1 (kidnapping),
4 10-2 (aggravated kidnapping),
5 10-3 (unlawful restraint),
6 10-3.1 (aggravated unlawful restraint).

7 (1.6) First degree murder under Section 9-1 of the
8 Criminal Code of 1961, when the victim was a person under
9 18 years of age and the defendant was at least 17 years of
10 age at the time of the commission of the offense, provided
11 the offense was sexually motivated as defined in Section 10
12 of the Sex Offender Management Board Act.

13 (1.7) (Blank).

14 (1.8) A violation or attempted violation of Section
15 11-11 (sexual relations within families) of the Criminal
16 Code of 1961, and the offense was committed on or after
17 June 1, 1997.

18 (1.9) Child abduction under paragraph (10) of
19 subsection (b) of Section 10-5 of the Criminal Code of 1961
20 committed by luring or attempting to lure a child under the
21 age of 16 into a motor vehicle, building, house trailer, or
22 dwelling place without the consent of the parent or lawful
23 custodian of the child for other than a lawful purpose and
24 the offense was committed on or after January 1, 1998,
25 provided the offense was sexually motivated as defined in
26 Section 10 of the Sex Offender Management Board Act.

1 (1.10) A violation or attempted violation of any of the
2 following Sections of the Criminal Code of 1961 when the
3 offense was committed on or after July 1, 1999:

4 10-4 (forcible detention, if the victim is under 18
5 years of age), provided the offense was sexually
6 motivated as defined in Section 10 of the Sex Offender
7 Management Board Act,

8 11-6.5 (indecent solicitation of an adult),

9 11-15 (soliciting for a prostitute, if the victim
10 is under 18 years of age),

11 11-16 (pandering, if the victim is under 18 years
12 of age),

13 11-18 (patronizing a prostitute, if the victim is
14 under 18 years of age),

15 11-19 (pimping, if the victim is under 18 years of
16 age).

17 (1.11) A violation or attempted violation of any of the
18 following Sections of the Criminal Code of 1961 when the
19 offense was committed on or after August 22, 2002:

20 11-9 (public indecency for a third or subsequent
21 conviction).

22 (1.12) A violation or attempted violation of Section
23 5.1 of the Wrongs to Children Act (permitting sexual abuse)
24 when the offense was committed on or after August 22, 2002.

25 (2) A violation of any former law of this State
26 substantially equivalent to any offense listed in

1 subsection (B) of this Section.

2 (C) A conviction for an offense of federal law, Uniform
3 Code of Military Justice, or the law of another state or a
4 foreign country that is substantially equivalent to any offense
5 listed in subsections (B), (C), and (E) of this Section shall
6 constitute a conviction for the purpose of this Article. A
7 finding or adjudication as a sexually dangerous person or a
8 sexually violent person under any federal law, Uniform Code of
9 Military Justice, or the law of another state or foreign
10 country that is substantially equivalent to the Sexually
11 Dangerous Persons Act or the Sexually Violent Persons
12 Commitment Act shall constitute an adjudication for the
13 purposes of this Article.

14 (C-5) A person at least 17 years of age at the time of the
15 commission of the offense who is convicted of first degree
16 murder under Section 9-1 of the Criminal Code of 1961, against
17 a person under 18 years of age, shall be required to register
18 for natural life. A conviction for an offense of federal,
19 Uniform Code of Military Justice, sister state, or foreign
20 country law that is substantially equivalent to any offense
21 listed in subsection (C-5) of this Section shall constitute a
22 conviction for the purpose of this Article. This subsection
23 (C-5) applies to a person who committed the offense before June
24 1, 1996 only if the person is incarcerated in an Illinois
25 Department of Corrections facility on August 20, 2004 (the
26 effective date of Public Act 93-977).

1 (D) As used in this Article, "law enforcement agency having
2 jurisdiction" means the Chief of Police in each of the
3 municipalities in which the sex offender expects to reside,
4 work, or attend school (1) upon his or her discharge, parole or
5 release or (2) during the service of his or her sentence of
6 probation or conditional discharge, or the Sheriff of the
7 county, in the event no Police Chief exists or if the offender
8 intends to reside, work, or attend school in an unincorporated
9 area. "Law enforcement agency having jurisdiction" includes
10 the location where out-of-state students attend school and
11 where out-of-state employees are employed or are otherwise
12 required to register.

13 (D-1) As used in this Article, "supervising officer" means
14 the assigned Illinois Department of Corrections parole agent or
15 county probation officer.

16 (E) As used in this Article, "sexual predator" means any
17 person who, after July 1, 1999, is:

18 (1) Convicted for an offense of federal, Uniform Code
19 of Military Justice, sister state, or foreign country law
20 that is substantially equivalent to any offense listed in
21 subsection (E) of this Section shall constitute a
22 conviction for the purpose of this Article. Convicted of a
23 violation or attempted violation of any of the following
24 Sections of the Criminal Code of 1961, if the conviction
25 occurred after July 1, 1999:

26 11-17.1 (keeping a place of juvenile

1 prostitution),
2 11-19.1 (juvenile pimping),
3 11-19.2 (exploitation of a child),
4 11-20.1 (child pornography),
5 12-13 (criminal sexual assault),
6 12-14 (aggravated criminal sexual assault),
7 12-14.1 (predatory criminal sexual assault of a
8 child),
9 12-16 (aggravated criminal sexual abuse),
10 12-33 (ritualized abuse of a child); or
11 (2) (blank); or
12 (3) certified as a sexually dangerous person pursuant
13 to the Sexually Dangerous Persons Act or any substantially
14 similar federal, Uniform Code of Military Justice, sister
15 state, or foreign country law; or
16 (4) found to be a sexually violent person pursuant to
17 the Sexually Violent Persons Commitment Act or any
18 substantially similar federal, Uniform Code of Military
19 Justice, sister state, or foreign country law; or
20 (5) convicted of a second or subsequent offense which
21 requires registration pursuant to this Act. The conviction
22 for the second or subsequent offense must have occurred
23 after July 1, 1999. For purposes of this paragraph (5),
24 "convicted" shall include a conviction under any
25 substantially similar Illinois, federal, Uniform Code of
26 Military Justice, sister state, or foreign country law.

1 (F) As used in this Article, "out-of-state student" means
2 any sex offender, as defined in this Section, or sexual
3 predator who is enrolled in Illinois, on a full-time or
4 part-time basis, in any public or private educational
5 institution, including, but not limited to, any secondary
6 school, trade or professional institution, or institution of
7 higher learning.

8 (G) As used in this Article, "out-of-state employee" means
9 any sex offender, as defined in this Section, or sexual
10 predator who works in Illinois, regardless of whether the
11 individual receives payment for services performed, for a
12 period of time of 10 or more days or for an aggregate period of
13 time of 30 or more days during any calendar year. Persons who
14 operate motor vehicles in the State accrue one day of
15 employment time for any portion of a day spent in Illinois.

16 (H) As used in this Article, "school" means any public or
17 private educational institution, including, but not limited
18 to, any elementary or secondary school, trade or professional
19 institution, or institution of higher education.

20 (I) As used in this Article, "fixed residence" means any
21 and all places that a sex offender resides for an aggregate
22 period of time of 5 or more days in a calendar year.

23 (Source: P.A. 93-977, eff. 8-20-04; 93-979, eff. 8-20-04;
24 94-166, eff. 1-1-06; 94-168, eff. 1-1-06; 94-945, eff. 6-27-06;
25 94-1053, eff. 7-24-06; revised 8-3-06.)

1 (730 ILCS 150/6) (from Ch. 38, par. 226)

2 Sec. 6. Duty to report; change of address, school, or
3 employment; duty to inform. A person who has been adjudicated
4 to be sexually dangerous or is a sexually violent person and is
5 later released, or found to be no longer sexually dangerous or
6 no longer a sexually violent person and discharged, or
7 convicted of a violation of this Act after July 1, 2005, shall
8 report in person to the law enforcement agency with whom he or
9 she last registered no later than 90 days after the date of his
10 or her last registration and every 90 days thereafter and at
11 such other times at the request of the law enforcement agency
12 not to exceed 4 times a year. Any person who lacks a fixed
13 residence must report weekly, in person, to the appropriate law
14 enforcement agency where the sex offender is located. Any other
15 person who is required to register under this Article shall
16 report in person to the appropriate law enforcement agency with
17 whom he or she last registered within one year from the date of
18 last registration and every year thereafter and at such other
19 times at the request of the law enforcement agency not to
20 exceed 4 times a year. If any person required to register under
21 this Article lacks a fixed residence or temporary domicile, he
22 or she must notify, in person, the agency of jurisdiction of
23 his or her last known address within 5 days after ceasing to
24 have a fixed residence and if the offender leaves the last
25 jurisdiction of residence, he or she, must within 48 hours
26 after leaving register in person with the new agency of

1 jurisdiction. If any other person required to register under
2 this Article changes his or her residence address, place of
3 employment, or school, he or she shall report in person to ~~5~~
4 the law enforcement agency with whom he or she last registered
5 of his or her new address, change in employment, or school and
6 register, in person, with the appropriate law enforcement
7 agency within the time period specified in Section 3. The law
8 enforcement agency shall, within 3 days of the reporting in
9 person by the person required to register under this Article,
10 notify the Department of State Police of the new place of
11 residence, change in employment, or school.

12 If any person required to register under this Article
13 intends to establish a residence or employment outside of the
14 State of Illinois, at least 10 days before establishing that
15 residence or employment, he or she shall report in person to
16 the law enforcement agency with which he or she last registered
17 of his or her out-of-state intended residence or employment.
18 The law enforcement agency with which such person last
19 registered shall, within 3 days after the reporting in person
20 of the person required to register under this Article of an
21 address or employment change, notify the Department of State
22 Police. The Department of State Police shall forward such
23 information to the out-of-state law enforcement agency having
24 jurisdiction in the form and manner prescribed by the
25 Department of State Police.

26 (Source: P.A. 93-977, eff. 8-20-04; 94-166, eff. 1-1-06;

1 94-168, eff. 1-1-06; revised 8-19-05.)

2 (730 ILCS 150/7) (from Ch. 38, par. 227)

3 Sec. 7. Duration of registration. A person who has been
4 adjudicated to be sexually dangerous and is later released or
5 found to be no longer sexually dangerous and discharged, shall
6 register for the period of his or her natural life. A sexually
7 violent person or sexual predator shall register for the period
8 of his or her natural life after conviction or adjudication if
9 not confined to a penal institution, hospital, or other
10 institution or facility, and if confined, for the period of his
11 or her natural life after parole, discharge, or release from
12 any such facility. Any other person who is required to register
13 under this Article shall be required to register for a period
14 of 10 years after conviction or adjudication if not confined to
15 a penal institution, hospital or any other institution or
16 facility, and if confined, for a period of 10 years after
17 parole, discharge or release from any such facility. A sex
18 offender who is allowed to leave a county, State, or federal
19 facility for the purposes of work release, education, or
20 overnight visitations shall be required to register within 5
21 days of beginning such a program. Liability for registration
22 terminates at the expiration of 10 years from the date of
23 conviction or adjudication if not confined to a penal
24 institution, hospital or any other institution or facility and
25 if confined, at the expiration of 10 years from the date of

1 parole, discharge or release from any such facility, providing
2 such person does not, during that period, again become liable
3 to register under the provisions of this Article. Reconfinement
4 due to a violation of parole or other circumstances that
5 relates to the original conviction or adjudication shall extend
6 the period of registration to 10 years after final parole,
7 discharge, or release. The Director of State Police, consistent
8 with administrative rules, shall extend for 10 years the
9 registration period of any sex offender, as defined in Section
10 2 of this Act, who fails to comply with the provisions of this
11 Article. The registration period for any sex offender who fails
12 to comply with any provision of the Act shall extend the period
13 of registration by 10 years beginning from the first date of
14 registration after the violation. If the registration period is
15 extended, the Department of State Police shall send a
16 registered letter to the law enforcement agency where the sex
17 offender resides within 3 days after the extension of the
18 registration period. The sex offender shall report to that law
19 enforcement agency and sign for that letter. One copy of that
20 letter shall be kept on file with the law enforcement agency of
21 the jurisdiction where the sex offender resides and one copy
22 shall be returned to the Department of State Police.

23 (Source: P.A. 93-979, eff. 8-20-04; 94-166, eff. 1-1-06;
24 94-168, eff. 1-1-06; revised 8-19-05.)

25 Section 1080. The Sex Offender Community Notification Law

1 is amended by setting forth and renumbering multiple versions
2 of Section 121 as follows:

3 (730 ILCS 152/121)

4 Sec. 121. Notification regarding juvenile offenders.

5 (a) The Department of State Police and any law enforcement
6 agency having jurisdiction may, in the Department's or agency's
7 discretion, only provide the information specified in
8 subsection (b) of Section 120 of this Act, with respect to an
9 adjudicated juvenile delinquent, to any person when that
10 person's safety may be compromised for some reason related to
11 the juvenile sex offender.

12 (b) The local law enforcement agency having jurisdiction to
13 register the juvenile sex offender shall ascertain from the
14 juvenile sex offender whether the juvenile sex offender is
15 enrolled in school; and if so, shall provide a copy of the sex
16 offender registration form only to the principal or chief
17 administrative officer of the school and any guidance counselor
18 designated by him or her. The registration form shall be kept
19 separately from any and all school records maintained on behalf
20 of the juvenile sex offender.

21 (Source: P.A. 94-168, eff. 1-1-06.)

22 (730 ILCS 152/122)

23 Sec. 122 ~~121~~. Special alerts. A law enforcement agency
24 having jurisdiction may provide to the public a special alert

1 list warning parents to be aware that sex offenders may attempt
2 to contact children during holidays involving children, such as
3 Halloween, Christmas, and Easter and to inform parents that
4 information containing the names and addresses of registered
5 sex offenders are accessible on the Internet by means of a
6 hyperlink labeled "Sex Offender Information" on the Department
7 of State Police's World Wide Web home page and are available
8 for public inspection at the agency's headquarters.

9 (Source: P.A. 94-159, eff. 7-11-05; revised 9-27-05.)

10 Section 1085. The Code of Civil Procedure is amended by
11 changing Sections 2-1115.1, 2-1401, 2-1402, 4-201, 12-710, and
12 15-1201 as follows:

13 (735 ILCS 5/2-1115.1)

14 (This Section was added by P.A. 89-7, which has been held
15 unconstitutional)

16 Sec. 2-1115.1. Limitations on recovery of non-economic
17 damages.

18 (a) In all common law, statutory or other actions that seek
19 damages on account of death, bodily injury, or physical damage
20 to property based on negligence, or product liability based on
21 any theory or doctrine, recovery of non-economic damages shall
22 be limited to \$500,000 per plaintiff. There shall be no
23 recovery for hedonic damages.

24 (b) Beginning in 1997, every January 20, the liability

1 limit established in subsection (a) shall automatically be
2 increased or decreased, as applicable, by a percentage equal to
3 the percentage change in the consumer price index-u during the
4 preceding 12-month calendar year. "Consumer price index-u"
5 means the index published by the Bureau of Labor Statistics of
6 the United States Department of Labor that measures the average
7 change in prices of goods and services purchased by all urban
8 consumers, United States city average, all items, 1982-84 =
9 100. The new amount resulting from each annual adjustment shall
10 be determined by the Comptroller and made available to the
11 chief judge of each judicial circuit ~~district~~.

12 (c) The liability limits at the time at which damages
13 subject to such limits are awarded by final judgment or
14 settlement shall be utilized by the courts.

15 (d) Nothing in this Section shall be construed to create a
16 right to recover non-economic damages.

17 (e) This amendatory Act of 1995 applies to causes of action
18 accruing on or after its effective date.

19 (Source: P.A. 89-7, eff. 3-9-95; revised 10-18-05.)

20 (735 ILCS 5/2-1401) (from Ch. 110, par. 2-1401)

21 Sec. 2-1401. Relief from judgments.

22 (a) Relief from final orders and judgments, after 30 days
23 from the entry thereof, may be had upon petition as provided in
24 this Section. Writs of error coram nobis and coram vobis, bills
25 of review and bills in the nature of bills of review are

1 abolished. All relief heretofore obtainable and the grounds for
2 such relief heretofore available, whether by any of the
3 foregoing remedies or otherwise, shall be available in every
4 case, by proceedings hereunder, regardless of the nature of the
5 order or judgment from which relief is sought or of the
6 proceedings in which it was entered. Except as provided in
7 Section 6 of the Illinois Parentage Act of 1984, there shall be
8 no distinction between actions and other proceedings,
9 statutory or otherwise, as to availability of relief, grounds
10 for relief or the relief obtainable.

11 (b) The petition must be filed in the same proceeding in
12 which the order or judgment was entered but is not a
13 continuation thereof. The petition must be supported by
14 affidavit or other appropriate showing as to matters not of
15 record. All parties to the petition shall be notified as
16 provided by rule.

17 (c) Except as provided in Section 20b of the Adoption Act
18 and Section 2-32 ~~3-32~~ of the Juvenile Court Act of 1987 or in a
19 petition based upon Section 116-3 of the Code of Criminal
20 Procedure of 1963, the petition must be filed not later than 2
21 years after the entry of the order or judgment. Time during
22 which the person seeking relief is under legal disability or
23 duress or the ground for relief is fraudulently concealed shall
24 be excluded in computing the period of 2 years.

25 (d) The filing of a petition under this Section does not
26 affect the order or judgment, or suspend its operation.

1 (e) Unless lack of jurisdiction affirmatively appears from
2 the record proper, the vacation or modification of an order or
3 judgment pursuant to the provisions of this Section does not
4 affect the right, title or interest in or to any real or
5 personal property of any person, not a party to the original
6 action, acquired for value after the entry of the order or
7 judgment but before the filing of the petition, nor affect any
8 right of any person not a party to the original action under
9 any certificate of sale issued before the filing of the
10 petition, pursuant to a sale based on the order or judgment.

11 (f) Nothing contained in this Section affects any existing
12 right to relief from a void order or judgment, or to employ any
13 existing method to procure that relief.

14 (Source: P.A. 90-18, eff. 7-1-97; 90-27, eff. 1-1-98; 90-141,
15 eff. 1-1-98; 90-655, eff. 7-30-98; revised 11-06-02.)

16 (735 ILCS 5/2-1402) (from Ch. 110, par. 2-1402)

17 Sec. 2-1402. Supplementary proceedings.

18 (a) A judgment creditor, or his or her successor in
19 interest when that interest is made to appear of record, is
20 entitled to prosecute supplementary proceedings for the
21 purposes of examining the judgment debtor or any other person
22 to discover assets or income of the debtor not exempt from the
23 enforcement of the judgment, a deduction order or garnishment,
24 and of compelling the application of non-exempt assets or
25 income discovered toward the payment of the amount due under

1 the judgment. A supplementary proceeding shall be commenced by
2 the service of a citation issued by the clerk. The procedure
3 for conducting supplementary proceedings shall be prescribed
4 by rules. It is not a prerequisite to the commencement of a
5 supplementary proceeding that a certified copy of the judgment
6 has been returned wholly or partly unsatisfied. All citations
7 issued by the clerk shall have the following language, or
8 language substantially similar thereto, stated prominently on
9 the front, in capital letters: "YOUR FAILURE TO APPEAR IN COURT
10 AS HEREIN DIRECTED MAY CAUSE YOU TO BE ARRESTED AND BROUGHT
11 BEFORE THE COURT TO ANSWER TO A CHARGE OF CONTEMPT OF COURT,
12 WHICH MAY BE PUNISHABLE BY IMPRISONMENT IN THE COUNTY JAIL."
13 The court shall not grant a continuance of the supplementary
14 proceeding except upon good cause shown.

15 (b) Any citation served upon a judgment debtor or any other
16 person shall include a certification by the attorney for the
17 judgment creditor or the judgment creditor setting forth the
18 amount of the judgment, the date of the judgment, or its
19 revival date, the balance due thereon, the name of the court,
20 and the number of the case, and a copy of the citation notice
21 required by this subsection. Whenever a citation is served upon
22 a person or party other than the judgment debtor, the officer
23 or person serving the citation shall send to the judgment
24 debtor, within three business days of the service upon the
25 cited party, a copy of the citation and the citation notice,
26 which may be sent by regular first-class mail to the judgment

1 debtor's last known address. In no event shall a citation
2 hearing be held sooner than five business days after the
3 mailing of the citation and citation notice to the judgment
4 debtor, except by agreement of the parties. The citation notice
5 need not be mailed to a corporation, partnership, or
6 association. The citation notice shall be in substantially the
7 following form:

8 "CITATION NOTICE

9 (Name and address of Court)

10 Name of Case: (Name of Judgment Creditor),

11 Judgment Creditor v.

12 (Name of Judgment Debtor),

13 Judgment Debtor.

14 Address of Judgment Debtor: (Insert last known
15 address)

16 Name and address of Attorney for Judgment

17 Creditor or of Judgment Creditor (If no

18 attorney is listed): (Insert name and address)

19 Amount of Judgment: \$ (Insert amount)

20 Name of Person Receiving Citation: (Insert name)

21 Court Date and Time: (Insert return date and time
22 specified in citation)

23 NOTICE: The court has issued a citation against the person
24 named above. The citation directs that person to appear in
25 court to be examined for the purpose of allowing the judgment
26 creditor to discover income and assets belonging to the

1 judgment debtor or in which the judgment debtor has an
2 interest. The citation was issued on the basis of a judgment
3 against the judgment debtor in favor of the judgment creditor
4 in the amount stated above. On or after the court date stated
5 above, the court may compel the application of any discovered
6 income or assets toward payment on the judgment.

7 The amount of income or assets that may be applied toward
8 the judgment is limited by federal and Illinois law. The
9 JUDGMENT DEBTOR HAS THE RIGHT TO ASSERT STATUTORY EXEMPTIONS
10 AGAINST CERTAIN INCOME OR ASSETS OF THE JUDGMENT DEBTOR WHICH
11 MAY NOT BE USED TO SATISFY THE JUDGMENT IN THE AMOUNT STATED
12 ABOVE:

13 (1) Under Illinois or federal law, the exemptions of
14 personal property owned by the debtor include the debtor's
15 equity interest, not to exceed \$4,000 in value, in any
16 personal property as chosen by the debtor; Social Security
17 and SSI benefits; public assistance benefits; unemployment
18 compensation benefits; worker's compensation benefits;
19 veteran's benefits; circuit breaker property tax relief
20 benefits; the debtor's equity interest, not to exceed
21 \$2,400 in value, in any one motor vehicle, and the debtor's
22 equity interest, not to exceed \$1,500 in value, in any
23 implements, professional books, or tools of the trade of
24 the debtor.

25 (2) Under Illinois law, every person is entitled to an
26 estate in homestead, when it is owned and occupied as a

1 residence, to the extent in value of \$15,000, which
2 homestead is exempt from judgment.

3 (3) Under Illinois law, the amount of wages that may be
4 applied toward a judgment is limited to the lesser of (i)
5 15% of gross weekly wages or (ii) the amount by which
6 disposable earnings for a week exceed the total of 45 times
7 the federal minimum hourly wage or, under a wage deduction
8 summons served on or after January 1, 2006, the Illinois
9 minimum hourly wage, whichever is greater.

10 (4) Under federal law, the amount of wages that may be
11 applied toward a judgment is limited to the lesser of (i)
12 25% of disposable earnings for a week or (ii) the amount by
13 which disposable earnings for a week exceed 30 times the
14 federal minimum hourly wage.

15 (5) Pension and retirement benefits and refunds may be
16 claimed as exempt under Illinois law.

17 The judgment debtor may have other possible exemptions
18 under the law.

19 THE JUDGMENT DEBTOR HAS THE RIGHT AT THE CITATION HEARING
20 TO DECLARE EXEMPT CERTAIN INCOME OR ASSETS OR BOTH. The
21 judgment debtor also has the right to seek a declaration at an
22 earlier date, by notifying the clerk in writing at (insert
23 address of clerk). When so notified, the Clerk of the Court
24 will obtain a prompt hearing date from the court and will
25 provide the necessary forms that must be prepared by the
26 judgment debtor or the attorney for the judgment debtor and

1 sent to the judgment creditor and the judgment creditor's
2 attorney regarding the time and location of the hearing. This
3 notice may be sent by regular first class mail."

4 (c) When assets or income of the judgment debtor not exempt
5 from the satisfaction of a judgment, a deduction order or
6 garnishment are discovered, the court may, by appropriate order
7 or judgment:

8 (1) Compel the judgment debtor to deliver up, to be
9 applied in satisfaction of the judgment, in whole or in
10 part, money, choses in action, property or effects in his
11 or her possession or control, so discovered, capable of
12 delivery and to which his or her title or right of
13 possession is not substantially disputed.

14 (2) Compel the judgment debtor to pay to the judgment
15 creditor or apply on the judgment, in installments, a
16 portion of his or her income, however or whenever earned or
17 acquired, as the court may deem proper, having due regard
18 for the reasonable requirements of the judgment debtor and
19 his or her family, if dependent upon him or her, as well as
20 any payments required to be made by prior order of court or
21 under wage assignments outstanding; provided that the
22 judgment debtor shall not be compelled to pay income which
23 would be considered exempt as wages under the Wage
24 Deduction Statute. The court may modify an order for
25 installment payments, from time to time, upon application
26 of either party upon notice to the other.

1 (3) Compel any person cited, other than the judgment
2 debtor, to deliver up any assets so discovered, to be
3 applied in satisfaction of the judgment, in whole or in
4 part, when those assets are held under such circumstances
5 that in an action by the judgment debtor he or she could
6 recover them in specie or obtain a judgment for the
7 proceeds or value thereof as for conversion or
8 embezzlement.

9 (4) Enter any order upon or judgment against the person
10 cited that could be entered in any garnishment proceeding.

11 (5) Compel any person cited to execute an assignment of
12 any chose in action or a conveyance of title to real or
13 personal property, in the same manner and to the same
14 extent as a court could do in any proceeding by a judgment
15 creditor to enforce payment of a judgment or in aid of the
16 enforcement of a judgment.

17 (6) Authorize the judgment creditor to maintain an
18 action against any person or corporation that, it appears
19 upon proof satisfactory to the court, is indebted to the
20 judgment debtor, for the recovery of the debt, forbid the
21 transfer or other disposition of the debt until an action
22 can be commenced and prosecuted to judgment, direct that
23 the papers or proof in the possession or control of the
24 debtor and necessary in the prosecution of the action be
25 delivered to the creditor or impounded in court, and
26 provide for the disposition of any moneys in excess of the

1 sum required to pay the judgment creditor's judgment and
2 costs allowed by the court.

3 (d) No order or judgment shall be entered under subsection
4 (c) in favor of the judgment creditor unless there appears of
5 record a certification of mailing showing that a copy of the
6 citation and a copy of the citation notice was mailed to the
7 judgment debtor as required by subsection (b).

8 (e) All property ordered to be delivered up shall, except
9 as otherwise provided in this Section, be delivered to the
10 sheriff to be collected by the sheriff or sold at public sale
11 and the proceeds thereof applied towards the payment of costs
12 and the satisfaction of the judgment.

13 (f) (1) The citation may prohibit the party to whom it is
14 directed from making or allowing any transfer or other
15 disposition of, or interfering with, any property not
16 exempt from the enforcement of a judgment therefrom, a
17 deduction order or garnishment, belonging to the judgment
18 debtor or to which he or she may be entitled or which may
19 thereafter be acquired by or become due to him or her, and
20 from paying over or otherwise disposing of any moneys not
21 so exempt which are due or to become due to the judgment
22 debtor, until the further order of the court or the
23 termination of the proceeding, whichever occurs first. The
24 third party may not be obliged to withhold the payment of
25 any moneys beyond double the amount of the balance due
26 sought to be enforced by the judgment creditor. The court

1 may punish any party who violates the restraining provision
2 of a citation as and for a contempt, or if the party is a
3 third party may enter judgment against him or her in the
4 amount of the unpaid portion of the judgment and costs
5 allowable under this Section, or in the amount of the value
6 of the property transferred, whichever is lesser.

7 (2) The court may enjoin any person, whether or not a
8 party to the supplementary proceeding, from making or
9 allowing any transfer or other disposition of, or
10 interference with, the property of the judgment debtor not
11 exempt from the enforcement of a judgment, a deduction
12 order or garnishment, or the property or debt not so exempt
13 concerning which any person is required to attend and be
14 examined until further direction in the premises. The
15 injunction order shall remain in effect until vacated by
16 the court or until the proceeding is terminated, whichever
17 first occurs.

18 (g) If it appears that any property, chose in action,
19 credit or effect discovered, or any interest therein, is
20 claimed by any person, the court shall, as in garnishment
21 proceedings, permit or require the claimant to appear and
22 maintain his or her right. The rights of the person cited and
23 the rights of any adverse claimant shall be asserted and
24 determined pursuant to the law relating to garnishment
25 proceedings.

26 (h) Costs in proceedings authorized by this Section shall

1 be allowed, assessed and paid in accordance with rules,
2 provided that if the court determines, in its discretion, that
3 costs incurred by the judgment creditor were improperly
4 incurred, those costs shall be paid by the judgment creditor.

5 (i) This Section is in addition to and does not affect
6 enforcement of judgments or proceedings supplementary thereto,
7 by any other methods now or hereafter provided by law.

8 (j) This Section does not grant the power to any court to
9 order installment or other payments from, or compel the sale,
10 delivery, surrender, assignment or conveyance of any property
11 exempt by statute from the enforcement of a judgment thereon, a
12 deduction order, garnishment, attachment, sequestration,
13 process or other levy or seizure.

14 (k) (Blank).

15 (l) At any citation hearing at which the judgment debtor
16 appears and seeks a declaration that certain of his or her
17 income or assets are exempt, the court shall proceed to
18 determine whether the property which the judgment debtor
19 declares to be exempt is exempt from judgment. At any time
20 before the return date specified on the citation, the judgment
21 debtor may request, in writing, a hearing to declare exempt
22 certain income and assets by notifying the clerk of the court
23 before that time, using forms as may be provided by the clerk
24 of the court. The clerk of the court will obtain a prompt
25 hearing date from the court and will provide the necessary
26 forms that must be prepared by the judgment debtor or the

1 attorney for the judgment debtor and sent to the judgment
2 creditor, or the judgment creditor's attorney, regarding the
3 time and location of the hearing. This notice may be sent by
4 regular first class mail. At the hearing, the court shall
5 immediately, unless for good cause shown that the hearing is to
6 be continued, shall proceed to determine whether the property
7 which the judgment debtor declares to be exempt is exempt from
8 judgment. The restraining provisions of subsection (f) shall
9 not apply to any property determined by the court to be exempt.

10 (m) The judgment or balance due on the judgment becomes a
11 lien when a citation is served in accordance with subsection
12 (a) of this Section. The lien binds nonexempt personal
13 property, including money, choses in action, and effects of the
14 judgment debtor as follows:

15 (1) When the citation is directed against the judgment
16 debtor, upon all personal property belonging to the
17 judgment debtor in the possession or control of the
18 judgment debtor or which may thereafter be acquired or come
19 due to the judgment debtor to the time of the disposition
20 of the citation.

21 (2) When the citation is directed against a third
22 party, upon all personal property belonging to the judgment
23 debtor in the possession or control of the third party or
24 which thereafter may be acquired or come due the judgment
25 debtor and comes into the possession or control of the
26 third party to the time of the disposition of the citation.

1 The lien established under this Section does not affect the
2 rights of citation respondents in property prior to the service
3 of the citation upon them and does not affect the rights of
4 bona fide purchasers or lenders without notice of the citation.
5 The lien is effective for the period specified by Supreme Court
6 Rule.

7 This subsection (m), as added by Public Act 88-48, is a
8 declaration of existing law.

9 (n) If any provision of this Act or its application to any
10 person or circumstance is held invalid, the invalidity of that
11 provision or application does not affect the provisions or
12 applications of the Act that can be given effect without the
13 invalid provision or application.

14 (Source: P.A. 94-293, eff. 1-1-06; 94-306, eff. 1-1-06; revised
15 8-19-05.)

16 (735 ILCS 5/4-201) (from Ch. 110, par. 4-201)

17 Sec. 4-201. Liens in general. Every sail vessel, steamboat,
18 steam dredge, tug boat, scow, canal boat, barge, lighter, and
19 other water craft of above five tons burthen, used or intended
20 to be used in navigating the waters or canals of this State, or
21 used in trade and commerce between ports and places within this
22 State, or having their home port in this State, shall be
23 subject to a lien thereon, which lien shall extend to the
24 tackle, apparel and furniture of such craft, as follows:

25 1. For all debts contracted by the owner or part owner,

1 master, clerk, steward, agent or ship's husband ~~shipshusband~~ of
2 such craft, on account of supplies and provisions furnished for
3 the use of such water craft, on account of work done or
4 services rendered on board of such craft by any seaman, master
5 or other employee thereof, or on account of work done or
6 materials furnished by mechanics, tradesmen or others, in or
7 about the building, repairing, fitting, furnishing or
8 equipping such craft.

9 2. For all sums due for wharfage, anchorage or dock hire,
10 including the use of dry docks.

11 3. For sums due for towage, labor at pumping out or
12 raising, when sunk or disabled, and to shipshusband or agent of
13 such water craft, for disbursement due by the owner on account
14 of such water craft.

15 4. For all damages arising for the nonperformance of any
16 contract of affreightment, or of any contract touching the
17 transportation of property entered into by the master, owner,
18 agent or consignee of such water craft, where any such contract
19 is made in this state.

20 5. For all damages arising from injuries done to persons or
21 property by such water craft, whether the same are aboard said
22 vessel or not, where the same shall have occurred through the
23 negligence or misconduct of the owner, agent, master or
24 employee thereon; but the craft shall not be liable for any
25 injury or damage received by one of the crew from another
26 member of the crew.

1 (Source: P.A. 82-280; revised 10-19-05.)

2 (735 ILCS 5/12-710) (from Ch. 110, par. 12-710)

3 Sec. 12-710. Adverse claims; Trial.

4 (a) In the event any indebtedness or other property due
5 from or in the possession of a garnishee is claimed by any
6 other person, the court shall permit the claimant to appear and
7 maintain his or her claim. A claimant not voluntarily appearing
8 shall be served with notice as the court shall direct. If a
9 claimant fails to appear after being served with notice in the
10 manner directed, he or she shall be concluded by the judgment
11 entered in the garnishment proceeding.

12 (b) If the adverse claimant appears and, within the time
13 the court allows, files his or her claim and serves a copy
14 thereof upon the judgment creditor, the judgment debtor, and
15 the garnishee, he or she is then a party to the garnishment
16 proceeding; and his or her claim shall be tried and determined
17 with the other issues in the garnishment action. Upon
18 certification by the Department of Healthcare and Family
19 Services (formerly Illinois Department of Public Aid) that a
20 person who is receiving support payments under this Section is
21 a public aid recipient, any support payments subsequently
22 received by the clerk of the court shall be transmitted to the
23 ~~Illinois Department of Public Aid~~ until the Department gives
24 notice to cease such transmittal. If the adverse claimant is
25 entitled to all or part of the indebtedness or other property,

1 the court shall enter judgment in accordance with the interests
2 of the parties.

3 (c) Claims for the support of a spouse or dependent
4 children shall be superior to all other claims for garnishment
5 of property.

6 (Source: P.A. 87-1252; revised 12-15-05.)

7 (735 ILCS 5/15-1201) (from Ch. 110, par. 15-1201)

8 Sec. 15-1201. Agricultural Real Estate. "Agricultural real
9 estate" means real estate which is used primarily (i) for the
10 growing and harvesting of crops, (ii) for the feeding, breeding
11 and management of livestock, (iii) for dairying, or (iv) for
12 any other agricultural or horticultural use or combination
13 thereof, including without limitation, aquaculture,
14 silviculture, ~~silvaculture~~ and any other activities
15 customarily engaged in by persons engaged in the business of
16 farming.

17 (Source: P.A. 84-1462; revised 10-19-05.)

18 Section 1090. The Eminent Domain Act is amended by changing
19 Sections 10-5-10, 10-5-105, 25-7-103.3, and 25-7-103.63 and by
20 adding Section 25-7-103.125 (incorporating and renumbering
21 Section 7-103.113 of the Code of Civil Procedure from Public
22 Act 94-898) as follows:

23 (735 ILCS 30/10-5-10) (was 735 ILCS 5/7-102)

1 Sec. 10-5-10. Parties.

2 (a) When the right (i) to take private property for public
3 use, without the owner's consent, (ii) to construct or maintain
4 any public road, railroad, plankroad, turnpike road, canal, or
5 other public work or improvement, or (iii) to damage property
6 not actually taken has been or is conferred by general law or
7 special charter upon any corporate or municipal authority,
8 public body, officer or agent, person, commissioner, or
9 corporation and when (i) the compensation to be paid for or in
10 respect of the property sought to be appropriated or damaged
11 for the purposes mentioned cannot be agreed upon by the parties
12 interested, (ii) the owner of the property is incapable of
13 consenting, (iii) the owner's name or residence is unknown, or
14 (iv) the owner is a nonresident of the State, then the party
15 authorized to take or damage the property so required, or to
16 construct, operate, and maintain any public road, railroad,
17 plankroad, turnpike road, canal, or other public work or
18 improvement, may apply to the circuit court of the county where
19 the property or any part of the property is situated, by filing
20 with the clerk a complaint. The complaint shall set forth, by
21 reference, (i) the complainant's authority in the premises,
22 (ii) the purpose for which the property is sought to be taken
23 or damaged, (iii) a description of the property, and (iv) the
24 names of all persons interested in the property as owners or
25 otherwise, as appearing of record, if known, or if not known
26 stating that fact; and shall pray the court to cause the

1 compensation to be paid to the owner to be assessed.

2 (b) If it appears that any person not in being, upon coming
3 into being, is, or may become or may claim to be, entitled to
4 any interest in the property sought to be appropriated or
5 damaged, the court shall appoint some competent and
6 disinterested person as guardian ad litem to appear for and
7 represent that interest in the proceeding and to defend the
8 proceeding on behalf of the person not in being. Any judgment
9 entered in the proceeding shall be as effectual for all
10 purposes as though the person was in being and was a party to
11 the proceeding.

12 (c) If the proceeding seeks to affect the property of
13 persons under guardianship, the guardians shall be made parties
14 defendant.

15 (d) Any interested persons whose names are unknown may be
16 made parties defendant by the same descriptions and in the same
17 manner as provided in other civil cases.

18 (e) When the property to be taken or damaged is a common
19 element of property subject to a declaration of condominium
20 ownership, pursuant to the Condominium Property Act, or of a
21 common interest community, the complaint shall name the unit
22 owners' association in lieu of naming the individual unit
23 owners and lienholders on individual units. Unit owners,
24 mortgagees, and other lienholders may intervene as parties
25 defendant. For the purposes of this Section, "common interest
26 community" has the same meaning as set forth in subsection (c)

1 of Section 9-102 of the Code of Civil Procedure. "Unit owners'
2 association" or "association" shall refer to both the
3 definition contained in Section 2 of the Condominium Property
4 Act and subsection (c) of Section 9-102 of the Code of Civil
5 Procedure.

6 (f) When the property is sought to be taken or damaged by
7 the State for the purposes of establishing, operating, or
8 maintaining any State house or State charitable or other
9 institutions or improvements, the complaint shall be signed by
10 the Governor, or the Governor's designee, or as otherwise
11 provided by law.

12 (g) No property, except property described in Section 3 of
13 the Sports Stadium Act, property to be acquired in furtherance
14 of actions under Article 11, Divisions 124, 126, 128, 130, 135,
15 136, and 139, of the Illinois Municipal Code, property to be
16 acquired in furtherance of actions under Section 3.1 of the
17 Intergovernmental Cooperation Act, property to be acquired
18 that is a water system or waterworks pursuant to the home rule
19 powers of a unit of local government, and property described as
20 Site B in Section 2 of the Metropolitan Pier and Exposition
21 Authority Act, belonging to a railroad or other public utility
22 subject to the jurisdiction of the Illinois Commerce Commission
23 may be taken or damaged, pursuant to the provisions of this
24 Act, without the prior approval of the Illinois Commerce
25 Commission.

26 (Source: P.A. 94-1055, eff. 1-1-07; incorporates P.A. 94-1007,

1 eff. 1-1-07; revised 9-13-06.)

2 (735 ILCS 30/10-5-105)

3 Sec. 10-5-105. Sale of certain property acquired by
4 condemnation.

5 (a) This Section applies only to property that (i) has been
6 acquired after the effective date of this Act by condemnation
7 or threat of condemnation, (ii) was acquired for public
8 ownership and control by the condemning authority or another
9 public entity, and (iii) has been under the ownership and
10 control of the condemning authority or that other public entity
11 for a total of less than 5 years.

12 As used in this Section, "threat of condemnation" means
13 that the condemning authority has made an offer to purchase
14 property and has the authority to exercise the power of eminent
15 domain with respect to that property.

16 (b) Any governmental entity seeking to dispose of property
17 to which this Section applies must dispose of that property in
18 accordance with this Section, unless disposition of that
19 property is otherwise specifically authorized or prohibited by
20 law enacted by the General Assembly before, on, or after the
21 effective date of this Act.

22 (c) The sale or public auction by the State of property to
23 which this Section applies must be conducted in the manner
24 provided in the State Property Control Act for the disposition
25 of surplus property.

1 (d) The sale or public auction by a municipality of
2 property to which this Section applies must be conducted in
3 accordance with Section 11-76-4.1 or 11-76-4.2 of the Illinois
4 Municipal Code.

5 (e) The sale or public auction by any other unit of local
6 government or school district of property to which this Section
7 applies must be conducted in accordance with this subsection
8 (e). The corporate authorities of the ~~the~~ unit of local
9 government or school district, by resolution, may authorize the
10 sale or public auction of the property as surplus public real
11 estate. The value of the real estate shall be determined by a
12 written MAI-certified appraisal or by a written certified
13 appraisal of a State-certified or State-licensed real estate
14 appraiser. The appraisal shall be available for public
15 inspection. The resolution may direct the sale to be conducted
16 by the staff of the unit of local government or school
17 district; by listing with local licensed real estate agencies,
18 in which case the terms of the agent's compensation shall be
19 included in the resolution; or by public auction. The
20 resolution shall be published at the first opportunity
21 following its passage in a newspaper or newspapers published in
22 the county or counties in which the unit of local government or
23 school district is located. The resolution shall also contain
24 pertinent information concerning the size, use, and zoning of
25 the real estate and the terms of sale. The corporate
26 authorities of the unit of local government or school district

1 may accept any contract proposal determined by them to be in
2 the best interest of the unit of local government or school
3 district by a vote of two-thirds of the members of the
4 corporate authority of the unit of local government or school
5 district then holding office, but in no event at a price less
6 than 80% of the appraised value.

7 (f) This Section does not apply to the acquisition or
8 damaging of property under the O'Hare Modernization Act.

9 (Source: P.A. 94-1055, eff. 1-1-07; revised 9-13-06.)

10 (735 ILCS 30/25-7-103.3) (was 735 ILCS 5/7-103.3)

11 Sec. 25-7-103.3. Quick-take; coal development purposes.
12 Quick-take proceedings under Article 20 may be used by the
13 Department of Commerce and Economic Opportunity for the purpose
14 specified in the Illinois Coal Development Bond Act.

15 (Source: P.A. 94-1055, eff. 1-1-07; incorporates P.A. 94-793,
16 eff. 5-19-06; revised 9-13-06.)

17 (735 ILCS 30/25-7-103.63) (was 735 ILCS 5/7-103.63)

18 Sec. 25-7-103.63. Quick-take; City of Peru. Quick-take
19 proceedings under Article 20 may be used for a period of 24
20 months after July 30, 1998 by the City of Peru for removal of
21 existing residential deed restrictions on the use of property,
22 and the rights of other property owners in the subdivision to
23 enforce those restrictions, as they apply to lots 10, 11, 12,
24 13, 14, 15, and 16 in Urbanowski's Subdivision to the City of

1 Peru, all of which are owned by the Illinois Valley Community
2 Hospital and adjacent to the existing hospital building, for
3 the limited purpose of allowing the Illinois Valley Community
4 Hospital to expand its hospital facility, including expansion
5 for needed emergency room and outpatient services; under this
6 Section ~~7-103.63~~ compensation shall be paid to those other
7 property owners for the removal of their rights to enforce the
8 residential deed restrictions on property owned by the Illinois
9 Valley Community Hospital, but no real estate owned by those
10 other property owners may be taken.

11 (Source: P.A. 94-1055, eff. 1-1-07; revised 10-6-06.)

12 (735 ILCS 30/25-7-103.125) (was 735 ILCS 5/7-103.113 from
13 P.A. 94-898)

14 Sec. 25-7-103.125 ~~7-103.113~~. Quick-take; City of Mount
15 Vernon. Quick-take proceedings under Article 20 ~~Section 7-103~~
16 may be used for a period of 12 months after the effective date
17 of this amendatory Act of the 94th General Assembly by the City
18 of Mount Vernon for roadway extension purposes for acquisition
19 of the property described in Parcel 4, Parcel 10, and Parcel
20 12, and for the acquisition of an easement in the property
21 described as Parcel 12TE, each described as follows:

22 PARCEL 4

23 A part of the Southwest Quarter of Section 36, Township 2

1 South, Range 2 East of the Third Principal Meridian,
2 Jefferson County, Illinois, more particularly described as
3 follows:

4 Commencing at the northwest corner of Lot 5 in Parkway
5 Pointe Subdivision, thence South 00 degrees 44 minutes 12
6 seconds West along the west line of Lot 5, a distance of
7 13.84 feet to the Point of Beginning; thence South 03
8 degrees 01 minutes 34 seconds East, 323.26 feet; thence
9 South 12 degrees 21 minutes 36 seconds East, 177.55 feet;
10 thence South 42 degrees 33 minutes 50 seconds East, 65.08
11 feet; thence South 84 degrees 41 minutes 25 seconds East,
12 200.97 feet; thence South 88 degrees 53 minutes 09 seconds
13 East, 475.09 feet; thence South 77 degrees 33 minutes 00
14 seconds East, 127.43 feet; thence South 87 degrees 51
15 minutes 48 seconds East, 290.09 feet to a point of the
16 existing north right-of-way of Veteran's Memorial Drive;
17 thence South 01 degree 03 minutes 41 seconds West along the
18 existing north right-of-way line, 5.00 feet; thence North
19 88 degrees 56 minutes 19 seconds West along the existing
20 north right-of-way line, 1,055.47 feet to the southeast
21 corner of Lot 8 in Parkway Pointe Subdivision; thence
22 continuing North 88 degrees 56 minutes 19 seconds West
23 along the existing north right-of-way line and the south
24 line of Lot 8, a distance of 69.90 feet; thence North 44
25 degrees 02 minutes 40 seconds West along the existing north

1 right-of-way line and the south line of Lot 8, a distance
2 of 99.52 feet to the existing east right-of-way line of
3 South 42nd Street and the Southwest corner of Lot 8; thence
4 North 00 degrees 44 minutes 11 seconds East along the east
5 right-of-way line of South 42nd Street and the west line of
6 Lots 5, 6, 7 and 8, a distance of 523.73 feet to the Point
7 of Beginning, containing 1.11 acres (48,299 square feet),
8 more or less.

9 PARCEL 10

10 A part of Lot 9 in the Division of Lands of Paulina E.
11 Davidson, located in the Northwest Quarter of Section 1,
12 Township 3 South, Range 2 East of the Third Principal
13 Meridian and more particularly described as follows:

14 Beginning at the northwest corner of Lot 9 in the Division
15 of Lands of Paulina E. Davidson; thence South 89 degrees 22
16 minutes 46 seconds East along the north line of Lot 9, a
17 distance of 220.27 feet to the west right-of-way line of
18 Interstates 57 and 64; thence South 18 degrees 17 minutes
19 35 seconds East along the west right-of-way line, 198.37
20 feet; thence South 87 degrees 01 minute 47 seconds West,
21 234.54 feet; thence North 87 degrees 56 minutes 05 seconds
22 East, 49.82 feet to the west line of Lot 9 in the Division
23 of Lands of Paulina E. Davidson; thence North 00 degrees 25

1 minutes 29 seconds East, 201.09 feet to the Point of
2 Beginning, containing 1.14 acres (49,727 square feet),
3 more or less.

4 PARCEL 12

5 A part of Lot 1 in Charles Starrett Subdivision in the
6 Southeast Quarter of Section 35, Township 2 South, Range 2
7 East of the Third Principal Meridian, Jefferson County,
8 Illinois and more particularly described as follows:

9 Beginning at the Southwest corner of Lot 1 in Charles
10 Starrett Subdivision; thence North 00 degrees 37 minutes 30
11 seconds East along the west line of Lot 1, a distance of
12 22.91 feet; thence North 83 degrees 02 minutes 40 seconds
13 East, 131.58 feet; thence North 88 degrees 15 minutes 04
14 seconds East, 198.71 feet to the west right-of-way line of
15 Interstates 57 and 64; thence South 18 degrees 00 minutes
16 35 seconds East along the west right-of-way line, 29.32
17 feet to the South line of Lot 1 in Charles Starrett
18 Subdivision; thence North 89 degrees 31 minutes 48 seconds
19 West along the south line of Lot 1, a distance of 207.89
20 feet; thence South 00 degrees 02 minutes 53 seconds East
21 along the south line of Lot 1, a distance of 19.80 feet;
22 thence North 89 degrees 31 minutes 54 seconds West along
23 the south line of Lot 1, a distance of 130.68 feet to the

1 Point of Beginning, containing 0.21 acres (8,988 square
2 feet), more or less.

3 PARCEL 12 TE (Easement)

4 A part of Lot 1 in Charles Starrett Subdivision in the
5 Southeast Quarter of Section 35, Township 2 South, Range 2
6 East of the Third Principal Meridian, Jefferson County,
7 Illinois and more particularly described as follows:

8 Beginning at the Southwest corner of Lot 1 in Charles
9 Starrett Subdivision; thence North 00 degrees 37 minutes 32
10 seconds East along the west line of Lot 1, a distance of
11 212.31 feet to the Point of Beginning; thence continuing
12 North 00 degrees 37 minutes 32 seconds East along the west
13 line of Lot 1, a distance of 105.00 feet to the northwest
14 corner of Lot 1; thence South 89 degrees 29 minutes 58
15 seconds East along the north line of Lot 1, a distance of
16 25.38 feet; thence South 05 degrees 26 minutes 16 seconds
17 West, 105.39 feet; thence North 89 degrees 29 minutes 58
18 seconds West, 16.54 feet to the Point of Beginning,
19 containing 0.05 acres (2,200 square feet), more or less.

20 (Source: Incorporates P.A. 94-898, eff. 6-22-06; revised
21 12-12-06.)

22 Section 1095. The Crime Victims Compensation Act is amended

1 by changing Section 6.1 as follows:

2 (740 ILCS 45/6.1) (from Ch. 70, par. 76.1)

3 Sec. 6.1. Right to compensation. A person is entitled to
4 compensation under this Act if:

5 (a) Within 2 years of the occurrence of the crime upon
6 which the claim is based, he files an application, under
7 oath, with the Court of Claims and on a form prescribed in
8 accordance with Section 7.1 furnished by the Attorney
9 General. If the person entitled to compensation is under 18
10 years of age or under other legal disability at the time of
11 the occurrence or becomes legally disabled as a result of
12 the occurrence, he may file the application required by
13 this subsection within 2 years after he attains the age of
14 18 years or the disability is removed, as the case may be.
15 Legal disability includes a diagnosis of posttraumatic
16 stress disorder.

17 (b) For all crimes of violence, except those listed in
18 subsection (b-1) of this Section, the appropriate law
19 enforcement officials were notified within 72 hours of the
20 perpetration of the crime allegedly causing the death or
21 injury to the victim or, in the event such notification was
22 made more than 72 hours after the perpetration of the
23 crime, the applicant establishes that such notice was
24 timely under the circumstances.

25 (b-1) For victims of offenses defined in Sections

1 12-13, 12-14, 12-14.1, 12-15, and 12-16 of the Criminal
2 Code of 1961, the appropriate law enforcement officials
3 were notified within 7 days of the perpetration of the
4 crime allegedly causing death or injury to the victim or,
5 in the event that the notification was made more than 7
6 days after the perpetration of the crime, the applicant
7 establishes that the notice was timely under the
8 circumstances. ~~(b-2)~~ If the applicant has obtained an order
9 of protection or a civil no contact order or has presented
10 himself or herself to a hospital for sexual assault
11 evidence collection and medical care, such action shall
12 constitute appropriate notification under this subsection
13 (b-1) or subsection (b) ~~or (b-1)~~ of this Section.

14 (c) The applicant has cooperated with law enforcement
15 officials in the apprehension and prosecution of the
16 assailant. ~~(e-1)~~ If the applicant has obtained an order of
17 protection or a civil no contact order or has presented
18 himself or herself to a hospital for sexual assault
19 evidence collection and medical care, such action shall
20 constitute cooperation under this subsection (c) ~~of this~~
21 ~~Section.~~

22 (d) The applicant is not the offender or an accomplice
23 of the offender and the award would not unjustly benefit
24 the offender or his accomplice.

25 (e) The injury to or death of the victim was not
26 substantially attributable to his own wrongful act and was

1 not substantially provoked by the victim.

2 (Source: P.A. 94-192, eff. 1-1-06; revised 8-16-05.)

3 Section 1100. The Mental Health and Developmental
4 Disabilities Confidentiality Act is amended by changing
5 Sections 7.1 and 11 as follows:

6 (740 ILCS 110/7.1)

7 Sec. 7.1. Interagency disclosures.

8 (a) Nothing in this Act shall be construed to prevent the
9 interagency disclosure of the name, social security number, and
10 information concerning services rendered, currently being
11 rendered, or proposed to be rendered regarding a recipient of
12 services. This disclosure may be made only between agencies or
13 departments of the State including, but not limited to: (i) the
14 Department of Human Services, (ii) the Department of Healthcare
15 and Family Services ~~Public Aid~~, (iii) the Department of Public
16 Health, (iv) the State Board of Education, and (v) the
17 Department of Children and Family Services for the purpose of a
18 diligent search for a missing parent pursuant to Sections 2-15
19 and 2-16 of the Juvenile Court Act of 1987 if the Department of
20 Children and Family Services has reason to believe the parent
21 is residing in a mental health facility, when one or more
22 agencies or departments of the State have entered into a prior
23 interagency agreement, memorandum of understanding, or similar
24 agreement to jointly provide or cooperate in the provision of

1 or funding of mental health or developmental disabilities
2 services.

3 The Department of Children and Family Services shall not
4 redisclose the information received under this Section other
5 than for purposes of service provision or as necessary for
6 proceedings under the Juvenile Court Act of 1987.

7 (b) This Section applies to, but is not limited to,
8 interagency disclosures under interagency agreements entered
9 into in compliance with the Early Intervention Services System
10 Act.

11 (c) Information disclosed under this Section shall be for
12 the limited purpose of coordinating State efforts in providing
13 efficient interagency service systems and avoiding duplication
14 of interagency services.

15 (d) Information disclosed under this Section shall be
16 limited to the recipient's name, address, social security
17 number or other individually assigned identifying number, or
18 information generally descriptive of services rendered or to be
19 rendered. The disclosure of individual clinical or treatment
20 records or other confidential information is not authorized by
21 this Section.

22 (Source: P.A. 89-507, eff. 7-1-97; 90-608, eff. 6-30-98;
23 revised 12-15-05.)

24 (740 ILCS 110/11) (from Ch. 91 1/2, par. 811)

25 Sec. 11. Disclosure of records and communications. Records

1 and communications may be disclosed:

2 (i) in accordance with the provisions of the Abused and
3 Neglected Child Reporting Act, subsection (u) of Section 5
4 of the Children and Family Services Act, or Section 7.4 of
5 the Child Care Act of 1969;

6 (ii) when, and to the extent, a therapist, in his or
7 her sole discretion, determines that disclosure is
8 necessary to initiate or continue civil commitment
9 proceedings under the laws of this State or to otherwise
10 protect the recipient or other person against a clear,
11 imminent risk of serious physical or mental injury or
12 disease or death being inflicted upon the recipient or by
13 the recipient on himself or another;

14 (iii) when, and to the extent disclosure is, in the
15 sole discretion of the therapist, necessary to the
16 provision of emergency medical care to a recipient who is
17 unable to assert or waive his or her rights hereunder;

18 (iv) when disclosure is necessary to collect sums or
19 receive third party payment representing charges for
20 mental health or developmental disabilities services
21 provided by a therapist or agency to a recipient under
22 Chapter V of the Mental Health and Developmental
23 Disabilities Code or to transfer debts under the
24 Uncollected State Claims Act; however, disclosure shall be
25 limited to information needed to pursue collection, and the
26 information so disclosed shall not be used for any other

1 purposes nor shall it be redisclosed except in connection
2 with collection activities;

3 (v) when requested by a family member, the Department
4 of Human Services may assist in the location of the
5 interment site of a deceased recipient who is interred in a
6 cemetery established under Section 100-26 of the Mental
7 Health and Developmental Disabilities Administrative Act;

8 (vi) in judicial proceedings under Article VIII of
9 Chapter III and Article V of Chapter IV of the Mental
10 Health and Developmental Disabilities Code and proceedings
11 and investigations preliminary thereto, to the State's
12 Attorney for the county or residence of a person who is the
13 subject of such proceedings, or in which the person is
14 found, or in which the facility is located, to the attorney
15 representing the recipient in the judicial proceedings, to
16 any person or agency providing mental health services that
17 are the subject of the proceedings and to that person's or
18 agency's attorney, to any court personnel, including but
19 not limited to judges and circuit court clerks, and to a
20 guardian ad litem if one has been appointed by the court,
21 provided that the information so disclosed shall not be
22 utilized for any other purpose nor be redisclosed except in
23 connection with the proceedings or investigations;

24 (vii) when, and to the extent disclosure is necessary
25 to comply with the requirements of the Census Bureau in
26 taking the federal Decennial Census;

1 (viii) when, and to the extent, in the therapist's sole
2 discretion, disclosure is necessary to warn or protect a
3 specific individual against whom a recipient has made a
4 specific threat of violence where there exists a
5 therapist-recipient relationship or a special
6 recipient-individual relationship;

7 (ix) in accordance with the Sex Offender Registration
8 Act;

9 (x) in accordance with the Rights of Crime Victims and
10 Witnesses Act;

11 (xi) in accordance with Section 6 of the Abused and
12 Neglected Long Term Care Facility Residents Reporting Act;
13 and

14 (xii) in accordance with Section 55 of the Abuse of
15 Adults with Disabilities Intervention Act.

16 Any person, institution, or agency, under this Act,
17 participating in good faith in the making of a report under the
18 Abused and Neglected Child Reporting Act or in the disclosure
19 of records and communications under this Section, shall have
20 immunity from any liability, civil, criminal or otherwise, that
21 might result by reason of such action. For the purpose of any
22 proceeding, civil or criminal, arising out of a report or
23 disclosure under this Section, the good faith of any person,
24 institution, or agency so reporting or disclosing shall be
25 presumed.

26 (Source: P.A. 94-852, eff. 6-13-06; 94-1010, eff. 10-1-06;

1 revised 8-3-06.)

2 Section 1105. The Predator Accountability Act is amended by
3 changing Section 20 as follows:

4 (740 ILCS 128/20)

5 Sec. 20. Relief. ~~(a)~~ A prevailing victim of the sex trade
6 shall be entitled to all relief that would make him or her
7 whole. This includes, but is not limited to:

8 (1) declaratory relief;

9 (2) injunctive relief;

10 (3) recovery of costs and attorney fees including, but
11 not limited to, costs for expert testimony and witness
12 fees;

13 (4) compensatory damages including, but not limited
14 to:

15 (A) economic loss, including damage, destruction,
16 or loss of use of personal property, and loss of past
17 or future earning capacity; and

18 (B) damages for death, personal injury, disease,
19 and mental and emotional harm, including medical,
20 rehabilitation, burial expenses, pain and suffering,
21 and physical impairment;

22 (5) punitive damages; and

23 (6) damages in the amount of the gross revenues
24 received by the defendant from, or related to, the sex

1 trade activities of the plaintiff.

2 (Source: P.A. 94-998, eff. 7-3-06; revised 8-3-06.)

3 Section 1110. The State Lawsuit Immunity Act is amended by
4 changing Section 1 as follows:

5 (745 ILCS 5/1) (from Ch. 127, par. 801)

6 Sec. 1. Except as provided in the Illinois Public Labor
7 Relations Act, the Court of Claims Act, ~~and~~ the State Officials
8 and Employees Ethics Act, and ~~or~~ Section 1.5 of this Act, the
9 State of Illinois shall not be made a defendant or party in any
10 court.

11 (Source: P.A. 93-414, eff. 1-1-04; 93-615, eff. 11-19-03;
12 revised 12-19-03.)

13 Section 1115. The Federal Law Enforcement Officer Immunity
14 Act is amended by changing Section 5 as follows:

15 (745 ILCS 22/5)

16 Sec. 5. Definition. As used in this Act, "federal law
17 enforcement officer" means any officer, agent or employee of
18 the federal government commissioned by federal statute to make
19 arrests for violations of federal criminal laws, including but
20 not limited to, all criminal investigators of:

21 (a) The United States Department of Justice, The Federal
22 Bureau of Investigation, The Drug Enforcement Agency and The

1 Department of Immigration and Naturalization;

2 (b) The United States Department of the Treasury, The
3 Secret Service, The Bureau of Alcohol, Tobacco and Firearms and
4 The Customs Service;

5 (c) The United States Internal Revenue Service;

6 (d) The United States General Services Administration;

7 (e) The United States Postal Service; and

8 (f) All United States Marshals ~~Marshalls~~ or Deputy United
9 States Marshals ~~Marshalls~~ whose duties involve the enforcement
10 of federal criminal laws.

11 (Source: P.A. 88-677, eff. 12-15-94; revised 10-13-05.)

12 Section 1120. The Good Samaritan Act is amended by changing
13 Section 20 as follows:

14 (745 ILCS 49/20)

15 Sec. 20. Free dental clinic; exemption from civil liability
16 for services performed without compensation. Any person
17 licensed under the Illinois Dental Practice Act to practice
18 dentistry or to practice as a dental hygienist who, in good
19 faith, provides dental treatment, dental services, diagnoses,
20 or advice as part of the services of an established free dental
21 clinic providing care to medically indigent patients which is
22 limited to care which does not require the services of a
23 licensed hospital or ambulatory surgical treatment center, and
24 who receives no fee or compensation from that source shall not,

1 as a result of any acts or omissions, except for willful or
2 wanton misconduct on the part of the licensee, in providing
3 dental treatment, dental services, diagnoses or advice, be
4 liable for civil damages. For purposes of this Section, a "free
5 dental clinic" is an organized program providing, without
6 charge, dental care to individuals unable to pay for their
7 care. For purposes of this Section, an "organized program" is a
8 program sponsored by a community, public health, charitable,
9 voluntary, or organized dental organization. Free dental
10 services provided under this Section may be provided at a
11 clinic or private dental office. A free dental clinic may
12 receive reimbursement from the ~~Illinois~~ Department of
13 Healthcare and Family Services ~~Public Aid~~ or may receive
14 partial reimbursement from a patient based upon ability to pay,
15 provided any such reimbursements shall be used only to pay
16 overhead expenses of operating the free dental clinic and may
17 not be used, in whole or in part, to provide a fee,
18 reimbursement, or other compensation to any person licensed
19 under the Illinois Dental Practice Act who is receiving an
20 exemption under this Section or to any entity that the person
21 owns or controls or in which the person has an ownership
22 interest or from which the person receives a fee,
23 reimbursement, or compensation of any kind. Dental care shall
24 not include the use of general anesthesia or require an
25 overnight stay in a health care facility.

26 The provisions of this Section shall not apply in any case

1 unless the free dental clinic has posted in a conspicuous place
2 on its premises an explanation of the immunity from civil
3 liability provided in this Section.

4 (Source: P.A. 94-83, eff. 1-1-06; revised 12-15-05.)

5 Section 1125. The Illinois Marriage and Dissolution of
6 Marriage Act is amended by changing Sections 505, 505.1, 505.2,
7 505.3, 506, 507, 507.1, 510, 516, 517, 601.5, 602, 704, 705,
8 709, and 712 as follows:

9 (750 ILCS 5/505) (from Ch. 40, par. 505)

10 Sec. 505. Child support; contempt; penalties.

11 (a) In a proceeding for dissolution of marriage, legal
12 separation, declaration of invalidity of marriage, a
13 proceeding for child support following dissolution of the
14 marriage by a court which lacked personal jurisdiction over the
15 absent spouse, a proceeding for modification of a previous
16 order for child support under Section 510 of this Act, or any
17 proceeding authorized under Section 501 or 601 of this Act, the
18 court may order either or both parents owing a duty of support
19 to a child of the marriage to pay an amount reasonable and
20 necessary for his support, without regard to marital
21 misconduct. The duty of support owed to a child includes the
22 obligation to provide for the reasonable and necessary
23 physical, mental and emotional health needs of the child. For
24 purposes of this Section, the term "child" shall include any

1 child under age 18 and any child under age 19 who is still
2 attending high school.

3 (1) The Court shall determine the minimum amount of
4 support by using the following guidelines:

| 5 | Number of Children | Percent of Supporting Party's |
|----|--------------------|-------------------------------|
| 6 | | Net Income |
| 7 | 1 | 20% |
| 8 | 2 | 28% |
| 9 | 3 | 32% |
| 10 | 4 | 40% |
| 11 | 5 | 45% |
| 12 | 6 or more | 50% |

13 (2) The above guidelines shall be applied in each case
14 unless the court makes a finding that application of the
15 guidelines would be inappropriate, after considering the
16 best interests of the child in light of evidence including
17 but not limited to one or more of the following relevant
18 factors:

19 (a) the financial resources and needs of the child;

20 (b) the financial resources and needs of the
21 custodial parent;

22 (c) the standard of living the child would have
23 enjoyed had the marriage not been dissolved;

24 (d) the physical and emotional condition of the
25 child, and his educational needs; and

26 (e) the financial resources and needs of the

1 non-custodial parent.

2 If the court deviates from the guidelines, the court's
3 finding shall state the amount of support that would have
4 been required under the guidelines, if determinable. The
5 court shall include the reason or reasons for the variance
6 from the guidelines.

7 (3) "Net income" is defined as the total of all income
8 from all sources, minus the following deductions:

9 (a) Federal income tax (properly calculated
10 withholding or estimated payments);

11 (b) State income tax (properly calculated
12 withholding or estimated payments);

13 (c) Social Security (FICA payments);

14 (d) Mandatory retirement contributions required by
15 law or as a condition of employment;

16 (e) Union dues;

17 (f) Dependent and individual
18 health/hospitalization insurance premiums;

19 (g) Prior obligations of support or maintenance
20 actually paid pursuant to a court order;

21 (h) Expenditures for repayment of debts that
22 represent reasonable and necessary expenses for the
23 production of income, medical expenditures necessary
24 to preserve life or health, reasonable expenditures
25 for the benefit of the child and the other parent,
26 exclusive of gifts. The court shall reduce net income

1 in determining the minimum amount of support to be
2 ordered only for the period that such payments are due
3 and shall enter an order containing provisions for its
4 self-executing modification upon termination of such
5 payment period.

6 (4) In cases where the court order provides for
7 health/hospitalization insurance coverage pursuant to
8 Section 505.2 of this Act, the premiums for that insurance,
9 or that portion of the premiums for which the supporting
10 party is responsible in the case of insurance provided
11 through an employer's health insurance plan where the
12 employer pays a portion of the premiums, shall be
13 subtracted from net income in determining the minimum
14 amount of support to be ordered.

15 (4.5) In a proceeding for child support following
16 dissolution of the marriage by a court that lacked personal
17 jurisdiction over the absent spouse, and in which the court
18 is requiring payment of support for the period before the
19 date an order for current support is entered, there is a
20 rebuttable presumption that the supporting party's net
21 income for the prior period was the same as his or her net
22 income at the time the order for current support is
23 entered.

24 (5) If the net income cannot be determined because of
25 default or any other reason, the court shall order support
26 in an amount considered reasonable in the particular case.

1 The final order in all cases shall state the support level
2 in dollar amounts. However, if the court finds that the
3 child support amount cannot be expressed exclusively as a
4 dollar amount because all or a portion of the payor's net
5 income is uncertain as to source, time of payment, or
6 amount, the court may order a percentage amount of support
7 in addition to a specific dollar amount and enter such
8 other orders as may be necessary to determine and enforce,
9 on a timely basis, the applicable support ordered.

10 (6) If (i) the non-custodial parent was properly served
11 with a request for discovery of financial information
12 relating to the non-custodial parent's ability to provide
13 child support, (ii) the non-custodial parent failed to
14 comply with the request, despite having been ordered to do
15 so by the court, and (iii) the non-custodial parent is not
16 present at the hearing to determine support despite having
17 received proper notice, then any relevant financial
18 information concerning the non-custodial parent's ability
19 to provide child support that was obtained pursuant to
20 subpoena and proper notice shall be admitted into evidence
21 without the need to establish any further foundation for
22 its admission.

23 (a-5) In an action to enforce an order for support based on
24 the respondent's failure to make support payments as required
25 by the order, notice of proceedings to hold the respondent in
26 contempt for that failure may be served on the respondent by

1 personal service or by regular mail addressed to the
2 respondent's last known address. The respondent's last known
3 address may be determined from records of the clerk of the
4 court, from the Federal Case Registry of Child Support Orders,
5 or by any other reasonable means.

6 (b) Failure of either parent to comply with an order to pay
7 support shall be punishable as in other cases of contempt. In
8 addition to other penalties provided by law the Court may,
9 after finding the parent guilty of contempt, order that the
10 parent be:

11 (1) placed on probation with such conditions of
12 probation as the Court deems advisable;

13 (2) sentenced to periodic imprisonment for a period not
14 to exceed 6 months; provided, however, that the Court may
15 permit the parent to be released for periods of time during
16 the day or night to:

17 (A) work; or

18 (B) conduct a business or other self-employed
19 occupation.

20 The Court may further order any part or all of the earnings
21 of a parent during a sentence of periodic imprisonment paid to
22 the Clerk of the Circuit Court or to the parent having custody
23 or to the guardian having custody of the children of the
24 sentenced parent for the support of said children until further
25 order of the Court.

26 If there is a unity of interest and ownership sufficient to

1 render no financial separation between a non-custodial parent
2 and another person or persons or business entity, the court may
3 pierce the ownership veil of the person, persons, or business
4 entity to discover assets of the non-custodial parent held in
5 the name of that person, those persons, or that business
6 entity. The following circumstances are sufficient to
7 authorize a court to order discovery of the assets of a person,
8 persons, or business entity and to compel the application of
9 any discovered assets toward payment on the judgment for
10 support:

11 (1) the non-custodial parent and the person, persons,
12 or business entity maintain records together.

13 (2) the non-custodial parent and the person, persons,
14 or business entity fail to maintain an arms length
15 relationship between themselves with regard to any assets.

16 (3) the non-custodial parent transfers assets to the
17 person, persons, or business entity with the intent to
18 perpetrate a fraud on the custodial parent.

19 With respect to assets which are real property, no order
20 entered under this paragraph shall affect the rights of bona
21 fide purchasers, mortgagees, judgment creditors, or other lien
22 holders who acquire their interests in the property prior to
23 the time a notice of lis pendens pursuant to the Code of Civil
24 Procedure or a copy of the order is placed of record in the
25 office of the recorder of deeds for the county in which the
26 real property is located.

1 The court may also order in cases where the parent is 90
2 days or more delinquent in payment of support or has been
3 adjudicated in arrears in an amount equal to 90 days obligation
4 or more, that the parent's Illinois driving privileges be
5 suspended until the court determines that the parent is in
6 compliance with the order of support. The court may also order
7 that the parent be issued a family financial responsibility
8 driving permit that would allow limited driving privileges for
9 employment and medical purposes in accordance with Section
10 7-702.1 of the Illinois Vehicle Code. The clerk of the circuit
11 court shall certify the order suspending the driving privileges
12 of the parent or granting the issuance of a family financial
13 responsibility driving permit to the Secretary of State on
14 forms prescribed by the Secretary. Upon receipt of the
15 authenticated documents, the Secretary of State shall suspend
16 the parent's driving privileges until further order of the
17 court and shall, if ordered by the court, subject to the
18 provisions of Section 7-702.1 of the Illinois Vehicle Code,
19 issue a family financial responsibility driving permit to the
20 parent.

21 In addition to the penalties or punishment that may be
22 imposed under this Section, any person whose conduct
23 constitutes a violation of Section 15 of the Non-Support
24 Punishment Act may be prosecuted under that Act, and a person
25 convicted under that Act may be sentenced in accordance with
26 that Act. The sentence may include but need not be limited to a

1 requirement that the person perform community service under
2 Section 50 of that Act or participate in a work alternative
3 program under Section 50 of that Act. A person may not be
4 required to participate in a work alternative program under
5 Section 50 of that Act if the person is currently participating
6 in a work program pursuant to Section 505.1 of this Act.

7 A support obligation, or any portion of a support
8 obligation, which becomes due and remains unpaid as of the end
9 of each month, excluding the child support that was due for
10 that month to the extent that it was not paid in that month,
11 shall accrue simple interest as set forth in Section 12-109 of
12 the Code of Civil Procedure. An order for support entered or
13 modified on or after January 1, 2006 shall contain a statement
14 that a support obligation required under the order, or any
15 portion of a support obligation required under the order, that
16 becomes due and remains unpaid as of the end of each month,
17 excluding the child support that was due for that month to the
18 extent that it was not paid in that month, shall accrue simple
19 interest as set forth in Section 12-109 of the Code of Civil
20 Procedure. Failure to include the statement in the order for
21 support does not affect the validity of the order or the
22 accrual of interest as provided in this Section.

23 (c) A one-time charge of 20% is imposable upon the amount
24 of past-due child support owed on July 1, 1988 which has
25 accrued under a support order entered by the court. The charge
26 shall be imposed in accordance with the provisions of Section

1 10-21 of the Illinois Public Aid Code and shall be enforced by
2 the court upon petition.

3 (d) Any new or existing support order entered by the court
4 under this Section shall be deemed to be a series of judgments
5 against the person obligated to pay support thereunder, each
6 such judgment to be in the amount of each payment or
7 installment of support and each such judgment to be deemed
8 entered as of the date the corresponding payment or installment
9 becomes due under the terms of the support order. Each such
10 judgment shall have the full force, effect and attributes of
11 any other judgment of this State, including the ability to be
12 enforced. A lien arises by operation of law against the real
13 and personal property of the noncustodial parent for each
14 installment of overdue support owed by the noncustodial parent.

15 (e) When child support is to be paid through the clerk of
16 the court in a county of 1,000,000 inhabitants or less, the
17 order shall direct the obligor to pay to the clerk, in addition
18 to the child support payments, all fees imposed by the county
19 board under paragraph (3) of subsection (u) of Section 27.1 of
20 the Clerks of Courts Act. Unless paid in cash or pursuant to an
21 order for withholding, the payment of the fee shall be by a
22 separate instrument from the support payment and shall be made
23 to the order of the Clerk.

24 (f) All orders for support, when entered or modified, shall
25 include a provision requiring the obligor to notify the court
26 and, in cases in which a party is receiving child and spouse

1 services under Article X of the Illinois Public Aid Code, the
2 ~~Illinois~~ Department of Healthcare and Family Services ~~Public~~
3 ~~Aid~~, within 7 days, (i) of the name and address of any new
4 employer of the obligor, (ii) whether the obligor has access to
5 health insurance coverage through the employer or other group
6 coverage and, if so, the policy name and number and the names
7 of persons covered under the policy, and (iii) of any new
8 residential or mailing address or telephone number of the
9 non-custodial parent. In any subsequent action to enforce a
10 support order, upon a sufficient showing that a diligent effort
11 has been made to ascertain the location of the non-custodial
12 parent, service of process or provision of notice necessary in
13 the case may be made at the last known address of the
14 non-custodial parent in any manner expressly provided by the
15 Code of Civil Procedure or this Act, which service shall be
16 sufficient for purposes of due process.

17 (g) An order for support shall include a date on which the
18 current support obligation terminates. The termination date
19 shall be no earlier than the date on which the child covered by
20 the order will attain the age of 18. However, if the child will
21 not graduate from high school until after attaining the age of
22 18, then the termination date shall be no earlier than the
23 earlier of the date on which the child's high school graduation
24 will occur or the date on which the child will attain the age
25 of 19. The order for support shall state that the termination
26 date does not apply to any arrearage that may remain unpaid on

1 that date. Nothing in this subsection shall be construed to
2 prevent the court from modifying the order or terminating the
3 order in the event the child is otherwise emancipated.

4 (g-5) If there is an unpaid arrearage or delinquency (as
5 those terms are defined in the Income Withholding for Support
6 Act) equal to at least one month's support obligation on the
7 termination date stated in the order for support or, if there
8 is no termination date stated in the order, on the date the
9 child attains the age of majority or is otherwise emancipated,
10 the periodic amount required to be paid for current support of
11 that child immediately prior to that date shall automatically
12 continue to be an obligation, not as current support but as
13 periodic payment toward satisfaction of the unpaid arrearage or
14 delinquency. That periodic payment shall be in addition to any
15 periodic payment previously required for satisfaction of the
16 arrearage or delinquency. The total periodic amount to be paid
17 toward satisfaction of the arrearage or delinquency may be
18 enforced and collected by any method provided by law for
19 enforcement and collection of child support, including but not
20 limited to income withholding under the Income Withholding for
21 Support Act. Each order for support entered or modified on or
22 after the effective date of this amendatory Act of the 93rd
23 General Assembly must contain a statement notifying the parties
24 of the requirements of this subsection. Failure to include the
25 statement in the order for support does not affect the validity
26 of the order or the operation of the provisions of this

1 subsection with regard to the order. This subsection shall not
2 be construed to prevent or affect the establishment or
3 modification of an order for support of a minor child or the
4 establishment or modification of an order for support of a
5 non-minor child or educational expenses under Section 513 of
6 this Act.

7 (h) An order entered under this Section shall include a
8 provision requiring the obligor to report to the obligee and to
9 the clerk of court within 10 days each time the obligor obtains
10 new employment, and each time the obligor's employment is
11 terminated for any reason. The report shall be in writing and
12 shall, in the case of new employment, include the name and
13 address of the new employer. Failure to report new employment
14 or the termination of current employment, if coupled with
15 nonpayment of support for a period in excess of 60 days, is
16 indirect criminal contempt. For any obligor arrested for
17 failure to report new employment bond shall be set in the
18 amount of the child support that should have been paid during
19 the period of unreported employment. An order entered under
20 this Section shall also include a provision requiring the
21 obligor and obligee parents to advise each other of a change in
22 residence within 5 days of the change except when the court
23 finds that the physical, mental, or emotional health of a party
24 or that of a child, or both, would be seriously endangered by
25 disclosure of the party's address.

26 (i) The court does not lose the powers of contempt,

1 driver's license suspension, or other child support
2 enforcement mechanisms, including, but not limited to,
3 criminal prosecution as set forth in this Act, upon the
4 emancipation of the minor child or children.

5 (Source: P.A. 93-148, eff. 7-10-03; 93-1061, eff. 1-1-05;
6 94-90, eff. 1-1-06; revised 12-15-05.)

7 (750 ILCS 5/505.1) (from Ch. 40, par. 505.1)

8 Sec. 505.1. (a) Whenever it is determined in a proceeding
9 to establish or enforce a child support or maintenance
10 obligation that the person owing a duty of support is
11 unemployed, the court may order the person to seek employment
12 and report periodically to the court with a diary, listing or
13 other memorandum of his or her efforts in accordance with such
14 order. Additionally, the court may order the unemployed person
15 to report to the Department of Employment Security for job
16 search services or to make application with the local Job
17 Training Partnership Act provider for participation in job
18 search, training or work programs and where the duty of support
19 is owed to a child receiving child support enforcement services
20 under Article X of the Illinois Public Aid Code, as amended,
21 the court may order the unemployed person to report to the
22 ~~Illinois~~ Department of Healthcare and Family Services ~~Public~~
23 ~~Aid~~ for participation in job search, training or work programs
24 established under Section 9-6 and Article IXA of that Code.

25 (b) Whenever it is determined that a person owes past-due

1 support for a child or for a child and the parent with whom the
2 child is living, and the child is receiving assistance under
3 the Illinois Public Aid Code, the court shall order at the
4 request of the ~~Illinois~~ Department of Healthcare and Family
5 Services ~~Public Aid~~:

6 (1) that the person pay the past-due support in
7 accordance with a plan approved by the court; or

8 (2) if the person owing past-due support is unemployed,
9 is subject to such a plan, and is not incapacitated, that
10 the person participate in such job search, training, or
11 work programs established under Section 9-6 and Article IXA
12 of the Illinois Public Aid Code as the court deems
13 appropriate.

14 (Source: P.A. 91-357, eff. 7-29-99; 92-590, eff. 7-1-02;
15 revised 12-15-05.)

16 (750 ILCS 5/505.2) (from Ch. 40, par. 505.2)

17 Sec. 505.2. Health insurance.

18 (a) Definitions. As used in this Section:

19 (1) "Obligee" means the individual to whom the duty of
20 support is owed or the individual's legal representative.

21 (2) "Obligor" means the individual who owes a duty of
22 support pursuant to an order for support.

23 (3) "Public office" means any elected official or any
24 State or local agency which is or may become responsible by
25 law for enforcement of, or which is or may become

1 authorized to enforce, an order for support, including, but
2 not limited to: the Attorney General, the Illinois
3 Department of Healthcare and Family Services ~~Public Aid~~,
4 the Illinois Department of Human Services, the Illinois
5 Department of Children and Family Services, and the various
6 State's Attorneys, Clerks of the Circuit Court and
7 supervisors of general assistance.

8 (4) "Child" shall have the meaning ascribed to it in
9 Section 505.

10 (b) Order.

11 (1) Whenever the court establishes, modifies or
12 enforces an order for child support or for child support
13 and maintenance the court shall include in the order a
14 provision for the health care coverage of the child which
15 shall, upon request of the obligee or Public Office,
16 require that any child covered by the order be named as a
17 beneficiary of any health insurance plan that is available
18 to the obligor through an employer or labor union or trade
19 union. If the court finds that such a plan is not available
20 to the obligor, or that the plan is not accessible to the
21 obligee, the court may, upon request of the obligee or
22 Public Office, order the obligor to name the child covered
23 by the order as a beneficiary of any health insurance plan
24 that is available to the obligor on a group basis, or as a
25 beneficiary of an independent health insurance plan to be
26 obtained by the obligor, after considering the following

1 factors:

2 (A) the medical needs of the child;

3 (B) the availability of a plan to meet those needs;

4 and

5 (C) the cost of such a plan to the obligor.

6 (2) If the employer or labor union or trade union
7 offers more than one plan, the order shall require the
8 obligor to name the child as a beneficiary of the plan in
9 which the obligor is enrolled.

10 (3) Nothing in this Section shall be construed to limit
11 the authority of the court to establish or modify a support
12 order to provide for payment of expenses, including
13 deductibles, copayments and any other health expenses,
14 which are in addition to expenses covered by an insurance
15 plan of which a child is ordered to be named a beneficiary
16 pursuant to this Section.

17 (c) Implementation and enforcement.

18 (1) When the court order requires that a minor child be
19 named as a beneficiary of a health insurance plan, other
20 than a health insurance plan available through an employer
21 or labor union or trade union, the obligor shall provide
22 written proof to the obligee or Public Office that the
23 required insurance has been obtained, or that application
24 for insurability has been made, within 30 days of receiving
25 notice of the court order. Unless the obligor was present
26 in court when the order was issued, notice of the order

1 shall be given pursuant to Illinois Supreme Court Rules. If
2 an obligor fails to provide the required proof, he may be
3 held in contempt of court.

4 (2) When the court requires that a child be named as a
5 beneficiary of a health insurance plan available through an
6 employer or labor union or trade union, the court's order
7 shall be implemented in accordance with the Income
8 Withholding for Support Act.

9 (2.5) The court shall order the obligor to reimburse
10 the obligee for 50% of the premium for placing the child on
11 his or her health insurance policy if:

12 (i) a health insurance plan is not available to the
13 obligor through an employer or labor union or trade
14 union and the court does not order the obligor to cover
15 the child as a beneficiary of any health insurance plan
16 that is available to the obligor on a group basis or as
17 a beneficiary of an independent health insurance plan
18 to be obtained by the obligor; or

19 (ii) the obligor does not obtain medical insurance
20 for the child within 90 days of the date of the court
21 order requiring the obligor to obtain insurance for the
22 child.

23 The provisions of subparagraph (i) of paragraph 2.5 of
24 subsection (c) shall be applied, unless the court makes a
25 finding that to apply those provisions would be
26 inappropriate after considering all of the factors listed

1 in paragraph 2 of subsection (a) of Section 505.

2 The court may order the obligor to reimburse the
3 obligee for 100% of the premium for placing the child on
4 his or her health insurance policy.

5 (d) Failure to maintain insurance. The dollar amount of the
6 premiums for court-ordered health insurance, or that portion of
7 the premiums for which the obligor is responsible in the case
8 of insurance provided under a group health insurance plan
9 through an employer or labor union or trade union where the
10 employer or labor union or trade union pays a portion of the
11 premiums, shall be considered an additional child support
12 obligation owed by the obligor. Whenever the obligor fails to
13 provide or maintain health insurance pursuant to an order for
14 support, the obligor shall be liable to the obligee for the
15 dollar amount of the premiums which were not paid, and shall
16 also be liable for all medical expenses incurred by the child
17 which would have been paid or reimbursed by the health
18 insurance which the obligor was ordered to provide or maintain.
19 In addition, the obligee may petition the court to modify the
20 order based solely on the obligor's failure to pay the premiums
21 for court-ordered health insurance.

22 (e) Authorization for payment. The signature of the obligee
23 is a valid authorization to the insurer to process a claim for
24 payment under the insurance plan to the provider of the health
25 care services or to the obligee.

26 (f) Disclosure of information. The obligor's employer or

1 labor union or trade union shall disclose to the obligee or
2 Public Office, upon request, information concerning any
3 dependent coverage plans which would be made available to a new
4 employee or labor union member or trade union member. The
5 employer or labor union or trade union shall disclose such
6 information whether or not a court order for medical support
7 has been entered.

8 (g) Employer obligations. If a parent is required by an
9 order for support to provide coverage for a child's health care
10 expenses and if that coverage is available to the parent
11 through an employer who does business in this State, the
12 employer must do all of the following upon receipt of a copy of
13 the order of support or order for withholding:

14 (1) The employer shall, upon the parent's request,
15 permit the parent to include in that coverage a child who
16 is otherwise eligible for that coverage, without regard to
17 any enrollment season restrictions that might otherwise be
18 applicable as to the time period within which the child may
19 be added to that coverage.

20 (2) If the parent has health care coverage through the
21 employer but fails to apply for coverage of the child, the
22 employer shall include the child in the parent's coverage
23 upon application by the child's other parent or the
24 ~~Illinois~~ Department of Healthcare and Family Services
25 ~~Public Aid~~.

26 (3) The employer may not eliminate any child from the

1 parent's health care coverage unless the employee is no
2 longer employed by the employer and no longer covered under
3 the employer's group health plan or unless the employer is
4 provided with satisfactory written evidence of either of
5 the following:

6 (A) The order for support is no longer in effect.

7 (B) The child is or will be included in a
8 comparable health care plan obtained by the parent
9 under such order that is currently in effect or will
10 take effect no later than the date the prior coverage
11 is terminated.

12 The employer may eliminate a child from a parent's
13 health care plan obtained by the parent under such order if
14 the employer has eliminated dependent health care coverage
15 for all of its employees.

16 (Source: P.A. 94-923, eff. 1-1-07; revised 8-28-06.)

17 (750 ILCS 5/505.3)

18 Sec. 505.3. Information to State Case Registry.

19 (a) In this Section:

20 "Order for support", "obligor", "obligee", and "business
21 day" are defined as set forth in the Income Withholding for
22 Support Act.

23 "State Case Registry" means the State Case Registry
24 established under Section 10-27 of the Illinois Public Aid
25 Code.

1 (b) Each order for support entered or modified by the
2 circuit court under this Act shall require that the obligor and
3 obligee (i) file with the clerk of the circuit court the
4 information required by this Section (and any other information
5 required under Title IV, Part D of the Social Security Act or
6 by the federal Department of Health and Human Services) at the
7 time of entry or modification of the order for support and (ii)
8 file updated information with the clerk within 5 business days
9 of any change. Failure of the obligor or obligee to file or
10 update the required information shall be punishable as in cases
11 of contempt. The failure shall not prevent the court from
12 entering or modifying the order for support, however.

13 (c) The obligor shall file the following information: the
14 obligor's name, date of birth, social security number, and
15 mailing address.

16 If either the obligor or the obligee receives child support
17 enforcement services from the ~~Illinois~~ Department of
18 Healthcare and Family Services ~~Public Aid~~ under Article X of
19 the Illinois Public Aid Code, the obligor shall also file the
20 following information: the obligor's telephone number,
21 driver's license number, and residential address (if different
22 from the obligor's mailing address), and the name, address, and
23 telephone number of the obligor's employer or employers.

24 (d) The obligee shall file the following information:

25 (1) The names of the obligee and the child or children
26 covered by the order for support.

1 (2) The dates of birth of the obligee and the child or
2 children covered by the order for support.

3 (3) The social security numbers of the obligee and the
4 child or children covered by the order for support.

5 (4) The obligee's mailing address.

6 (e) In cases in which the obligee receives child support
7 enforcement services from the ~~Illinois~~ Department of
8 Healthcare and Family Services ~~Public Aid~~ under Article X of
9 the Illinois Public Aid Code, the order for support shall (i)
10 require that the obligee file the information required under
11 subsection (d) with the ~~Illinois~~ Department of Healthcare and
12 Family Services ~~Public Aid~~ for inclusion in the State Case
13 Registry, rather than file the information with the clerk, and
14 (ii) require that the obligee include the following additional
15 information:

16 (1) The obligee's telephone and driver's license
17 numbers.

18 (2) The obligee's residential address, if different
19 from the obligee's mailing address.

20 (3) The name, address, and telephone number of the
21 obligee's employer or employers.

22 The order for support shall also require that the obligee
23 update the information filed with the ~~Illinois~~ Department of
24 Healthcare and Family Services ~~Public Aid~~ within 5 business
25 days of any change.

26 (f) The clerk shall provide the information filed under

1 this Section, together with the court docket number and county
2 in which the order for support was entered, to the State Case
3 Registry within 5 business days after receipt of the
4 information.

5 (g) In a case in which a party is receiving child support
6 enforcement services under Article X of the Illinois Public Aid
7 Code, the clerk shall provide the following additional
8 information to the State Case Registry within 5 business days
9 after entry or modification of an order for support or request
10 from the ~~Illinois~~ Department of Healthcare and Family Services
11 ~~Public Aid~~:

12 (1) The amount of monthly or other periodic support
13 owed under the order for support and other amounts,
14 including arrearage, interest, or late payment penalties
15 and fees, due or overdue under the order.

16 (2) Any such amounts that have been received by the
17 clerk, and the distribution of those amounts by the clerk.

18 (h) Information filed by the obligor and obligee under this
19 Section that is not specifically required to be included in the
20 body of an order for support under other laws is not a public
21 record and shall be treated as confidential and subject to
22 disclosure only in accordance with the provisions of this
23 Section, Section 10-27 of the Illinois Public Aid Code, and
24 Title IV, Part D of the Social Security Act.

25 (Source: P.A. 91-212, eff. 7-20-99; 92-16, eff. 6-28-01;
26 92-463, eff. 8-22-01; 92-651, eff. 7-11-02; revised 12-15-05.)

1 (750 ILCS 5/506) (from Ch. 40, par. 506)

2 Sec. 506. Representation of child.

3 (a) Duties. In any proceedings involving the support,
4 custody, visitation, education, parentage, property interest,
5 or general welfare of a minor or dependent child, the court
6 may, on its own motion or that of any party, appoint an
7 attorney to serve in one of the following capacities to address
8 the issues the court delineates:

9 (1) Attorney. The attorney shall provide independent
10 legal counsel for the child and shall owe the same duties
11 of undivided loyalty, confidentiality, and competent
12 representation as are due an adult client.

13 (2) Guardian ad litem. The guardian ad litem shall
14 testify or submit a written report to the court regarding
15 his or her recommendations in accordance with the best
16 interest of the child. The report shall be made available
17 to all parties. The guardian ad litem may be called as a
18 witness for purposes of cross-examination regarding the
19 guardian ad litem's report or recommendations. The
20 guardian ad litem shall investigate the facts of the case
21 and interview the child and the parties.

22 (3) Child representative. The child representative
23 shall advocate what the child representative finds to be in
24 the best interests of the child after reviewing the facts
25 and circumstances of the case. The child representative

1 shall meet with the child and the parties, investigate the
2 facts of the case, and encourage settlement and the use of
3 alternative forms of dispute resolution. The child
4 representative shall have the same authority and
5 obligation to participate in the litigation as does an
6 attorney for a party and shall possess all the powers of
7 investigation as does a guardian ad litem. The child
8 representative shall consider, but not be bound by, the
9 expressed wishes of the child. A child representative shall
10 have received training in child advocacy or shall possess
11 such experience as determined to be equivalent to such
12 training by the chief judge of the circuit where the child
13 representative has been appointed. The child
14 representative shall not disclose confidential
15 communications made by the child, except as required by law
16 or by the Rules of Professional Conduct. The child
17 representative shall not render an opinion,
18 recommendation, or report to the court and shall not be
19 called as a witness, but shall offer evidence-based legal
20 arguments. The child representative shall disclose the
21 position as to what the child representative intends to
22 advocate in a pre-trial memorandum that shall be served
23 upon all counsel of record prior to the trial. The position
24 disclosed in the pre-trial memorandum shall not be
25 considered evidence. The court and the parties may consider
26 the position of the child representative for purposes of a

1 settlement conference.

2 (a-3) Additional appointments. During the proceedings the
3 court may appoint an additional attorney to serve in the
4 capacity described in subdivision (a)(1) or an additional
5 attorney to serve in another of the capacities described in
6 subdivision (a)(2) or (a)(3) on the court's own motion or that
7 of a party only for good cause shown and when the reasons for
8 the additional appointment are set forth in specific findings.

9 (a-5) Appointment considerations. In deciding whether to
10 make an appointment of an attorney for the minor child, a
11 guardian ad litem, or a child representative, the court shall
12 consider the nature and adequacy of the evidence to be
13 presented by the parties and the availability of other methods
14 of obtaining information, including social service
15 organizations and evaluations by mental health professions, as
16 well as resources for payment.

17 In no event is this Section intended to or designed to
18 abrogate the decision making power of the trier of fact. Any
19 appointment made under this Section is not intended to nor
20 should it serve to place any appointed individual in the role
21 of a surrogate judge.

22 (b) Fees and costs. The court shall enter an order as
23 appropriate for costs, fees, and disbursements, including a
24 retainer, when the attorney, guardian ad litem, or child's
25 representative is appointed. Any person appointed under this
26 Section shall file with the court within 90 days of his or her

1 appointment, and every subsequent 90-day period thereafter
2 during the course of his or her representation, a detailed
3 invoice for services rendered with a copy being sent to each
4 party. The court shall review the invoice submitted and approve
5 the fees, if they are reasonable and necessary. Any order
6 approving the fees shall require payment by either or both
7 parents, by any other party or source, or from the marital
8 estate or the child's separate estate. The court may not order
9 payment by the ~~Illinois~~ Department of Healthcare and Family
10 Services ~~Public Aid~~ in cases in which the Department is
11 providing child support enforcement services under Article X of
12 the Illinois Public Aid Code. Unless otherwise ordered by the
13 court at the time fees and costs are approved, all fees and
14 costs payable to an attorney, guardian ad litem, or child
15 representative under this Section are by implication deemed to
16 be in the nature of support of the child and are within the
17 exceptions to discharge in bankruptcy under 11 U.S.C.A. 523.
18 The provisions of Sections 501 and 508 of this Act shall apply
19 to fees and costs for attorneys appointed under this Section.

20 (Source: P.A. 94-640, eff. 1-1-06; revised 12-15-05.)

21 (750 ILCS 5/507) (from Ch. 40, par. 507)

22 Sec. 507. Payment of maintenance or support to court.

23 (a) In actions instituted under this Act, the court shall
24 order that maintenance and support payments be made to the
25 clerk of court as trustee for remittance to the person entitled

1 to receive the payments. However, the court in its discretion
2 may direct otherwise where circumstances so warrant.

3 (b) The clerk of court shall maintain records listing the
4 amount of payments, the date payments are required to be made
5 and the names and addresses of the parties affected by the
6 order. For those cases in which support is payable to the clerk
7 of the circuit court for transmittal to the Department of
8 Healthcare and Family Services (formerly Illinois Department
9 of Public Aid) by order of the court or upon notification of
10 the Department of Healthcare and Family Services (formerly
11 Illinois Department of Public Aid), and the ~~Illinois~~ Department
12 ~~of Public Aid~~ collects support by assignment, offset,
13 withholding, deduction or other process permitted by law, the
14 ~~Illinois~~ Department shall notify the clerk of the date and
15 amount of such collection. Upon notification, the clerk shall
16 record the collection on the payment record for the case.

17 (c) The parties affected by the order shall inform the
18 clerk of court of any change of address or of other condition
19 that may affect the administration of the order.

20 (d) The provisions of this Section shall not apply to cases
21 that come under the provisions of Sections 709 through 712.

22 (e) To the extent the provisions of this Section are
23 inconsistent with the requirements pertaining to the State
24 Disbursement Unit under Section 507.1 of this Act and Section
25 10-26 of the Illinois Public Aid Code, the requirements
26 pertaining to the State Disbursement Unit shall apply.

1 (Source: P.A. 94-88, eff. 1-1-06; revised 12-15-05.)

2 (750 ILCS 5/507.1)

3 Sec. 507.1. Payment of Support to State Disbursement Unit.

4 (a) As used in this Section:

5 "Order for support", "obligor", "obligee", and "payor"
6 mean those terms as defined in the Income Withholding for
7 Support Act, except that "order for support" shall not mean
8 orders providing for spousal maintenance under which there is
9 no child support obligation.

10 (b) Notwithstanding any other provision of this Act to the
11 contrary, each order for support entered or modified on or
12 after October 1, 1999 shall require that support payments be
13 made to the State Disbursement Unit established under Section
14 10-26 of the Illinois Public Aid Code if:

15 (1) a party to the order is receiving child support
16 enforcement services under Article X of the Illinois Public
17 Aid Code; or

18 (2) no party to the order is receiving child support
19 enforcement services, but the support payments are made
20 through income withholding.

21 (c) Support payments shall be made to the State
22 Disbursement Unit if:

23 (1) the order for support was entered before October 1,
24 1999, and a party to the order is receiving child support
25 enforcement services under Article X of the Illinois Public

1 Aid Code; or

2 (2) no party to the order is receiving child support
3 enforcement services, and the support payments are being
4 made through income withholding.

5 (c-5) If no party to the order is receiving child support
6 enforcement services under Article X of the Illinois Public Aid
7 Code, and the support payments are not made through income
8 withholding, then support payments shall be made as directed by
9 the order for support.

10 (c-10) At any time, and notwithstanding the existence of an
11 order directing payments to be made elsewhere, the Department
12 of Healthcare and Family Services ~~Public Aid~~ may provide notice
13 to the obligor and, where applicable, to the obligor's payor:

14 (1) to make support payments to the State Disbursement
15 Unit if:

16 (A) a party to the order for support is receiving
17 child support enforcement services under Article X of
18 the Illinois Public Aid Code; or

19 (B) no party to the order for support is receiving
20 child support enforcement services under Article X of
21 the Illinois Public Aid Code, but the support payments
22 are made through income withholding; or

23 (2) to make support payments to the State Disbursement
24 Unit of another state upon request of another state's Title
25 IV-D child support enforcement agency, in accordance with
26 the requirements of Title IV, Part D of the Social Security

1 Act and regulations promulgated under that Part D.

2 The Department of Healthcare and Family Services ~~Public Aid~~
3 shall provide a copy of the notice to the obligee and to the
4 clerk of the circuit court.

5 (c-15) Within 15 days after the effective date of this
6 amendatory Act of the 91st General Assembly, the clerk of the
7 circuit court shall provide written notice to the obligor to
8 make payments directly to the clerk of the circuit court if no
9 party to the order is receiving child support enforcement
10 services under Article X of the Illinois Public Aid Code, the
11 support payments are not made through income withholding, and
12 the order for support requires support payments to be made
13 directly to the clerk of the circuit court. The clerk shall
14 provide a copy of the notice to the obligee.

15 (c-20) If the State Disbursement Unit receives a support
16 payment that was not appropriately made to the Unit under this
17 Section, the Unit shall immediately return the payment to the
18 sender, including, if possible, instructions detailing where
19 to send the support payment.

20 (d) The notices under subsections (c-10) and (c-15) may be
21 sent by ordinary mail, certified mail, return receipt
22 requested, facsimile transmission, or other electronic
23 process, or may be served upon the obligor or payor using any
24 method provided by law for service of a summons.

25 (Source: P.A. 91-212, eff. 7-20-99; 91-677, eff. 1-5-00;
26 92-590, eff. 7-1-02; revised 12-15-05.)

1 (750 ILCS 5/510) (from Ch. 40, par. 510)

2 Sec. 510. Modification and termination of provisions for
3 maintenance, support, educational expenses, and property
4 disposition.

5 (a) Except as otherwise provided in paragraph (f) of
6 Section 502 and in subsection (b), clause (3) of Section 505.2,
7 the provisions of any judgment respecting maintenance or
8 support may be modified only as to installments accruing
9 subsequent to due notice by the moving party of the filing of
10 the motion for modification. An order for child support may be
11 modified as follows:

12 (1) upon a showing of a substantial change in
13 circumstances; and

14 (2) without the necessity of showing a substantial
15 change in circumstances, as follows:

16 (A) upon a showing of an inconsistency of at least
17 20%, but no less than \$10 per month, between the amount
18 of the existing order and the amount of child support
19 that results from application of the guidelines
20 specified in Section 505 of this Act unless the
21 inconsistency is due to the fact that the amount of the
22 existing order resulted from a deviation from the
23 guideline amount and there has not been a change in the
24 circumstances that resulted in that deviation; or

25 (B) Upon a showing of a need to provide for the

1 health care needs of the child under the order through
2 health insurance or other means. In no event shall the
3 eligibility for or receipt of medical assistance be
4 considered to meet the need to provide for the child's
5 health care needs.

6 The provisions of subparagraph (a)(2)(A) shall apply only
7 in cases in which a party is receiving child support
8 enforcement services from the ~~Illinois~~ Department of
9 Healthcare and Family Services ~~Public Aid~~ under Article X of
10 the Illinois Public Aid Code, and only when at least 36 months
11 have elapsed since the order for child support was entered or
12 last modified.

13 (a-5) An order for maintenance may be modified or
14 terminated only upon a showing of a substantial change in
15 circumstances. In all such proceedings, as well as in
16 proceedings in which maintenance is being reviewed, the court
17 shall consider the applicable factors set forth in subsection
18 (a) of Section 504 and the following factors:

19 (1) any change in the employment status of either party
20 and whether the change has been made in good faith;

21 (2) the efforts, if any, made by the party receiving
22 maintenance to become self-supporting, and the
23 reasonableness of the efforts where they are appropriate;

24 (3) any impairment of the present and future earning
25 capacity of either party;

26 (4) the tax consequences of the maintenance payments

1 upon the respective economic circumstances of the parties;

2 (5) the duration of the maintenance payments
3 previously paid (and remaining to be paid) relative to the
4 length of the marriage;

5 (6) the property, including retirement benefits,
6 awarded to each party under the judgment of dissolution of
7 marriage, judgment of legal separation, or judgment of
8 declaration of invalidity of marriage and the present
9 status of the property;

10 (7) the increase or decrease in each party's income
11 since the prior judgment or order from which a review,
12 modification, or termination is being sought;

13 (8) the property acquired and currently owned by each
14 party after the entry of the judgment of dissolution of
15 marriage, judgment of legal separation, or judgment of
16 declaration of invalidity of marriage; and

17 (9) any other factor that the court expressly finds to
18 be just and equitable.

19 (b) The provisions as to property disposition may not be
20 revoked or modified, unless the court finds the existence of
21 conditions that justify the reopening of a judgment under the
22 laws of this State.

23 (c) Unless otherwise agreed by the parties in a written
24 agreement set forth in the judgment or otherwise approved by
25 the court, the obligation to pay future maintenance is
26 terminated upon the death of either party, or the remarriage of

1 the party receiving maintenance, or if the party receiving
2 maintenance cohabits with another person on a resident,
3 continuing conjugal basis.

4 (d) Unless otherwise provided in this Act, or as agreed in
5 writing or expressly provided in the judgment, provisions for
6 the support of a child are terminated by emancipation of the
7 child, or if the child has attained the age of 18 and is still
8 attending high school, provisions for the support of the child
9 are terminated upon the date that the child graduates from high
10 school or the date the child attains the age of 19, whichever
11 is earlier, but not by the death of a parent obligated to
12 support or educate the child. An existing obligation to pay for
13 support or educational expenses, or both, is not terminated by
14 the death of a parent. When a parent obligated to pay support
15 or educational expenses, or both, dies, the amount of support
16 or educational expenses, or both, may be enforced, modified,
17 revoked or commuted to a lump sum payment, as equity may
18 require, and that determination may be provided for at the time
19 of the dissolution of the marriage or thereafter.

20 (e) The right to petition for support or educational
21 expenses, or both, under Sections 505 and 513 is not
22 extinguished by the death of a parent. Upon a petition filed
23 before or after a parent's death, the court may award sums of
24 money out of the decedent's estate for the child's support or
25 educational expenses, or both, as equity may require. The time
26 within which a claim may be filed against the estate of a

1 decedent under Sections 505 and 513 and subsection (d) and this
2 subsection shall be governed by the provisions of the Probate
3 Act of 1975, as a barrable, noncontingent claim.

4 (f) A petition to modify or terminate child support,
5 custody, or visitation shall not delay any child support
6 enforcement litigation or supplementary proceeding on behalf
7 of the obligee, including, but not limited to, a petition for a
8 rule to show cause, for non-wage garnishment, or for a
9 restraining order.

10 (Source: P.A. 92-289, eff. 8-9-01; 92-590, eff. 7-1-02; 92-651,
11 eff. 7-11-02; 92-876, eff. 6-1-03; 93-353, eff. 1-1-04; revised
12 12-15-05.)

13 (750 ILCS 5/516) (from Ch. 40, par. 516)

14 Sec. 516. Public Aid collection fee. In all cases
15 instituted by the Department of Healthcare and Family Services
16 (formerly Illinois Department of Public Aid) on behalf of a
17 child or spouse, other than one receiving a grant of financial
18 aid under Article IV of The Illinois Public Aid Code, on whose
19 behalf an application has been made and approved for child
20 support enforcement services as provided by Section 10-1 of
21 that Code, the court shall impose a collection fee on the
22 individual who owes a child or spouse support obligation in an
23 amount equal to 10% of the amount so owed as long as such
24 collection is required by federal law, which fee shall be in
25 addition to the support obligation. The imposition of such fee

1 shall be in accordance with provisions of Title IV, Part D, of
2 the Social Security Act and regulations duly promulgated
3 thereunder. The fee shall be payable to the clerk of the
4 circuit court for transmittal to the ~~Illinois~~ Department of
5 Healthcare and Family Services ~~Public Aid~~ and shall continue
6 until child support enforcement services are terminated by that
7 Department.

8 (Source: P.A. 92-590, eff. 7-1-02; revised 12-15-05.)

9 (750 ILCS 5/517)

10 Sec. 517. Notice of child support enforcement services. The
11 ~~Illinois~~ Department of Healthcare and Family Services ~~Public~~
12 ~~Aid~~ may provide notice at any time to the parties to an action
13 filed under this Act that child support enforcement services
14 are being provided by the ~~Illinois~~ Department under Article X
15 of the Illinois Public Aid Code. The notice shall be sent by
16 regular mail to the party's last known address on file with the
17 clerk of the court or the State Case Registry established under
18 Section 10-27 of the Illinois Public Aid Code. After notice is
19 provided pursuant to this Section, the ~~Illinois~~ Department
20 shall be entitled, as if it were a party, to notice of any
21 further proceedings brought in the case. The ~~Illinois~~
22 Department shall provide the clerk of the court with copies of
23 the notices sent to the parties. The clerk shall file the
24 copies in the court file.

25 (Source: P.A. 94-88, eff. 1-1-06; revised 12-15-05.)

1 (750 ILCS 5/601.5)

2 Sec. 601.5. Training. The chief circuit judge or designated
3 presiding judge may approve 3 hours of training for guardians
4 ad litem ~~guardian ad litem~~ appointed under Section 601 of this
5 Act, professional personnel appointed under Section 604 of this
6 Act, evaluators appointed under Section 604.5 of this Act, and
7 investigators appointed under Section 605 of this Act. This
8 training shall include a component on the dynamics of domestic
9 violence and its effect on parents and children.

10 (Source: P.A. 94-377, eff. 7-29-05; revised 9-15-06.)

11 (750 ILCS 5/602) (from Ch. 40, par. 602)

12 Sec. 602. Best Interest of Child.

13 (a) The court shall determine custody in accordance with
14 the best interest of the child. The court shall consider all
15 relevant factors including:

16 (1) the wishes of the child's parent or parents as to
17 his custody;

18 (2) the wishes of the child as to his custodian;

19 (3) the interaction and interrelationship of the child
20 with his parent or parents, his siblings and any other
21 person who may significantly affect the child's best
22 interest;

23 (4) the child's adjustment to his home, school and
24 community;

1 (5) the mental and physical health of all individuals
2 involved;

3 (6) the physical violence or threat of physical
4 violence by the child's potential custodian, whether
5 directed against the child or directed against another
6 person;

7 (7) the occurrence of ongoing or repeated abuse as
8 defined in Section 103 of the Illinois Domestic Violence
9 Act of 1986, whether directed against the child or directed
10 against another person;

11 (8) the willingness and ability of each parent to
12 facilitate and encourage a close and continuing
13 relationship between the other parent and the child; and

14 (9) whether one of the parents is a sex offender.

15 In the case of a custody proceeding in which a stepparent
16 has standing under Section 601, it is presumed to be in the
17 best interest of the minor child that the natural parent have
18 the custody of the minor child unless the presumption is
19 rebutted by the stepparent.

20 (b) The court shall not consider conduct of a present or
21 proposed custodian that does not affect his relationship to the
22 child.

23 (c) Unless the court finds the occurrence of ongoing abuse
24 as defined in Section 103 of the Illinois Domestic Violence Act
25 of 1986, the court shall presume that the maximum involvement
26 and cooperation of both parents regarding the physical, mental,

1 moral, and emotional well-being of their child is in the best
2 interest of the child. There shall be no presumption in favor
3 of or against joint custody.

4 (Source: P.A. 94-377, eff. 7-29-05; 94-643, eff. 1-1-06;
5 revised 8-29-05.)

6 (750 ILCS 5/704) (from Ch. 40, par. 704)

7 Sec. 704. Public Aid Provisions.) Except as provided in
8 Sections 709 through 712, if maintenance, child support or
9 both, is awarded to persons who are recipients of aid under
10 "The Illinois Public Aid Code", the court shall direct the
11 husband or wife, as the case may be, to make the payments to
12 (1) the ~~Illinois~~ Department of Healthcare and Family Services
13 ~~Public Aid~~ if the persons are recipients under Articles III, IV
14 or V of the Code, or (2) the local governmental unit
15 responsible for their support if they are recipients under
16 Article VI or VII of the Code. The order shall permit the
17 ~~Illinois~~ Department of Healthcare and Family Services ~~Public~~
18 ~~Aid~~ or the local governmental unit, as the case may be, to
19 direct that subsequent payments be made directly to the former
20 spouse, the children, or both, or to some person or agency in
21 their behalf, upon removal of the former spouse or children
22 from the public aid rolls; and upon such direction and removal
23 of the recipients from the public aid rolls, the ~~Illinois~~
24 Department or local governmental unit, as the case requires,
25 shall give written notice of such action to the court.

1 (Source: P.A. 81-1474; revised 12-15-05.)

2 (750 ILCS 5/705) (from Ch. 40, par. 705)

3 Sec. 705. Support payments; receiving and disbursing
4 agents.

5 (1) The provisions of this Section shall apply, except as
6 provided in Sections 709 through 712.

7 (2) In a dissolution of marriage action filed in a county
8 of less than 3 million population in which an order or judgment
9 for child support is entered, and in supplementary proceedings
10 in any such county to enforce or vary the terms of such order
11 or judgment arising out of an action for dissolution of
12 marriage filed in such county, the court, except as it
13 otherwise orders, under subsection (4) of this Section, may
14 direct that child support payments be made to the clerk of the
15 court.

16 (3) In a dissolution of marriage action filed in any county
17 of 3 million or more population in which an order or judgment
18 for child support is entered, and in supplementary proceedings
19 in any such county to enforce or vary the terms of such order
20 or judgment arising out of an action for dissolution of
21 marriage filed in such county, the court, except as it
22 otherwise orders under subsection (4) of this Section, may
23 direct that child support payments be made either to the clerk
24 of the court or to the Court Service Division of the County
25 Department of Public Aid. After the effective date of this Act,

1 the court, except as it otherwise orders under subsection (4)
2 of this Section, may direct that child support payments be made
3 either to the clerk of the court or to the ~~Illinois~~ Department
4 of Healthcare and Family Services ~~Public Aid~~.

5 (4) In a dissolution of marriage action or supplementary
6 proceedings involving maintenance or child support payments,
7 or both, to persons who are recipients of aid under the
8 Illinois Public Aid Code, the court shall direct that such
9 payments be made to (a) the ~~Illinois~~ Department of Healthcare
10 and Family Services ~~Public Aid~~ if the persons are recipients
11 under Articles III, IV, or V of the Code, or (b) the local
12 governmental unit responsible for their support if they are
13 recipients under Articles VI or VII of the Code. In accordance
14 with federal law and regulations, the ~~Illinois~~ Department of
15 Healthcare and Family Services ~~Public Aid~~ may continue to
16 collect current maintenance payments or child support
17 payments, or both, after those persons cease to receive public
18 assistance and until termination of services under Article X of
19 the Illinois Public Aid Code. The ~~Illinois~~ Department of
20 Healthcare and Family Services ~~Public Aid~~ shall pay the net
21 amount collected to those persons after deducting any costs
22 incurred in making the collection or any collection fee from
23 the amount of any recovery made. The order shall permit the
24 ~~Illinois~~ Department of Healthcare and Family Services ~~Public~~
25 ~~Aid~~ or the local governmental unit, as the case may be, to
26 direct that payments be made directly to the former spouse, the

1 children, or both, or to some person or agency in their behalf,
2 upon removal of the former spouse or children from the public
3 aid rolls or upon termination of services under Article X of
4 the Illinois Public Aid Code; and upon such direction, the
5 ~~Illinois~~ Department or local governmental unit, as the case
6 requires, shall give notice of such action to the court in
7 writing or by electronic transmission.

8 (5) All clerks of the court and the Court Service Division
9 of a County Department of Public Aid and, after the effective
10 date of this Act, all clerks of the court and the ~~Illinois~~
11 Department of Healthcare and Family Services ~~Public Aid~~,
12 receiving child support payments under subsections (2) and (3)
13 of this Section shall disburse the payments to the person or
14 persons entitled thereto under the terms of the order or
15 judgment. They shall establish and maintain current records of
16 all moneys received and disbursed and of defaults and
17 delinquencies in required payments. The court, by order or
18 rule, shall make provision for the carrying out of these
19 duties.

20 Payments under this Section to the ~~Illinois~~ Department of
21 Healthcare and Family Services ~~Public Aid~~ pursuant to the Child
22 Support Enforcement Program established by Title IV-D of the
23 Social Security Act shall be paid into the Child Support
24 Enforcement Trust Fund. All payments under this Section to the
25 Illinois Department of Human Services shall be deposited in the
26 DHS Recoveries Trust Fund. Disbursements from these funds shall

1 be as provided in the Illinois Public Aid Code. Payments
2 received by a local governmental unit shall be deposited in
3 that unit's General Assistance Fund. Any order of court
4 directing payment of child support to a clerk of court or the
5 Court Service Division of a County Department of Public Aid,
6 which order has been entered on or after August 14, 1961, and
7 prior to the effective date of this Act, may be amended by the
8 court in line with this Act; and orders involving payments of
9 maintenance or child support to recipients of public aid may in
10 like manner be amended to conform to this Act.

11 (6) No filing fee or costs will be required in any action
12 brought at the request of the ~~Illinois~~ Department of Healthcare
13 and Family Services ~~Public Aid~~ in any proceeding under this
14 Act. However, any such fees or costs may be assessed by the
15 court against the respondent in the court's order of support or
16 any modification thereof in a proceeding under this Act.

17 (7) For those cases in which child support is payable to
18 the clerk of the circuit court for transmittal to the
19 Department of Healthcare and Family Services (formerly
20 Illinois Department of Public Aid) by order of court or upon
21 notification by the Department of Healthcare and Family
22 Services (formerly Illinois Department of Public Aid), the
23 clerk shall transmit all such payments, within 4 working days
24 of receipt, to insure that funds are available for immediate
25 distribution by the Department to the person or entity entitled
26 thereto in accordance with standards of the Child Support

1 Enforcement Program established under Title IV-D of the Social
2 Security Act. The clerk shall notify the Department of the date
3 of receipt and amount thereof at the time of transmittal. Where
4 the clerk has entered into an agreement of cooperation with the
5 Department to record the terms of child support orders and
6 payments made thereunder directly into the Department's
7 automated data processing system, the clerk shall account for,
8 transmit and otherwise distribute child support payments in
9 accordance with such agreement in lieu of the requirements
10 contained herein.

11 In any action filed in a county with a population of
12 1,000,000 or less, the court shall assess against the
13 respondent in any order of maintenance or child support any sum
14 up to \$36 annually authorized by ordinance of the county board
15 to be collected by the clerk of the court as costs for
16 administering the collection and disbursement of maintenance
17 and child support payments. Such sum shall be in addition to
18 and separate from amounts ordered to be paid as maintenance or
19 child support.

20 (8) To the extent the provisions of this Section are
21 inconsistent with the requirements pertaining to the State
22 Disbursement Unit under Section 507.1 of this Act and Section
23 10-26 of the Illinois Public Aid Code, the requirements
24 pertaining to the State Disbursement Unit shall apply.

25 (Source: P.A. 94-88, eff. 1-1-06; revised 12-15-05.)

1 (750 ILCS 5/709) (from Ch. 40, par. 709)

2 Sec. 709. Mandatory child support payments to clerk.

3 (a) As of January 1, 1982, child support orders entered in
4 any county covered by this subsection shall be made pursuant to
5 the provisions of Sections 709 through 712 of this Act. For
6 purposes of these Sections, the term "child support payment" or
7 "payment" shall include any payment ordered to be made solely
8 for the purpose of the support of a child or children or any
9 payment ordered for general support which includes any amount
10 for support of any child or children.

11 The provisions of Sections 709 through 712 shall be
12 applicable to any county with a population of 2 million or more
13 and to any other county which notifies the Supreme Court of its
14 desire to be included within the coverage of these Sections and
15 is certified pursuant to Supreme Court Rules.

16 The effective date of inclusion, however, shall be subject
17 to approval of the application for reimbursement of the costs
18 of the support program by the Department of Healthcare and
19 Family Services ~~Public Aid~~ as provided in Section 712.

20 (b) In any proceeding for a dissolution of marriage, legal
21 separation, or declaration of invalidity of marriage, or in any
22 supplementary proceedings in which a judgment or modification
23 thereof for the payment of child support is entered on or after
24 January 1, 1982, in any county covered by Sections 709 through
25 712, and the person entitled to payment is receiving a grant of
26 financial aid under Article IV of the Illinois Public Aid Code

1 or has applied and qualified for child support enforcement
2 services under Section 10-1 of that Code, the court shall
3 direct: (1) that such payments be made to the clerk of the
4 court and (2) that the parties affected shall each thereafter
5 notify the clerk of any change of address or change in other
6 conditions that may affect the administration of the order,
7 including the fact that a party who was previously not on
8 public aid has become a recipient of public aid, within 10 days
9 of such change. All notices sent to the obligor's last known
10 address on file with the clerk shall be deemed sufficient to
11 proceed with enforcement pursuant to the provisions of Sections
12 709 through 712.

13 In all other cases, the court may direct that payments be
14 made to the clerk of the court.

15 (c) Except as provided in subsection (d) of this Section,
16 the clerk shall disburse the payments to the person or persons
17 entitled thereto under the terms of the order or judgment.

18 (d) The court shall determine, prior to the entry of the
19 support order, if the party who is to receive the support is
20 presently receiving public aid or has a current application for
21 public aid pending and shall enter the finding on the record.

22 If the person entitled to payment is a recipient of aid
23 under the Illinois Public Aid Code, the clerk, upon being
24 informed of this fact by finding of the court, by notification
25 by the party entitled to payment, by the Department of
26 Healthcare and Family Services (formerly Illinois Department

1 of Public Aid) or by the local governmental unit, shall make
2 all payments to: (1) the ~~Illinois~~ Department of Healthcare and
3 Family Services ~~Public Aid~~ if the person is a recipient under
4 Article III, IV, or V of the Code or (2) the local governmental
5 unit responsible for his or her support if the person is a
6 recipient under Article VI or VII of the Code. In accordance
7 with federal law and regulations, the ~~Illinois~~ Department of
8 Healthcare and Family Services ~~Public Aid~~ may continue to
9 collect current maintenance payments or child support
10 payments, or both, after those persons cease to receive public
11 assistance and until termination of services under Article X of
12 the Illinois Public Aid Code. The ~~Illinois~~ Department of
13 Healthcare and Family Services ~~Public Aid~~ shall pay the net
14 amount collected to those persons after deducting any costs
15 incurred in making the collection or any collection fee from
16 the amount of any recovery made. Upon termination of public aid
17 payments to such a recipient or termination of services under
18 Article X of the Illinois Public Aid Code, the ~~Illinois~~
19 Department of Healthcare and Family Services ~~Public Aid~~ or the
20 appropriate local governmental unit shall notify the clerk in
21 writing or by electronic transmission that all subsequent
22 payments are to be sent directly to the person entitled
23 thereto.

24 Payments under this Section to the ~~Illinois~~ Department of
25 Healthcare and Family Services ~~Public Aid~~ pursuant to the Child
26 Support Enforcement Program established by Title IV-D of the

1 Social Security Act shall be paid into the Child Support
2 Enforcement Trust Fund. All payments under this Section to the
3 Illinois Department of Human Services shall be deposited in the
4 DHS Recoveries Trust Fund. Disbursements from these funds shall
5 be as provided in the Illinois Public Aid Code. Payments
6 received by a local governmental unit shall be deposited in
7 that unit's General Assistance Fund.

8 (e) Any order or judgment may be amended by the court, upon
9 its own motion or upon the motion of either party, to conform
10 with the provisions of Sections 709 through 712, either as to
11 the requirement of making payments to the clerk or, where
12 payments are already being made to the clerk, as to the
13 statutory fees provided for under Section 711.

14 (f) The clerk may invest in any interest bearing account or
15 in any securities, monies collected for the benefit of a payee,
16 where such payee cannot be found; however, the investment may
17 be only for the period until the clerk is able to locate and
18 present the payee with such monies. The clerk may invest in any
19 interest bearing account, or in any securities, monies
20 collected for the benefit of any other payee; however, this
21 does not alter the clerk's obligation to make payments to the
22 payee in a timely manner. Any interest or capital gains accrued
23 shall be for the benefit of the county and shall be paid into
24 the special fund established in subsection (b) of Section 711.

25 (g) The clerk shall establish and maintain a payment record
26 of all monies received and disbursed and such record shall

1 constitute prima facie evidence of such payment and
2 non-payment, as the case may be.

3 (h) For those cases in which child support is payable to
4 the clerk of the circuit court for transmittal to the
5 Department of Healthcare and Family Services (formerly
6 Illinois Department of Public Aid) by order of court or upon
7 notification by the Department of Healthcare and Family
8 Services (formerly Illinois Department of Public Aid), the
9 clerk shall transmit all such payments, within 4 working days
10 of receipt, to insure that funds are available for immediate
11 distribution by the Department to the person or entity entitled
12 thereto in accordance with standards of the Child Support
13 Enforcement Program established under Title IV-D of the Social
14 Security Act. The clerk shall notify the Department of the date
15 of receipt and amount thereof at the time of transmittal. Where
16 the clerk has entered into an agreement of cooperation with the
17 Department to record the terms of child support orders and
18 payments made thereunder directly into the Department's
19 automated data processing system, the clerk shall account for,
20 transmit and otherwise distribute child support payments in
21 accordance with such agreement in lieu of the requirements
22 contained herein.

23 (i) To the extent the provisions of this Section are
24 inconsistent with the requirements pertaining to the State
25 Disbursement Unit under Section 507.1 of this Act and Section
26 10-26 of the Illinois Public Aid Code, the requirements

1 pertaining to the State Disbursement Unit shall apply.

2 (Source: P.A. 94-88, eff. 1-1-06; revised 12-15-05.)

3 (750 ILCS 5/712) (from Ch. 40, par. 712)

4 Sec. 712. (a) The Supreme Court may make Rules concerning
5 the certification of counties for inclusion in the child
6 support enforcement program and the application of the
7 procedures created by Sections 709 through 712 in the various
8 counties.

9 The Supreme Court shall inform each circuit court and clerk
10 of the court of the availability of the program to reimburse
11 counties desiring to participate in the program of enforcement
12 of child support payments.

13 The Supreme Court shall also distribute to each circuit
14 court and clerk of the court any materials prepared by the
15 Child and Spouse Support Unit comparing child support
16 enforcement in counties included and not included in this
17 program.

18 (b) The ~~Illinois~~ Department of Healthcare and Family
19 Services ~~Public Aid~~, through the Child and Spouse Support Unit
20 provided for by Section 10-3.1 of The Illinois Public Aid Code,
21 shall have general supervision of the child support programs
22 created by Sections 709 through 712 and shall have the powers
23 and duties provided in this Section, including the following:

24 (1) to make advance payments to any county included in the
25 program for expenses in preparing programs to enforce payment

1 of child support to the clerk from appropriations made for such
2 purposes by the General Assembly;

3 (2) to make payments to each covered county to pay for its
4 reasonable expenses actually necessary to maintain a
5 continuing program not paid for by fees, penalties, or other
6 monies; provided that, with respect to that portion of the
7 program on behalf of dependent children included in a grant of
8 financial aid under Article IV of The Illinois Public Aid Code
9 the Unit shall pay only such expenses as is its current
10 practice or as it may deem appropriate; provided further that
11 the Unit shall only pay expenses of the entire program subject
12 to the availability of federal monies to pay the majority of
13 expenses of the entire child support enforcement program;
14 provided further that the Unit or Department may set standards
15 relating to enforcement which have to be met by any county
16 seeking to enter a contract with the Department for
17 reimbursement of expenses of the entire enforcement program
18 prior to an application for reimbursement being approved and
19 the contract granted; and provided further that such standards
20 may relate to, but are not limited to the following factors:
21 maintenance of the payment record, the definition of
22 delinquency; the period of time in which a delinquency must be
23 determined, the payor notified, the remittance received, the
24 referral to the state's attorney made, and the payment remitted
25 by the clerk to the payee or other party entitled to the
26 payment; the conditions under which referral will not be made

1 to the state's attorney; and the definitions and procedures for
2 other matters necessary for the conduct and operation of the
3 program;

4 (3) to monitor the various local programs for enforcement
5 of child support payments to the clerk;

6 (4) to act to encourage enforcement whenever local
7 enforcement procedures are inadequate;

8 (5) to receive monies from any source for assistance in
9 enforcement of child support; and

10 (6) to assist any county desirous of assistance in
11 establishing and maintaining a child support enforcement
12 program.

13 (c) Any county may apply for financial assistance to the
14 Unit to initiate or maintain a program of child support
15 enforcement. Every county which desires such assistance shall
16 apply according to procedures established by the Unit. In its
17 application, it shall state the following: financial needs,
18 personnel requirements, anticipated caseloads, any amounts
19 collected or anticipated in fees or penalties, and any other
20 information required by the Unit.

21 (d) In the case that any advance money is given to any
22 county under this Section to initiate an enforcement system,
23 the county shall reimburse the state within 2 years from the
24 date such monies are given to it. The Unit may establish an
25 appropriate schedule of reimbursement for any county.

26 (e) In the event of the unavailability of federal monies to

1 pay for the greater part of the costs to a county of the child
2 support enforcement program under Sections 709 through 712 and
3 the resulting cessation of state participation, the operation
4 of the child support enforcement program under Sections 709
5 through 712 shall terminate. The date and the method of
6 termination shall be determined by Supreme Court Rule.

7 (Source: P.A. 84-1395; revised 12-15-05.)

8 Section 1130. The Non-Support Punishment Act is amended by
9 changing Sections 7, 20, 25, 30, 35, and 60 as follows:

10 (750 ILCS 16/7)

11 Sec. 7. Prosecutions by Attorney General. In addition to
12 enforcement proceedings by the several State's Attorneys, a
13 proceeding for the enforcement of this Act may be instituted
14 and prosecuted by the Attorney General in cases referred by the
15 ~~Illinois~~ Department of Healthcare and Family Services ~~Public~~
16 ~~Aid~~ involving persons receiving child support enforcement
17 services under Article X of the Illinois Public Aid Code.
18 Before referring a case to the Attorney General for enforcement
19 under this Act, the Department of Healthcare and Family
20 Services ~~Public Aid~~ shall notify the person receiving child
21 support enforcement services under Article X of the Illinois
22 Public Aid Code of the Department's intent to refer the case to
23 the Attorney General under this Section for prosecution.

24 (Source: P.A. 91-613, eff. 10-1-99; 92-590, eff. 7-1-02;

1 revised 12-15-05.)

2 (750 ILCS 16/20)

3 Sec. 20. Entry of order for support; income withholding.

4 (a) In a case in which no court or administrative order for
5 support is in effect against the defendant:

6 (1) at any time before the trial, upon motion of the
7 State's Attorney, or of the Attorney General if the action
8 has been instituted by his office, and upon notice to the
9 defendant, or at the time of arraignment or as a condition
10 of postponement of arraignment, the court may enter such
11 temporary order for support as may seem just, providing for
12 the support or maintenance of the spouse or child or
13 children of the defendant, or both, pendente lite; or

14 (2) before trial with the consent of the defendant, or
15 at the trial on entry of a plea of guilty, or after
16 conviction, instead of imposing the penalty provided in
17 this Act, or in addition thereto, the court may enter an
18 order for support, subject to modification by the court
19 from time to time as circumstances may require, directing
20 the defendant to pay a certain sum for maintenance of the
21 spouse, or for support of the child or children, or both.

22 (b) The court shall determine the amount of child support
23 by using the guidelines and standards set forth in subsection
24 (a) of Section 505 and in Section 505.2 of the Illinois
25 Marriage and Dissolution of Marriage Act.

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 support that was
10 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) The court shall determine the amount of maintenance
14 using the standards set forth in Section 504 of the Illinois
15 Marriage and Dissolution of Marriage Act.

16 (d) The court may, for violation of any order under this
17 Section, punish the offender as for a contempt of court, but no
18 pendente lite order shall remain in effect longer than 4
19 months, or after the discharge of any panel of jurors summoned
20 for service thereafter in such court, whichever is sooner.

21 (e) Any order for support entered by the court under this
22 Section shall be deemed to be a series of judgments against the
23 person obligated to pay support under the judgments, each such
24 judgment to be in the amount of each payment or installment of
25 support and each judgment to be deemed entered as of the date
26 the corresponding payment or installment becomes due under the

1 terms of the support order. Each judgment shall have the full
2 force, effect, and attributes of any other judgment of this
3 State, including the ability to be enforced. Each judgment is
4 subject to modification or termination only in accordance with
5 Section 510 of the Illinois Marriage and Dissolution of
6 Marriage Act. A lien arises by operation of law against the
7 real and personal property of the noncustodial parent for each
8 installment of overdue support owed by the noncustodial parent.

9 (f) An order for support entered under this Section shall
10 include a provision requiring the obligor to report to the
11 obligee and to the clerk of the court within 10 days each time
12 the obligor obtains new employment, and each time the obligor's
13 employment is terminated for any reason. The report shall be in
14 writing and shall, in the case of new employment, include the
15 name and address of the new employer.

16 Failure to report new employment or the termination of
17 current employment, if coupled with nonpayment of support for a
18 period in excess of 60 days, is indirect criminal contempt. For
19 any obligor arrested for failure to report new employment, bond
20 shall be set in the amount of the child support that should
21 have been paid during the period of unreported employment.

22 An order for support entered under this Section shall also
23 include a provision requiring the obligor and obligee parents
24 to advise each other of a change in residence within 5 days of
25 the change except when the court finds that the physical,
26 mental, or emotional health of a party or of a minor child, or

1 both, would be seriously endangered by disclosure of the
2 party's address.

3 (g) An order for support entered or modified in a case in
4 which a party is receiving child support enforcement services
5 under Article X of the Illinois Public Aid Code shall include a
6 provision requiring the noncustodial parent to notify the
7 ~~Illinois~~ Department of Healthcare and Family Services ~~Public~~
8 ~~Aid~~, within 7 days, of the name and address of any new employer
9 of the noncustodial parent, whether the noncustodial parent has
10 access to health insurance coverage through the employer or
11 other group coverage and, if so, the policy name and number and
12 the names of persons covered under the policy.

13 (h) In any subsequent action to enforce an order for
14 support entered under this Act, upon sufficient showing that
15 diligent effort has been made to ascertain the location of the
16 noncustodial parent, service of process or provision of notice
17 necessary in that action may be made at the last known address
18 of the noncustodial parent, in any manner expressly provided by
19 the Code of Civil Procedure or in this Act, which service shall
20 be sufficient for purposes of due process.

21 (i) An order for support shall include a date on which the
22 current support obligation terminates. The termination date
23 shall be no earlier than the date on which the child covered by
24 the order will attain the age of 18. However, if the child will
25 not graduate from high school until after attaining the age of
26 18, then the termination date shall be no earlier than the

1 earlier of the date on which the child's high school graduation
2 will occur or the date on which the child will attain the age
3 of 19. The order for support shall state that the termination
4 date does not apply to any arrearage that may remain unpaid on
5 that date. Nothing in this subsection shall be construed to
6 prevent the court from modifying the order or terminating the
7 order in the event the child is otherwise emancipated.

8 (i-5) If there is an unpaid arrearage or delinquency (as
9 those terms are defined in the Income Withholding for Support
10 Act) equal to at least one month's support obligation on the
11 termination date stated in the order for support or, if there
12 is no termination date stated in the order, on the date the
13 child attains the age of majority or is otherwise emancipated,
14 the periodic amount required to be paid for current support of
15 that child immediately prior to that date shall automatically
16 continue to be an obligation, not as current support but as
17 periodic payment toward satisfaction of the unpaid arrearage or
18 delinquency. That periodic payment shall be in addition to any
19 periodic payment previously required for satisfaction of the
20 arrearage or delinquency. The total periodic amount to be paid
21 toward satisfaction of the arrearage or delinquency may be
22 enforced and collected by any method provided by law for
23 enforcement and collection of child support, including but not
24 limited to income withholding under the Income Withholding for
25 Support Act. Each order for support entered or modified on or
26 after the effective date of this amendatory Act of the 93rd

1 General Assembly must contain a statement notifying the parties
2 of the requirements of this subsection. Failure to include the
3 statement in the order for support does not affect the validity
4 of the order or the operation of the provisions of this
5 subsection with regard to the order. This subsection shall not
6 be construed to prevent or affect the establishment or
7 modification of an order for support of a minor child or the
8 establishment or modification of an order for support of a
9 non-minor child or educational expenses under Section 513 of
10 the Illinois Marriage and Dissolution of Marriage Act.

11 (j) A support obligation, or any portion of a support
12 obligation, which becomes due and remains unpaid as of the end
13 of each month, excluding the child support that was due for
14 that month to the extent that it was not paid in that month,
15 shall accrue simple interest as set forth in Section 12-109 of
16 the Code of Civil Procedure. An order for support entered or
17 modified on or after January 1, 2006 shall contain a statement
18 that a support obligation required under the order, or any
19 portion of a support obligation required under the order, that
20 becomes due and remains unpaid as of the end of each month,
21 excluding the child support that was due for that month to the
22 extent that it was not paid in that month, shall accrue simple
23 interest as set forth in Section 12-109 of the Code of Civil
24 Procedure. Failure to include the statement in the order for
25 support does not affect the validity of the order or the
26 accrual of interest as provided in this Section.

1 (Source: P.A. 93-1061, eff. 1-1-05; 94-90, eff. 1-1-06; revised
2 12-15-05.)

3 (750 ILCS 16/25)

4 Sec. 25. Payment of support to State Disbursement Unit;
5 clerk of the court.

6 (a) As used in this Section, "order for support",
7 "obligor", "obligee", and "payor" mean those terms as defined
8 in the Income Withholding for Support Act.

9 (b) Each order for support entered or modified under
10 Section 20 of this Act shall require that support payments be
11 made to the State Disbursement Unit established under the
12 Illinois Public Aid Code, under the following circumstances:

13 (1) when a party to the order is receiving child
14 support enforcement services under Article X of the
15 Illinois Public Aid Code; or

16 (2) when no party to the order is receiving child
17 support enforcement services, but the support payments are
18 made through income withholding.

19 (c) When no party to the order is receiving child support
20 enforcement services, and payments are not being made through
21 income withholding, the court shall order the obligor to make
22 support payments to the clerk of the court.

23 (d) At any time, and notwithstanding the existence of an
24 order directing payments to be made elsewhere, the Department
25 of Healthcare and Family Services ~~Public Aid~~ may provide notice

1 to the obligor and, where applicable, to the obligor's payor:

2 (1) to make support payments to the State Disbursement
3 Unit if:

4 (A) a party to the order for support is receiving
5 child support enforcement services under Article X of
6 the Illinois Public Aid Code; or

7 (B) no party to the order for support is receiving
8 child support enforcement services under Article X of
9 the Illinois Public Aid Code, but the support payments
10 are made through income withholding; or

11 (2) to make support payments to the State Disbursement
12 Unit of another state upon request of another state's Title
13 IV-D child support enforcement agency, in accordance with
14 the requirements of Title IV, Part D of the Social Security
15 Act and regulations promulgated under that Part D.

16 The Department of Healthcare and Family Services ~~Public Aid~~
17 shall provide a copy of the notice to the obligee and to the
18 clerk of the circuit court.

19 (e) If a State Disbursement Unit as specified by federal
20 law has not been created in Illinois upon the effective date of
21 this Act, then, until the creation of a State Disbursement Unit
22 as specified by federal law, the following provisions regarding
23 payment and disbursement of support payments shall control and
24 the provisions in subsections (a), (b), (c), and (d) shall be
25 inoperative. Upon the creation of a State Disbursement Unit as
26 specified by federal law, the payment and disbursement

1 provisions of subsections (a), (b), (c), and (d) shall control,
2 and this subsection (e) shall be inoperative to the extent that
3 it conflicts with those subsections.

4 (1) In cases in which an order for support is entered
5 under Section 20 of this Act, the court shall order that
6 maintenance and support payments be made to the clerk of
7 the court for remittance to the person or agency entitled
8 to receive the payments. However, the court in its
9 discretion may direct otherwise where exceptional
10 circumstances so warrant.

11 (2) The court shall direct that support payments be
12 sent by the clerk to (i) the ~~Illinois~~ Department of
13 Healthcare and Family Services ~~Public Aid~~ if the person in
14 whose behalf payments are made is receiving aid under
15 Articles III, IV, or V of the Illinois Public Aid Code, or
16 child support enforcement services under Article X of the
17 Code, or (ii) to the local governmental unit responsible
18 for the support of the person if he or she is a recipient
19 under Article VI of the Code. In accordance with federal
20 law and regulations, the ~~Illinois~~ Department of Healthcare
21 and Family Services ~~Public Aid~~ may continue to collect
22 current maintenance payments or child support payments, or
23 both, after those persons cease to receive public
24 assistance and until termination of services under Article
25 X of the Illinois Public Aid Code. The ~~Illinois~~ Department
26 shall pay the net amount collected to those persons after

1 deducting any costs incurred in making the collection or
2 any collection fee from the amount of any recovery made.
3 The order shall permit the ~~Illinois~~ Department of
4 Healthcare and Family Services ~~Public Aid~~ or the local
5 governmental unit, as the case may be, to direct that
6 support payments be made directly to the spouse, children,
7 or both, or to some person or agency in their behalf, upon
8 removal of the spouse or children from the public aid rolls
9 or upon termination of services under Article X of the
10 Illinois Public Aid Code; and upon such direction, the
11 ~~Illinois~~ Department or the local governmental unit, as the
12 case requires, shall give notice of such action to the
13 court in writing or by electronic transmission.

14 (3) The clerk of the court shall establish and maintain
15 current records of all moneys received and disbursed and of
16 delinquencies and defaults in required payments. The
17 court, by order or rule, shall make provision for the
18 carrying out of these duties.

19 (4) (Blank).

20 (5) Payments under this Section to the ~~Illinois~~
21 Department of Healthcare and Family Services ~~Public Aid~~
22 pursuant to the Child Support Enforcement Program
23 established by Title IV-D of the Social Security Act shall
24 be paid into the Child Support Enforcement Trust Fund. All
25 other payments under this Section to the ~~Illinois~~
26 Department of Healthcare and Family Services ~~Public Aid~~

1 shall be deposited in the Public Assistance Recoveries
2 Trust Fund. Disbursements from these funds shall be as
3 provided in the Illinois Public Aid Code. Payments received
4 by a local governmental unit shall be deposited in that
5 unit's General Assistance Fund.

6 (6) For those cases in which child support is payable
7 to the clerk of the circuit court for transmittal to the
8 Department of Healthcare and Family Services (formerly
9 Illinois Department of Public Aid) by order of court or
10 upon notification by the Department of Healthcare and
11 Family Services (formerly Illinois Department of Public
12 Aid), the clerk shall transmit all such payments, within 4
13 working days of receipt, to insure that funds are available
14 for immediate distribution by the Department to the person
15 or entity entitled thereto in accordance with standards of
16 the Child Support Enforcement Program established under
17 Title IV-D of the Social Security Act. The clerk shall
18 notify the Department of the date of receipt and amount
19 thereof at the time of transmittal. Where the clerk has
20 entered into an agreement of cooperation with the
21 Department to record the terms of child support orders and
22 payments made thereunder directly into the Department's
23 automated data processing system, the clerk shall account
24 for, transmit and otherwise distribute child support
25 payments in accordance with such agreement in lieu of the
26 requirements contained herein.

1 (Source: P.A. 94-88, eff. 1-1-06; revised 12-15-05.)

2 (750 ILCS 16/30)

3 Sec. 30. Information to State Case Registry.

4 (a) In this Section:

5 "Order for support", "obligor", "obligee", and "business
6 day" are defined as set forth in the Income Withholding for
7 Support Act.

8 "State Case Registry" means the State Case Registry
9 established under Section 10-27 of the Illinois Public Aid
10 Code.

11 (b) Each order for support entered or modified by the
12 circuit court under this Act shall require that the obligor and
13 obligee (i) file with the clerk of the circuit court the
14 information required by this Section (and any other information
15 required under Title IV, Part D of the Social Security Act or
16 by the federal Department of Health and Human Services) at the
17 time of entry or modification of the order for support and (ii)
18 file updated information with the clerk within 5 business days
19 of any change. Failure of the obligor or obligee to file or
20 update the required information shall be punishable as in cases
21 of contempt. The failure shall not prevent the court from
22 entering or modifying the order for support, however.

23 (c) The obligor shall file the following information: the
24 obligor's name, date of birth, social security number, and
25 mailing address.

1 If either the obligor or the obligee receives child support
2 enforcement services from the ~~Illinois~~ Department of
3 Healthcare and Family Services ~~Public Aid~~ under Article X of
4 the Illinois Public Aid Code, the obligor shall also file the
5 following information: the obligor's telephone number,
6 driver's license number, and residential address (if different
7 from the obligor's mailing address), and the name, address, and
8 telephone number of the obligor's employer or employers.

9 (d) The obligee shall file the following information:

10 (1) The names of the obligee and the child or children
11 covered by the order for support.

12 (2) The dates of birth of the obligee and the child or
13 children covered by the order for support.

14 (3) The social security numbers of the obligee and the
15 child or children covered by the order for support.

16 (4) The obligee's mailing address.

17 (e) In cases in which the obligee receives child support
18 enforcement services from the ~~Illinois~~ Department of
19 Healthcare and Family Services ~~Public Aid~~ under Article X of
20 the Illinois Public Aid Code, the order for support shall (i)
21 require that the obligee file the information required under
22 subsection (d) with the ~~Illinois~~ Department of Healthcare and
23 Family Services ~~Public Aid~~ for inclusion in the State Case
24 Registry, rather than file the information with the clerk, and
25 (ii) require that the obligee include the following additional
26 information:

1 (1) The obligee's telephone and driver's license
2 numbers.

3 (2) The obligee's residential address, if different
4 from the obligee's mailing address.

5 (3) The name, address, and telephone number of the
6 obligee's employer or employers.

7 The order for support shall also require that the obligee
8 update the information filed with the ~~Illinois~~ Department of
9 Healthcare and Family Services ~~Public Aid~~ within 5 business
10 days of any change.

11 (f) The clerk shall provide the information filed under
12 this Section, together with the court docket number and county
13 in which the order for support was entered, to the State Case
14 Registry within 5 business days after receipt of the
15 information.

16 (g) In a case in which a party is receiving child support
17 enforcement services under Article X of the Illinois Public Aid
18 Code, the clerk shall provide the following additional
19 information to the State Case Registry within 5 business days
20 after entry or modification of an order for support or request
21 from the ~~Illinois~~ Department of Healthcare and Family Services
22 ~~Public Aid~~:

23 (1) The amount of monthly or other periodic support
24 owed under the order for support and other amounts,
25 including arrearage, interest, or late payment penalties
26 and fees, due or overdue under the order.

1 (2) Any such amounts that have been received by the
2 clerk, and the distribution of those amounts by the clerk.

3 (h) Information filed by the obligor and obligee under this
4 Section that is not specifically required to be included in the
5 body of an order for support under other laws is not a public
6 record and shall be treated as confidential and subject to
7 disclosure only in accordance with the provisions of this
8 Section, Section 10-27 of the Illinois Public Aid Code, and
9 Title IV, Part D of the Social Security Act.

10 (Source: P.A. 91-613, eff. 10-1-99; 92-463, eff. 8-22-01;
11 revised 12-15-05.)

12 (750 ILCS 16/35)

13 Sec. 35. Fine; release of defendant on probation; violation
14 of order for support; forfeiture of recognizance.

15 (a) Whenever a fine is imposed it may be directed by the
16 court to be paid, in whole or in part, to the spouse,
17 ex-spouse, or if the support of a child or children is
18 involved, to the custodial parent, to the clerk, probation
19 officer, or to the ~~Illinois~~ Department of Healthcare and Family
20 Services ~~Public Aid~~ if a recipient of child support enforcement
21 services under Article X of the Illinois Public Aid Code is
22 involved as the case requires, to be disbursed by such officers
23 or agency under the terms of the order.

24 (b) The court may also relieve the defendant from custody
25 on probation for the period fixed in the order or judgment upon

1 his or her entering into a recognizance, with or without
2 surety, in the sum as the court orders and approves. The
3 condition of the recognizance shall be such that if the
4 defendant makes his or her personal appearance in court
5 whenever ordered to do so by the court, during such period as
6 may be so fixed, and further complies with the terms of the
7 order for support, or any subsequent modification of the order,
8 then the recognizance shall be void; otherwise it will remain
9 in full force and effect.

10 (c) If the court is satisfied by testimony in open court,
11 that at any time during the period of one year the defendant
12 has violated the terms of the order for support, it may proceed
13 with the trial of the defendant under the original charge, or
14 sentence him or her under the original conviction, or enforce
15 the suspended sentence, as the case may be. In case of
16 forfeiture of recognizance, and enforcement of recognizance by
17 execution, the sum so recovered may, in the discretion of the
18 court, be paid, in whole or in part, to the spouse, ex-spouse,
19 or if the support of a child or children is involved, to the
20 custodial parent, to the clerk, or to the ~~Illinois~~ Department
21 of Healthcare and Family Services ~~Public Aid~~ if a recipient of
22 child support enforcement services under Article X of the
23 Illinois Public Aid Code is involved as the case requires, to
24 be disbursed by the clerk or the Department under the terms of
25 the order.

26 (Source: P.A. 91-613, eff. 10-1-99; 92-590, eff. 7-1-02;

1 revised 12-15-05.)

2 (750 ILCS 16/60)

3 Sec. 60. Unemployed persons owing duty of support.

4 (a) Whenever it is determined in a proceeding to establish
5 or enforce a child support or maintenance obligation that the
6 person owing a duty of support is unemployed, the court may
7 order the person to seek employment and report periodically to
8 the court with a diary, listing or other memorandum of his or
9 her efforts in accordance with such order. Additionally, the
10 court may order the unemployed person to report to the
11 Department of Employment Security for job search services or to
12 make application with the local Job Training Partnership Act
13 provider for participation in job search, training, or work
14 programs and where the duty of support is owed to a child
15 receiving child support enforcement services under Article X of
16 the Illinois Public Aid Code the court may order the unemployed
17 person to report to the ~~Illinois~~ Department of Healthcare and
18 Family Services ~~Public Aid~~ for participation in job search,
19 training, or work programs established under Section 9-6 and
20 Article IXA of that Code.

21 (b) Whenever it is determined that a person owes past due
22 support for a child or for a child and the parent with whom the
23 child is living, and the child is receiving assistance under
24 the Illinois Public Aid Code, the court shall order at the
25 request of the ~~Illinois~~ Department of Healthcare and Family

1 Services ~~Public Aid~~:

2 (1) that the person pay the past-due support in
3 accordance with a plan approved by the court; or

4 (2) if the person owing past-due support is unemployed,
5 is subject to such a plan, and is not incapacitated, that
6 the person participate in such job search, training, or
7 work programs established under Section 9-6 and Article IXA
8 of the Illinois Public Aid Code as the court deems
9 appropriate.

10 (Source: P.A. 91-613, eff. 10-1-99; 92-16, eff. 6-28-01;
11 92-590, eff. 7-1-02; revised 12-15-05.)

12 Section 1135. The Uniform Interstate Family Support Act is
13 amended by changing Sections 103, 310, and 320 as follows:

14 (750 ILCS 22/103) (was 750 ILCS 22/102)

15 Sec. 103. Tribunal of State. The circuit court is a
16 tribunal of this State. The ~~Illinois~~ Department of Healthcare
17 and Family Services ~~Public Aid~~ is an initiating tribunal. The
18 ~~Illinois~~ Department of Healthcare and Family Services ~~Public~~
19 ~~Aid~~ is also a responding tribunal of this State to the extent
20 that it can administratively establish paternity and
21 establish, modify, and enforce an administrative child-support
22 order under authority of Article X of the Illinois Public Aid
23 Code.

24 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04; revised

1 12-15-05.)

2 (750 ILCS 22/310)

3 Sec. 310. Duties of the ~~Illinois~~ Department of Healthcare
4 and Family Services ~~Public Aid~~.

5 (a) The ~~Illinois~~ Department of Healthcare and Family
6 Services ~~Public Aid~~ is the state information agency under this
7 Act.

8 (b) The state information agency shall:

9 (1) compile and maintain a current list, including
10 addresses, of the tribunals in this State which have
11 jurisdiction under this Act and any support enforcement
12 agencies in this State and transmit a copy to the state
13 information agency of every other state;

14 (2) maintain a register of names and addresses of
15 tribunals and support enforcement agencies received from
16 other states;

17 (3) forward to the appropriate tribunal in the county
18 in this State in which the obligee who is an individual or
19 the obligor resides, or in which the obligor's property is
20 believed to be located, all documents concerning a
21 proceeding under this Act received from an initiating
22 tribunal or the state information agency of the initiating
23 state; and

24 (4) obtain information concerning the location of the
25 obligor and the obligor's property within this State not

1 exempt from execution, by such means as postal verification
2 and federal or state locator services, examination of
3 telephone directories, requests for the obligor's address
4 from employers, and examination of governmental records,
5 including, to the extent not prohibited by other law, those
6 relating to real property, vital statistics, law
7 enforcement, taxation, motor vehicles, driver's licenses,
8 and social security.

9 (c) The ~~Illinois~~ Department of Healthcare and Family
10 Services ~~Public Aid~~ may determine that a foreign country or
11 political subdivision has established a reciprocal arrangement
12 for child support with Illinois and take appropriate action for
13 notification of this determination.

14 (Source: P.A. 93-479, eff. 1-1-04, operative 7-1-04; revised
15 12-15-05.)

16 (750 ILCS 22/320)

17 Sec. 320. Payment of Support to State Disbursement Unit.

18 (a) As used in this Section:

19 "Order for support", "obligor", "obligee", and "payor"
20 mean those terms as defined in the Income Withholding for
21 Support Act, except that "order for support" means an order
22 entered by any tribunal of this State but shall not mean orders
23 providing for spousal maintenance under which there is no child
24 support obligation.

25 (b) Notwithstanding any other provision of this Act to the

1 contrary, each order for support entered or modified on or
2 after October 1, 1999 shall require that support payments be
3 made to the State Disbursement Unit established under Section
4 10-26 of the Illinois Public Aid Code if:

5 (1) a party to the order is receiving child support
6 enforcement services under Article X of the Illinois Public
7 Aid Code; or

8 (2) no party to the order is receiving child support
9 enforcement services, but the support payments are made
10 through income withholding.

11 (c) Support payments shall be made to the State
12 Disbursement Unit if:

13 (1) the order for support was entered before October 1,
14 1999, and a party to the order is receiving child support
15 enforcement services under Article X of the Illinois Public
16 Aid Code; or

17 (2) no party to the order is receiving child support
18 enforcement services, and the support payments are being
19 made through income withholding.

20 (c-5) If no party to the order is receiving child support
21 enforcement services under Article X of the Illinois Public Aid
22 Code, and the support payments are not made through income
23 withholding, then support payments shall be made as directed by
24 the order for support.

25 (c-10) At any time, and notwithstanding the existence of an
26 order directing payments to be made elsewhere, the Department

1 of Healthcare and Family Services ~~Public Aid~~ may provide notice
2 to the obligor and, where applicable, to the obligor's payor:

3 (1) to make support payments to the State Disbursement
4 Unit if:

5 (A) a party to the order for support is receiving
6 child support enforcement services under Article X of
7 the Illinois Public Aid Code; or

8 (B) no party to the order for support is receiving
9 child support enforcement services under Article X of
10 the Illinois Public Aid Code, but the support payments
11 are made through income withholding; or

12 (2) to make support payments to the State Disbursement
13 Unit of another state upon request of another state's Title
14 IV-D child support enforcement agency, in accordance with
15 the requirements of Title IV, Part D of the Social Security
16 Act and regulations promulgated under that Part D.

17 The Department of Healthcare and Family Services ~~Public Aid~~
18 shall provide a copy of the notice to the obligee and to the
19 clerk of the circuit court.

20 (c-15) Within 15 days after the effective date of this
21 amendatory Act of the 91st General Assembly, the clerk of the
22 circuit court shall provide written notice to the obligor to
23 make payments directly to the clerk of the circuit court if no
24 party to the order is receiving child support enforcement
25 services under Article X of the Illinois Public Aid Code, the
26 support payments are not made through income withholding, and

1 the order for support requires support payments to be made
2 directly to the clerk of the circuit court. The clerk shall
3 provide a copy of the notice to the obligee.

4 (c-20) If the State Disbursement Unit receives a support
5 payment that was not appropriately made to the Unit under this
6 Section, the Unit shall immediately return the payment to the
7 sender, including, if possible, instructions detailing where
8 to send the support payments.

9 (d) The notices under subsections (c-10) and (c-15) may be
10 sent by ordinary mail, certified mail, return receipt
11 requested, facsimile transmission, or other electronic
12 process, or may be served upon the obligor or payor using any
13 method provided by law for service of a summons.

14 (Source: P.A. 91-677, eff. 1-5-00; 92-590, eff. 7-1-02; revised
15 12-15-05.)

16 Section 1140. The Unified Child Support Services Act is
17 amended by changing Section 5 as follows:

18 (750 ILCS 24/5)

19 Sec. 5. Definitions. In this Act:

20 "Child support services" mean any services provided with
21 respect to parentage establishment, support establishment,
22 medical support establishment, support modification, or
23 support enforcement.

24 "Child support specialist" means a paralegal, attorney, or

1 other staff member with specialized training in child support
2 services.

3 "Current child support case" means a case that is pending
4 in the IV-D Child Support Program for which any action is being
5 taken by a Unified Child Support Services Program.

6 "Department" means the ~~Illinois~~ Department of Healthcare
7 and Family Services ~~Public Aid~~.

8 "IV-D Child Support Program" means the child support
9 enforcement program established pursuant to Title IV, Part D of
10 the federal Social Security Act and Article X of the Illinois
11 Public Aid Code.

12 "KIDS" means the Key Information Delivery System that
13 includes a statewide database of all cases in the IV-D Child
14 Support Program.

15 "Medicaid" means the medical assistance program under
16 Article V of the Illinois Public Aid Code.

17 "Obligor" and "obligee" mean those terms as defined in the
18 Income Withholding for Support Act.

19 "Plan" means a plan for a Unified Child Support Services
20 Program.

21 "Program" means the Unified Child Support Services Program
22 in a county or group of counties.

23 "State Disbursement Unit" means the State Disbursement
24 Unit established under Section 10-26 of the Illinois Public Aid
25 Code.

26 "State's Attorney" means the duly elected State's Attorney

1 of an Illinois county or 2 or more State's Attorneys who have
2 formed a consortium for purposes of managing a Unified Child
3 Support Services Program within a specific region of the State.

4 "Temporary Assistance for Needy Families" means the
5 Temporary Assistance for Needy Families (TANF) program under
6 Article IV of the Illinois Public Aid Code.

7 (Source: P.A. 92-876, eff. 6-1-03; revised 12-15-05.)

8 Section 1145. The Expedited Child Support Act of 1990 is
9 amended by changing Sections 3 and 6 as follows:

10 (750 ILCS 25/3) (from Ch. 40, par. 2703)

11 Sec. 3. Definitions. For the purposes of this Act, the
12 following terms shall have the following meaning:

13 (a) "Administrative Hearing Officer" shall mean the person
14 employed by the Chief Judge of the Circuit Court of each county
15 establishing an Expedited Child Support System for the purpose
16 of hearing child support and parentage matters and making
17 recommendations.

18 (b) "Administrative expenses" shall mean, but not be
19 limited to, the costs of personnel, travel, equipment,
20 telecommunications, postage, space, contractual services, and
21 other related costs necessary to implement the provisions of
22 this Act.

23 (c) "Arrearage" shall mean the total amount of unpaid child
24 support obligations.

1 (d) "Department" shall mean the ~~Illinois~~ Department of
2 Healthcare and Family Services ~~Public Aid~~.

3 (e) "Expedited child support hearing" shall mean a hearing
4 before an Administrative Hearing Officer pursuant to this Act.

5 (f) "Federal time frames" shall mean the time frames
6 established for the IV-D program in regulations promulgated by
7 the United States Department of Health and Human Services,
8 Office of Child Support Enforcement, (codified at 45 C.F.R.
9 303), for the disposition of parentage and child support cases
10 and shall, for purposes of this Act, apply to all parentage and
11 child support matters, whether IV-D or non-IV-D.

12 (g) "System" shall mean the procedures and personnel
13 created by this Act for the expedited establishment,
14 modification, and enforcement of child support orders, and for
15 the expedited establishment of parentage.

16 (h) "IV-D program" shall mean the Child Support Enforcement
17 Program established pursuant to Title IV, Part D of the Social
18 Security Act, (42 U.S.C. 651 et seq.) as administered by the
19 ~~Illinois~~ Department of Healthcare and Family Services ~~Public~~
20 ~~Aid~~.

21 (i) "Medical support" shall mean support provided pursuant
22 to Section 505.2 of the Illinois Marriage and Dissolution of
23 Marriage Act.

24 (j) "Obligee" shall mean the individual to whom a duty of
25 support is owed or that individual's legal representative.

26 (k) "Obligor" shall mean the individual who owes a duty to

1 make payments under an order of support.

2 (l) "Plan" shall mean the plan submitted by the Chief Judge
3 of a Judicial Circuit to the Supreme Court for the creation of
4 an Expedited Child Support System in such circuit pursuant to
5 this Act.

6 (m) "Pre-hearing motions" shall mean all motions, the
7 disposition of which requires a court order, except motions for
8 the ultimate relief requested in the petition to commence the
9 action.

10 (n) "Recommendations" shall mean the Administrative
11 Hearing Officer's proposed findings of fact, recommended
12 orders and any other recommendations made by the Administrative
13 Hearing Officer.

14 (Source: P.A. 86-1401; revised 12-15-05.)

15 (750 ILCS 25/6) (from Ch. 40, par. 2706)

16 Sec. 6. Authority of hearing officers.

17 (a) With the exception of judicial functions exclusively
18 retained by the court in Section 8 of this Act and in
19 accordance with Supreme Court rules promulgated pursuant to
20 this Act, Administrative Hearing Officers shall be authorized
21 to:

22 (1) Accept voluntary agreements reached by the parties
23 setting the amount of child support to be paid and medical
24 support liability and recommend the entry of orders
25 incorporating such agreements.

1 (2) Accept voluntary acknowledgments of parentage and
2 recommend entry of an order establishing parentage based on
3 such acknowledgement. Prior to accepting such
4 acknowledgment, the Administrative Hearing Officer shall
5 advise the putative father of his rights and obligations in
6 accordance with Supreme Court rules promulgated pursuant
7 to this Act.

8 (3) Manage all stages of discovery, including setting
9 deadlines by which discovery must be completed; and
10 directing the parties to submit to appropriate tests
11 pursuant to Section 11 of the Illinois Parentage Act of
12 1984.

13 (4) Cause notices to be issued requiring the Obligor to
14 appear either before the Administrative Hearing Officer or
15 in court.

16 (5) Administer the oath or affirmation and take
17 testimony under oath or affirmation.

18 (6) Analyze the evidence and prepare written
19 recommendations based on such evidence, including but not
20 limited to: (i) proposed findings as to the amount of the
21 Obligor's income; (ii) proposed findings as to the amount
22 and nature of appropriate deductions from the Obligor's
23 income to determine the Obligor's net income; (iii)
24 proposed findings as to the existence of relevant factors
25 as set forth in subsection (a)(2) of Section 505 of the
26 Illinois Marriage and Dissolution of Marriage Act, which

1 justify setting child support payment levels above or below
2 the guidelines; (iv) recommended orders for temporary
3 child support; (v) recommended orders setting the amount of
4 current child support to be paid; (vi) proposed findings as
5 to the existence and amount of any arrearages; (vii)
6 recommended orders reducing any arrearages to judgement
7 and for the payment of amounts towards such arrearages;
8 (viii) proposed findings as to whether there has been a
9 substantial change of circumstances since the entry of the
10 last child support order, or other circumstances
11 justifying a modification of the child support order; and
12 (ix) proposed findings as to whether the Obligor is
13 employed.

14 (7) With respect to any unemployed Obligor who is not
15 making child support payments or is otherwise unable to
16 provide support, recommend that the Obligor be ordered to
17 seek employment and report periodically of his or her
18 efforts in accordance with such order. Additionally, the
19 Administrative Hearing Officer may recommend that the
20 Obligor be ordered to report to the Department of
21 Employment Security for job search services or to make
22 application with the local Job Training Partnership Act
23 provider for participation in job search, training or work
24 programs and, where the duty of support is owed to a child
25 receiving child support enforcement services under Article
26 X of the Illinois Public Aid Code, the Administrative

1 Hearing Officer may recommend that the Obligor be ordered
2 to report to the ~~Illinois~~ Department of Healthcare and
3 Family Services ~~Public Aid~~ for participation in the job
4 search, training or work programs established under
5 Section 9-6 of the Illinois Public Aid Code.

6 (8) Recommend the registration of any foreign support
7 judgments or orders as the judgments or orders of Illinois.

8 (b) In any case in which the Obligee is not participating
9 in the IV-D program or has not applied to participate in the
10 IV-D program, the Administrative Hearing Officer shall:

11 (1) inform the Obligee of the existence of the IV-D
12 program and provide applications on request; and

13 (2) inform the Obligee and the Obligor of the option of
14 requesting payment to be made through the Clerk of the
15 Circuit Court.

16 If a request for payment through the Clerk is made, the
17 Administrative Hearing Officer shall note this fact in the
18 recommendations to the court.

19 (c) The Administrative Hearing Officer may make
20 recommendations in addition to the proposed findings of fact
21 and recommended order to which the parties have agreed.

22 (Source: P.A. 92-16, eff. 6-28-01; 92-590, eff. 7-1-02; revised
23 12-15-05.)

24 Section 1150. The Income Withholding for Support Act is
25 amended by changing Sections 15, 22, and 45 as follows:

1 (750 ILCS 28/15)

2 Sec. 15. Definitions.

3 (a) "Order for support" means any order of the court which
4 provides for periodic payment of funds for the support of a
5 child or maintenance of a spouse, whether temporary or final,
6 and includes any such order which provides for:

7 (1) modification or resumption of, or payment of
8 arrearage, including interest, accrued under, a previously
9 existing order;

10 (2) reimbursement of support;

11 (3) payment or reimbursement of the expenses of
12 pregnancy and delivery (for orders for support entered
13 under the Illinois Parentage Act of 1984 or its predecessor
14 the Paternity Act); or

15 (4) enrollment in a health insurance plan that is
16 available to the obligor through an employer or labor union
17 or trade union.

18 (b) "Arrearage" means the total amount of unpaid support
19 obligations, including interest, as determined by the court and
20 incorporated into an order for support.

21 (b-5) "Business day" means a day on which State offices are
22 open for regular business.

23 (c) "Delinquency" means any payment, including a payment of
24 interest, under an order for support which becomes due and
25 remains unpaid after entry of the order for support.

1 (d) "Income" means any form of periodic payment to an
2 individual, regardless of source, including, but not limited
3 to: wages, salary, commission, compensation as an independent
4 contractor, workers' compensation, disability, annuity,
5 pension, and retirement benefits, lottery prize awards,
6 insurance proceeds, vacation pay, bonuses, profit-sharing
7 payments, interest, and any other payments, made by any person,
8 private entity, federal or state government, any unit of local
9 government, school district or any entity created by Public
10 Act; however, "income" excludes:

11 (1) any amounts required by law to be withheld, other
12 than creditor claims, including, but not limited to,
13 federal, State and local taxes, Social Security and other
14 retirement and disability contributions;

15 (2) union dues;

16 (3) any amounts exempted by the federal Consumer Credit
17 Protection Act;

18 (4) public assistance payments; and

19 (5) unemployment insurance benefits except as provided
20 by law.

21 Any other State or local laws which limit or exempt income
22 or the amount or percentage of income that can be withheld
23 shall not apply.

24 (e) "Obligor" means the individual who owes a duty to make
25 payments under an order for support.

26 (f) "Obligee" means the individual to whom a duty of

1 support is owed or the individual's legal representative.

2 (g) "Payor" means any payor of income to an obligor.

3 (h) "Public office" means any elected official or any State
4 or local agency which is or may become responsible by law for
5 enforcement of, or which is or may become authorized to
6 enforce, an order for support, including, but not limited to:
7 the Attorney General, the Illinois Department of Healthcare and
8 Family Services ~~Public Aid~~, the Illinois Department of Human
9 Services, the Illinois Department of Children and Family
10 Services, and the various State's Attorneys, Clerks of the
11 Circuit Court and supervisors of general assistance.

12 (i) "Premium" means the dollar amount for which the obligor
13 is liable to his employer or labor union or trade union and
14 which must be paid to enroll or maintain a child in a health
15 insurance plan that is available to the obligor through an
16 employer or labor union or trade union.

17 (j) "State Disbursement Unit" means the unit established to
18 collect and disburse support payments in accordance with the
19 provisions of Section 10-26 of the Illinois Public Aid Code.

20 (k) "Title IV-D Agency" means the agency of this State
21 charged by law with the duty to administer the child support
22 enforcement program established under Title IV, Part D of the
23 Social Security Act and Article X of the Illinois Public Aid
24 Code.

25 (l) "Title IV-D case" means a case in which an obligee or
26 obligor is receiving child support enforcement services under

1 Title IV, Part D of the Social Security Act and Article X of
2 the Illinois Public Aid Code.

3 (m) "National Medical Support Notice" means the notice
4 required for enforcement of orders for support providing for
5 health insurance coverage of a child under Title IV, Part D of
6 the Social Security Act, the Employee Retirement Income
7 Security Act of 1974, and federal regulations promulgated under
8 those Acts.

9 (n) "Employer" means a payor or labor union or trade union
10 with an employee group health insurance plan and, for purposes
11 of the National Medical Support Notice, also includes but is
12 not limited to:

13 (1) any State or local governmental agency with a group
14 health plan; and

15 (2) any payor with a group health plan or "church plan"
16 covered under the Employee Retirement Income Security Act
17 of 1974.

18 (Source: P.A. 94-90, eff. 1-1-06; revised 12-15-05.)

19 (750 ILCS 28/22)

20 Sec. 22. Use of National Medical Support Notice to enforce
21 health insurance coverage.

22 (a) Notwithstanding the provisions of subdivision (c)(4)
23 of Section 20, when an order for support is being enforced by
24 the Title IV-D Agency under this Act, any requirement for
25 health insurance coverage to be provided through an employer,

1 including withholding of premiums from the income of the
2 obligor, shall be enforced through use of a National Medical
3 Support Notice instead of through provisions in an income
4 withholding notice.

5 (b) A National Medical Support Notice may be served on the
6 employer in the manner and under the circumstances provided for
7 serving an income withholding notice under this Act, except
8 that an order for support that conditions service of an income
9 withholding notice on the obligor becoming delinquent in paying
10 the order for support, as provided under subdivision (a)(1) of
11 Section 20, shall not prevent immediate service of a National
12 Medical Support Notice by the Title IV-D Agency. The Title IV-D
13 Agency may serve a National Medical Support Notice on an
14 employer in conjunction with service of an income withholding
15 notice. Service of an income withholding notice is not a
16 condition for service of a National Medical Support Notice,
17 however.

18 (c) At the time of service of a National Medical Support
19 Notice on the employer, the Title IV-D Agency shall serve a
20 copy of the Notice on the obligor by ordinary mail addressed to
21 the obligor's last known address. The Title IV-D Agency shall
22 file a copy of the National Medical Support Notice, together
23 with proofs of service on the employer and the obligor, with
24 the clerk of the circuit court.

25 (d) Within 20 business days after the date of a National
26 Medical Support Notice, an employer served with the Notice

1 shall transfer the severable notice to plan administrator to
2 the appropriate group health plan providing any health
3 insurance coverage for which the child is eligible. As required
4 in the part of the National Medical Support Notice directed to
5 the employer, the employer shall withhold any employee premium
6 necessary for coverage of the child and shall send any amount
7 withheld directly to the plan. The employer shall commence the
8 withholding no later than the next payment of income that
9 occurs 14 days following the date the National Medical Support
10 Notice was mailed, sent by facsimile or other electronic means,
11 or placed for personal delivery to or service on the employer.

12 Notwithstanding the requirement to withhold premiums from
13 the obligor's income, if the plan administrator informs the
14 employer that the child is enrolled in an option under the plan
15 for which the employer has determined that the obligor's
16 premium exceeds the amount that may be withheld from the
17 obligor's income due to the withholding limitation or
18 prioritization contained in Section 35 of this Act, the
19 employer shall complete the appropriate item in the part of the
20 National Medical Support Notice directed to the employer
21 according to the instructions in the Notice and shall return
22 that part to the Title IV-D Agency.

23 (e) If one of the following circumstances exists, an
24 employer served with a National Medical Support Notice shall
25 complete the part of the Notice directed to the employer in
26 accordance with the instructions in the Notice and shall return

1 that part to the Title IV-D Agency within 20 business days
2 after the date of the Notice:

3 (1) The employer does not maintain or contribute to
4 plans providing dependent or family health insurance
5 coverage.

6 (2) The obligor is among a class of employees that is
7 not eligible for family health insurance coverage under any
8 group health plan maintained by the employer or to which
9 the employer contributes.

10 (3) Health insurance coverage is not available because
11 the obligor is no longer employed by the employer.

12 (f) The administrator of a health insurance plan to whom an
13 employer has transferred the severable notice to plan
14 administrator part of a National Medical Support Notice shall
15 complete that part with the health insurance coverage
16 information required under the instructions in the Notice and
17 shall return that part to the Title IV-D Agency within 40
18 business days after the date of the Notice.

19 (g) The obligor may contest withholding under this Section
20 based only on a mistake of fact and may contest withholding by
21 filing a petition with the clerk of the circuit court within 20
22 days after service of a copy of the National Medical Support
23 Notice on the obligor. The obligor must serve a copy of the
24 petition on the Title IV-D Agency at the address stated in the
25 National Medical Support Notice. The National Medical Support
26 Notice, including the requirement to withhold any required

1 premium, shall continue to be binding on the employer until the
2 employer is served with a court order resolving the contest or
3 until notified by the Title IV-D Agency.

4 (h) Whenever the obligor is no longer receiving income from
5 the employer, the employer shall return a copy of the National
6 Medical Support Notice to the Title IV-D Agency and shall
7 provide information for the purpose of enforcing health
8 insurance coverage under this Section.

9 (i) The Title IV-D Agency shall promptly notify the
10 employer when there is no longer a current order for health
11 insurance coverage in effect which the Title IV-D Agency is
12 responsible for enforcing.

13 (j) Unless stated otherwise in this Section, all of the
14 provisions of this Act relating to income withholding for
15 support shall pertain to income withholding for health
16 insurance coverage under a National Medical Support Notice,
17 including but not limited to the duties of the employer and
18 obligor, and the penalties contained in Section 35 and Section
19 50. In addition, an employer who willfully fails to transfer
20 the severable notice to plan administrator part of a National
21 Medical Support Notice to the appropriate group health plan
22 providing health insurance coverage for which the child is
23 eligible, within 20 business days after the date of the Notice,
24 is liable for the full amount of medical expenses incurred by
25 or on behalf of the child which would have been paid or
26 reimbursed by the health insurance coverage had the severable

1 notice to plan administrator part of the Notice been timely
2 transferred to the group health insurance plan. This penalty
3 may be collected in a civil action that may be brought against
4 the employer in favor of the obligee or the Title IV-D Agency.

5 (k) To the extent that any other State or local law may be
6 construed to limit or prevent compliance by an employer or
7 health insurance plan administrator with the requirements of
8 this Section and federal law and regulations pertaining to the
9 National Medical Support Notice, that State or local law shall
10 not apply.

11 (l) As the Title IV-D Agency, the Department of Healthcare
12 and Family Services ~~Public Aid~~ shall adopt any rules necessary
13 for use of and compliance with the National Medical Support
14 Notice.

15 (Source: P.A. 92-590, eff. 7-1-02; revised 12-15-05.)

16 (750 ILCS 28/45)

17 Sec. 45. Additional duties.

18 (a) An obligee who is receiving income withholding payments
19 under this Act shall notify the State Disbursement Unit and the
20 Clerk of the Circuit Court of any change of address within 7
21 days of such change.

22 (b) An obligee who is a recipient of public aid shall send
23 a copy of any income withholding notice served by the obligee
24 to the Division of Child Support Enforcement of the ~~Illinois~~
25 Department of Healthcare and Family Services ~~Public Aid~~.

1 (c) Each obligor shall notify the obligee, the public
2 office, and the Clerk of the Circuit Court of any change of
3 address within 7 days.

4 (d) An obligor whose income is being withheld pursuant to
5 this Act shall notify the obligee, the public office, and the
6 Clerk of the Circuit Court of any new payor, within 7 days.

7 (e) (Blank.)

8 (f) The obligee or public office shall provide notice to
9 the payor and Clerk of the Circuit Court of any other support
10 payment made, including but not limited to, a set-off under
11 federal and State law or partial payment of the delinquency or
12 arrearage, or both.

13 (g) The State Disbursement Unit shall maintain complete,
14 accurate, and clear records of all income withholding payments
15 and their disbursements. Certified copies of payment records
16 maintained by the State Disbursement Unit, a public office, or
17 the Clerk of the Circuit Court shall, without further proof, be
18 admitted into evidence in any legal proceedings under this Act.

19 (h) The ~~Illinois~~ Department of Healthcare and Family
20 Services ~~Public Aid~~ shall design suggested legal forms for
21 proceeding under this Act and shall make available to the
22 courts such forms and informational materials which describe
23 the procedures and remedies set forth herein for distribution
24 to all parties in support actions.

25 (i) At the time of transmitting each support payment, the
26 State Disbursement Unit shall provide the obligee or public

1 office, as appropriate, with any information furnished by the
2 payor as to the date the amount would (but for the duty to
3 withhold income) have been paid or credited to the obligor.
4 (Source: P.A. 90-673, eff. 1-1-99; incorporates P.A. 90-790,
5 eff. 8-14-98; 91-212, eff. 7-20-99; 91-357, eff. 7-29-99;
6 revised 12-15-05.)

7 Section 1155. The Illinois Parentage Act of 1984 is amended
8 by changing Sections 4.1, 5, 7, 8, 13.1, 14, 14.1, 15.1, 18,
9 21, 21.1, 22, 23, and 28 as follows:

10 (750 ILCS 45/4.1)

11 Sec. 4.1. Administrative paternity determinations.
12 Notwithstanding any other provision of this Act, the ~~Illinois~~
13 Department of Healthcare and Family Services ~~Public Aid~~ may
14 make administrative determinations of paternity and
15 nonpaternity in accordance with Section 10-17.7 of the Illinois
16 Public Aid Code. These determinations of paternity or
17 nonpaternity shall have the full force and effect of judgments
18 entered under this Act.

19 (Source: P.A. 88-687, eff. 1-24-95; revised 12-15-05.)

20 (750 ILCS 45/5) (from Ch. 40, par. 2505)

21 Sec. 5. Presumption of Paternity.

22 (a) A man is presumed to be the natural father of a child
23 if:

1 (1) he and the child's natural mother are or have been
2 married to each other, even though the marriage is or could
3 be declared invalid, and the child is born or conceived
4 during such marriage;

5 (2) after the child's birth, he and the child's natural
6 mother have married each other, even though the marriage is
7 or could be declared invalid, and he is named, with his
8 written consent, as the child's father on the child's birth
9 certificate;

10 (3) he and the child's natural mother have signed an
11 acknowledgment of paternity in accordance with rules
12 adopted by the ~~Illinois~~ Department of Healthcare and Family
13 Services ~~Public Aid~~ under Section 10-17.7 of the Illinois
14 Public Aid Code; or

15 (4) he and the child's natural mother have signed an
16 acknowledgment of parentage or, if the natural father is
17 someone other than one presumed to be the father under this
18 Section, an acknowledgment of parentage and denial of
19 paternity in accordance with Section 12 of the Vital
20 Records Act.

21 (b) A presumption under subdivision (a)(1) or (a)(2) of
22 this Section may be rebutted only by clear and convincing
23 evidence. A presumption under subdivision (a)(3) or (a)(4) is
24 conclusive, unless the acknowledgment of parentage is
25 rescinded under the process provided in Section 12 of the Vital
26 Records Act, upon the earlier of:

1 (1) 60 days after the date the acknowledgment of
2 parentage is signed, or

3 (2) the date of an administrative or judicial
4 proceeding relating to the child (including a proceeding to
5 establish a support order) in which the signatory is a
6 party;

7 except that if a minor has signed the acknowledgment of
8 paternity or acknowledgment of parentage and denial of
9 paternity, the presumption becomes conclusive 6 months after
10 the minor reaches majority or is otherwise emancipated.

11 (Source: P.A. 89-641, eff. 8-9-96; 90-18, eff. 7-1-97; revised
12 12-15-05.)

13 (750 ILCS 45/7) (from Ch. 40, par. 2507)

14 Sec. 7. Determination of Father and Child Relationship; Who
15 May Bring Action; Parties.

16 (a) An action to determine the existence of the father and
17 child relationship, whether or not such a relationship is
18 already presumed under Section 5 of this Act, may be brought by
19 the child; the mother; a pregnant woman; any person or public
20 agency who has custody of, or is providing or has provided
21 financial support to, the child; the ~~Illinois~~ Department of
22 Healthcare and Family Services ~~Public Aid~~ if it is providing or
23 has provided financial support to the child or if it is
24 assisting with child support collection services; or a man
25 presumed or alleging himself to be the father of the child or

1 expected child. The complaint shall be verified and shall name
2 the person or persons alleged to be the father of the child.

3 (b) An action to declare the non-existence of the parent
4 and child relationship may be brought by the child, the natural
5 mother, or a man presumed to be the father under subdivision
6 (a) (1) or (a) (2) of Section 5 of this Act. Actions brought by
7 the child, the natural mother or a presumed father shall be
8 brought by verified complaint.

9 After the presumption that a man presumed to be the father
10 under subdivision (a) (1) or (a) (2) of Section 5 has been
11 rebutted, paternity of the child by another man may be
12 determined in the same action, if he has been made a party.

13 (b-5) An action to declare the non-existence of the parent
14 and child relationship may be brought subsequent to an
15 adjudication of paternity in any judgment by the man
16 adjudicated to be the father pursuant to the presumptions in
17 Section 5 of this Act if, as a result of deoxyribonucleic acid
18 (DNA) tests, it is discovered that the man adjudicated to be
19 the father is not the natural father of the child. Actions
20 brought by the adjudicated father shall be brought by verified
21 complaint. If, as a result of the deoxyribonucleic acid (DNA)
22 tests, the plaintiff is determined not to be the father of the
23 child, the adjudication of paternity and any orders regarding
24 custody, visitation, and future payments of support may be
25 vacated.

26 (c) If any party is a minor, he or she may be represented

1 by his or her general guardian or a guardian ad litem appointed
2 by the court, which may include an appropriate agency. The
3 court may align the parties.

4 (d) Regardless of its terms, an agreement, other than a
5 settlement approved by the court, between an alleged or
6 presumed father and the mother or child, does not bar an action
7 under this Section.

8 (e) If an action under this Section is brought before the
9 birth of the child, all proceedings shall be stayed until after
10 the birth, except for service or process, the taking of
11 depositions to perpetuate testimony, and the ordering of blood
12 tests under appropriate circumstances.

13 (Source: P.A. 89-674, eff. 8-14-96; 90-18, eff. 7-1-97; 90-715,
14 eff. 8-7-98; revised 12-15-05.)

15 (750 ILCS 45/8) (from Ch. 40, par. 2508)

16 Sec. 8. Statute of limitations.

17 (a) (1) An action brought by or on behalf of a child, an
18 action brought by a party alleging that he or she is the
19 child's natural parent, or an action brought by the
20 Department of Healthcare and Family Services (formerly
21 Illinois Department of Public Aid), if it is providing or
22 has provided financial support to the child or if it is
23 assisting with child support collection services, shall be
24 barred if brought later than 2 years after the child
25 reaches the age of majority; however, if the action on

1 behalf of the child is brought by a public agency, other
2 than the Department of Healthcare and Family Services
3 (formerly Illinois Department of Public Aid) if it is
4 providing or has provided financial support to the child or
5 if it is assisting with child support collection services,
6 it shall be barred 2 years after the agency has ceased to
7 provide assistance to the child.

8 (2) Failure to bring an action within 2 years shall not
9 bar any party from asserting a defense in any action to
10 declare the non-existence of the parent and child
11 relationship.

12 (3) An action to declare the non-existence of the
13 parent and child relationship brought under subsection (b)
14 of Section 7 of this Act shall be barred if brought later
15 than 2 years after the petitioner obtains knowledge of
16 relevant facts. The 2-year period for bringing an action to
17 declare the nonexistence of the parent and child
18 relationship shall not extend beyond the date on which the
19 child reaches the age of 18 years. Failure to bring an
20 action within 2 years shall not bar any party from
21 asserting a defense in any action to declare the existence
22 of the parent and child relationship.

23 (4) An action to declare the non-existence of the
24 parent and child relationship brought under subsection
25 (b-5) of Section 7 of this Act shall be barred if brought
26 more than 6 months after the effective date of this

1 amendatory Act of 1998 or more than 2 years after the
2 petitioner obtains actual knowledge of relevant facts,
3 whichever is later. The 2-year period shall not apply to
4 periods of time where the natural mother or the child
5 refuses to submit to deoxyribonucleic acid (DNA) tests. The
6 2-year period for bringing an action to declare the
7 nonexistence of the parent and child relationship shall not
8 extend beyond the date on which the child reaches the age
9 of 18 years. Failure to bring an action within 2 years
10 shall not bar any party from asserting a defense in any
11 action to declare the existence of the parent and child
12 relationship.

13 (b) The time during which any party is not subject to
14 service of process or is otherwise not subject to the
15 jurisdiction of the courts of this State shall toll the
16 aforementioned periods.

17 (c) This Act does not affect the time within which any
18 rights under the Probate Act of 1975 may be asserted beyond the
19 time provided by law relating to distribution and closing of
20 decedent's estates or to the determination of heirship, or
21 otherwise.

22 (Source: P.A. 89-674, eff. 8-14-96; 90-18, eff. 7-1-97; 90-715,
23 eff. 8-7-98; revised 12-15-05.)

24 (750 ILCS 45/13.1)

25 Sec. 13.1. Temporary order for child support.

1 Notwithstanding any other law to the contrary, pending the
2 outcome of a judicial determination of parentage, the court
3 shall issue a temporary order for child support, upon motion by
4 a party and a showing of clear and convincing evidence of
5 paternity. In determining the amount of the temporary child
6 support award, the court shall use the guidelines and standards
7 set forth in subsection (a) of Section 505 and in Section 505.2
8 of the Illinois Marriage and Dissolution of Marriage Act.

9 Any new or existing support order entered by the court
10 under this Section shall be deemed to be a series of judgments
11 against the person obligated to pay support thereunder, each
12 such judgment to be in the amount of each payment or
13 installment of support and each judgment to be deemed entered
14 as of the date the corresponding payment or installment becomes
15 due under the terms of the support order. Each such judgment
16 shall have the full force, effect, and attributes of any other
17 judgment of this State, including the ability to be enforced.
18 Any such judgment is subject to modification or termination
19 only in accordance with Section 510 of the Illinois Marriage
20 and Dissolution of Marriage Act. A lien arises by operation of
21 law against the real and personal property of the noncustodial
22 parent for each installment of overdue support owed by the
23 noncustodial parent.

24 All orders for support, when entered or modified, shall
25 include a provision requiring the non-custodial parent to
26 notify the court, and in cases in which a party is receiving

1 child support enforcement services under Article X of the
2 Illinois Public Aid Code, the ~~Illinois~~ Department of Healthcare
3 and Family Services ~~Public Aid~~, within 7 days, (i) of the name,
4 address, and telephone number of any new employer of the
5 non-custodial parent, (ii) whether the non-custodial parent
6 has access to health insurance coverage through the employer or
7 other group coverage, and, if so, the policy name and number
8 and the names of persons covered under the policy, and (iii) of
9 any new residential or mailing address or telephone number of
10 the non-custodial parent.

11 In any subsequent action to enforce a support order, upon
12 sufficient showing that diligent effort has been made to
13 ascertain the location of the non-custodial parent, service of
14 process or provision of notice necessary in that action may be
15 made at the last known address of the non-custodial parent, in
16 any manner expressly provided by the Code of Civil Procedure or
17 in this Act, which service shall be sufficient for purposes of
18 due process.

19 An order for support shall include a date on which the
20 current support obligation terminates. The termination date
21 shall be no earlier than the date on which the child covered by
22 the order will attain the age of majority or is otherwise
23 emancipated. The order for support shall state that the
24 termination date does not apply to any arrearage that may
25 remain unpaid on that date. Nothing in this paragraph shall be
26 construed to prevent the court from modifying the order.

1 If there is an unpaid arrearage or delinquency (as those
2 terms are defined in the Income Withholding for Support Act)
3 equal to at least one month's support obligation on the
4 termination date stated in the order for support or, if there
5 is no termination date stated in the order, on the date the
6 child attains the age of majority or is otherwise emancipated,
7 then the periodic amount required to be paid for current
8 support of that child immediately prior to that date shall
9 automatically continue to be an obligation, not as current
10 support but as periodic payment toward satisfaction of the
11 unpaid arrearage or delinquency. That periodic payment shall be
12 in addition to any periodic payment previously required for
13 satisfaction of the arrearage or delinquency. The total
14 periodic amount to be paid toward satisfaction of the arrearage
15 or delinquency may be enforced and collected by any method
16 provided by law for the enforcement and collection of child
17 support, including but not limited to income withholding under
18 the Income Withholding for Support Act. Each order for support
19 entered or modified on or after the effective date of this
20 amendatory Act of the 93rd General Assembly must contain a
21 statement notifying the parties of the requirements of this
22 paragraph. Failure to include the statement in the order for
23 support does not affect the validity of the order or the
24 operation of the provisions of this paragraph with regard to
25 the order. This paragraph shall not be construed to prevent or
26 affect the establishment or modification of an order for the

1 support of a minor child or the establishment or modification
2 of an order for the support of a non-minor child or educational
3 expenses under Section 513 of the Illinois Marriage and
4 Dissolution of Marriage Act.

5 (Source: P.A. 92-590, eff. 7-1-02; 93-1061, eff. 1-1-05;
6 revised 12-15-05.)

7 (750 ILCS 45/14) (from Ch. 40, par. 2514)

8 Sec. 14. Judgment.

9 (a) (1) The judgment shall contain or explicitly reserve
10 provisions concerning any duty and amount of child support and
11 may contain provisions concerning the custody and guardianship
12 of the child, visitation privileges with the child, the
13 furnishing of bond or other security for the payment of the
14 judgment, which the court shall determine in accordance with
15 the relevant factors set forth in the Illinois Marriage and
16 Dissolution of Marriage Act and any other applicable law of
17 Illinois, to guide the court in a finding in the best interests
18 of the child. In determining custody, joint custody, removal,
19 or visitation, the court shall apply the relevant standards of
20 the Illinois Marriage and Dissolution of Marriage Act,
21 including Section 609. Specifically, in determining the amount
22 of any child support award or child health insurance coverage,
23 the court shall use the guidelines and standards set forth in
24 subsection (a) of Section 505 and in Section 505.2 of the
25 Illinois Marriage and Dissolution of Marriage Act. For purposes

1 of Section 505 of the Illinois Marriage and Dissolution of
2 Marriage Act, "net income" of the non-custodial parent shall
3 include any benefits available to that person under the
4 Illinois Public Aid Code or from other federal, State or local
5 government-funded programs. The court shall, in any event and
6 regardless of the amount of the non-custodial parent's net
7 income, in its judgment order the non-custodial parent to pay
8 child support to the custodial parent in a minimum amount of
9 not less than \$10 per month, as long as such an order is
10 consistent with the requirements of Title IV, Part D of the
11 Social Security Act. In an action brought within 2 years after
12 a child's birth, the judgment or order may direct either parent
13 to pay the reasonable expenses incurred by either parent
14 related to the mother's pregnancy and the delivery of the
15 child. The judgment or order shall contain the father's social
16 security number, which the father shall disclose to the court;
17 however, failure to include the father's social security number
18 on the judgment or order does not invalidate the judgment or
19 order.

20 (2) If a judgment of parentage contains no explicit award
21 of custody, the establishment of a support obligation or of
22 visitation rights in one parent shall be considered a judgment
23 granting custody to the other parent. If the parentage judgment
24 contains no such provisions, custody shall be presumed to be
25 with the mother; however, the presumption shall not apply if
26 the father has had physical custody for at least 6 months prior

1 to the date that the mother seeks to enforce custodial rights.

2 (b) The court shall order all child support payments,
3 determined in accordance with such guidelines, to commence with
4 the date summons is served. The level of current periodic
5 support payments shall not be reduced because of payments set
6 for the period prior to the date of entry of the support order.
7 The Court may order any child support payments to be made for a
8 period prior to the commencement of the action. In determining
9 whether and the extent to which the payments shall be made for
10 any prior period, the court shall consider all relevant facts,
11 including the factors for determining the amount of support
12 specified in the Illinois Marriage and Dissolution of Marriage
13 Act and other equitable factors including but not limited to:

14 (1) The father's prior knowledge of the fact and
15 circumstances of the child's birth.

16 (2) The father's prior willingness or refusal to help
17 raise or support the child.

18 (3) The extent to which the mother or the public agency
19 bringing the action previously informed the father of the
20 child's needs or attempted to seek or require his help in
21 raising or supporting the child.

22 (4) The reasons the mother or the public agency did not
23 file the action earlier.

24 (5) The extent to which the father would be prejudiced
25 by the delay in bringing the action.

26 For purposes of determining the amount of child support to

1 be paid for any period before the date the order for current
2 child support is entered, there is a rebuttable presumption
3 that the father's net income for the prior period was the same
4 as his net income at the time the order for current child
5 support is entered.

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 child support that
15 was 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) Any new or existing support order entered by the court
19 under this Section shall be deemed to be a series of judgments
20 against the person obligated to pay support thereunder, each
21 judgment to be in the amount of each payment or installment of
22 support and each such judgment to be deemed entered as of the
23 date the corresponding payment or installment becomes due under
24 the terms of the support order. Each judgment shall have the
25 full force, effect and attributes of any other judgment of this
26 State, including the ability to be enforced. A lien arises by

1 operation of law against the real and personal property of the
2 noncustodial parent for each installment of overdue support
3 owed by the noncustodial parent.

4 (d) If the judgment or order of the court is at variance
5 with the child's birth certificate, the court shall order that
6 a new birth certificate be issued under the Vital Records Act.

7 (e) On request of the mother and the father, the court
8 shall order a change in the child's name. After hearing
9 evidence the court may stay payment of support during the
10 period of the father's minority or period of disability.

11 (f) If, upon a showing of proper service, the father fails
12 to appear in court, or otherwise appear as provided by law, the
13 court may proceed to hear the cause upon testimony of the
14 mother or other parties taken in open court and shall enter a
15 judgment by default. The court may reserve any order as to the
16 amount of child support until the father has received notice,
17 by regular mail, of a hearing on the matter.

18 (g) A one-time charge of 20% is imposable upon the amount
19 of past-due child support owed on July 1, 1988 which has
20 accrued under a support order entered by the court. The charge
21 shall be imposed in accordance with the provisions of Section
22 10-21 of the Illinois Public Aid Code and shall be enforced by
23 the court upon petition.

24 (h) All orders for support, when entered or modified, shall
25 include a provision requiring the non-custodial parent to
26 notify the court and, in cases in which party is receiving

1 child support enforcement services under Article X of the
2 Illinois Public Aid Code, the Department of Healthcare and
3 Family Services, within 7 days, (i) of the name and address of
4 any new employer of the non-custodial parent, (ii) whether the
5 non-custodial parent has access to health insurance coverage
6 through the employer or other group coverage and, if so, the
7 policy name and number and the names of persons covered under
8 the policy, and (iii) of any new residential or mailing address
9 or telephone number of the non-custodial parent. In any
10 subsequent action to enforce a support order, upon a sufficient
11 showing that a diligent effort has been made to ascertain the
12 location of the non-custodial parent, service of process or
13 provision of notice necessary in the case may be made at the
14 last known address of the non-custodial parent in any manner
15 expressly provided by the Code of Civil Procedure or this Act,
16 which service shall be sufficient for purposes of due process.

17 (i) An order for support shall include a date on which the
18 current support obligation terminates. The termination date
19 shall be no earlier than the date on which the child covered by
20 the order will attain the age of 18. However, if the child will
21 not graduate from high school until after attaining the age of
22 18, then the termination date shall be no earlier than the
23 earlier of the date on which the child's high school graduation
24 will occur or the date on which the child will attain the age
25 of 19. The order for support shall state that the termination
26 date does not apply to any arrearage that may remain unpaid on

1 that date. Nothing in this subsection shall be construed to
2 prevent the court from modifying the order or terminating the
3 order in the event the child is otherwise emancipated.

4 (i-5) If there is an unpaid arrearage or delinquency (as
5 those terms are defined in the Income Withholding for Support
6 Act) equal to at least one month's support obligation on the
7 termination date stated in the order for support or, if there
8 is no termination date stated in the order, on the date the
9 child attains the age of majority or is otherwise emancipated,
10 the periodic amount required to be paid for current support of
11 that child immediately prior to that date shall automatically
12 continue to be an obligation, not as current support but as
13 periodic payment toward satisfaction of the unpaid arrearage or
14 delinquency. That periodic payment shall be in addition to any
15 periodic payment previously required for satisfaction of the
16 arrearage or delinquency. The total periodic amount to be paid
17 toward satisfaction of the arrearage or delinquency may be
18 enforced and collected by any method provided by law for
19 enforcement and collection of child support, including but not
20 limited to income withholding under the Income Withholding for
21 Support Act. Each order for support entered or modified on or
22 after the effective date of this amendatory Act of the 93rd
23 General Assembly must contain a statement notifying the parties
24 of the requirements of this subsection. Failure to include the
25 statement in the order for support does not affect the validity
26 of the order or the operation of the provisions of this

1 subsection with regard to the order. This subsection shall not
2 be construed to prevent or affect the establishment or
3 modification of an order for support of a minor child or the
4 establishment or modification of an order for support of a
5 non-minor child or educational expenses under Section 513 of
6 the Illinois Marriage and Dissolution of Marriage Act.

7 (j) An order entered under this Section shall include a
8 provision requiring the obligor to report to the obligee and to
9 the clerk of court within 10 days each time the obligor obtains
10 new employment, and each time the obligor's employment is
11 terminated for any reason. The report shall be in writing and
12 shall, in the case of new employment, include the name and
13 address of the new employer. Failure to report new employment
14 or the termination of current employment, if coupled with
15 nonpayment of support for a period in excess of 60 days, is
16 indirect criminal contempt. For any obligor arrested for
17 failure to report new employment bond shall be set in the
18 amount of the child support that should have been paid during
19 the period of unreported employment. An order entered under
20 this Section shall also include a provision requiring the
21 obligor and obligee parents to advise each other of a change in
22 residence within 5 days of the change except when the court
23 finds that the physical, mental, or emotional health of a party
24 or that of a minor child, or both, would be seriously
25 endangered by disclosure of the party's address.

26 (Source: P.A. 93-139, eff. 7-10-03; 93-1061, eff. 1-1-05;

1 94-923, eff. 1-1-07; 94-1061, eff. 1-1-07; revised 8-3-06.)

2 (750 ILCS 45/14.1)

3 Sec. 14.1. Information to State Case Registry.

4 (a) In this Section:

5 "Order for support", "obligor", "obligee", and "business
6 day" are defined as set forth in the Income Withholding for
7 Support Act.

8 "State Case Registry" means the State Case Registry
9 established under Section 10-27 of the Illinois Public Aid
10 Code.

11 (b) Each order for support entered or modified by the
12 circuit court under this Act shall require that the obligor and
13 obligee (i) file with the clerk of the circuit court the
14 information required by this Section (and any other information
15 required under Title IV, Part D of the Social Security Act or
16 by the federal Department of Health and Human Services) at the
17 time of entry or modification of the order for support and (ii)
18 file updated information with the clerk within 5 business days
19 of any change. Failure of the obligor or obligee to file or
20 update the required information shall be punishable as in cases
21 of contempt. The failure shall not prevent the court from
22 entering or modifying the order for support, however.

23 (c) The obligor shall file the following information: the
24 obligor's name, date of birth, social security number, and
25 mailing address.

1 If either the obligor or the obligee receives child support
2 enforcement services from the ~~Illinois~~ Department of
3 Healthcare and Family Services ~~Public Aid~~ under Article X of
4 the Illinois Public Aid Code, the obligor shall also file the
5 following information: the obligor's telephone number,
6 driver's license number, and residential address (if different
7 from the obligor's mailing address), and the name, address, and
8 telephone number of the obligor's employer or employers.

9 (d) The obligee shall file the following information:

10 (1) The names of the obligee and the child or children
11 covered by the order for support.

12 (2) The dates of birth of the obligee and the child or
13 children covered by the order for support.

14 (3) The social security numbers of the obligee and the
15 child or children covered by the order for support.

16 (4) The obligee's mailing address.

17 (e) In cases in which the obligee receives child support
18 enforcement services from the ~~Illinois~~ Department of
19 Healthcare and Family Services ~~Public Aid~~ under Article X of
20 the Illinois Public Aid Code, the order for support shall (i)
21 require that the obligee file the information required under
22 subsection (d) with the ~~Illinois~~ Department of Healthcare and
23 Family Services ~~Public Aid~~ for inclusion in the State Case
24 Registry, rather than file the information with the clerk, and
25 (ii) require that the obligee include the following additional
26 information:

1 (1) The obligee's telephone and driver's license
2 numbers.

3 (2) The obligee's residential address, if different
4 from the obligee's mailing address.

5 (3) The name, address, and telephone number of the
6 obligee's employer or employers.

7 The order for support shall also require that the obligee
8 update the information filed with the ~~Illinois~~ Department of
9 Healthcare and Family Services ~~Public Aid~~ within 5 business
10 days of any change.

11 (f) The clerk shall provide the information filed under
12 this Section, together with the court docket number and county
13 in which the order for support was entered, to the State Case
14 Registry within 5 business days after receipt of the
15 information.

16 (g) In a case in which a party is receiving child support
17 enforcement services under Article X of the Illinois Public Aid
18 Code, the clerk shall provide the following additional
19 information to the State Case Registry within 5 business days
20 after entry or modification of an order for support or request
21 from the ~~Illinois~~ Department of Healthcare and Family Services
22 ~~Public Aid~~:

23 (1) The amount of monthly or other periodic support
24 owed under the order for support and other amounts,
25 including arrearage, interest, or late payment penalties
26 and fees, due or overdue under the order.

1 (2) Any such amounts that have been received by the
2 clerk, and the distribution of those amounts by the clerk.

3 (h) Information filed by the obligor and obligee under this
4 Section that is not specifically required to be included in the
5 body of an order for support under other laws is not a public
6 record and shall be treated as confidential and subject to
7 disclosure only in accordance with the provisions of this
8 Section, Section 10-27 of the Illinois Public Aid Code, and
9 Title IV, Part D of the Social Security Act.

10 (Source: P.A. 91-212, eff. 7-20-99; 92-463, eff. 8-22-01;
11 revised 12-15-05.)

12 (750 ILCS 45/15.1) (from Ch. 40, par. 2515.1)

13 Sec. 15.1. (a) Whenever it is determined in a proceeding to
14 establish or enforce a child support obligation that the person
15 owing a duty of support is unemployed, the court may order the
16 person to seek employment and report periodically to the court
17 with a diary, listing or other memorandum of his or her efforts
18 in accordance with such order. Additionally, the court may
19 order the unemployed person to report to the Department of
20 Employment Security for job search services or to make
21 application with the local Job Training Partnership Act
22 provider for participation in job search, training or work
23 programs and where the duty of support is owed to a child
24 receiving child support enforcement services under Article X of
25 the Illinois Public Aid Code, as amended, the court may order

1 the unemployed person to report to the ~~Illinois~~ Department of
2 Healthcare and Family Services ~~Public Aid~~ for participation in
3 job search, training or work programs established under Section
4 9-6 and Article IXA of that Code.

5 (b) Whenever it is determined that a person owes past-due
6 support for a child, and the child is receiving assistance
7 under the Illinois Public Aid Code, the court shall order the
8 following at the request of the ~~Illinois~~ Department of
9 Healthcare and Family Services ~~Public Aid~~:

10 (1) that the person pay the past-due support in
11 accordance with a plan approved by the court; or

12 (2) if the person owing past-due support is unemployed,
13 is subject to such a plan, and is not incapacitated, that
14 the person participate in such job search, training, or
15 work programs established under Section 9-6 and Article IXA
16 of the Illinois Public Aid Code as the court deems
17 appropriate.

18 (Source: P.A. 91-357, eff. 7-29-99; 92-590, eff. 7-1-02;
19 revised 12-15-05.)

20 (750 ILCS 45/18) (from Ch. 40, par. 2518)

21 Sec. 18. Right to Counsel; Free Transcript on Appeal.

22 (a) Any party may be represented by counsel at all
23 proceedings under this Act.

24 (a-5) In any proceedings involving the support, custody,
25 visitation, education, parentage, property interest, or

1 general welfare of a minor or dependent child, the court may,
2 on its own motion or that of any party, and subject to the
3 terms or specifications the court determines, appoint an
4 attorney to serve in one of the following capacities:

5 (1) as an attorney to represent the child;

6 (2) as a guardian ad litem to address issues the court
7 delineates;

8 (3) as a child's representative whose duty shall be to
9 advocate what the representative finds to be in the best
10 interests of the child after reviewing the facts and
11 circumstances of the case. The child's representative
12 shall have the same power and authority to take part in the
13 conduct of the litigation as does an attorney for a party
14 and shall possess all the powers of investigation and
15 recommendation as does a guardian ad litem. The child's
16 representative shall consider, but not be bound by, the
17 expressed wishes of the child. A child's representative
18 shall have received training in child advocacy or shall
19 possess such experience as determined to be equivalent to
20 such training by the chief judge of the circuit where the
21 child's representative has been appointed. The child's
22 representative shall not disclose confidential
23 communications made by the child, except as required by law
24 or by the Rules of Professional Conduct. The child's
25 representative shall not be called as a witness regarding
26 the issues set forth in this subsection.

1 During the proceedings the court may appoint an additional
2 attorney to serve in another of the capacities described in
3 subdivisions (1), (2), or (3) of the preceding paragraph on its
4 own motion or that of a party only for good cause shown and
5 when the reasons for the additional appointment are set forth
6 in specific findings.

7 The court shall enter an order as appropriate for costs,
8 fees, and disbursements, including a retainer, when the
9 attorney, guardian ad litem, or child's representative is
10 appointed, and thereafter as necessary. Such orders shall
11 require payment by either or both parents, by any other party
12 or source, or from the marital estate or the child's separate
13 estate. The court may not order payment by the ~~Illinois~~
14 Department of Healthcare and Family Services ~~Public Aid~~ in
15 cases in which the Department is providing child support
16 enforcement services under Article X of the Illinois Public Aid
17 Code. Unless otherwise ordered by the court at the time fees
18 and costs are approved, all fees and costs payable to an
19 attorney, guardian ad litem, or child's representative under
20 this Section are by implication deemed to be in the nature of
21 support of the child and are within the exceptions to discharge
22 in bankruptcy under 11 U.S.C.A. 523. The provisions of Sections
23 501 and 508 of this Act shall apply to fees and costs for
24 attorneys appointed under this Section.

25 (b) Upon the request of a mother or child seeking to
26 establish the existence of a father and child relationship, the

1 State's Attorney shall represent the mother or child in the
2 trial court. If the child is an applicant for or a recipient of
3 assistance as defined in Section 2-6 of "The Illinois Public
4 Aid Code", approved April 11, 1967, as amended, or has applied
5 to the Department of Healthcare and Family Services (formerly
6 Illinois Department of Public Aid) for services under Article X
7 of such Code, the Department may file a complaint in the
8 child's behalf under this Act. The Department shall refer the
9 complaint to the Public Aid Claims Enforcement Division of the
10 Office of the Attorney General as provided in Section 12-16 of
11 "The Illinois Public Aid Code" for enforcement by the Attorney
12 General. Legal representation by the State's Attorney or the
13 Attorney General shall be limited to the establishment and
14 enforcement of an order for support, and shall not extend to
15 visitation, custody, property or other matters. If visitation,
16 custody, property or other matters are raised by a party and
17 considered by the court in any proceeding under this Act, the
18 court shall provide a continuance sufficient to enable the
19 mother or child to obtain representation for such matters.

20 (c) The Court may appoint counsel to represent any indigent
21 defendant in the trial court, except that this representation
22 shall be limited to the establishment of a parent and child
23 relationship and an order for support, and shall not extend to
24 visitation, custody, property, enforcement of an order for
25 support, or other matters. If visitation, custody, property or
26 other matters are raised by a party and considered by the court

1 in any proceeding under this Act, the court shall provide a
2 continuance sufficient to enable the defendant to obtain
3 representation for such matters.

4 (d) The court shall furnish on request of any indigent
5 party a transcript for purposes of appeal.

6 (Source: P.A. 91-410, eff. 1-1-00; 92-590, eff. 7-1-02; revised
7 12-15-05.)

8 (750 ILCS 45/21) (from Ch. 40, par. 2521)

9 Sec. 21. Support payments; receiving and disbursing
10 agents.

11 (1) In an action filed in a county of less than 3 million
12 population in which an order for child support is entered, and
13 in supplementary proceedings in such a county to enforce or
14 vary the terms of such order arising out of an action filed in
15 such a county, the court, except in actions or supplementary
16 proceedings in which the pregnancy and delivery expenses of the
17 mother or the child support payments are for a recipient of aid
18 under the Illinois Public Aid Code, shall direct that child
19 support payments be made to the clerk of the court unless in
20 the discretion of the court exceptional circumstances warrant
21 otherwise. In cases where payment is to be made to persons
22 other than the clerk of the court the judgment or order of
23 support shall set forth the facts of the exceptional
24 circumstances.

25 (2) In an action filed in a county of 3 million or more

1 population in which an order for child support is entered, and
2 in supplementary proceedings in such a county to enforce or
3 vary the terms of such order arising out of an action filed in
4 such a county, the court, except in actions or supplementary
5 proceedings in which the pregnancy and delivery expenses of the
6 mother or the child support payments are for a recipient of aid
7 under the Illinois Public Aid Code, shall direct that child
8 support payments be made either to the clerk of the court or to
9 the Court Service Division of the County Department of Public
10 Aid, or to the clerk of the court or to the ~~Illinois~~ Department
11 of Healthcare and Family Services ~~Public Aid~~, unless in the
12 discretion of the court exceptional circumstances warrant
13 otherwise. In cases where payment is to be made to persons
14 other than the clerk of the court, the Court Service Division
15 of the County Department of Public Aid, or the ~~Illinois~~
16 Department of Healthcare and Family Services ~~Public Aid~~, the
17 judgment or order of support shall set forth the facts of the
18 exceptional circumstances.

19 (3) Where the action or supplementary proceeding is in
20 behalf of a mother for pregnancy and delivery expenses or for
21 child support, or both, and the mother, child, or both, are
22 recipients of aid under the Illinois Public Aid Code, the court
23 shall order that the payments be made directly to (a) the
24 ~~Illinois~~ Department of Healthcare and Family Services ~~Public~~
25 ~~Aid~~ if the mother or child, or both, are recipients under
26 Articles IV or V of the Code, or (b) the local governmental

1 unit responsible for the support of the mother or child, or
2 both, if they are recipients under Articles VI or VII of the
3 Code. In accordance with federal law and regulations, the
4 ~~Illinois~~ Department of Healthcare and Family Services ~~Public~~
5 ~~Aid~~ may continue to collect current maintenance payments or
6 child support payments, or both, after those persons cease to
7 receive public assistance and until termination of services
8 under Article X of the Illinois Public Aid Code. The ~~Illinois~~
9 Department of Healthcare and Family Services ~~Public Aid~~ shall
10 pay the net amount collected to those persons after deducting
11 any costs incurred in making the collection or any collection
12 fee from the amount of any recovery made. The ~~Illinois~~
13 Department of Healthcare and Family Services ~~Public Aid~~ or the
14 local governmental unit, as the case may be, may direct that
15 payments be made directly to the mother of the child, or to
16 some other person or agency in the child's behalf, upon the
17 removal of the mother and child from the public aid rolls or
18 upon termination of services under Article X of the Illinois
19 Public Aid Code; and upon such direction, the ~~Illinois~~
20 Department or the local governmental unit, as the case
21 requires, shall give notice of such action to the court in
22 writing or by electronic transmission.

23 (4) All clerks of the court and the Court Service Division
24 of a County Department of Public Aid and the ~~Illinois~~
25 Department of Healthcare and Family Services ~~Public Aid~~,
26 receiving child support payments under paragraphs (1) or (2)

1 shall disburse the same to the person or persons entitled
2 thereto under the terms of the order. They shall establish and
3 maintain clear and current records of all moneys received and
4 disbursed and of defaults and delinquencies in required
5 payments. The court, by order or rule, shall make provision for
6 the carrying out of these duties.

7 Payments under this Section to the ~~Illinois~~ Department of
8 Healthcare and Family Services ~~Public Aid~~ pursuant to the Child
9 Support Enforcement Program established by Title IV-D of the
10 Social Security Act shall be paid into the Child Support
11 Enforcement Trust Fund. All payments under this Section to the
12 Illinois Department of Human Services shall be deposited in the
13 DHS Recoveries Trust Fund. Disbursement from these funds shall
14 be as provided in the Illinois Public Aid Code. Payments
15 received by a local governmental unit shall be deposited in
16 that unit's General Assistance Fund.

17 (5) The moneys received by persons or agencies designated
18 by the court shall be disbursed by them in accordance with the
19 order. However, the court, on petition of the state's attorney,
20 may enter new orders designating the clerk of the court or the
21 ~~Illinois~~ Department of Healthcare and Family Services ~~Public~~
22 ~~Aid~~, as the person or agency authorized to receive and disburse
23 child support payments and, in the case of recipients of public
24 aid, the court, on petition of the Attorney General or State's
25 Attorney, shall direct subsequent payments to be paid to the
26 ~~Illinois~~ Department of Healthcare and Family Services ~~Public~~

1 ~~Aid~~ or to the appropriate local governmental unit, as provided
2 in paragraph (3). Payments of child support by principals or
3 sureties on bonds, or proceeds of any sale for the enforcement
4 of a judgment shall be made to the clerk of the court, the
5 ~~Illinois~~ Department of Healthcare and Family Services ~~Public~~
6 ~~Aid~~ or the appropriate local governmental unit, as the
7 respective provisions of this Section require.

8 (6) For those cases in which child support is payable to
9 the clerk of the circuit court for transmittal to the
10 Department of Healthcare and Family Services (formerly
11 Illinois Department of Public Aid) by order of court or upon
12 notification by the Department of Healthcare and Family
13 Services (formerly Illinois Department of Public Aid), the
14 clerk shall transmit all such payments, within 4 working days
15 of receipt, to insure that funds are available for immediate
16 distribution by the Department to the person or entity entitled
17 thereto in accordance with standards of the Child Support
18 Enforcement Program established under Title IV-D of the Social
19 Security Act. The clerk shall notify the Department of the date
20 of receipt and amount thereof at the time of transmittal. Where
21 the clerk has entered into an agreement of cooperation with the
22 Department to record the terms of child support orders and
23 payments made thereunder directly into the Department's
24 automated data processing system, the clerk shall account for,
25 transmit and otherwise distribute child support payments in
26 accordance with such agreement in lieu of the requirements

1 contained herein.

2 (7) To the extent the provisions of this Section are
3 inconsistent with the requirements pertaining to the State
4 Disbursement Unit under Section 21.1 of this Act and Section
5 10-26 of the Illinois Public Aid Code, the requirements
6 pertaining to the State Disbursement Unit shall apply.

7 (Source: P.A. 94-88, eff. 1-1-06; revised 12-15-05.)

8 (750 ILCS 45/21.1)

9 Sec. 21.1. Payment of Support to State Disbursement Unit.

10 (a) As used in this Section:

11 "Order for support", "obligor", "obligee", and "payor"
12 mean those terms as defined in the Income Withholding for
13 Support Act, except that "order for support" shall not mean
14 orders providing for spousal maintenance under which there is
15 no child support obligation.

16 (b) Notwithstanding any other provision of this Act to the
17 contrary, each order for support entered or modified on or
18 after October 1, 1999 shall require that support payments be
19 made to the State Disbursement Unit established under Section
20 10-26 of the Illinois Public Aid Code if:

21 (1) a party to the order is receiving child support
22 enforcement services under Article X of the Illinois Public
23 Aid Code; or

24 (2) no party to the order is receiving child support
25 enforcement services, but the support payments are made

1 through income withholding.

2 (c) Support payments shall be made to the State
3 Disbursement Unit if:

4 (1) the order for support was entered before October 1,
5 1999, and a party to the order is receiving child support
6 enforcement services under Article X of the Illinois Public
7 Aid Code; or

8 (2) no party to the order is receiving child support
9 enforcement services, and the support payments are being
10 made through income withholding.

11 (c-5) If no party to the order is receiving child support
12 enforcement services under Article X of the Illinois Public Aid
13 Code, and the support payments are not made through income
14 withholding, then support payments shall be made as directed by
15 the order for support.

16 (c-10) At any time, and notwithstanding the existence of an
17 order directing payments to be made elsewhere, the Department
18 of Healthcare and Family Services ~~Public Aid~~ may provide notice
19 to the obligor and, where applicable, to the obligor's payor:

20 (1) to make support payments to the State Disbursement
21 Unit if:

22 (A) a party to the order for support is receiving
23 child support enforcement services under Article X of
24 the Illinois Public Aid Code; or

25 (B) no party to the order for support is receiving
26 child support enforcement services under Article X of

1 the Illinois Public Aid Code, but the support payments
2 are made through income withholding; or

3 (2) to make support payments to the State Disbursement
4 Unit of another state upon request of another state's Title
5 IV-D child support enforcement agency, in accordance with
6 the requirements of Title IV, Part D of the Social Security
7 Act and regulations promulgated under that Part D.

8 The Department of Healthcare and Family Services ~~Public Aid~~
9 shall provide a copy of the notice to the obligee and to the
10 clerk of the circuit court.

11 (c-15) Within 15 days after the effective date of this
12 amendatory Act of the 91st General Assembly, the clerk of the
13 circuit court shall provide written notice to the obligor to
14 directly to the clerk of the circuit court if no party to the
15 order is receiving child support enforcement services under
16 Article X of the Illinois Public Aid Code, the support payments
17 are not made through income withholding, and the order for
18 support requires support payments to be made directly to the
19 clerk of the circuit court. The clerk shall provide a copy of
20 the notice to the obligee.

21 (c-20) If the State Disbursement Unit receives a support
22 payment that was not appropriately made to the Unit under this
23 Section, the Unit shall immediately return the payment to the
24 sender, including, if possible, instructions detailing where
25 to send the support payments.

26 (d) The notices under subsections (c-10) and (c-15) may be

1 sent by ordinary mail, certified mail, return receipt
2 requested, facsimile transmission, or other electronic
3 process, or may be served upon the obligor or payor using any
4 method provided by law for service of a summons.

5 (Source: P.A. 91-212, eff. 7-20-99; 91-677, eff. 1-5-00;
6 92-590, eff. 7-1-02; revised 12-15-05.)

7 (750 ILCS 45/22) (from Ch. 40, par. 2522)

8 Sec. 22. In all cases instituted by the Department of
9 Healthcare and Family Services (formerly Illinois Department
10 of Public Aid) on behalf of a child or spouse, other than one
11 receiving a grant of financial aid under Article IV of The
12 Illinois Public Aid Code, on whose behalf an application has
13 been made and approved for child support enforcement services
14 as provided by Section 10-1 of that Code, the court shall
15 impose a collection fee on the individual who owes a child or
16 spouse support obligation in an amount equal to 10% of the
17 amount so owed as long as such collection is required by
18 federal law, which fee shall be in addition to the support
19 obligation. The imposition of such fee shall be in accordance
20 with provisions of Title IV, Part D, of the Social Security Act
21 and regulations duly promulgated thereunder. The fee shall be
22 payable to the clerk of the circuit court for transmittal to
23 the ~~Illinois~~ Department of Healthcare and Family Services
24 ~~Public Aid~~ and shall continue until support services are
25 terminated by that Department.

1 (Source: P.A. 92-590, eff. 7-1-02; revised 12-15-05.)

2 (750 ILCS 45/23) (from Ch. 40, par. 2523)

3 Sec. 23. Notice to Clerk of Circuit Court of Payment
4 Received by ~~Illinois~~ Department of Healthcare and Family
5 Services ~~Public Aid~~ for Recording. For those cases in which
6 support is payable to the clerk of the circuit court for
7 transmittal to the Department of Healthcare and Family Services
8 (formerly Illinois Department of Public Aid) by order of court,
9 and the ~~Illinois~~ Department ~~of Public Aid~~ collects support by
10 assignment, offset, withhold, deduction or other process
11 permitted by law, the ~~Illinois~~ Department ~~of Public Aid~~ shall
12 notify the clerk of the date and amount of such collection.
13 Upon notification, the clerk shall record the collection on the
14 payment record for the case.

15 (Source: P.A. 83-1372; revised 12-15-05.)

16 (750 ILCS 45/28)

17 Sec. 28. Notice of child support enforcement services. The
18 ~~Illinois~~ Department of Healthcare and Family Services ~~Public~~
19 ~~Aid~~ may provide notice at any time to the parties to an action
20 filed under this Act that child support enforcement services
21 are being provided by the ~~Illinois~~ Department under Article X
22 of the Illinois Public Aid Code. The notice shall be sent by
23 regular mail to the party's last known address on file with the
24 clerk of the court or the State Case Registry established under

1 Section 10-27 of the Illinois Public Aid Code. After notice is
2 provided pursuant to this Section, the ~~Illinois~~ Department
3 shall be entitled, as if it were a party, to notice of any
4 further proceedings brought in the case. The ~~Illinois~~
5 Department shall provide the clerk of the court with copies of
6 the notices sent to the parties. The clerk shall file the
7 copies in the court file.

8 (Source: P.A. 94-88, eff. 1-1-06; revised 12-15-05.)

9 Section 1160. The Adoption Act is amended by changing
10 Section 18.05 as follows:

11 (750 ILCS 50/18.05)

12 Sec. 18.05. The Illinois Adoption Registry and Medical
13 Information Exchange.

14 (a) General function. Subject to appropriation, the
15 Department of Public Health shall administer the Illinois
16 Adoption Registry and Medical Information Exchange in the
17 manner outlined in subsections (b) and (c) for the purpose of
18 facilitating the voluntary exchange of medical information
19 between mutually consenting members of birth and adoptive
20 families. The Department shall establish rules for the
21 confidential operation of the Illinois Adoption Registry. The
22 Department shall conduct a public information campaign through
23 public service announcements and other forms of media coverage
24 and, until December 31, 2010, through notices enclosed with

1 driver's license renewal applications, shall inform the public
2 of the Illinois Adoption Registry and Medical Information
3 Exchange. The Illinois Adoption Registry shall also maintain an
4 informational Internet site where interested parties may
5 access information about the Illinois Adoption Registry and
6 Medical Information Exchange and download all necessary
7 application forms. The Illinois Adoption Registry shall
8 maintain statistical records regarding Registry participation
9 and publish and circulate to the public informational material
10 about the function and operation of the Registry.

11 (b) Establishment of the Adoption/Surrender Records File.
12 When a person has voluntarily registered with the Illinois
13 Adoption Registry and completed an Illinois Adoption Registry
14 Application or a Registration Identification Form, the
15 Registry shall establish a new Adoption/Surrender Records
16 File. Such file may concern an adoption that was finalized by a
17 court action in the State of Illinois, an adoption of a person
18 born in Illinois finalized by a court action in a state other
19 than Illinois or in a foreign country, a surrender taken in the
20 State of Illinois, or an adoption filed according to Section
21 16.1 of the Vital Records Act under a Record of Foreign Birth
22 that was not finalized by a court action in the State of
23 Illinois. Such file may be established for adoptions or
24 surrenders finalized prior to as well as after the effective
25 date of this amendatory Act. A file may be created in any
26 manner to preserve documents including but not limited to

1 microfilm, optical imaging, or electronic documents.

2 (c) Contents of the Adoption/Surrender Records File. An
3 established Adoption/Surrender Records File shall be limited
4 to the following items, to the extent that they are available:

5 (1) The General Information Section and Medical
6 Information Exchange Questionnaire of any Illinois
7 Adoption Registry Application or a Registration
8 Identification Form which has been voluntarily completed
9 by any registered party.

10 (2) Any photographs voluntarily provided by any
11 registrant for any other registered party at the time of
12 registration or any time thereafter. All such photographs
13 shall be submitted in an unsealed envelope no larger than 8
14 1/2" x 11", and shall not include identifying information
15 pertaining to any person other than the registrant who
16 submitted them. Any such identifying information shall be
17 redacted by the Department or the information shall be
18 returned for removal of identifying information.

19 (3) Any Information Exchange Authorization or Denial
20 of Information Exchange which has been filed by a
21 registrant.

22 (4) For all adoptions finalized after January 1, 2000,
23 copies of the original certificate of live birth and the
24 certificate of adoption.

25 (5) Any updated address submitted by any registered
26 party about himself or herself.

1 (6) Any proof of death which has been submitted by a
2 registrant.

3 (7) Any birth certificate that has been submitted by a
4 registrant.

5 (8) Any marriage certificate that has been submitted by
6 a registrant.

7 (9) Any proof of guardianship that has been submitted
8 by a registrant.

9 (d) An established Adoption/Surrender Records File for an
10 adoption filed in Illinois under a Record of Foreign Birth that
11 was not finalized in a court action in the State of Illinois
12 shall be limited to the following items submitted to the State
13 Registrar of Vital Records under Section 16.1 of the Vital
14 Records Act, to the extent that they are available:

15 (1) Evidence as to the child's birth date and
16 birthplace (including the country of birth and, if
17 available, the city and province of birth) provided by the
18 original birth certificate, or by a certified copy,
19 extract, or translation thereof or by other document
20 essentially equivalent thereto (the records of the U.S.
21 Immigration and Naturalization Service or of the U.S.
22 Department of State to be considered essentially
23 equivalent thereto).

24 (2) A certified copy, extract, or translation of the
25 adoption decree or other document essentially equivalent
26 thereto (the records of the U.S. Immigration and

1 Naturalization Service or of the U.S. Department of State
2 to be considered essentially equivalent thereto).

3 (3) A copy of the IR-3 visa.

4 (4) The name and address of the adoption agency that
5 handled the adoption.

6 (Source: P.A. 94-173, eff. 1-1-06; 94-430, eff. 8-2-05; revised
7 8-19-05.)

8 Section 1165. The Illinois Domestic Violence Act of 1986 is
9 amended by changing Sections 219, 223, 224, and 302 as follows:

10 (750 ILCS 60/219) (from Ch. 40, par. 2312-19)

11 Sec. 219. Plenary order of protection. A plenary order of
12 protection shall issue if petitioner has served notice of the
13 hearing for that order on respondent, in accordance with
14 Section 211, and satisfies the requirements of this Section for
15 one or more of the requested remedies. For each remedy
16 requested, petitioner must establish that:

17 (1) the court has jurisdiction under Section 208;

18 (2) the requirements of Section 214 are satisfied; ~~and~~

19 (3) a general appearance was made or filed by or for
20 respondent or process was served on respondent in the manner
21 required by Section 210; and

22 (4) respondent has answered or is in default.

23 (Source: P.A. 84-1305; revised 2-25-02.)

1 (750 ILCS 60/223) (from Ch. 40, par. 2312-23)

2 Sec. 223. Enforcement of orders of protection.

3 (a) When violation is crime. A violation of any order of
4 protection, whether issued in a civil or criminal proceeding,
5 shall be enforced by a criminal court when:

6 (1) The respondent commits the crime of violation of an
7 order of protection pursuant to Section 12-30 of the
8 Criminal Code of 1961, by having knowingly violated:

9 (i) remedies described in paragraphs (1), (2),
10 (3), (14), or (14.5) of subsection (b) of Section 214
11 of this Act; or

12 (ii) a remedy, which is substantially similar to
13 the remedies authorized under paragraphs (1), (2),
14 (3), (14), and (14.5) of subsection (b) of Section 214
15 of this Act, in a valid order of protection which is
16 authorized under the laws of another state, tribe, or
17 United States territory; or

18 (iii) any other remedy when the act constitutes a
19 crime against the protected parties as defined by the
20 Criminal Code of 1961.

21 Prosecution for a violation of an order of protection
22 shall not bar concurrent prosecution for any other crime,
23 including any crime that may have been committed at the
24 time of the violation of the order of protection; or

25 (2) The respondent commits the crime of child abduction
26 pursuant to Section 10-5 of the Criminal Code of 1961, by

1 having knowingly violated:

2 (i) remedies described in paragraphs (5), (6) or
3 (8) of subsection (b) of Section 214 of this Act; or

4 (ii) a remedy, which is substantially similar to
5 the remedies authorized under paragraphs (5), (6), or
6 (8) of subsection (b) of Section 214 of this Act, in a
7 valid order of protection which is authorized under the
8 laws of another state, tribe, or United States
9 territory.

10 (b) When violation is contempt of court. A violation of any
11 valid Illinois order of protection, whether issued in a civil
12 or criminal proceeding, may be enforced through civil or
13 criminal contempt procedures, as appropriate, by any court with
14 jurisdiction, regardless where the act or acts which violated
15 the order of protection were committed, to the extent
16 consistent with the venue provisions of this Act. Nothing in
17 this Act shall preclude any Illinois court from enforcing any
18 valid order of protection issued in another state. Illinois
19 courts may enforce orders of protection through both criminal
20 prosecution and contempt proceedings, unless the action which
21 is second in time is barred by collateral estoppel or the
22 constitutional prohibition against double jeopardy.

23 (1) In a contempt proceeding where the petition for a
24 rule to show cause sets forth facts evidencing an immediate
25 danger that the respondent will flee the jurisdiction,
26 conceal a child, or inflict physical abuse on the

1 petitioner or minor children or on dependent adults in
2 petitioner's care, the court may order the attachment of
3 the respondent without prior service of the rule to show
4 cause or the petition for a rule to show cause. Bond shall
5 be set unless specifically denied in writing.

6 (2) A petition for a rule to show cause for violation
7 of an order of protection shall be treated as an expedited
8 proceeding.

9 (c) Violation of custody or support orders. A violation of
10 remedies described in paragraphs (5), (6), (8), or (9) of
11 subsection (b) of Section 214 of this Act may be enforced by
12 any remedy provided by Section 611 of the Illinois Marriage and
13 Dissolution of Marriage Act. The court may enforce any order
14 for support issued under paragraph (12) of subsection (b) of
15 Section 214 in the manner provided for under Parts ~~Articles~~ V
16 and VII of the Illinois Marriage and Dissolution of Marriage
17 Act.

18 (d) Actual knowledge. An order of protection may be
19 enforced pursuant to this Section if the respondent violates
20 the order after the respondent has actual knowledge of its
21 contents as shown through one of the following means:

22 (1) By service, delivery, or notice under Section 210.

23 (2) By notice under Section 210.1 or 211.

24 (3) By service of an order of protection under Section
25 222.

26 (4) By other means demonstrating actual knowledge of

1 the contents of the order.

2 (e) The enforcement of an order of protection in civil or
3 criminal court shall not be affected by either of the
4 following:

5 (1) The existence of a separate, correlative order,
6 entered under Section 215.

7 (2) Any finding or order entered in a conjoined
8 criminal proceeding.

9 (f) Circumstances. The court, when determining whether or
10 not a violation of an order of protection has occurred, shall
11 not require physical manifestations of abuse on the person of
12 the victim.

13 (g) Penalties.

14 (1) Except as provided in paragraph (3) of this
15 subsection, where the court finds the commission of a crime
16 or contempt of court under subsections (a) or (b) of this
17 Section, the penalty shall be the penalty that generally
18 applies in such criminal or contempt proceedings, and may
19 include one or more of the following: incarceration,
20 payment of restitution, a fine, payment of attorneys' fees
21 and costs, or community service.

22 (2) The court shall hear and take into account evidence
23 of any factors in aggravation or mitigation before deciding
24 an appropriate penalty under paragraph (1) of this
25 subsection.

26 (3) To the extent permitted by law, the court is

1 encouraged to:

2 (i) increase the penalty for the knowing violation
3 of any order of protection over any penalty previously
4 imposed by any court for respondent's violation of any
5 order of protection or penal statute involving
6 petitioner as victim and respondent as defendant;

7 (ii) impose a minimum penalty of 24 hours
8 imprisonment for respondent's first violation of any
9 order of protection; and

10 (iii) impose a minimum penalty of 48 hours
11 imprisonment for respondent's second or subsequent
12 violation of an order of protection

13 unless the court explicitly finds that an increased penalty
14 or that period of imprisonment would be manifestly unjust.

15 (4) In addition to any other penalties imposed for a
16 violation of an order of protection, a criminal court may
17 consider evidence of any violations of an order of
18 protection:

19 (i) to increase, revoke or modify the bail bond on
20 an underlying criminal charge pursuant to Section
21 110-6 of the Code of Criminal Procedure of 1963;

22 (ii) to revoke or modify an order of probation,
23 conditional discharge or supervision, pursuant to
24 Section 5-6-4 of the Unified Code of Corrections;

25 (iii) to revoke or modify a sentence of periodic
26 imprisonment, pursuant to Section 5-7-2 of the Unified

1 Code of Corrections.

2 (5) In addition to any other penalties, the court shall
3 impose an additional fine of \$20 as authorized by Section
4 5-9-1.11 of the Unified Code of Corrections upon any person
5 convicted of or placed on supervision for a violation of an
6 order of protection. The additional fine shall be imposed
7 for each violation of this Section.

8 (Source: P.A. 93-359, eff. 1-1-04; revised 10-11-05.)

9 (750 ILCS 60/224) (from Ch. 40, par. 2312-24)

10 Sec. 224. Modification and re-opening of orders.

11 (a) Except as otherwise provided in this Section, upon
12 motion by petitioner, the court may modify an emergency,
13 interim, or plenary order of protection:

14 (1) If respondent has abused petitioner since the
15 hearing for that order, by adding or altering one or more
16 remedies, as authorized by Section 214; and

17 (2) Otherwise, by adding any remedy authorized by
18 Section 214 which was:

19 (i) reserved in that order of protection;

20 (ii) not requested for inclusion in that order of
21 protection; or

22 (iii) denied on procedural grounds, but not on the
23 merits.

24 (b) Upon motion by petitioner or respondent, the court may
25 modify any prior order of protection's remedy for custody,

1 visitation or payment of support in accordance with the
2 relevant provisions of the Illinois Marriage and Dissolution of
3 Marriage Act. Each order of protection shall be entered in the
4 Law Enforcement Agencies ~~Automated~~ Data System on the same day
5 it is issued by the court.

6 (c) After 30 days following entry of a plenary order of
7 protection, a court may modify that order only when changes in
8 the applicable law or facts since that plenary order was
9 entered warrant a modification of its terms.

10 (d) Upon 2 days' notice to petitioner, in accordance with
11 Section 211 of this Act, or such shorter notice as the court
12 may prescribe, a respondent subject to an emergency or interim
13 order of protection issued under this Act may appear and
14 petition the court to re-hear the original or amended petition.
15 Any petition to re-hear shall be verified and shall allege the
16 following:

17 (1) that respondent did not receive prior notice of the
18 initial hearing in which the emergency, interim, or plenary
19 order was entered under Sections 211 and 217; and

20 (2) that respondent had a meritorious defense to the
21 order or any of its remedies or that the order or any of
22 its remedies was not authorized by this Act.

23 (e) In the event that the emergency or interim order
24 granted petitioner exclusive possession and the petition of
25 respondent seeks to re-open or vacate that grant, the court
26 shall set a date for hearing within 14 days on all issues

1 relating to exclusive possession. Under no circumstances shall
2 a court continue a hearing concerning exclusive possession
3 beyond the 14th day, except by agreement of the parties. Other
4 issues raised by the pleadings may be consolidated for the
5 hearing if neither party nor the court objects.

6 (f) This Section does not limit the means, otherwise
7 available by law, for vacating or modifying orders of
8 protection.

9 (Source: P.A. 87-1186; revised 2-17-03.)

10 (750 ILCS 60/302) (from Ch. 40, par. 2313-2)

11 Sec. 302. Data maintenance by law enforcement agencies.

12 (a) All sheriffs shall furnish to the Department of State
13 Police, on the same day as received, in the form and detail the
14 Department requires, copies of any recorded emergency,
15 interim, or plenary orders of protection issued by the court,
16 and any foreign orders of protection filed by the clerk of the
17 court, and transmitted to the sheriff by the clerk of the court
18 pursuant to subsection (b) of Section 222 of this Act. Each
19 order of protection shall be entered in the Law Enforcement
20 Agencies Automated Data System on the same day it is issued by
21 the court. If an emergency order of protection was issued in
22 accordance with subsection (c) of Section 217, the order shall
23 be entered in the Law Enforcement Agencies Automated Data
24 System as soon as possible after receipt from the clerk.

25 (b) The Department of State Police shall maintain a

1 complete and systematic record and index of all valid and
2 recorded orders of protection issued pursuant to this Act. The
3 data shall be used to inform all dispatchers and law
4 enforcement officers at the scene of an alleged incident of
5 abuse, neglect, or exploitation or violation of an order of
6 protection of any recorded prior incident of abuse, neglect, or
7 exploitation involving the abused, neglected, or exploited
8 party and the effective dates and terms of any recorded order
9 of protection.

10 (c) The data, records and transmittals required under this
11 Section shall pertain to any valid emergency, interim or
12 plenary order of protection, whether issued in a civil or
13 criminal proceeding or authorized under the laws of another
14 state, tribe, or United States territory.

15 (Source: P.A. 90-392, eff. 1-1-98; 91-903, eff. 1-1-01; revised
16 2-17-03.)

17 Section 1170. The Parental Notice of Abortion Act of 1995
18 is amended by changing Section 10 as follows:

19 (750 ILCS 70/10)

20 Sec. 10. Definitions. As used in this Act:

21 "Abortion" means the use of any instrument, medicine, drug,
22 or any other substance or device to terminate the pregnancy of
23 a woman known to be pregnant with an intention other than to
24 increase the probability of a live birth, to preserve the life

1 or health of a child after live birth, or to remove a dead
2 fetus.

3 "Actual notice" means the giving of notice directly, in
4 person, or by telephone.

5 "Adult family member" means a person over 21 years of age
6 who is the parent, grandparent, step-parent living in the
7 household, or legal guardian.

8 "Constructive notice" means notice by certified mail to the
9 last known address of the person entitled to notice with
10 delivery deemed to have occurred 48 hours after the certified
11 notice is mailed.

12 "Incompetent" means any person who has been adjudged as
13 mentally ill or developmentally disabled and who, because of
14 her mental illness or developmental disability, is not fully
15 able to manage her person and for whom a guardian of the person
16 has been appointed under Section 11a-3(a) (1) of the Probate Act
17 of 1975.

18 "Medical emergency" means a condition that, on the basis of
19 the physician's good faith clinical judgment, so complicates
20 the medical condition of a pregnant woman as to necessitate the
21 immediate abortion of her pregnancy to avert her death or for
22 which a delay will create serious risk of substantial and
23 irreversible impairment of major bodily function.

24 "Minor" means any person under 18 years of age who is not
25 or has not been married or who has not been emancipated under
26 the Emancipation of ~~Mature~~ Minors Act.

1 "Neglect" means the failure of an adult family member to
2 supply a child with necessary food, clothing, shelter, or
3 medical care when reasonably able to do so or the failure to
4 protect a child from conditions or actions that imminently and
5 seriously endanger the child's physical or mental health when
6 reasonably able to do so.

7 "Physical abuse" means any physical injury intentionally
8 inflicted by an adult family member on a child.

9 "Physician" means any person licensed to practice medicine
10 in all its branches under the Illinois Medical Practice Act of
11 1987.

12 "Sexual abuse" means any sexual conduct or sexual
13 penetration as defined in Section 12-12 of the Criminal Code of
14 1961 that is prohibited by the criminal laws of the State of
15 Illinois and committed against a minor by an adult family
16 member as defined in this Act.

17 (Source: P.A. 89-18, eff. 6-1-95; revised 10-9-03.)

18 Section 1175. The Probate Act of 1975 is amended by
19 changing Sections 6-5 and 11a-18 as follows:

20 (755 ILCS 5/6-5) (from Ch. 110 1/2, par. 6-5)

21 Sec. 6-5. Deposition of witness.) When a witness to a will
22 resides outside the county in which the will is offered for
23 probate or is unable to attend court and can be found and is
24 mentally and physically capable of testifying, the court, upon

1 the petition of any person seeking probate of the will and upon
2 such notice of the petition to persons interested as the court
3 directs, may issue a commission with the will or a photographic
4 copy thereof attached. The commission shall be directed to any
5 judge, notary public, mayor or other chief magistrate of a city
6 or United States ~~State~~ consul, vice-consul, consular agent,
7 secretary of legation or commissioned officer in active service
8 of the armed forces of the United States and shall authorize
9 and require him to cause that witness to come before him at
10 such time and place as he designates and to take the deposition
11 of the witness on oath or affirmation and upon all such written
12 interrogatories and cross-interrogatories as may be enclosed
13 with the commission. With the least possible delay the person
14 taking the deposition shall certify it, the commission, and the
15 interrogatories to the court from which the commission issued.
16 When the deposition of a witness is so taken and returned to
17 the court, his testimony has the same effect as if he testified
18 in the court from which the commission issued. When the
19 commission is issued to the officer by his official title only
20 and not by name, the seal of his office attached to his
21 certificate is sufficient evidence of his identity and official
22 character.

23 (Source: P.A. 81-213; revised 10-11-05.)

24 (755 ILCS 5/11a-18) (from Ch. 110 1/2, par. 11a-18)

25 Sec. 11a-18. Duties of the estate guardian.

1 (a) To the extent specified in the order establishing the
2 guardianship, the guardian of the estate shall have the care,
3 management and investment of the estate, shall manage the
4 estate frugally and shall apply the income and principal of the
5 estate so far as necessary for the comfort and suitable support
6 and education of the ward, his minor and adult dependent
7 children, and persons related by blood or marriage who are
8 dependent upon or entitled to support from him, or for any
9 other purpose which the court deems to be for the best
10 interests of the ward, and the court may approve the making on
11 behalf of the ward of such agreements as the court determines
12 to be for the ward's best interests. The guardian may make
13 disbursement of his ward's funds and estate directly to the
14 ward or other distributee or in such other manner and in such
15 amounts as the court directs. If the estate of a ward is
16 derived in whole or in part from payments of compensation,
17 adjusted compensation, pension, insurance or other similar
18 benefits made directly to the estate by the Veterans
19 Administration, notice of the application for leave to invest
20 or expend the ward's funds or estate, together with a copy of
21 the petition and proposed order, shall be given to the
22 Veterans' Administration Regional Office in this State at least
23 7 days before the hearing on the application.

24 (a-5) The probate court, upon petition of a guardian, other
25 than the guardian of a minor, and after notice to all other
26 persons interested as the court directs, may authorize the

1 guardian to exercise any or all powers over the estate and
2 business affairs of the ward that the ward could exercise if
3 present and not under disability. The court may authorize the
4 taking of an action or the application of funds not required
5 for the ward's current and future maintenance and support in
6 any manner approved by the court as being in keeping with the
7 ward's wishes so far as they can be ascertained. The court must
8 consider the permanence of the ward's disabling condition and
9 the natural objects of the ward's bounty. In ascertaining and
10 carrying out the ward's wishes the court may consider, but
11 shall not be limited to, minimization of State or federal
12 income, estate, or inheritance taxes; and providing gifts to
13 charities, relatives, and friends that would be likely
14 recipients of donations from the ward. The ward's wishes as
15 best they can be ascertained shall be carried out, whether or
16 not tax savings are involved. Actions or applications of funds
17 may include, but shall not be limited to, the following:

18 (1) making gifts of income or principal, or both, of
19 the estate, either outright or in trust;

20 (2) conveying, releasing, or disclaiming his or her
21 contingent and expectant interests in property, including
22 marital property rights and any right of survivorship
23 incident to joint tenancy or tenancy by the entirety;

24 (3) releasing or disclaiming his or her powers as
25 trustee, personal representative, custodian for minors, or
26 guardian;

1 (4) exercising, releasing, or disclaiming his or her
2 powers as donee of a power of appointment;

3 (5) entering into contracts;

4 (6) creating for the benefit of the ward or others,
5 revocable or irrevocable trusts of his or her property that
6 may extend beyond his or her disability or life;~~;~~

7 (7) exercising options of the ward to purchase or
8 exchange securities or other property;

9 (8) exercising the rights of the ward to elect benefit
10 or payment options, to terminate, to change beneficiaries
11 or ownership, to assign rights, to borrow, or to receive
12 cash value in return for a surrender of rights under any
13 one or more of the following:

14 (i) life insurance policies, plans, or benefits;~~;~~

15 (ii) annuity policies, plans, or benefits;~~;~~

16 (iii) mutual fund and other dividend investment
17 plans;~~;~~

18 (iv) retirement, profit sharing, and employee
19 welfare plans and benefits;

20 (9) exercising his or her right to claim or disclaim an
21 elective share in the estate of his or her deceased spouse
22 and to renounce any interest by testate or intestate
23 succession or by inter vivos transfer;

24 (10) changing the ward's residence or domicile; or

25 (11) modifying by means of codicil or trust amendment
26 the terms of the ward's will or any revocable trust created

1 by the ward, as the court may consider advisable in light
2 of changes in applicable tax laws.

3 The guardian in his or her petition shall briefly outline
4 the action or application of funds for which he or she seeks
5 approval, the results expected to be accomplished thereby, and
6 the tax savings, if any, expected to accrue. The proposed
7 action or application of funds may include gifts of the ward's
8 personal property or real estate, but transfers of real estate
9 shall be subject to the requirements of Section 20 of this Act.
10 Gifts may be for the benefit of prospective legatees, devisees,
11 or heirs apparent of the ward or may be made to individuals or
12 charities in which the ward is believed to have an interest.
13 The guardian shall also indicate in the petition that any
14 planned disposition is consistent with the intentions of the
15 ward insofar as they can be ascertained, and if the ward's
16 intentions cannot be ascertained, the ward will be presumed to
17 favor reduction in the incidents of various forms of taxation
18 and the partial distribution of his or her estate as provided
19 in this subsection. The guardian shall not, however, be
20 required to include as a beneficiary or fiduciary any person
21 who he has reason to believe would be excluded by the ward. A
22 guardian shall be required to investigate and pursue a ward's
23 eligibility for governmental benefits.

24 (b) Upon the direction of the court which issued his
25 letters, a guardian may perform the contracts of his ward which
26 were legally subsisting at the time of the commencement of the

1 ward's disability. The court may authorize the guardian to
2 execute and deliver any bill of sale, deed or other instrument.

3 (c) The guardian of the estate of a ward shall appear for
4 and represent the ward in all legal proceedings unless another
5 person is appointed for that purpose as guardian or next
6 friend. This does not impair the power of any court to appoint
7 a guardian ad litem or next friend to defend the interests of
8 the ward in that court, or to appoint or allow any person as
9 the next friend of a ward to commence, prosecute or defend any
10 proceeding in his behalf. Without impairing the power of the
11 court in any respect, if the guardian of the estate of a ward
12 and another person as next friend shall appear for and
13 represent the ward in a legal proceeding in which the
14 compensation of the attorney or attorneys representing the
15 guardian and next friend is solely determined under a
16 contingent fee arrangement, the guardian of the estate of the
17 ward shall not participate in or have any duty to review the
18 prosecution of the action, to participate in or review the
19 appropriateness of any settlement of the action, or to
20 participate in or review any determination of the
21 appropriateness of any fees awarded to the attorney or
22 attorneys employed in the prosecution of the action.

23 (d) Adjudication of disability shall not revoke or
24 otherwise terminate a trust which is revocable by the ward. A
25 guardian of the estate shall have no authority to revoke a
26 trust that is revocable by the ward, except that the court may

1 authorize a guardian to revoke a Totten trust or similar
2 deposit or withdrawable capital account in trust to the extent
3 necessary to provide funds for the purposes specified in
4 paragraph (a) of this Section. If the trustee of any trust for
5 the benefit of the ward has discretionary power to apply income
6 or principal for the ward's benefit, the trustee shall not be
7 required to distribute any of the income or principal to the
8 guardian of the ward's estate, but the guardian may bring an
9 action on behalf of the ward to compel the trustee to exercise
10 the trustee's discretion or to seek relief from an abuse of
11 discretion. This paragraph shall not limit the right of a
12 guardian of the estate to receive accountings from the trustee
13 on behalf of the ward.

14 (e) Absent court order pursuant to the "Illinois Power of
15 Attorney Act" ~~enacted by the 85th General Assembly~~ directing a
16 guardian to exercise powers of the principal under an agency
17 that survives disability, the guardian will have no power, duty
18 or liability with respect to any property subject to the
19 agency. This subsection (e) applies to all agencies, whenever
20 and wherever executed.

21 (f) Upon petition by any interested person (including the
22 standby or short-term guardian), with such notice to interested
23 persons as the court directs and a finding by the court that it
24 is in the best interest of the disabled person, the court may
25 terminate or limit the authority of a standby or short-term
26 guardian or may enter such other orders as the court deems

1 necessary to provide for the best interest of the disabled
2 person. The petition for termination or limitation of the
3 authority of a standby or short-term guardian may, but need
4 not, be combined with a petition to have another guardian
5 appointed for the disabled person.

6 (Source: P.A. 89-672, eff. 8-14-96; 90-345, eff. 8-8-97;
7 90-796, eff. 12-15-98; revised 1-20-03.)

8 Section 1180. The Illinois Living Will Act is amended by
9 changing Sections 2 and 3 as follows:

10 (755 ILCS 35/2) (from Ch. 110 1/2, par. 702)

11 Sec. 2. Definitions:

12 (a) "Attending physician" means the physician selected by,
13 or assigned to, the patient who has primary responsibility for
14 the treatment and care of the patient.

15 (b) "Declaration" means a witnessed document in writing,
16 voluntarily executed by the declarant in accordance with the
17 requirements of Section 3.

18 (c) "Health-care provider" means a person who is licensed,
19 certified or otherwise authorized by the law of this State to
20 administer health care in the ordinary course of business or
21 practice of a profession.

22 (d) "Death delaying procedure" means any medical procedure
23 or intervention which, when applied to a qualified patient, in
24 the judgement of the attending physician would serve only to

1 postpone the moment of death. In appropriate circumstances,
2 such procedures include, but are not limited to, assisted
3 ventilation, artificial kidney treatments, intravenous feeding
4 or medication, blood transfusions, tube feeding and other
5 procedures of greater or lesser magnitude that serve only to
6 delay death. However, this Act does not affect the
7 responsibility of the attending physician or other health care
8 provider to provide treatment for a patient's comfort care or
9 alleviation of pain. Nutrition and hydration shall not be
10 withdrawn or withheld from a qualified patient if the
11 withdrawal or withholding would result in death solely from
12 dehydration or starvation rather than from the existing
13 terminal condition.

14 (e) "Person" means an individual, corporation, business
15 trust, estate, trust, partnership, association, government,
16 governmental subdivision or agency, or any other legal entity.

17 (f) ✚ "Physician" means a person licensed to practice
18 medicine in all its branches.

19 (g) "Qualified patient" means a patient who has executed a
20 declaration in accordance with this Act and who has been
21 diagnosed and verified in writing to be afflicted with a
22 terminal condition by his or her attending physician who has
23 personally examined the patient. A qualified patient has the
24 right to make decisions regarding death delaying procedures as
25 long as he or she is able to do so.

26 (h) "Terminal condition" means an incurable and

1 irreversible condition which is such that death is imminent and
2 the application of death delaying procedures serves only to
3 prolong the dying process.

4 (Source: P.A. 85-860; revised 9-15-06.)

5 (755 ILCS 35/3) (from Ch. 110 1/2, par. 703)

6 Sec. 3. Execution of a Document.

7 (a) An individual of sound mind and having reached the age
8 of majority or having obtained the status of an emancipated
9 person pursuant to the "~~Emancipation of Mature~~ Emancipation of Mature Minors Act", as
10 now or hereafter amended, may execute a document directing that
11 if he is suffering from a terminal condition, then death
12 delaying procedures shall not be utilized for the prolongation
13 of his life.

14 (b) The declaration must be signed by the declarant, or
15 another at the declarant's direction, and witnessed by 2
16 individuals 18 years of age or older.

17 (c) The declaration of a qualified patient diagnosed as
18 pregnant by the attending physician shall be given no force and
19 effect as long as in the opinion of the attending physician it
20 is possible that the fetus could develop to the point of live
21 birth with the continued application of death delaying
22 procedures.

23 (d) If the patient is able, it shall be the responsibility
24 of the patient to provide for notification to his or her
25 attending physician of the existence of a declaration, to

1 provide the declaration to the physician and to ask the
2 attending physician whether he or she is willing to comply with
3 its provisions. An attending physician who is so notified shall
4 make the declaration, or copy of the declaration, a part of the
5 patient's medical records. If the physician is at any time
6 unwilling to comply with its provisions, the physician shall
7 promptly so advise the declarant. If the physician is unwilling
8 to comply with its provisions and the patient is able, it is
9 the patient's responsibility to initiate the transfer to
10 another physician of the patient's choosing. If the physician
11 is unwilling to comply with its provisions and the patient is
12 at any time not able to initiate the transfer, then the
13 attending physician shall without delay notify the person with
14 the highest priority, as set forth in this subsection, who is
15 available, able, and willing to make arrangements for the
16 transfer of the patient and the appropriate medical records to
17 another physician for the effectuation of the patient's
18 declaration. The order of priority is as follows: (1) any
19 person authorized by the patient to make such arrangements, (2)
20 a guardian of the person of the patient, without the necessity
21 of obtaining a court order to do so, and (3) any member of the
22 patient's family.

23 (e) The declaration may, but need not, be in the following
24 form, and in addition may include other specific directions.
25 Should any specific direction be determined to be invalid, such
26 invalidity shall not affect other directions of the declaration

1 which can be given effect without the invalid direction, and to
2 this end the directions in the declaration are severable.

3 DECLARATION

4 This declaration is made this day of
5 (month, year). I,, being of
6 sound mind, willfully and voluntarily make known my desires
7 that my moment of death shall not be artificially postponed.

8 If at any time I should have an incurable and irreversible
9 injury, disease, or illness judged to be a terminal condition
10 by my attending physician who has personally examined me and
11 has determined that my death is imminent except for death
12 delaying procedures, I direct that such procedures which would
13 only prolong the dying process be withheld or withdrawn, and
14 that I be permitted to die naturally with only the
15 administration of medication, sustenance, or the performance
16 of any medical procedure deemed necessary by my attending
17 physician to provide me with comfort care.

18 In the absence of my ability to give directions regarding
19 the use of such death delaying procedures, it is my intention
20 that this declaration shall be honored by my family and
21 physician as the final expression of my legal right to refuse
22 medical or surgical treatment and accept the consequences from
23 such refusal.

24 Signed

25 City, County and State of Residence

26 The declarant is personally known to me and I believe him

1 or her to be of sound mind. I saw the declarant sign the
 2 declaration in my presence (or the declarant acknowledged in my
 3 presence that he or she had signed the declaration) and I
 4 signed the declaration as a witness in the presence of the
 5 declarant. I did not sign the declarant's signature above for
 6 or at the direction of the declarant. At the date of this
 7 instrument, I am not entitled to any portion of the estate of
 8 the declarant according to the laws of intestate succession or,
 9 to the best of my knowledge and belief, under any will of
 10 declarant or other instrument taking effect at declarant's
 11 death, or directly financially responsible for declarant's
 12 medical care.

13 Witness

14 Witness

15 (Source: P.A. 85-1209; revised 10-9-03.)

16 Section 1185. The Health Care Surrogate Act is amended by
 17 changing Section 10 as follows:

18 (755 ILCS 40/10) (from Ch. 110 1/2, par. 851-10)

19 Sec. 10. Definitions.

20 "Adult" means a person who is (i) 18 years of age or older
 21 or (ii) an emancipated minor under the Emancipation of ~~Mature~~
 22 Minors Act.

23 "Artificial nutrition and hydration" means supplying food
 24 and water through a conduit, such as a tube or intravenous

1 line, where the recipient is not required to chew or swallow
2 voluntarily, including, but not limited to, nasogastric tubes,
3 gastrostomies, jejunostomies, and intravenous infusions.
4 Artificial nutrition and hydration does not include assisted
5 feeding, such as spoon or bottle feeding.

6 "Available" means that a person is not "unavailable". A
7 person is unavailable if (i) the person's existence is not
8 known, (ii) the person has not been able to be contacted by
9 telephone or mail, or (iii) the person lacks decisional
10 capacity, refuses to accept the office of surrogate, or is
11 unwilling to respond in a manner that indicates a choice among
12 the treatment matters at issue.

13 "Attending physician" means the physician selected by or
14 assigned to the patient who has primary responsibility for
15 treatment and care of the patient and who is a licensed
16 physician in Illinois. If more than one physician shares that
17 responsibility, any of those physicians may act as the
18 attending physician under this Act.

19 "Close friend" means any person 18 years of age or older
20 who has exhibited special care and concern for the patient and
21 who presents an affidavit to the attending physician stating
22 that he or she (i) is a close friend of the patient, (ii) is
23 willing and able to become involved in the patient's health
24 care, and (iii) has maintained such regular contact with the
25 patient as to be familiar with the patient's activities,
26 health, and religious and moral beliefs. The affidavit must

1 also state facts and circumstances that demonstrate that
2 familiarity.

3 "Death" means when, according to accepted medical
4 standards, there is (i) an irreversible cessation of
5 circulatory and respiratory functions or (ii) an irreversible
6 cessation of all functions of the entire brain, including the
7 brain stem.

8 "Decisional capacity" means the ability to understand and
9 appreciate the nature and consequences of a decision regarding
10 medical treatment or forgoing life-sustaining treatment and
11 the ability to reach and communicate an informed decision in
12 the matter as determined by the attending physician.

13 "Forgo life-sustaining treatment" means to withhold,
14 withdraw, or terminate all or any portion of life-sustaining
15 treatment with knowledge that the patient's death is likely to
16 result.

17 "Guardian" means a court appointed guardian of the person
18 who serves as a representative of a minor or as a
19 representative of a person under legal disability.

20 "Health care facility" means a type of health care provider
21 commonly known by a wide variety of titles, including but not
22 limited to, hospitals, medical centers, nursing homes,
23 rehabilitation centers, long term or tertiary care facilities,
24 and other facilities established to administer health care and
25 provide overnight stays in their ordinary course of business or
26 practice.

1 "Health care provider" means a person that is licensed,
2 certified, or otherwise authorized or permitted by the law of
3 this State to administer health care in the ordinary course of
4 business or practice of a profession, including, but not
5 limited to, physicians, nurses, health care facilities, and any
6 employee, officer, director, agent, or person under contract
7 with such a person.

8 "Imminent" (as in "death is imminent") means a
9 determination made by the attending physician according to
10 accepted medical standards that death will occur in a
11 relatively short period of time, even if life-sustaining
12 treatment is initiated or continued.

13 "Life-sustaining treatment" means any medical treatment,
14 procedure, or intervention that, in the judgment of the
15 attending physician, when applied to a patient with a
16 qualifying condition, would not be effective to remove the
17 qualifying condition or would serve only to prolong the dying
18 process. Those procedures can include, but are not limited to,
19 assisted ventilation, renal dialysis, surgical procedures,
20 blood transfusions, and the administration of drugs,
21 antibiotics, and artificial nutrition and hydration.

22 "Minor" means an individual who is not an adult as defined
23 in this Act.

24 "Parent" means a person who is the natural or adoptive
25 mother or father of the child and whose parental rights have
26 not been terminated by a court of law.

1 "Patient" means an adult or minor individual, unless
2 otherwise specified, under the care or treatment of a licensed
3 physician or other health care provider.

4 "Person" means an individual, a corporation, a business
5 trust, a trust, a partnership, an association, a government, a
6 governmental subdivision or agency, or any other legal entity.

7 "Qualifying condition" means the existence of one or more
8 of the following conditions in a patient certified in writing
9 in the patient's medical record by the attending physician and
10 by at least one other qualified physician:

11 (1) "Terminal condition" means an illness or injury for
12 which there is no reasonable prospect of cure or recovery,
13 death is imminent, and the application of life-sustaining
14 treatment would only prolong the dying process.

15 (2) "Permanent unconsciousness" means a condition
16 that, to a high degree of medical certainty, (i) will last
17 permanently, without improvement, (ii) in which thought,
18 sensation, purposeful action, social interaction, and
19 awareness of self and environment are absent, and (iii) for
20 which initiating or continuing life-sustaining treatment,
21 in light of the patient's medical condition, provides only
22 minimal medical benefit.

23 (3) "Incurable or irreversible condition" means an
24 illness or injury (i) for which there is no reasonable
25 prospect of cure or recovery, (ii) that ultimately will
26 cause the patient's death even if life-sustaining

1 treatment is initiated or continued, (iii) that imposes
2 severe pain or otherwise imposes an inhumane burden on the
3 patient, and (iv) for which initiating or continuing
4 life-sustaining treatment, in light of the patient's
5 medical condition, provides only minimal medical benefit.

6 The determination that a patient has a qualifying condition
7 creates no presumption regarding the application or
8 non-application of life-sustaining treatment. It is only after
9 a determination by the attending physician that the patient has
10 a qualifying condition that the surrogate decision maker may
11 consider whether or not to forgo life-sustaining treatment. In
12 making this decision, the surrogate shall weigh the burdens on
13 the patient of initiating or continuing life-sustaining
14 treatment against the benefits of that treatment.

15 "Qualified physician" means a physician licensed to
16 practice medicine in all of its branches in Illinois who has
17 personally examined the patient.

18 "Surrogate decision maker" means an adult individual or
19 individuals who (i) have decisional capacity, (ii) are
20 available upon reasonable inquiry, (iii) are willing to make
21 medical treatment decisions on behalf of a patient who lacks
22 decisional capacity, and (iv) are identified by the attending
23 physician in accordance with the provisions of this Act as the
24 person or persons who are to make those decisions in accordance
25 with the provisions of this Act.

26 (Source: P.A. 90-246, eff. 1-1-98; 90-538, eff. 12-1-97;

1 90-655, eff. 7-30-98; revised 10-9-03.)

2 Section 1190. The Illinois Anatomical Gift Act is amended
3 by adding Section 5-27 (incorporating and renumbering Section
4 3.5 of the Organ Donation Request Act from Public Act 93-888)
5 as follows:

6 (755 ILCS 50/5-27) (was 755 ILCS 60/3.5)

7 Sec. 5-27 ~~3.5~~. Notification of patient; family rights and
8 options.

9 (a) In this Section, "donation after cardiac death" means
10 the donation of organs from a ventilated patient without a
11 certification of brain death and with a do-not-resuscitate
12 order, if a decision has been reached by the physician and the
13 family to withdraw life support and if the donation does not
14 occur until after the declaration of cardiac death.

15 (b) If (i) a potential organ donor, or an individual given
16 authority under subsection (b) of Section 5-25 ~~2~~ to consent to
17 an organ donation, expresses an interest in organ donation,
18 (ii) there has not been a certification of brain death for the
19 potential donor, and (iii) the potential donor is a patient at
20 a hospital that does not allow donation after cardiac death,
21 then the organ procurement agency shall inform the patient or
22 the individual given authority to consent to organ donation
23 that the hospital does not allow donation after cardiac death.

24 (c) In addition to providing oral notification, the organ

1 procurement agency shall develop a written form that indicates
2 to the patient or the individual given authority to consent to
3 organ donation, at a minimum, the following information:

4 (1) That the patient or the individual given authority
5 to consent to organ donation has received literature and
6 has been counseled by (representative's name) of the (organ
7 procurement agency name).

8 (2) That all organ donation options have been explained
9 to the patient or the individual given authority to consent
10 to organ donation, including the option of donation after
11 cardiac death.

12 (3) That the patient or the individual given authority
13 to consent to organ donation is aware that the hospital
14 where the potential donor is a patient does not allow
15 donation after cardiac death.

16 (4) That the patient or the individual given authority
17 to consent to organ donation has been informed of the right
18 to request a patient transfer to a facility allowing
19 donation after cardiac death.

20 (5) That the patient or the individual given authority
21 to consent to organ donation has been informed of another
22 hospital that will allow donation after cardiac death and
23 will accept a patient transfer for the purpose of donation
24 after cardiac death; and that the cost of transferring the
25 patient to that other hospital will be covered by the organ
26 procurement agency, with no additional cost to the patient

1 or the individual given authority to consent to organ
2 donation.

3 The form required under this subsection must include a
4 place for the signatures of the patient or the individual given
5 authority to consent to organ donation and the representative
6 of the organ procurement agency and space to provide the date
7 that the form was signed.

8 (Source: Incorporates P.A. 93-888, eff. 8-9-04; revised
9 1-16-05.)

10 Section 1195. The Cemetery Perpetual Trust Authorization
11 Act is amended by changing Section 2 as follows:

12 (760 ILCS 95/2) (from Ch. 21, par. 64)

13 Sec. 2. Any incorporated cemetery association incorporated
14 not for pecuniary profit, may if it elects to do so, receive
15 and hold money, funds and property in perpetual trust pursuant
16 to the provisions of this act. Such election shall be evidenced
17 by a by-law or resolution adopted by the board of directors, or
18 board of trustees of the incorporated cemetery association. Any
19 person is authorized to give, donate or bequeath any sum of
20 money or any funds, securities, or property of any kind to the
21 cemetery association, in perpetual trust, for the maintenance,
22 care, repair, upkeep or ornamentation of the cemetery, or any
23 lot or lots, or grave or graves in the cemetery, specified in
24 the instrument making the gift, donation or legacy. The

1 cemetery association may receive and hold in perpetual trust,
2 any such money, funds, securities and property so given,
3 donated or bequeathed to it, and may convert the property,
4 funds and securities into money and shall invest and keep
5 invested the proceeds thereof and the money so given, donated
6 and bequeathed, in safe and secure income bearing investments,
7 including investments in income producing real estate,
8 provided the purchase price of the real estate shall not exceed
9 the fair market value thereof on the date of its purchase as
10 such value is determined by the board of directors or board of
11 trustees of the association. The principal of the trust fund
12 shall be kept intact and the income arising therefrom shall be
13 perpetually applied for the uses and purposes specified in the
14 instrument making the gift, donation or legacy and for no other
15 purpose.

16 The by-laws of the cemetery association shall provide for a
17 permanent committee to manage and control the trust funds so
18 given, donated and bequeathed to it. The members of the
19 committee shall be appointed by the board of directors, or
20 board of trustees of the cemetery association from among the
21 members of the board of directors or board of trustees. The
22 committee shall choose a chairman, a secretary and a treasurer
23 from among the members, and shall have the management and
24 control of the trust funds of the cemetery association so
25 given, donated and bequeathed in trust, under the supervision
26 of the board of directors or board of trustees. The treasurer

1 of the committee shall execute a bond to the People of the
2 State of Illinois for the use of the cemetery association, in a
3 penal sum of not less than double the amount of the trust funds
4 coming into his possession as treasurer, conditioned for the
5 faithful performance of his duties and the faithful accounting
6 for all money or funds which by virtue of his treasurership
7 ~~treasureship~~ come into his possession, and be in such form and
8 with such securities as may be prescribed and approved by the
9 board of directors, or board of trustees, and shall be approved
10 by such board of directors, or board of trustees, and filed
11 with the secretary of the cemetery association.

12 The treasurer of the committee shall have the custody of
13 all money, funds and property received in trust by the cemetery
14 association and shall invest the same in accordance with the
15 directions of the committee as approved by the board of
16 directors or board of trustees of the cemetery association, and
17 shall receive and have the custody of all of the income arising
18 from such investments and as the income is received by him, he
19 shall pay it to the treasurer of the cemetery association, and
20 he shall keep permanent books of record of all such trust funds
21 and of all receipts arising therefrom and disbursements
22 thereof, and shall annually make a written report to the board
23 of directors or board of trustees of the cemetery association,
24 under oath, showing receipts and disbursements, including a
25 statement showing the amount and principal of trust funds on
26 hand and how invested, which report shall be audited by the

1 board of directors, or board of trustees, and if found correct,
2 shall be approved, and filed with the secretary of the cemetery
3 association.

4 The secretary of the committee shall keep, in a book
5 provided for such purpose, a permanent record of the
6 proceedings of the committee, signed by the president and
7 attested by the secretary, and shall also keep a permanent
8 record of the several trust funds, the amounts thereof, and for
9 what uses and purposes, respectively, and he shall annually, at
10 the time the treasurer makes his report, make a written report
11 under oath, to the board of directors or board of trustees,
12 stating therein substantially the same matter required to be
13 reported by the treasurer of the committee, which report, if
14 found to be correct, shall be approved, and filed with the
15 secretary of the association.

16 The treasurer shall execute a bond to the People of the
17 State of Illinois, in a penal sum of not less than double the
18 amount of money or funds coming into his possession as such
19 treasurer, conditioned for the faithful performance of his
20 duties and the faithful accounting of all money or funds which
21 by virtue of his office come into his possession and be in such
22 form and with such securities as may be prescribed and approved
23 by the board of directors, or board of trustees, and shall be
24 approved by such board of directors or board of trustees and
25 filed with the secretary of the cemetery association.

26 The trust funds, gifts and legacies mentioned in this

1 section and the income arising therefrom shall be exempt from
2 taxation and from the operation of all laws of mortmain, and
3 the laws against perpetuities and accumulations.

4 Where the cemetery is a privately operated cemetery, as
5 defined in section 2 of the Cemetery Care Act, approved July
6 21, 1947, as amended, or where the lot or lots or grave or
7 graves are in a privately operated cemetery, as defined in
8 section 2 of that Act, then such cemetery association or such
9 committee, shall also comply with the provisions of the
10 Cemetery Care Act.

11 (Source: P.A. 83-388; revised 10-19-05.)

12 Section 1200. The Drilling Operations Act is amended by
13 changing Section 4 as follows:

14 (765 ILCS 530/4) (from Ch. 96 1/2, par. 9654)

15 Sec. 4. Notice.

16 (a) Prior to commencement of the drilling of a well, the
17 operator shall give written notice to the surface owner of the
18 operator's intent to commence drilling operations.

19 (b) The operator shall, for the purpose of giving notice as
20 herein required, secure from the assessor's office within 90
21 days prior to the giving of the notice, a certification which
22 shall identify the person in whose name the lands on which
23 drilling operations are to be commenced and who is assessed at
24 the time the certification is made. The written certification

1 made by the assessor of the surface owner shall be conclusive
2 evidence of the surface ownership and of the operator's
3 compliance with the provisions of this Act.

4 (c) The notice required to be given by the operator to the
5 surface owner shall identify the following:

6 (1) The location of the proposed entry on the surface
7 for drilling operations, and the date on or after which
8 drilling operations shall be commenced.

9 (2) A photocopy of the drilling application to the
10 Department of Natural Resources for the well to be drilled.

11 (3) The name, address and telephone number of the
12 operator.

13 (4) An offer to discuss with the surface owner those
14 matters set forth in Section 5 hereof prior to commencement
15 of drilling operations.

16 ~~(5)~~ If the surface owner elects to meet the operator, the
17 surface owner shall request the operator to schedule a meeting
18 at a mutually agreed time and place within the limitations set
19 forth herein. Failure of the surface owner to contact the
20 operator at least 5 days prior to the proposed commencement of
21 drilling operations shall be conclusively deemed a waiver of
22 the right to meet by the surface owner.

23 ~~(6)~~ The meeting shall be scheduled between the hours of
24 9:00 in the morning and the setting of the sun of the same day
25 and shall be at least 3 days prior to commencement of drilling
26 operations. Unless agreed to otherwise, the place shall be

1 located within the county in which drilling operations are to
2 be commenced where the operator or his agent shall be available
3 to discuss with the surface owner or his agent those matters
4 set forth in Section 5 hereof.

5 ~~(7)~~ The notice herein required shall be given to the
6 surface owner by either:

7 (A) certified mail addressed to the surface owner at
8 the address shown in the certification obtained from the
9 assessor, which shall be postmarked at least 10 days prior
10 to the commencement of drilling operations; or

11 (B) personal delivery to the surface owner at least 8
12 days prior to the commencement of drilling operations.

13 (C) Notice to the surface owner as defined in this Act
14 shall be deemed conclusive notice to the record owners of
15 all interest in the surface.

16 (Source: P.A. 89-445, eff. 2-7-96; revised 10-19-05.)

17 Section 1205. The Cemetery Protection Act is amended by
18 changing Section 1 as follows:

19 (765 ILCS 835/1) (from Ch. 21, par. 15)

20 Sec. 1. (a) Any person who acts without proper legal
21 authority and who willfully and knowingly destroys or damages
22 the remains of a deceased human being or who desecrates human
23 remains is guilty of a Class 3 felony.

24 (a-5) Any person who acts without proper legal authority

1 and who willfully and knowingly removes any portion of the
2 remains of a deceased human being from a burial ground where
3 skeletal remains are buried or from a grave, crypt, vault,
4 mausoleum, or other repository of human remains is guilty of a
5 Class 4 felony.

6 (b) Any person who acts without proper legal authority and
7 who willfully and knowingly:

8 (1) obliterates, vandalizes, or desecrates a burial
9 ground where skeletal remains are buried or a grave, crypt,
10 vault, mausoleum, or other repository of human remains;

11 (2) obliterates, vandalizes, or desecrates a park or
12 other area clearly designated to preserve and perpetuate
13 the memory of a deceased person or group of persons;

14 (3) obliterates, vandalizes, or desecrates plants,
15 trees, shrubs, or flowers located upon or around a
16 repository for human remains or within a human graveyard or
17 cemetery; or

18 (4) obliterates, vandalizes, or desecrates a fence,
19 rail, curb, or other structure of a similar nature intended
20 for the protection or for the ornamentation of any tomb,
21 monument, gravestone, or other structure of like
22 character;

23 is guilty of a Class A misdemeanor if the amount of the damage
24 is less than \$500, a Class 4 felony if the amount of the damage
25 is at least \$500 and less than \$10,000, a Class 3 felony if the
26 amount of the damage is at least \$10,000 and less than

1 \$100,000, or a Class 2 felony if the damage is \$100,000 or more
2 and shall provide restitution to the cemetery authority or
3 property owner for the amount of any damage caused.

4 (b-5) Any person who acts without proper legal authority
5 and who willfully and knowingly defaces, vandalizes, injures,
6 or removes a gravestone or other memorial, monument, or marker
7 commemorating a deceased person or group of persons, whether
8 located within or outside of a recognized cemetery, memorial
9 park, or battlefield is guilty of a Class 4 felony for damaging
10 at least one but no more than 4 gravestones, a Class 3 felony
11 for damaging at least 5 but no more than 10 gravestones, or a
12 Class 2 felony for damaging more than 10 gravestones and shall
13 provide restitution to the cemetery authority or property owner
14 for the amount of any damage caused.

15 (b-7) Any person who acts without proper legal authority
16 and who willfully and knowingly removes with the intent to
17 resell a gravestone or other memorial, monument, or marker
18 commemorating a deceased person or group of persons, whether
19 located within or outside a recognized cemetery, memorial park,
20 or battlefield, is guilty of a Class 2 felony.

21 (c) The provisions of this Section shall not apply to the
22 removal or unavoidable breakage or injury by a cemetery
23 authority of anything placed in or upon any portion of its
24 cemetery in violation of any of the rules and regulations of
25 the cemetery authority, nor to the removal of anything placed
26 in the cemetery by or with the consent of the cemetery

1 authority that in the judgment of the cemetery authority has
2 become wrecked, unsightly, or dilapidated.

3 (d) If an unemancipated minor is found guilty of violating
4 any of the provisions of subsection (b) of this Section and is
5 unable to provide restitution to the cemetery authority or
6 property owner, the parents or legal guardians of that minor
7 shall provide restitution to the cemetery authority or property
8 owner for the amount of any damage caused, up to the total
9 amount allowed under the Parental Responsibility Law.

10 (d-5) Any person who commits any of the following:

11 (1) any unauthorized, non-related third party or
12 person who enters any sheds, crematories, or employee
13 areas;

14 (2) any non-cemetery personnel who solicits cemetery
15 mourners or funeral directors on the grounds or in the
16 offices or chapels of a cemetery before, during, or after a
17 burial;

18 (3) any person who harasses or threatens any employee
19 of a cemetery on cemetery grounds; or

20 (4) any unauthorized person who removes, destroys, or
21 disturbs any cemetery devices or property placed for safety
22 of visitors and cemetery employees;

23 is guilty of a Class A misdemeanor for the first offense and of
24 a Class 4 felony for a second or subsequent offense.

25 (e) Any person who shall hunt, shoot or discharge any gun,
26 pistol or other missile, within the limits of any cemetery, or

1 shall cause any shot or missile to be discharged into or over
2 any portion thereof, or shall violate any of the rules made and
3 established by the board of directors of such cemetery, for the
4 protection or government thereof, is guilty of a Class C
5 misdemeanor.

6 (f) Any person who knowingly enters or knowingly remains
7 upon the premises of a public or private cemetery without
8 authorization during hours that the cemetery is posted as
9 closed to the public is guilty of a Class A misdemeanor.

10 (g) All fines when recovered, shall be paid over by the
11 court or officer receiving the same to the cemetery authority
12 and be applied, as far as possible in repairing the injury, if
13 any, caused by such offense. Provided, nothing contained in
14 this Act shall deprive such cemetery authority~~r~~ or the owner of
15 any interment, entombment, or inurement right or monument from
16 maintaining an action for the recovery of damages caused by any
17 injury caused by a violation of the provisions of this Act, or
18 of the rules established by the board of directors of such
19 cemetery authority. Nothing in this Section shall be construed
20 to prohibit the discharge of firearms loaded with blank
21 ammunition as part of any funeral, any memorial observance or
22 any other patriotic or military ceremony.

23 (Source: P.A. 94-44, eff. 6-17-05; 94-608, eff. 8-16-05;
24 revised 8-29-05.)

25 Section 1210. The Illinois Human Rights Act is amended by

1 changing Sections 2-104 and 4-101 as follows:

2 (775 ILCS 5/2-104) (from Ch. 68, par. 2-104)

3 Sec. 2-104. Exemptions.

4 (A) Nothing contained in this Act shall prohibit an
5 employer, employment agency or labor organization from:

6 (1) Bona Fide Qualification. Hiring or selecting
7 between persons for bona fide occupational qualifications
8 or any reason except those civil-rights violations
9 specifically identified in this Article.

10 (2) Veterans. Giving preferential treatment to
11 veterans and their relatives as required by the laws or
12 regulations of the United States or this State or a unit of
13 local government.

14 (3) Unfavorable Discharge From Military Service. Using
15 unfavorable discharge from military service as a valid
16 employment criterion when authorized by federal law or
17 regulation or when a position of employment involves the
18 exercise of fiduciary responsibilities as defined by rules
19 and regulations which the Department shall adopt.

20 (4) Ability Tests. Giving or acting upon the results of
21 any professionally developed ability test provided that
22 such test, its administration, or action upon the results,
23 is not used as a subterfuge for or does not have the effect
24 of unlawful discrimination.

25 (5) Merit and Retirement Systems.

1 (a) Applying different standards of compensation,
2 or different terms, conditions or privileges of
3 employment pursuant to a merit or retirement system
4 provided that such system or its administration is not
5 used as a subterfuge for or does not have the effect of
6 unlawful discrimination.

7 (b) Effecting compulsory retirement of any
8 employee who has attained 65 years of age and who, for
9 the 2-year period immediately preceding retirement, is
10 employed in a bona fide executive or a high
11 policymaking position, if such employee is entitled to
12 an immediate nonforfeitable annual retirement benefit
13 from a pension, profit-sharing, savings, or deferred
14 compensation plan, or any combination of such plans of
15 the employer of such employee, which equals, in the
16 aggregate, at least \$44,000. If any such retirement
17 benefit is in a form other than a straight life annuity
18 (with no ancillary benefits) or if the employees
19 contribute to any such plan or make rollover
20 contributions, the retirement benefit shall be
21 adjusted in accordance with regulations prescribed by
22 the Department, so that the benefit is the equivalent
23 of a straight life annuity (with no ancillary benefits)
24 under a plan to which employees do not contribute and
25 under which no rollover contributions are made.

26 (c) Until January 1, 1994, effecting compulsory

1 retirement of any employee who has attained 70 years of
2 age, and who is serving under a contract of unlimited
3 tenure (or similar arrangement providing for unlimited
4 tenure) at an institution of higher education as
5 defined by Section 1201(a) of the Higher Education Act
6 of 1965.

7 (6) Training and Apprenticeship programs. Establishing
8 an educational requirement as a prerequisite to selection
9 for a training or apprenticeship program, provided such
10 requirement does not operate to discriminate on the basis
11 of any prohibited classification except age.

12 (7) Police and Firefighter/Paramedic Retirement.
13 Imposing a mandatory retirement age for
14 firefighters/paramedics or law enforcement officers and
15 discharging or retiring such individuals pursuant to the
16 mandatory retirement age if such action is taken pursuant
17 to a bona fide retirement plan provided that the law
18 enforcement officer or firefighter/paramedic has attained:

19 (a) the age of retirement in effect under
20 applicable State or local law on March 3, 1983; or

21 (b) if the applicable State or local law was
22 enacted after the date of enactment of the federal Age
23 Discrimination in Employment Act Amendments of 1996
24 (P.L. 104-208), the age of retirement in effect on the
25 date of such discharge under such law.

26 This paragraph (7) shall not apply with respect to any

1 cause of action arising under the Illinois Human Rights Act
2 as in effect prior to the effective date of this amendatory
3 Act of 1997.

4 (8) Police and Firefighter/Paramedic Appointment.
5 Failing or refusing to hire any individual because of such
6 individual's age if such action is taken with respect to
7 the employment of an individual as a firefighter/paramedic
8 or as a law enforcement officer and the individual has
9 attained:

10 (a) the age of hiring or appointment in effect
11 under applicable State or local law on March 3, 1983;
12 or

13 (b) the age of hiring in effect on the date of such
14 failure or refusal to hire under applicable State or
15 local law enacted after the date of enactment of the
16 federal Age Discrimination in Employment Act
17 Amendments of 1996 (P.L. 104-208).

18 As used in paragraph (7) or (8):

19 "Firefighter/paramedic" means an employee, the duties
20 of whose position are primarily to perform work directly
21 connected with the control and extinguishment of fires or
22 the maintenance and use of firefighting apparatus and
23 equipment, or to provide emergency medical services,
24 including an employee engaged in this activity who is
25 transferred to a supervisory or administrative position.

26 "Law enforcement officer" means an employee, the

1 duties of whose position are primarily the investigation,
2 apprehension, or detention of individuals suspected or
3 convicted of criminal offenses, including an employee
4 engaged in this activity who is transferred to a
5 supervisory or administrative position.

6 (9) Citizenship Status. Making legitimate distinctions
7 based on citizenship status if specifically authorized or
8 required by State or federal law.

9 (B) With respect to any employee who is subject to a
10 collective bargaining agreement:

11 (a) which is in effect on June 30, 1986,

12 (b) which terminates after January 1, 1987,

13 (c) any provision of which was entered into by a labor
14 organization as defined by Section 6(d)(4) of the Fair
15 Labor Standards Act of 1938 (29 U.S.C. 206(d)(4)), and

16 (d) which contains any provision that would be
17 superseded by this amendatory Act of 1987 (Public Act
18 85-748),

19 such amendatory Act of 1987 shall not apply until the
20 termination of such collective bargaining agreement or January
21 1, 1990, whichever occurs first.

22 (C) (1) For purposes of this Act, the term "handicap" shall
23 not include any employee or applicant who is currently engaging
24 in the illegal use of drugs, when an employer acts on the basis
25 of such use.

26 (2) Paragraph (1) shall not apply where an employee or

1 applicant for employment:

2 (a) has successfully completed a supervised drug
3 rehabilitation program and is no longer engaging in the
4 illegal use of drugs, or has otherwise been rehabilitated
5 successfully and is no longer engaging in such use;

6 (b) is participating in a supervised rehabilitation
7 program and is no longer engaging in such use; or

8 (c) is erroneously regarded as engaging in such use,
9 but is not engaging in such use.

10 It shall not be a violation of this Act for an employer to
11 adopt or administer reasonable policies or procedures,
12 including but not limited to drug testing, designed to ensure
13 that an individual described in subparagraph (a) or (b) is no
14 longer engaging in the illegal use of drugs.

15 (3) An employer:

16 (a) may prohibit the illegal use of drugs and the use
17 of alcohol at the workplace by all employees;

18 (b) may require that employees shall not be under the
19 influence of alcohol or be engaging in the illegal use of
20 drugs at the workplace;

21 (c) may require that employees behave in conformance
22 with the requirements established under the federal
23 Drug-Free Workplace Act of 1988 (41 ~~41~~ U.S.C. 701 et seq.)
24 and the Drug Free Workplace Act;

25 (d) may hold an employee who engages in the illegal use
26 of drugs or who is an alcoholic to the same qualification

1 standards for employment or job performance and behavior
2 that such employer holds other employees, even if any
3 unsatisfactory performance or behavior is related to the
4 drug use or alcoholism of such employee; and

5 (e) may, with respect to federal regulations regarding
6 alcohol and the illegal use of drugs, require that:

7 (i) employees comply with the standards
8 established in such regulations of the United States
9 Department of Defense, if the employees of the employer
10 are employed in an industry subject to such
11 regulations, including complying with regulations (if
12 any) that apply to employment in sensitive positions in
13 such an industry, in the case of employees of the
14 employer who are employed in such positions (as defined
15 in the regulations of the Department of Defense);

16 (ii) employees comply with the standards
17 established in such regulations of the Nuclear
18 Regulatory Commission, if the employees of the
19 employer are employed in an industry subject to such
20 regulations, including complying with regulations (if
21 any) that apply to employment in sensitive positions in
22 such an industry, in the case of employees of the
23 employer who are employed in such positions (as defined
24 in the regulations of the Nuclear Regulatory
25 Commission); and

26 (iii) employees comply with the standards

1 established in such regulations of the United States
2 Department of Transportation, if the employees of the
3 employer are employed in a transportation industry
4 subject to such regulations, including complying with
5 such regulations (if any) that apply to employment in
6 sensitive positions in such an industry, in the case of
7 employees of the employer who are employed in such
8 positions (as defined in the regulations of the United
9 States Department of Transportation).

10 (4) For purposes of this Act, a test to determine the
11 illegal use of drugs shall not be considered a medical
12 examination. Nothing in this Act shall be construed to
13 encourage, prohibit, or authorize the conducting of drug
14 testing for the illegal use of drugs by job applicants or
15 employees or making employment decisions based on such test
16 results.

17 (5) Nothing in this Act shall be construed to encourage,
18 prohibit, restrict, or authorize the otherwise lawful exercise
19 by an employer subject to the jurisdiction of the United States
20 Department of Transportation of authority to:

21 (a) test employees of such employer in, and applicants
22 for, positions involving safety-sensitive duties for the
23 illegal use of drugs and for on-duty impairment by alcohol;
24 and

25 (b) remove such persons who test positive for illegal
26 use of drugs and on-duty impairment by alcohol pursuant to

1 subparagraph (a) from safety-sensitive duties in
2 implementing paragraph (3).

3 (Source: P.A. 90-481, eff. 8-17-97; revised 10-11-05.)

4 (775 ILCS 5/4-101) (from Ch. 68, par. 4-101)

5 Sec. 4-101. Definitions. † The following definitions are
6 applicable strictly in the context of this Article:

7 (A) Credit Card. "Credit card" has the meaning set forth in
8 Section 2.03 of the Illinois Credit Card and Debit Card Act.

9 (B) Financial Institution. "Financial institution" means
10 any bank, credit union, insurance company, mortgage banking
11 company or savings and loan association which operates or has a
12 place of business in this State.

13 (C) Loan. "Loan" includes, but is not limited to, the
14 providing of funds, for consideration, which are sought for:
15 (1) the purpose of purchasing, constructing, improving,
16 repairing, or maintaining a housing accommodation as that term
17 is defined in paragraph (C) of Section 3-101; or (2) any
18 commercial or industrial purposes.

19 (D) Varying Terms. "Varying the terms of a loan" includes,
20 but is not limited to, the following practices:

21 (1) Requiring a greater down payment than is usual for
22 the particular type of a loan involved.

23 (2) Requiring a shorter period of amortization than is
24 usual for the particular type of loan involved.

25 (3) Charging a higher interest rate than is usual for

1 the particular type of loan involved.

2 (4) An under appraisal of real estate or other item of
3 property offered as security.

4 (Source: P.A. 84-880; revised 9-15-06.)

5 Section 1215. The Business Corporation Act of 1983 is
6 amended by changing Sections 1.25, 15.10, and 15.95 as follows:

7 (805 ILCS 5/1.25) (from Ch. 32, par. 1.25)

8 Sec. 1.25. List of corporations; exchange of information.

9 (a) The Secretary of State shall publish each year a list
10 of corporations filing an annual report for the preceding year
11 in accordance with the provisions of this Act, which report
12 shall state the name of the corporation and the respective
13 names and addresses of the president, secretary, and registered
14 agent thereof and the address of the registered office in this
15 State of each such corporation. The Secretary of State shall
16 furnish without charge a copy of such report to each recorder
17 of this State, and to each member of the General Assembly and
18 to each State agency or department requesting the same. The
19 Secretary of State shall, upon receipt of a written request and
20 a fee as determined by the Secretary, furnish such report to
21 anyone else.

22 (b) (1) The Secretary of State shall publish daily a list
23 of all newly formed corporations, business and not for profit,
24 chartered by him on that day issued after receipt of the

1 application. The daily list shall contain the same information
2 as to each corporation as is provided for the corporation list
3 published under subsection (a) of this Section. The daily list
4 may be obtained at the Secretary's office by any person,
5 newspaper, State department or agency, or local government for
6 a reasonable charge to be determined by the Secretary.
7 Inspection of the daily list may be made at the Secretary's
8 office during normal business hours without charge by any
9 person, newspaper, State department or agency, or local
10 government.

11 (2) The Secretary shall compile the daily list mentioned in
12 paragraph (1) of subsection (b) of this Section monthly, or
13 more often at the Secretary's discretion. The compilation shall
14 be immediately mailed free of charge to all local governments
15 requesting in writing receipt of such publication, or shall be
16 automatically mailed by the Secretary without charge to local
17 governments as determined by the Secretary. The Secretary shall
18 mail a copy of the compilations free of charge to all State
19 departments or agencies making a written request. A request for
20 a compilation of the daily list once made by a local government
21 or State department or agency need not be renewed. However, the
22 Secretary may request from time to time whether the local
23 governments or State departments or agencies desire to continue
24 receiving the compilation.

25 (3) The compilations of the daily list mentioned in
26 paragraph (2) of subsection (b) of this Section shall be mailed

1 to newspapers, or any other person not included as a recipient
2 in paragraph (2) of subsection (b) of this Section, upon
3 receipt of a written application signed by the applicant and
4 accompanied by the payment of a fee as determined by the
5 Secretary.

6 (c) If a domestic or foreign corporation has filed with the
7 Secretary of State an annual report for the preceding year or
8 has been newly formed or is otherwise and in any manner
9 registered with the Secretary of State, the Secretary of State
10 shall exchange with the ~~Illinois~~ Department of Healthcare and
11 Family Services ~~Public Aid~~ any information concerning that
12 corporation that may be necessary for the enforcement of child
13 support orders entered pursuant to the Illinois Public Aid
14 Code, the Illinois Marriage and Dissolution of Marriage Act,
15 the Non-Support of Spouse and Children Act, the Non-Support
16 Punishment Act, the Revised Uniform Reciprocal Enforcement of
17 Support Act, the Uniform Interstate Family Support Act, or the
18 Illinois Parentage Act of 1984.

19 Notwithstanding any provisions in this Act to the contrary,
20 the Secretary of State shall not be liable to any person for
21 any disclosure of information to the Department of Healthcare
22 and Family Services (formerly Illinois Department of Public
23 Aid) under this subsection or for any other action taken in
24 good faith to comply with the requirements of this subsection.

25 (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 10-1-99; revised
26 12-15-05.)

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

1 transact business in this State, \$50, unless the amendment is a
2 restatement of the articles of incorporation, in which case the
3 fee shall be \$150.

4 (m) Filing a copy of articles of merger of a foreign
5 corporation holding a certificate of authority to transact
6 business in this State, \$100, but if the merger involves more
7 than 2 corporations, \$50 for each additional corporation.

8 (n) Filing an application for withdrawal and final report
9 or a copy of articles of dissolution of a foreign corporation,
10 \$25.

11 (o) Filing an annual report, interim annual report, or
12 final transition annual report of a domestic or foreign
13 corporation, \$75.

14 (p) Filing an application for reinstatement of a domestic
15 or a foreign corporation, \$200.

16 (q) Filing an application for use of an assumed corporate
17 name, \$150 for each year or part thereof ending in 0 or 5, \$120
18 for each year or part thereof ending in 1 or 6, \$90 for each
19 year or part thereof ending in 2 or 7, \$60 for each year or part
20 thereof ending in 3 or 8, \$30 for each year or part thereof
21 ending in 4 or 9, between the date of filing the application
22 and the date of the renewal of the assumed corporate name; and
23 a renewal fee for each assumed corporate name, \$150.

24 (r) To change an assumed corporate name for the period
25 remaining until the renewal date of the original assumed name,
26 \$25.

1 (s) Filing an application for cancellation of an assumed
2 corporate name, \$5.

3 (t) Filing an application to register the corporate name of
4 a foreign corporation, \$50; and an annual renewal fee for the
5 registered name, \$50.

6 (u) Filing an application for cancellation of a registered
7 name of a foreign corporation, \$25.

8 (v) Filing a statement of correction, \$50.

9 (w) Filing a petition for refund or adjustment, \$5.

10 (x) Filing a statement of election of an extended filing
11 month, \$25.

12 (y) Filing any other statement or report, \$5.

13 (Source: P.A. 92-33, eff. 7-1-01; 93-32, eff. 12-1-03; 93-59,
14 eff. 7-1-03; revised 9-5-03.)

15 (805 ILCS 5/15.95) (from Ch. 32, par. 15.95)

16 Sec. 15.95. Department of Business Services Special
17 Operations Fund.

18 (a) A special fund in the State treasury known as the
19 Division of Corporations Special Operations Fund is renamed the
20 Department of Business Services Special Operations Fund.
21 Moneys deposited into the Fund shall, subject to appropriation,
22 be used by the Department of Business Services of the Office of
23 the Secretary of State, hereinafter "Department", to create and
24 maintain the capability to perform expedited services in
25 response to special requests made by the public for same day or

1 24 hour service. Moneys deposited into the Fund shall be used
2 for, but not limited to, expenditures for personal services,
3 retirement, social security, contractual services, equipment,
4 electronic data processing, and telecommunications.

5 (b) The balance in the Fund at the end of any fiscal year
6 shall not exceed \$600,000 and any amount in excess thereof
7 shall be transferred to the General Revenue Fund.

8 (c) All fees payable to the Secretary of State under this
9 Section shall be deposited into the Fund. No other fees or
10 taxes collected under this Act shall be deposited into the
11 Fund.

12 (d) "Expedited services" means services rendered within
13 the same day, or within 24 hours from the time, the request
14 therefor is submitted by the filer, law firm, service company,
15 or messenger physically in person or, at the Secretary of
16 State's discretion, by electronic means, to the Department's
17 Springfield Office and includes requests for certified copies,
18 photocopies, and certificates of good standing or fact made to
19 the Department's Springfield Office in person or by telephone,
20 or requests for certificates of good standing or fact made in
21 person or by telephone to the Department's Chicago Office.

22 (e) Fees for expedited services shall be as follows:

23 Restatement of articles, \$200;

24 Merger, consolidation or exchange, \$200;

25 Articles of incorporation, \$100;

26 Articles of amendment, \$100;

1 Revocation of dissolution, \$100;
2 Reinstatement, \$100;
3 Application for authority, \$100;
4 Cumulative report of changes in issued shares or paid-in
5 capital, \$100;
6 Report following merger or consolidation, \$100;
7 Certificate of good standing or fact, \$20;
8 All other filings, copies of documents, annual reports
9 filed on or after January 1, 1984, and copies of documents of
10 dissolved or revoked corporations having a file number over
11 5199, \$50.

12 (f) Expedited services shall not be available for a
13 statement of correction, a petition for refund or adjustment,
14 or a request involving annual reports filed before January 1,
15 1984 or involving dissolved corporations with a file number
16 below 5200.

17 (Source: P.A. 92-33, eff. 7-1-01; 93-32, eff. 9-1-03; 93-59,
18 eff. 7-1-03; revised 9-5-03.)

19 Section 1220. The General Not For Profit Corporation Act of
20 1986 is amended by changing Section 101.25 as follows:

21 (805 ILCS 105/101.25) (from Ch. 32, par. 101.25)

22 Sec. 101.25. Lists of corporations; exchange of
23 information.

24 (a) The Secretary of State shall include in his or her

1 daily publication lists of business corporations formed on that
2 day as provided in paragraph (1) of subsection (b) of Section
3 1.25 of the Business Corporation Act of 1983 all not-for-profit
4 corporations formed on the day of publication of such lists.

5 (b) The Secretary of State shall include among information
6 to be exchanged with the ~~Illinois~~ Department of Healthcare and
7 Family Services ~~Public Aid~~, as provided in subsection (c) of
8 Section 1.25 of the Business Corporation Act of 1983,
9 information regarding all not-for-profit corporations formed
10 pursuant to this Act.

11 (Source: P.A. 90-18, eff. 7-1-97; revised 12-15-05.)

12 Section 1225. The Limited Liability Company Act is amended
13 by changing Sections 1-25, 15-3, 50-5, and 50-10 as follows:

14 (805 ILCS 180/1-25)

15 Sec. 1-25. Nature of business. A limited liability company
16 may be formed for any lawful purpose or business except:

17 (1) (blank);

18 (2) insurance unless, for the purpose of carrying on
19 business as a member of a group including incorporated and
20 individual unincorporated underwriters, the Director of
21 Insurance finds that the group meets the requirements of
22 subsection (3) of Section 86 of the Illinois Insurance Code
23 and the limited liability company, if insolvent, is subject
24 to liquidation by the Director of Insurance under Article

1 XIII of the Illinois Insurance Code;

2 (3) the practice of dentistry unless all the members
3 and managers are licensed as dentists under the Illinois
4 Dental Practice Act; or

5 (4) the practice of medicine unless all the managers,
6 if any, are licensed to practice medicine under the Medical
7 Practice Act of 1987 and each member is either:

8 (A) licensed to practice medicine under the
9 Medical Practice Act of 1987; or

10 (B) a registered medical corporation or
11 corporations organized pursuant to the Medical
12 Corporation Act; or

13 (C) a professional corporation organized pursuant
14 to the Professional Service Corporation Act of
15 physicians licensed to practice medicine in all its
16 branches; or

17 (D) a limited liability company that satisfies the
18 requirements of subparagraph (A), (B), or (C).

19 (Source: P.A. 92-144, eff. 7-24-01; 93-59, eff. 7-1-03; 93-561,
20 eff. 1-1-04; revised 9-5-03.)

21 (805 ILCS 180/15-3)

22 Sec. 15-3. General standards of member and manager's
23 conduct.

24 (a) The fiduciary duties a member owes to a member-managed
25 company and its other members include the duty of loyalty and

1 the duty of care referred to in subsections (b) and (c) of this
2 Section.

3 (b) A member's duty of loyalty to a member-managed company
4 and its other members includes the following:

5 (1) to account to the company and to hold as trustee
6 for it any property, profit, or benefit derived by the
7 member in the conduct or winding up of the company's
8 business or derived from a use by the member of the
9 company's property, including the appropriation of a
10 company's opportunity;

11 (2) to act fairly when a member deals with the company
12 in the conduct or winding up of the company's business as
13 or on behalf of a party having an interest adverse to the
14 company; and

15 (3) to refrain from competing with the company in the
16 conduct of the company's business before the dissolution of
17 the company.

18 (c) A member's duty of care to a member-managed company and
19 its other members in the conduct of and ~~a~~ winding up of the
20 company's business is limited to refraining from engaging in
21 grossly negligent or reckless conduct, intentional misconduct,
22 or a knowing violation of law.

23 (d) A member shall discharge his or her duties to a
24 member-managed company and its other members under this Act or
25 under the operating agreement and exercise any rights
26 consistent with the obligation of good faith and fair dealing.

1 (e) A member of a member-managed company does not violate a
2 duty or obligation under this Act or under the operating
3 agreement merely because the member's conduct furthers the
4 member's own interest.

5 (f) This Section applies to a person winding up the limited
6 liability company's business as the personal or legal
7 representative of the last surviving member as if the person
8 were a member.

9 (g) In a manager-managed company:

10 (1) a member who is not also a manager owes no duties
11 to the company or to the other members solely by reason of
12 being a member;

13 (2) a manager is held to the same standards of conduct
14 prescribed for members in subsections (b), (c), (d), and
15 (e) of this Section;

16 (3) a member who pursuant to the operating agreement
17 exercises some or all of the authority of a manager in the
18 management and conduct of the company's business is held to
19 the standards of conduct in subsections (b), (c), (d), and
20 (e) of this Section to the extent that the member exercises
21 the managerial authority vested in a manager by this Act;
22 and

23 (4) a manager is relieved of liability imposed by law
24 for violations of the standards prescribed by subsections
25 (b), (c), (d), and (e) to the extent of the managerial
26 authority delegated to the members by the operating

1 agreement.

2 (Source: P.A. 90-424, eff. 1-1-98; revised 10-18-05.)

3 (805 ILCS 180/50-5)

4 Sec. 50-5. List of limited liability companies; exchange of
5 information.

6 (a) The Secretary of State may publish a list or lists of
7 limited liability companies and foreign limited liability
8 companies, as often, in the format, and for the fees as the
9 Secretary of State may in his or her discretion provide by
10 rule. The Secretary of State may disseminate information
11 concerning limited liability companies and foreign limited
12 liability companies by computer network in the format and for
13 the fees as may be determined by rule.

14 (b) Upon written request, any list published under
15 subsection (a) shall be free to each member of the General
16 Assembly, to each State agency or department, and to each
17 recorder in this State. An appropriate fee established by rule
18 to cover the cost of producing the list shall be charged to all
19 others.

20 (c) If a domestic or foreign limited liability company has
21 filed with the Secretary of State an annual report for the
22 preceding year or has been newly formed or is otherwise and in
23 any manner registered with the Secretary of State, the
24 Secretary of State shall exchange with the ~~Illinois~~ Department
25 of Healthcare and Family Services ~~Public Aid~~ any information

1 concerning that limited liability company that may be necessary
2 for the enforcement of child support orders entered pursuant to
3 the Illinois Public Aid Code, the Illinois Marriage and
4 Dissolution of Marriage Act, the Non-Support of Spouse and
5 Children Act, the Non-Support Punishment Act, the Revised
6 Uniform Reciprocal Enforcement of Support Act, the Uniform
7 Interstate Family Support Act, or the Illinois Parentage Act of
8 1984.

9 Notwithstanding any provisions in this Act to the contrary,
10 the Secretary of State shall not be liable to any person for
11 any disclosure of information to the Department of Healthcare
12 and Family Services (formerly Illinois Department of Public
13 Aid) under this subsection or for any other action taken in
14 good faith to comply with the requirements of this subsection.

15 (Source: P.A. 90-18, eff. 7-1-97; 91-613, eff. 10-1-99; revised
16 12-15-05.)

17 (805 ILCS 180/50-10)

18 Sec. 50-10. Fees.

19 (a) The Secretary of State shall charge and collect in
20 accordance with the provisions of this Act and rules
21 promulgated under its authority all of the following:

22 (1) Fees for filing documents.

23 (2) Miscellaneous charges.

24 (3) Fees for the sale of lists of filings and for
25 copies of any documents.

1 (b) The Secretary of State shall charge and collect for all
2 of the following:

3 (1) Filing articles of organization (domestic),
4 application for admission (foreign), and restated articles
5 of organization (domestic), \$500. Notwithstanding the
6 foregoing, the fee for filing articles of organization
7 (domestic), application for admission (foreign), and
8 restated articles of organization (domestic) in connection
9 with a limited liability company with a series pursuant to
10 Section 37-40 of this Act is \$750.

11 (2) Filing amendments (domestic or foreign), \$150.

12 (3) Filing articles of dissolution or application for
13 withdrawal, \$100.

14 (4) Filing an application to reserve a name, \$300.

15 (5) Renewal fee for reserved name, \$100.

16 (6) Filing a notice of a transfer of a reserved name,
17 \$100.

18 (7) Registration of a name, \$300.

19 (8) Renewal of registration of a name, \$100.

20 (9) Filing an application for use of an assumed name
21 under Section 1-20 of this Act, \$150 for each year or part
22 thereof ending in 0 or 5, \$120 for each year or part
23 thereof ending in 1 or 6, \$90 for each year or part thereof
24 ending in 2 or 7, \$60 for each year or part thereof ending
25 in 3 or 8, \$30 for each year or part thereof ending in 4 or
26 9, and a renewal for each assumed name, \$150.

1 (10) Filing an application for change of an assumed
2 name, \$100.

3 (11) Filing an annual report of a limited liability
4 company or foreign limited liability company, \$250, if
5 filed as required by this Act, plus a penalty if
6 delinquent. Notwithstanding the foregoing, the fee for
7 filing an annual report of a limited liability company or
8 foreign limited liability company is \$250 plus \$50 for each
9 series for which a certificate of designation has been
10 filed pursuant to Section 37-40 of this Act, plus a penalty
11 if delinquent.

12 (12) Filing an application for reinstatement of a
13 limited liability company or foreign limited liability
14 company \$500.

15 (13) Filing Articles of Merger, \$100 plus \$50 for each
16 party to the merger in excess of the first 2 parties.

17 (14) Filing an Agreement of Conversion or Statement of
18 Conversion, \$100.

19 (15) Filing a statement of change of address of
20 registered office or change of registered agent, or both,
21 or filing a statement of correction, \$25.

22 (16) Filing a petition for refund, \$15.

23 (17) Filing any other document, \$100.

24 (18) Filing a certificate of designation of a limited
25 liability company with a series pursuant to Section 37-40
26 of this Act, \$50.

1 (c) The Secretary of State shall charge and collect all of
2 the following:

3 (1) For furnishing a copy or certified copy of any
4 document, instrument, or paper relating to a limited
5 liability company or foreign limited liability company, or
6 for a certificate, \$25.

7 (2) For the transfer of information by computer process
8 media to any purchaser, fees established by rule.

9 (Source: P.A. 93-32, eff. 12-1-03; 93-59, eff. 7-1-03; 94-605,
10 eff. 1-1-06; 94-607, eff. 8-16-05; revised 8-29-05.)

11 Section 1230. The Uniform Commercial Code is amended by
12 changing Section 8-106 as follows:

13 (810 ILCS 5/8-106) (from Ch. 26, par. 8-106)

14 Sec. 8-106. Control.

15 (a) A purchaser has "control" of a certificated security in
16 bearer form if the certificated security is delivered to the
17 purchaser.

18 (b) A purchaser has "control" of a certificated security in
19 registered form if the certificated security is delivered to
20 the purchaser, and:

21 (1) the certificate is indorsed to the purchaser or in
22 blank by an effective indorsement; or

23 (2) the certificate is registered in the name of the
24 purchaser, upon original issue or registration of transfer

1 by the issuer.

2 (c) A purchaser has "control" of an uncertificated security
3 if:

4 (1) the uncertificated security is delivered to the
5 purchaser; or

6 (2) the issuer has agreed that it will comply with
7 instructions originated by the purchaser without further
8 consent by the registered owner. ~~;~~ ~~or~~

9 ~~(3) another person has control of the security~~
10 ~~entitlement on behalf of the purchaser or, having~~
11 ~~previously acquired control of the security entitlement,~~
12 ~~acknowledges that it has control on behalf of the~~
13 ~~purchaser.~~

14 (d) A purchaser has "control" of a security entitlement if:

15 (1) the purchaser becomes the entitlement holder; ~~or~~

16 (2) the securities intermediary has agreed that it will
17 comply with entitlement orders originated by the purchaser
18 without further consent by the entitlement holder; or.

19 (3) another person has control of the security
20 entitlement on behalf of the purchaser or, having
21 previously acquired control of the security entitlement,
22 acknowledges that it has control on behalf of the
23 purchaser.

24 (e) If an interest in a security entitlement is granted by
25 the entitlement holder to the entitlement holder's own
26 securities intermediary, the securities intermediary has

1 control.

2 (f) A purchaser who has satisfied the requirements of
3 subsection (c) or (d) has control even if the registered owner
4 in the case of subsection (c) or the entitlement holder in the
5 case of subsection (d) retains the right to make substitutions
6 for the uncertificated security or security entitlement, to
7 originate instructions or entitlement orders to the issuer or
8 securities intermediary, or otherwise to deal with the
9 uncertificated security or security entitlement.

10 (g) An issuer or a securities intermediary may not enter
11 into an agreement of the kind described in subsection (c)(2) or
12 (d)(2) without the consent of the registered owner or
13 entitlement holder, but an issuer or a securities intermediary
14 is not required to enter into such an agreement even though the
15 registered owner or entitlement holder so directs. An issuer or
16 securities intermediary that has entered into such an agreement
17 is not required to confirm the existence of the agreement to
18 another party unless requested to do so by the registered owner
19 or entitlement holder.

20 (Source: P.A. 91-893, eff. 7-1-01; revised 2-27-02.)

21 Section 1235. The Illinois Securities Law of 1953 is
22 amended by changing Section 2.29 as follows:

23 (815 ILCS 5/2.29)

24 Sec. 2.29. Covered security. "Covered security" means any

1 security that is a covered security under Section 18(b) of the
2 Federal 1933 Act or rules or regulations promulgated
3 thereunder.

4 (Source: P.A. 90-70, eff. 7-8-97; revised 9-20-06.)

5 Section 1240. The Payday Loan Reform Act is amended by
6 renumbering Section 99 as follows:

7 (815 ILCS 122/99-99) (was 815 ILCS 122/99)

8 Sec. 99-99 ~~99~~. Effective date. This Act takes effect 180
9 days after becoming law.

10 (Source: P.A. 94-13, eff. 12-6-05; revised 9-22-05.)

11 Section 1245. The Credit Card Liability Act is amended by
12 changing Section 1 as follows:

13 (815 ILCS 145/1) (from Ch. 17, par. 6101)

14 Sec. 1. (a) No person in whose name a credit card is issued
15 without his having requested or applied for the card or for the
16 extension of the credit or establishment of a charge account
17 which that card evidences is liable to the issuer of the card
18 for any purchases made or other amounts owing by a use of that
19 card from which he or a member of his family or household
20 derive no benefit unless he has indicated his acceptance of the
21 card by signing or using the card or by permitting or
22 authorizing use of the card by another. A mere failure to

1 destroy or return an unsolicited card is not such an
2 indication. As used in this Act, "credit card" has the meaning
3 ascribed to it in Section 2.03 of the Illinois Credit Card and
4 Debit Card Act, except that it does not include a card issued
5 by any telephone company that is subject to supervision or
6 regulation by the Illinois Commerce Commission or other public
7 authority.

8 (b) When an action is brought by an issuer against the
9 person named on the card, the burden of proving the request,
10 application, authorization, permission, use or benefit as set
11 forth in Section 1 hereof shall be upon plaintiff if put in
12 issue by defendant. In the event of judgment for defendant, the
13 court shall allow defendant a reasonable attorney's fee, to be
14 taxed as costs.

15 (Source: P.A. 78-777; revised 9-15-06.)

16 Section 1250. The Interest Act is amended by changing
17 Sections 4 and 4.1 as follows:

18 (815 ILCS 205/4) (from Ch. 17, par. 6404)

19 Sec. 4. General interest rate.

20 (1) Except as otherwise provided in ~~this~~ Section 4.05, in
21 all written contracts it shall be lawful for the parties to
22 stipulate or agree that 9% per annum, or any less sum of
23 interest, shall be taken and paid upon every \$100 of money
24 loaned or in any manner due and owing from any person to any

1 other person or corporation in this state, and after that rate
2 for a greater or less sum, or for a longer or shorter time,
3 except as herein provided.

4 The maximum rate of interest that may lawfully be
5 contracted for is determined by the law applicable thereto at
6 the time the contract is made. Any provision in any contract,
7 whether made before or after July 1, 1969, which provides for
8 or purports to authorize, contingent upon a change in the
9 Illinois law after the contract is made, any rate of interest
10 greater than the maximum lawful rate at the time the contract
11 is made, is void.

12 It is lawful for a state bank or a branch of an
13 out-of-state bank, as those terms are defined in Section 2 of
14 the Illinois Banking Act, to receive or to contract to receive
15 and collect interest and charges at any rate or rates agreed
16 upon by the bank or branch and the borrower. It is lawful for a
17 savings bank chartered under the Savings Bank Act or a savings
18 association chartered under the Illinois Savings and Loan Act
19 of 1985 to receive or contract to receive and collect interest
20 and charges at any rate agreed upon by the savings bank or
21 savings association and the borrower.

22 It is lawful to receive or to contract to receive and
23 collect interest and charges as authorized by this Act and as
24 authorized by the Consumer Installment Loan Act and by the
25 "Consumer Finance Act", approved July 10, 1935, as now or
26 hereafter amended, or by the Payday Loan Reform Act. It is

1 lawful to charge, contract for, and receive any rate or amount
2 of interest or compensation with respect to the following
3 transactions:

4 (a) Any loan made to a corporation;

5 (b) Advances of money, repayable on demand, to an
6 amount not less than \$5,000, which are made upon warehouse
7 receipts, bills of lading, certificates of stock,
8 certificates of deposit, bills of exchange, bonds or other
9 negotiable instruments pledged as collateral security for
10 such repayment, if evidenced by a writing;

11 (c) Any credit transaction between a merchandise
12 wholesaler and retailer; any business loan to a business
13 association or copartnership or to a person owning and
14 operating a business as sole proprietor or to any persons
15 owning and operating a business as joint venturers, joint
16 tenants or tenants in common, or to any limited
17 partnership, or to any trustee owning and operating a
18 business or whose beneficiaries own and operate a business,
19 except that any loan which is secured (1) by an assignment
20 of an individual obligor's salary, wages, commissions or
21 other compensation for services, or (2) by his household
22 furniture or other goods used for his personal, family or
23 household purposes shall be deemed not to be a loan within
24 the meaning of this subsection; and provided further that a
25 loan which otherwise qualifies as a business loan within
26 the meaning of this subsection shall not be deemed as not

1 so qualifying because of the inclusion, with other security
2 consisting of business assets of any such obligor, of real
3 estate occupied by an individual obligor solely as his
4 residence. The term "business" shall be deemed to mean a
5 commercial, agricultural or industrial enterprise which is
6 carried on for the purpose of investment or profit, but
7 shall not be deemed to mean the ownership or maintenance of
8 real estate occupied by an individual obligor solely as his
9 residence;

10 (d) Any loan made in accordance with the provisions of
11 Subchapter I of Chapter 13 of Title 12 of the United States
12 Code, which is designated as "Housing Renovation and
13 Modernization";

14 (e) Any mortgage loan insured or upon which a
15 commitment to insure has been issued under the provisions
16 of the National Housing Act, Chapter 13 of Title 12 of the
17 United States Code;

18 (f) Any mortgage loan guaranteed or upon which a
19 commitment to guaranty has been issued under the provisions
20 of the Veterans' Benefits Act, Subchapter II of Chapter 37
21 of Title 38 of the United States Code;

22 (g) Interest charged by a broker or dealer registered
23 under the Securities Exchange Act of 1934, as amended, or
24 registered under the Illinois Securities Law of 1953,
25 approved July 13, 1953, as now or hereafter amended, on a
26 debit balance in an account for a customer if such debit

1 balance is payable at will without penalty and is secured
2 by securities as defined in Uniform Commercial
3 Code-Investment Securities;

4 (h) Any loan made by a participating bank as part of
5 any loan guarantee program which provides for loans and for
6 the refinancing of such loans to medical students, interns
7 and residents and which are guaranteed by the American
8 Medical Association Education and Research Foundation;

9 (i) Any loan made, guaranteed, or insured in accordance
10 with the provisions of the Housing Act of 1949, Subchapter
11 III of Chapter 8A of Title 42 of the United States Code and
12 the Consolidated Farm and Rural Development Act,
13 Subchapters I, II, and III of Chapter 50 of Title 7 of the
14 United States Code;

15 (j) Any loan by an employee pension benefit plan, as
16 defined in Section 3 (2) of the Employee Retirement Income
17 Security Act of 1974 (29 U.S.C.A. Sec. 1002), to an
18 individual participating in such plan, provided that such
19 loan satisfies the prohibited transaction exemption
20 requirements of Section 408 (b) (1) (29 U.S.C.A. Sec. 1108
21 (b) (1)) or Section 2003 (a) (26 U.S.C.A. Sec. 4975 (d)
22 (1)) of the Employee Retirement Income Security Act of
23 1974;

24 (k) Written contracts, agreements or bonds for deed
25 providing for installment purchase of real estate;

26 (1) Loans secured by a mortgage on real estate;

1 (m) Loans made by a sole proprietorship, partnership,
2 or corporation to an employee or to a person who has been
3 offered employment by such sole proprietorship,
4 partnership, or corporation made for the sole purpose of
5 transferring an employee or person who has been offered
6 employment to another office maintained and operated by the
7 same sole proprietorship, partnership, or corporation;

8 (n) Loans to or for the benefit of students made by an
9 institution of higher education.

10 (2) Except for loans described in subparagraph (a), (c),
11 (d), (e), (f) or (i) of subsection (1) of this Section, and
12 except to the extent permitted by the applicable statute for
13 loans made pursuant to Section 4a or pursuant to the Consumer
14 Installment Loan Act:

15 (a) Whenever the rate of interest exceeds 8% per annum
16 on any written contract, agreement or bond for deed
17 providing for the installment purchase of residential real
18 estate, or on any loan secured by a mortgage on residential
19 real estate, it shall be unlawful to provide for a
20 prepayment penalty or other charge for prepayment.

21 (b) No agreement, note or other instrument evidencing a
22 loan secured by a mortgage on residential real estate, or
23 written contract, agreement or bond for deed providing for
24 the installment purchase of residential real estate, may
25 provide for any change in the contract rate of interest
26 during the term thereof. However, if the Congress of the

1 United States or any federal agency authorizes any class of
2 lender to enter, within limitations, into mortgage
3 contracts or written contracts, agreements or bonds for
4 deed in which the rate of interest may be changed during
5 the term of the contract, any person, firm, corporation or
6 other entity not otherwise prohibited from entering into
7 mortgage contracts or written contracts, agreements or
8 bonds for deed in Illinois may enter into mortgage
9 contracts or written contracts, agreements or bonds for
10 deed in which the rate of interest may be changed during
11 the term of the contract, within the same limitations.

12 (3) In any contract or loan which is secured by a mortgage,
13 deed of trust, or conveyance in the nature of a mortgage, on
14 residential real estate, the interest which is computed,
15 calculated, charged, or collected pursuant to such contract or
16 loan, or pursuant to any regulation or rule promulgated
17 pursuant to this Act, may not be computed, calculated, charged
18 or collected for any period of time occurring after the date on
19 which the total indebtedness, with the exception of late
20 payment penalties, is paid in full.

21 For purposes of this Section, a prepayment shall mean the
22 payment of the total indebtedness, with the exception of late
23 payment penalties if incurred or charged, on any date before
24 the date specified in the contract or loan agreement on which
25 the total indebtedness shall be paid in full, or before the
26 date on which all payments, if timely made, shall have been

1 made. In the event of a prepayment of the indebtedness which is
2 made on a date after the date on which interest on the
3 indebtedness was last computed, calculated, charged, or
4 collected but before the next date on which interest on the
5 indebtedness was to be calculated, computed, charged, or
6 collected, the lender may calculate, charge and collect
7 interest on the indebtedness for the period which elapsed
8 between the date on which the prepayment is made and the date
9 on which interest on the indebtedness was last computed,
10 calculated, charged or collected at a rate equal to 1/360 of
11 the annual rate for each day which so elapsed, which rate shall
12 be applied to the indebtedness outstanding as of the date of
13 prepayment. The lender shall refund to the borrower any
14 interest charged or collected which exceeds that which the
15 lender may charge or collect pursuant to the preceding
16 sentence. The provisions of this amendatory Act of 1985 shall
17 apply only to contracts or loans entered into on or after the
18 effective date of this amendatory Act, but shall not apply to
19 contracts or loans entered into on or after that date that are
20 subject to Section 4a of this Act, the Consumer Installment
21 Loan Act, the Payday Loan Reform Act, or the Retail Installment
22 Sales Act, or that provide for the refund of precomputed
23 interest on prepayment in the manner provided by such Act.

24 (Source: P.A. 94-13, eff. 12-6-05; 94-635, eff. 8-22-05;
25 revised 8-29-05.)

1 (815 ILCS 205/4.1) (from Ch. 17, par. 6405)

2 Sec. 4.1. The term "revolving credit" means an arrangement,
3 including by means of a credit card as defined in Section 2.03
4 of the Illinois Credit Card and Debit Card Act between a lender
5 and debtor pursuant to which it is contemplated or provided
6 that the lender may from time to time make loans or advances to
7 or for the account of the debtor through the means of drafts,
8 items, orders for the payment of money, evidences of debt or
9 similar written instruments, whether or not negotiable, signed
10 by the debtor or by any person authorized or permitted so to do
11 on behalf of the debtor, which loans or advances are charged to
12 an account in respect of which account the lender is to render
13 bills or statements to the debtor at regular intervals
14 (hereinafter sometimes referred to as the "billing cycle") the
15 amount of which bills or statements is payable by and due from
16 the debtor on a specified date stated in such bill or statement
17 or at the debtor's option, may be payable by the debtor in
18 installments. A revolving credit arrangement which grants the
19 debtor a line of credit in excess of \$5,000 may include
20 provisions granting the lender a security interest in real
21 property or in a beneficial interest in a land trust to secure
22 amounts of credit extended by the lender. Credit extended or
23 available under a revolving credit plan operated in accordance
24 with the Illinois Financial Services Development Act shall be
25 deemed to be "revolving credit" as defined in this Section 4.1
26 but shall not be subject to Sections 4.1a, 4.2 or 4.3 hereof.

1 Whenever a lender is granted a security interest in real
2 property or in a beneficial interest in a land trust, the
3 lender shall disclose the existence of such interest to the
4 borrower in compliance with the Federal Truth in Lending Act,
5 amendments thereto, and any regulations issued or which may be
6 issued thereunder, and shall agree to pay all expenses,
7 including recording fees and otherwise, to release any such
8 security interest of record whenever it no longer secures any
9 credit under a revolving credit arrangement. A lender shall not
10 be granted a security interest in any real property or in any
11 beneficial interest in a land trust under a revolving credit
12 arrangement, or if any such security interest exists, such
13 interest shall be released, if a borrower renders payment of
14 the total outstanding balance due under the revolving credit
15 arrangement and requests in writing to reduce the line of
16 credit below that amount for which a security interest in real
17 property or in a beneficial interest in a land trust may be
18 required by a lender. Any request by a borrower to release a
19 security interest under a revolving credit arrangement shall be
20 granted by the lender provided the borrower renders payment of
21 the total outstanding balance as required by this Section
22 before the security interest of record may be released.

23 (Source: P.A. 85-1432; revised 9-15-06.)

24 Section 1255. The Automotive Collision Repair Act is
25 amended by changing Section 50 as follows:

1 (815 ILCS 308/50)

2 Sec. 50. Consumer disclosures; required signs. Every motor
3 vehicle repair facility shall post in a prominent place on the
4 business premises one or more signs, readily visible to
5 customers, in the following form:

6 YOUR CUSTOMER RIGHTS. UNLESS THE FACILITY PROVIDES A FIRM PRICE
7 QUOTATION, YOU ARE ENTITLED BY LAW TO:

8 1. A WRITTEN ESTIMATE FOR REPAIRS THAT WILL COST MORE THAN \$100
9 UNLESS ABSENT FACE-TO-FACE CONTACT (SEE ITEM 3 BELOW).

10 2. AUTHORIZE ORALLY OR IN WRITING ANY REPAIRS THAT EXCEED THE
11 ESTIMATED TOTAL PRE-SALES-TAX COST BY MORE THAN 10% OR THAT
12 EXCEED THE LIMITED PRICE ESTIMATE.

13 3. AUTHORIZE ANY REPAIRS ORALLY OR IN WRITING IF YOUR MOTOR
14 VEHICLE IS LEFT WITH THE COLLISION REPAIR FACILITY WITHOUT
15 FACE-TO-FACE CONTACT BETWEEN YOU AND THE COLLISION REPAIR
16 FACILITY PERSONNEL.

17 IF YOU HAVE AUTHORIZED A REPAIR IN ACCORDANCE ~~ACCORANCE~~ WITH
18 THE ABOVE INFORMATION, YOU ARE REQUIRED TO PAY FOR THE COSTS OF
19 THE REPAIR PRIOR TO TAKING THE VEHICLE FROM THE PREMISES.

1 The first line of each sign shall be in letters not less
2 than 1.5 inches in height, and the remaining lines shall be in
3 letters not less than 0.5 inch in height.

4 (Source: P.A. 93-565, eff. 1-1-04; revised 10-11-05.)

5 Section 1260. The Telephone Solicitations Act is amended by
6 changing Section 5 as follows:

7 (815 ILCS 413/5)

8 Sec. 5. Definitions. For purposes of this Act:

9 "Caller ID" means the display to the recipient of the call
10 of the caller's telephone number or identity.

11 "Emergency telephone number" means any telephone number
12 which accesses or calls a fire department, law enforcement
13 agency, ambulance, hospital, medical center, poison control
14 center, rape crisis center, suicide prevention center, rescue
15 service, the 911 emergency access number provided by law
16 enforcement agencies and police departments.

17 "Subscriber" means:

18 (1) A person who has subscribed to telephone service
19 from a telephone company; or

20 (2) Other persons living or residing with the
21 subscribing person.

22 "Telephone solicitation" means any communication through
23 the use of a telephone by live operators for soliciting the
24 sale of goods or services.

1 (Source: P.A. 90-541, eff. 6-1-98; 91-182, eff. 1-1-00; revised
2 9-20-06.)

3 Section 1265. The Consumer Fraud and Deceptive Business
4 Practices Act is amended by changing Sections 1 and 2LL and by
5 setting forth, renumbering, and changing multiple versions of
6 Sections 2MM, 2QQ, 2VV, and 2XX as follows:

7 (815 ILCS 505/1) (from Ch. 121 1/2, par. 261)

8 Sec. 1. (a) The term "advertisement" includes the attempt
9 by publication, dissemination, solicitation or circulation to
10 induce directly or indirectly any person to enter into any
11 obligation or acquire any title or interest in any merchandise
12 and includes every work device to disguise any form of business
13 solicitation by using such terms as "renewal", "invoice",
14 "bill", "statement", or "reminder", to create an impression of
15 existing obligation when there is none, or other language to
16 mislead any person in relation to any sought after commercial
17 transaction.†

18 (b) The term "merchandise" includes any objects, wares,
19 goods, commodities, intangibles, real estate situated outside
20 the State of Illinois, or services.†

21 (c) The term "person" includes any natural person or his
22 legal representative, partnership, corporation (domestic and
23 foreign), company, trust, business entity or association, and
24 any agent, employee, salesman, partner, officer, director,

1 member, stockholder, associate, trustee or cestui que trust
2 thereof.~~+~~

3 (d) The term "sale" includes any sale, offer for sale, or
4 attempt to sell any merchandise for cash or on credit.

5 (e) The term "consumer" means any person who purchases or
6 contracts for the purchase of merchandise not for resale in the
7 ordinary course of his trade or business but for his use or
8 that of a member of his household.

9 (f) The terms "trade" and "commerce" mean the advertising,
10 offering for sale, sale, or distribution of any services and
11 any property, tangible or intangible, real, personal or mixed,
12 and any other article, commodity, or thing of value wherever
13 situated, and shall include any trade or commerce directly or
14 indirectly affecting the people of this State.

15 (g) The term "pyramid sales scheme" includes any plan or
16 operation whereby a person in exchange for money or other thing
17 of value acquires the opportunity to receive a benefit or thing
18 of value, which is primarily based upon the inducement of
19 additional persons, by himself or others, regardless of number,
20 to participate in the same plan or operation and is not
21 primarily contingent on the volume or quantity of goods,
22 services, or other property sold or distributed or to be sold
23 or distributed to persons for purposes of resale to consumers.
24 For purposes of this subsection, "money or other thing of
25 value" shall not include payments made for sales demonstration
26 equipment and materials furnished on a nonprofit basis for use

1 in making sales and not for resale.

2 (Source: P.A. 83-808; revised 10-18-05.)

3 (815 ILCS 505/2LL)

4 Sec. 2LL. Halal food; disclosure.

5 (a) As used in this Section:

6 "Dealer" means any establishment that advertises,
7 represents, or holds itself out as growing animals in a halal
8 way or selling, preparing, or maintaining food as halal,
9 including, but not limited to, manufacturers, animals' farms,
10 slaughterhouses, wholesalers, stores, restaurants, hotels,
11 catering facilities, butcher shops, summer camps, bakeries,
12 delicatessens, supermarkets, grocery stores, licensed health
13 care facilities, freezer dealers, and food plan companies.
14 These establishments may also sell, prepare or maintain food
15 not represented as halal.

16 "Director" means the Director of Agriculture.

17 "Food" means an animal grown to become food for human
18 consumption, a food, a food product, a food ingredient, a
19 dietary supplement, or a beverage.

20 "Halal" means prepared under and maintained in strict
21 compliance with the laws and customs of the Islamic religion
22 including but not limited to those laws and customs of
23 zabiha/zabeeha ~~zabiha/zebecha~~ (slaughtered according to
24 appropriate Islamic codes), and as expressed by reliable
25 recognized Islamic entities and scholars.

1 (b) Any dealer who grows animals represented to be grown in
2 a halal way or who prepares, distributes, sells, or exposes for
3 sale any food represented to be halal shall disclose the basis
4 upon which those representations are made by posting the
5 information required by the Director, in accordance with rules
6 adopted by the Director, on a sign of a type and size specified
7 by the Director, in a conspicuous place upon the premises at
8 which the food is sold or exposed for sale, as required by the
9 Director.

10 (c) Any person subject to the requirements of subsection
11 (b) does not commit an unlawful practice if the person shows by
12 a preponderance of the evidence that the person relied in good
13 faith upon the representations of an animals' farm,
14 slaughterhouse, manufacturer, processor, packer, or
15 distributor of any food represented to be halal.

16 (d) Possession by a dealer of any animal grown to become
17 food for consumption or any food not in conformance with the
18 disclosure required by subsection (b) with respect to that food
19 is presumptive evidence that the person is in possession of
20 that food with the intent to sell.

21 (e) Any dealer who grows animals represented to be grown in
22 a halal way or who prepares, distributes, sells, or exposes for
23 sale any food represented to be halal shall comply with all
24 requirements of the Director, including, but not limited to,
25 recordkeeping, labeling and filing, in accordance with rules
26 adopted by the Director.

1 (f) Neither an animal represented to be grown in a halal
2 way to become food for human consumption, nor a food commodity
3 represented as halal, may be offered for sale by a dealer until
4 the dealer has registered, with the Director, documenting
5 information of the certifying Islamic entity specialized in
6 halal food or the supervising Muslim Inspector of Halal Food.

7 (g) The Director shall adopt rules to carry out this
8 Section in accordance with the Illinois Administrative
9 Procedure Act.

10 (h) It is an unlawful practice under this Act to violate
11 this Section or the rules adopted by the Director to carry out
12 this Section.

13 (Source: P.A. 92-394, eff. 1-1-02; 92-651, eff. 7-11-02;
14 revised 10-18-05.)

15 (815 ILCS 505/2MM)

16 Sec. 2MM. Verification of accuracy of consumer reporting
17 information used to extend consumers credit and security freeze
18 on credit reports.

19 (a) A credit card issuer who mails an offer or solicitation
20 to apply for a credit card and who receives a completed
21 application in response to the offer or solicitation which
22 lists an address that is not substantially the same as the
23 address on the offer or solicitation may not issue a credit
24 card based on that application until reasonable steps have been
25 taken to verify the applicant's change of address.

1 (b) Any person who uses a consumer credit report in
2 connection with the approval of credit based on the application
3 for an extension of credit, and who has received notification
4 of a police report filed with a consumer reporting agency that
5 the applicant has been a victim of financial identity theft, as
6 defined in Section 16G-15 of the Criminal Code of 1961, may not
7 lend money or extend credit without taking reasonable steps to
8 verify the consumer's identity and confirm that the application
9 for an extension of credit is not the result of financial
10 identity theft.

11 (c) A consumer may request that a security freeze be placed
12 on his or her credit report by sending a request in writing by
13 certified mail to a consumer reporting agency at an address
14 designated by the consumer reporting agency to receive such
15 requests. This subsection (c) does not prevent a consumer
16 reporting agency from advising a third party that a security
17 freeze is in effect with respect to the consumer's credit
18 report.

19 (d) A consumer reporting agency shall place a security
20 freeze on a consumer's credit report no later than 5 business
21 days after receiving a written request from the consumer:

- 22 (1) a written request described in subsection (c);
- 23 (2) proper identification; and
- 24 (3) payment of a fee, if applicable.

25 (e) Upon placing the security freeze on the consumer's
26 credit report, the consumer reporting agency shall send to the

1 consumer within 10 business days a written confirmation of the
2 placement of the security freeze and a unique personal
3 identification number or password or similar device, other than
4 the consumer's Social Security number, to be used by the
5 consumer when providing authorization for the release of his or
6 her credit report for a specific party or period of time.

7 (f) If the consumer wishes to allow his or her credit
8 report to be accessed for a specific party or period of time
9 while a freeze is in place, he or she shall contact the
10 consumer reporting agency using a point of contact designated
11 by the consumer reporting agency, request that the freeze be
12 temporarily lifted, and provide the following:

13 (1) Proper identification;

14 (2) The unique personal identification number or
15 password or similar device provided by the consumer
16 reporting agency;

17 (3) The proper information regarding the third party or
18 time period for which the report shall be available to
19 users of the credit report; and

20 (4) A fee, if applicable.

21 (g) A consumer reporting agency shall develop a contact
22 method to receive and process a request from a consumer to
23 temporarily lift a freeze on a credit report pursuant to
24 subsection (f) in an expedited manner.

25 A contact method under this subsection shall include: (i) a
26 postal address; and (ii) an electronic contact method chosen by

1 the consumer reporting agency, which may include the use of
2 telephone, fax, Internet, or other electronic means.

3 (h) A consumer reporting agency that receives a request
4 from a consumer to temporarily lift a freeze on a credit report
5 pursuant to subsection (f), shall comply with the request no
6 later than 3 business days after receiving the request.

7 (i) A consumer reporting agency shall remove or temporarily
8 lift a freeze placed on a consumer's credit report only in the
9 following cases:

10 (1) upon consumer request, pursuant to subsection (f)
11 or subsection (1) of this Section; or

12 (2) if the consumer's credit report was frozen due to a
13 material misrepresentation of fact by the consumer.

14 If a consumer reporting agency intends to remove a freeze
15 upon a consumer's credit report pursuant to this subsection,
16 the consumer reporting agency shall notify the consumer in
17 writing prior to removing the freeze on the consumer's credit
18 report.

19 (j) If a third party requests access to a credit report on
20 which a security freeze is in effect, and this request is in
21 connection with an application for credit or any other use, and
22 the consumer does not allow his or her credit report to be
23 accessed for that specific party or period of time, the third
24 party may treat the application as incomplete.

25 (k) If a consumer requests a security freeze, the credit
26 reporting agency shall disclose to the consumer the process of

1 placing and temporarily lifting a security freeze, and the
2 process for allowing access to information from the consumer's
3 credit report for a specific party or period of time while the
4 freeze is in place.

5 (l) A security freeze shall remain in place until the
6 consumer requests, using a point of contact designated by the
7 consumer reporting agency, that the security freeze be removed.
8 A credit reporting agency shall remove a security freeze within
9 3 business days of receiving a request for removal from the
10 consumer, who provides:

11 (1) Proper identification;

12 (2) The unique personal identification number or
13 password or similar device provided by the consumer
14 reporting agency; and

15 (3) A fee, if applicable.

16 (m) A consumer reporting agency shall require proper
17 identification of the person making a request to place or
18 remove a security freeze.

19 (n) The provisions of subsections (c) through (m) of this
20 Section do not apply to the use of a consumer credit report by
21 any of the following:

22 (1) A person or entity, or a subsidiary, affiliate, or
23 agent of that person or entity, or an assignee of a
24 financial obligation owing by the consumer to that person
25 or entity, or a prospective assignee of a financial
26 obligation owing by the consumer to that person or entity

1 in conjunction with the proposed purchase of the financial
2 obligation, with which the consumer has or had prior to
3 assignment an account or contract, including a demand
4 deposit account, or to whom the consumer issued a
5 negotiable instrument, for the purposes of reviewing the
6 account or collecting the financial obligation owing for
7 the account, contract, or negotiable instrument. For
8 purposes of this subsection, "reviewing the account"
9 includes activities related to account maintenance,
10 monitoring, credit line increases, and account upgrades
11 and enhancements.

12 (2) A subsidiary, affiliate, agent, assignee, or
13 prospective assignee of a person to whom access has been
14 granted under subsection (f) of this Section for purposes
15 of facilitating the extension of credit or other
16 permissible use.

17 (3) Any state or local agency, law enforcement agency,
18 trial court, or private collection agency acting pursuant
19 to a court order, warrant, or subpoena.

20 (4) A child support agency acting pursuant to Title
21 IV-D of the Social Security Act.

22 (5) The State or its agents or assigns acting to
23 investigate fraud.

24 (6) The Department of Revenue or its agents or assigns
25 acting to investigate or collect delinquent taxes or unpaid
26 court orders or to fulfill any of its other statutory

1 responsibilities.

2 (7) The use of credit information for the purposes of
3 prescreening as provided for by the federal Fair Credit
4 Reporting Act.

5 (8) Any person or entity administering a credit file
6 monitoring subscription or similar service to which the
7 consumer has subscribed.

8 (9) Any person or entity for the purpose of providing a
9 consumer with a copy of his or her credit report or score
10 upon the consumer's request.

11 (10) Any person using the information in connection
12 with the underwriting of insurance.

13 (n-5) This Section does not prevent a consumer reporting
14 agency from charging a fee of no more than \$10 to a consumer
15 for each freeze, removal, or temporary lift of the freeze,
16 regarding access to a consumer credit report, except that a
17 consumer reporting agency may not charge a fee to (i) a
18 consumer 65 years of age or over for placement and removal of a
19 freeze, or (ii) a victim of identity theft who has submitted to
20 the consumer reporting agency a valid copy of a police report,
21 investigative report, or complaint that the consumer has filed
22 with a law enforcement agency about unlawful use of his or her
23 personal information by another person.

24 (o) If a security freeze is in place, a consumer reporting
25 agency shall not change any of the following official
26 information in a credit report without sending a written

1 confirmation of the change to the consumer within 30 days of
2 the change being posted to the consumer's file: (i) name, (ii)
3 date of birth, (iii) Social Security number, and (iv) address.
4 Written confirmation is not required for technical
5 modifications of a consumer's official information, including
6 name and street abbreviations, complete spellings, or
7 transposition of numbers or letters. In the case of an address
8 change, the written confirmation shall be sent to both the new
9 address and to the former address.

10 (p) The following entities are not required to place a
11 security freeze in a consumer report, however, pursuant to
12 paragraph (3) of this subsection, a consumer reporting agency
13 acting as a reseller shall honor any security freeze placed on
14 a consumer credit report by another consumer reporting agency:

15 (1) A check services or fraud prevention services
16 company, which issues reports on incidents of fraud or
17 authorizations for the purpose of approving or processing
18 negotiable instruments, electronic funds transfers, or
19 similar methods of payment.

20 (2) A deposit account information service company,
21 which issues reports regarding account closures due to
22 fraud, substantial overdrafts, ATM abuse, or similar
23 negative information regarding a consumer to inquiring
24 banks or other financial institutions for use only in
25 reviewing a consumer request for a deposit account at the
26 inquiring bank or financial institution.

1 (3) A consumer reporting agency that:

2 (A) acts only to resell credit information by
3 assembling and merging information contained in a
4 database of one or more consumer reporting agencies;
5 and

6 (B) does not maintain a permanent database of
7 credit information from which new credit reports are
8 produced.

9 (q) For purposes of this Section:

10 "Credit report" has the same meaning as "consumer report",
11 as ascribed to it in 15 U.S.C. Sec. 1681a(d).

12 "Consumer reporting agency" has the meaning ascribed to it
13 in 15 U.S.C. Sec. 1681a(f).

14 "Security freeze" means a notice placed in a consumer's
15 credit report, at the request of the consumer and subject to
16 certain exceptions, that prohibits the consumer reporting
17 agency from releasing the consumer's credit report or score
18 relating to an extension of credit, without the express
19 authorization of the consumer.

20 "Extension of credit" does not include an increase in an
21 existing open-end credit plan, as defined in Regulation Z of
22 the Federal Reserve System (12 C.F.R. 226.2), or any change to
23 or review of an existing credit account.

24 "Proper identification" means information generally deemed
25 sufficient to identify a person. Only if the consumer is unable
26 to reasonably identify himself or herself with the information

1 described above, may a consumer reporting agency require
2 additional information concerning the consumer's employment
3 and personal or family history in order to verify his or her
4 identity.

5 (r) Any person who violates this Section commits an
6 unlawful practice within the meaning of this Act.

7 (Source: P.A. 93-195, eff. 1-1-04; 94-74, eff. 1-1-06; 94-799,
8 eff. 1-1-07.)

9 (815 ILCS 505/2NN)

10 Sec. 2NN ~~2MM~~. Receipts; credit card and debit card account
11 numbers.

12 (a) Definitions. As used in this Section:

13 "Cardholder" has the meaning ascribed to it in Section 2.02
14 of the Illinois Credit Card and Debit Card Act.

15 "Credit card" has the meaning ascribed to it in Section
16 2.03 of the Illinois Credit Card and Debit Card Act.

17 "Debit card" has the meaning ascribed to it in Section 2.15
18 of the Illinois Credit Card and Debit Card Act.

19 "Issuer" has the meaning ascribed to it in Section 2.08 of
20 the Illinois Credit Card and Debit Card Act.

21 "Person" has the meaning ascribed to it in Section 2.09 of
22 the Illinois Credit Card and Debit Card Act.

23 "Provider" means a person who furnishes money, goods,
24 services, or anything else of value upon presentation, whether
25 physically, in writing, verbally, electronically, or

1 otherwise, of a credit card or debit card by the cardholder, or
2 any agent or employee of that person.

3 (b) Except as otherwise provided in this Section, no
4 provider may print or otherwise produce or reproduce or permit
5 the printing or other production or reproduction of the
6 following: (i) any part of the credit card or debit card
7 account number, other than the last 4 digits or other
8 characters, (ii) the credit card or debit card expiration date
9 on any receipt provided or made available to the cardholder.

10 (c) This Section does not apply to a credit card or debit
11 card transaction in which the sole means available to the
12 provider of recording the credit card or debit card account
13 number is by handwriting or by imprint of the card.

14 (d) This Section does not apply to receipts issued for
15 transactions on the electronic benefits transfer card system in
16 accordance with 7 CFR 274.12(g)(3).

17 (e) A violation of this Section constitutes an unlawful
18 practice within the meaning of this Act.

19 (f) This Section is operative on January 1, 2005.

20 (Source: P.A. 93-231, eff. 1-1-04; revised 9-26-03.)

21 (815 ILCS 505/2PP)

22 Sec. 2PP ~~2MM~~. Mail; disclosure. It is an unlawful practice
23 under this Act to knowingly mail or send or cause to be mailed
24 or sent a postcard or letter to a recipient in this State if:

25 (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

1 Drug Information Card Act.

2 (c) An insurance card issued to an individual before the
3 effective date of this amendatory Act of the 93rd General
4 Assembly that does not comply with subsection (b) must be
5 replaced by January 1, 2006 with an insurance card that
6 complies with subsection (b) if the individual's eligibility
7 for benefits continues after the effective date of this
8 amendatory Act of the 93rd General Assembly.

9 (d) A violation of this Section constitutes an unlawful
10 practice within the meaning of this Act.

11 (Source: P.A. 93-728, eff. 1-1-05.)

12 (815 ILCS 505/2RR)

13 Sec. 2RR ~~200~~. Use of Social Security numbers.

14 (a) Except as otherwise provided in this Section, a person
15 may not do any of the following:

16 (1) Publicly post or publicly display in any manner an
17 individual's social security number. As used in this
18 Section, "publicly post" or "publicly display" means to
19 intentionally communicate or otherwise make available to
20 the general public.

21 (2) Print an individual's social security number on any
22 card required for the individual to access products or
23 services provided by the person or entity; however, a
24 person or entity that provides an insurance card must print
25 on the card an identification number unique to the holder

1 of the card in the format prescribed by Section 15 of the
2 Uniform Prescription Drug Information Card Act.

3 (3) Require an individual to transmit his or her social
4 security number over the Internet, unless the connection is
5 secure or the social security number is encrypted.

6 (4) Require an individual to use his or her social
7 security number to access an Internet web site, unless a
8 password or unique personal identification number or other
9 authentication device is also required to access the
10 Internet Web site.

11 (5) Print an individual's social security number on any
12 materials that are mailed to the individual, unless State
13 or federal law requires the social security number to be on
14 the document to be mailed. Notwithstanding any provision in
15 this Section to the contrary, social security numbers may
16 be included in applications and forms sent by mail,
17 including documents sent as part of an application or
18 enrollment process or to establish, amend, or terminate an
19 account, contract, or policy or to confirm the accuracy of
20 the social security number. A social security number that
21 may permissibly be mailed under this Section may not be
22 printed, in whole or in part, on a postcard or other mailer
23 that does not require an envelope or be visible on an
24 envelope or visible without the envelope having been
25 opened.

26 (b) A person that used, before July 1, 2005, an

1 individual's social security number in a manner inconsistent
2 with subsection (a) may continue using that individual's social
3 security number in the same manner on or after July 1, 2005 if
4 all of the following conditions are met:

5 (1) The use of the social security number is
6 continuous. If the use is stopped for any reason,
7 subsection (a) shall apply.

8 (2) The individual is provided an annual disclosure
9 that informs the individual that he or she has the right to
10 stop the use of his or her social security number in a
11 manner prohibited by subsection (a).

12 A written request by an individual to stop the use of his
13 or her social security number in a manner prohibited by
14 subsection (a) shall be implemented within 30 days of the
15 receipt of the request. There shall be no fee or charge for
16 implementing the request. A person shall not deny services to
17 an individual because the individual makes such a written
18 request.

19 (c) This Section does not apply to the collection, use, or
20 release of a social security number as required by State or
21 federal law or the use of a social security number for internal
22 verification or administrative purposes. This Section does not
23 apply to the collection, use, or release of a social security
24 number by the State, a subdivision of the State, or an
25 individual in the employ of the State or a subdivision of the
26 State in connection with his or her official duties.

1 (d) This Section does not apply to documents that are
2 recorded or required to be open to the public under State or
3 federal law, applicable case law, Supreme Court Rule, or the
4 Constitution of the State of Illinois.

5 (e) If a federal law takes effect requiring the United
6 States Department of Health and Human Services to establish a
7 national unique patient health identifier program, any person
8 who complies with the federal law shall be deemed to be in
9 compliance with this Section.

10 (f) A person may not encode or embed a social security
11 number in or on a card or document, including, but not limited
12 to, using a bar code, chip, magnetic strip, or other
13 technology, in place of removing the social security number as
14 required by this Section.

15 (g) Any person who violates this Section commits an
16 unlawful practice within the meaning of this Act.

17 (Source: P.A. 93-739, eff. 7-1-06; revised 9-14-06.)

18 (815 ILCS 505/2SS)

19 Sec. 2SS ~~200~~. Gift certificates.

20 (a) "Gift certificate" means a record evidencing a promise,
21 made for consideration, by the seller or issuer of the record
22 that goods or services will be provided to the holder of the
23 record for the value shown in the record and includes, but is
24 not limited to, a record that contains a microprocessor chip,
25 magnetic stripe or other means for the storage of information

1 that is prefunded and for which the value is decremented upon
2 each use, a gift card, an electronic gift card, stored-value
3 card or certificate, a store card or a similar record or card.
4 For purposes of this Act, the term "gift certificate" does not
5 include any of the following:

6 (i) prepaid telecommunications and technology cards
7 including, but not limited to, prepaid telephone calling
8 cards, prepaid technical support cards, and prepaid
9 Internet disks that are distributed to or purchased by a
10 consumer;

11 (ii) prepaid telecommunications and technology cards
12 including, but not limited to, prepaid telephone calling
13 cards, prepaid technical support cards, and prepaid
14 Internet disks that are provided to a consumer pursuant to
15 any award, loyalty, or promotion program without any money
16 or other thing of value being given in exchange for the
17 card; or

18 (iii) any gift certificate usable with multiple
19 sellers of goods or services.

20 (b) Any gift certificate subject to a fee must contain a
21 statement clearly and conspicuously printed on the gift
22 certificate stating whether there is a fee, the amount of the
23 fee, how often the fee will occur, that the fee is triggered by
24 inactivity of the gift certificate, and at what point the fee
25 will be charged. The statement may appear on the front or back
26 of the gift certificate in a location where it is visible to

1 any purchaser prior to the purchase.

2 (c) Any gift certificate subject to an expiration date must
3 contain a statement clearly and conspicuously printed on the
4 gift certificate stating the expiration date. The statement may
5 appear on the front or back of the gift certificate in a
6 location where it is visible to any purchaser prior to the
7 purchase.

8 (d) Subsection (c) does not apply to any gift certificate
9 that contains a toll free phone number and a statement clearly
10 and conspicuously printed on the gift certificate stating that
11 holders can call the toll free number to find out the balance
12 on the gift certificate, if applicable, and the expiration
13 date. The toll free number and statement may appear on the
14 front or back of the gift certificate in a location where it is
15 visible to any purchaser prior to the purchase.

16 (e) This Section does not apply to any of the following
17 gift certificates:

18 (i) Gift certificates that are distributed by the
19 issuer to a consumer pursuant to an awards, loyalty, or
20 promotional program without any money or thing of value
21 being given in exchange for the gift certificate by the
22 consumer.

23 (ii) Gift certificates that are sold below face value
24 at a volume discount to employers or to nonprofit and
25 charitable organizations for fundraising purposes if the
26 expiration date on those gift certificates is not more than

1 30 days after the date of sale.

2 (iii) Gift certificates that are issued for a food
3 product.

4 (Source: P.A. 93-945, eff. 1-1-05; revised 11-10-04.)

5 (815 ILCS 505/2TT)

6 Sec. 2TT ~~200~~. Prepaid calling service.

7 (a) For purposes of this Section ~~200~~, the terms "Prepaid
8 Calling Service", "Prepaid Calling Service Provider", "Prepaid
9 Calling Service Retailer", and "Prepaid Calling Service
10 Reseller" shall have the same definitions as those in Sections
11 13-230, 13-231, 13-232, and 13-233, respectively, of the Public
12 Utilities Act.

13 For the purposes of this Section, "international preferred
14 destination" means a prepaid calling service that advertises a
15 specific international destination either on the card, the
16 packaging material accompanying the card, or through an
17 offering of sale of the service.

18 (b) On and after July 1, 2005, it is an unlawful practice
19 under this Act for any prepaid calling service provider or
20 prepaid calling service reseller to sell or offer to sell
21 prepaid calling service to any prepaid calling service retailer
22 unless the prepaid calling service provider has applied for and
23 received a Certificate of Prepaid Calling Service Provider
24 Authority from the Illinois Commerce Commission pursuant to the
25 Public Utilities Act and the prepaid calling service provider

1 or prepaid calling service reseller shows proof of the prepaid
2 calling service provider's Certificate of Prepaid Calling
3 Service Provider Authority to the prepaid calling service
4 retailer.

5 (c) On and after July 1, 2005, it is an unlawful practice
6 under this Act for any prepaid calling service retailer to sell
7 or offer to sell prepaid calling service to any consumer unless
8 the prepaid calling service retailer retains proof of
9 certification of the prepaid calling service provider by the
10 Illinois Commerce Commission pursuant to the Public Utilities
11 Act. The prepaid calling service retailer must retain proof of
12 certification for one year or the duration of the contract with
13 the reseller, whichever is longer. A prepaid calling service
14 retailer with multiple locations selling prepaid calling cards
15 under contract with a prepaid calling service provider may keep
16 the certification at a central location provided, however, that
17 the prepaid calling service retailer make a copy of the
18 certification available upon reasonable request within 48
19 hours.

20 (d) On and after July 1, 2005, no prepaid calling service
21 provider or prepaid calling service reseller shall sell or
22 offer to sell prepaid calling service, as those terms are
23 defined in Article XIII of the Public Utilities Act, to any
24 Illinois consumer, either directly or through a prepaid calling
25 service retailer, unless the following disclosures are made
26 clearly and conspicuously:

1 (1) At a minimum, the following terms and conditions
2 shall be disclosed clearly and conspicuously on the prepaid
3 calling card, if applicable:

4 (A) the full name of the Prepaid Calling Service
5 Provider as certificated by the Illinois Commerce
6 Commission;

7 (B) the toll-free customer service number;

8 (C) an access number that is toll-free or a number
9 local to the prepaid calling retailer; and

10 (D) the refund policy or a statement that the
11 refund policy is located on the packaging materials.

12 (2) At a minimum, all the material terms and conditions
13 pertaining to the specific prepaid calling card shall be
14 disclosed clearly and conspicuously on the packaging
15 materials accompanying the prepaid calling card including,
16 but not limited to, the following, if applicable:

17 (A) the value of the card in minutes or the
18 domestic rate per minute of the card;

19 (B) all surcharges and fees applicable to the use
20 of the domestic prepaid calling service;

21 (C) all applicable rates for international
22 preferred destinations;

23 (D) all applicable surcharges and fees for
24 international preferred destinations;

25 (E) a disclosure statement indicating that all
26 rates, surcharges, and fees applicable to

1 international calls are available through the
2 toll-free customer service number and a statement
3 disclosing if international rates vary from domestic
4 rates; and

5 (F) the expiration policy.

6 (3) At a minimum, the following information shall be
7 disclosed clearly and conspicuously and accurately through
8 the toll-free customer service telephone number through
9 which the customer is able to speak with a live customer
10 service representative:

11 (A) the Illinois Commerce Commission certificate
12 number of the Prepaid Calling Service Provider;

13 (B) all applicable rates, terms, surcharges, and
14 fees for domestic and international calls;

15 (C) all information necessary to determine the
16 cost of a given call;

17 (D) the balance of use in the consumer's account;
18 and

19 (E) the applicable expiration date or period.

20 The disclosures required under this subsection (d) do not
21 apply to the recharging of dollars or minutes to a previously
22 purchased card allowing prepaid calling service.

23 (Source: P.A. 93-1002, eff. 1-1-05; revised 11-10-04.)

24 (815 ILCS 505/2UU)

25 Sec. 2UU ~~200~~. 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 (815 ILCS 505/2VV)

23 Sec. 2VV. Credit and public utility service; identity
24 theft. It is an unlawful practice for a person to deny credit
25 or public utility service to or reduce the credit limit of a

1 consumer solely because the consumer has been a victim of
2 identity theft as defined in Section 16G-15 of the Criminal
3 Code of 1961, if the consumer:

4 (1) has provided a copy of an identity theft report as
5 defined under the federal Fair Credit Reporting Act and
6 implementing regulations evidencing the consumer's claim
7 of identity theft;

8 (2) has provided a properly completed copy of a
9 standardized affidavit of identity theft developed and
10 made available by the Federal Trade Commission pursuant to
11 15 U.S.C. 1681g or an affidavit of fact that is acceptable
12 to the person for that purpose;

13 (3) has obtained placement of an extended fraud alert
14 in his or her file maintained by a nationwide consumer
15 reporting agency, in accordance with the requirements of
16 the federal Fair Credit Reporting Act; and

17 (4) is able to establish his or her identity and
18 address to the satisfaction of the person providing credit
19 or utility services.

20 (Source: P.A. 94-37, eff. 6-16-05.)

21 (815 ILCS 505/2WW)

22 Sec. 2WW ~~2VV~~. Wireless telephone service provider; third
23 party billings. A wireless telephone service provider shall
24 provide a contact telephone number and brief description of the
25 service for all third-party billings on the consumer's bill, to

1 the extent allowed by federal law, or through a customer
2 service representative. For purposes of this Section,
3 "third-party billings" means any billing done by a wireless
4 telephone service provider on behalf of a third party where the
5 wireless telephone service provider is merely the billing agent
6 for the third party with no ability to provide refunds,
7 credits, or otherwise adjust the billings.

8 (Source: P.A. 94-567, eff. 1-1-06; revised 9-22-05.)

9 (815 ILCS 505/2XX)

10 Sec. 2XX. Performing groups.

11 (a) As used in this Section:

12 "Performing group" means a vocal or instrumental group
13 seeking to use the name of another group that has previously
14 released a commercial sound recording under that name.

15 "Recording group" means a vocal or instrumental group at
16 least one of whose members has previously released a commercial
17 sound recording under that group's name and in which the member
18 or members have a legal right by virtue of use or operation
19 under the group name without having abandoned the name or
20 affiliation with the group.

21 "Sound recording" means a work that results from the
22 fixation on a material object of a series of musical, spoken,
23 or other sounds regardless of the nature of the material
24 object, such as a disc, tape, or other phono-record, in which
25 the sounds are embodied.

1 (b) It is an unlawful practice for a person to advertise or
2 conduct a live musical performance or production in this State
3 through the use of a false, deceptive, or misleading
4 affiliation, connection, or association between the performing
5 group and the recording group. This Section does not apply if:

6 (1) the performing group is the authorized registrant
7 and owner of a Federal service mark for that group
8 registered in the United States Patent and Trademark
9 Office;

10 (2) at least one member of the performing group was a
11 member of the recording group and has a legal right by
12 virtue of use or operation under the group name without
13 having abandoned the name or affiliation with the group;

14 (3) the live musical performance or production is
15 identified in all advertising and promotion as a salute or
16 tribute;

17 (4) the advertising does not relate to a live musical
18 performance or production taking place in this State; or

19 (5) the performance or production is expressly
20 authorized by the recording group.

21 (Source: P.A. 94-854, eff. 1-1-07.)

22 (815 ILCS 505/2YY)

23 Sec. 2YY ~~2XX~~. Work-at-home solicitations. No person shall
24 advertise, represent or imply that any person can earn money
25 working at home by stuffing envelopes, addressing envelopes,

1 mailing circulars, clipping newspaper and magazine articles,
2 assembling products, bill processing, or performing similar
3 work, unless the person making the advertisement or
4 representation:

5 (1) actually pays the advertised wage, salary, set fee,
6 or commission to others for performing the represented
7 tasks;

8 (2) at no time requires the person who will perform the
9 represented tasks to purchase instructional booklets,
10 brochures, kits, programs, materials, mailing lists,
11 directories, memberships in cooperative associations, or
12 other similar items or services;

13 (3) discloses the legal name under which business is
14 conducted and the complete street address from which
15 business is actually conducted in all advertising and
16 promotional materials, including order blanks and forms;
17 and

18 (4) discloses in writing to the person who will perform
19 the represented tasks an exact description of the work to
20 be performed, the amount of any wage, salary, set fee, or
21 commission to be paid for the performance of the
22 represented tasks, and all terms and conditions for earning
23 such wage, salary, set fee, or commission.

24 No person shall require an individual to solicit or induce
25 other individuals to participate in a work-at-home program.

26 A person who violates this Section commits an unlawful

1 practice within the meaning of this Act.

2 (Source: P.A. 94-999, eff. 7-3-06; revised 9-1-06.)

3 Section 1270. The Prevailing Wage Act is amended by
4 changing Section 4 as follows:

5 (820 ILCS 130/4) (from Ch. 48, par. 39s-4)

6 Sec. 4. (a) The public body awarding any contract for
7 public work or otherwise undertaking any public works, shall
8 ascertain the general prevailing rate of hourly wages in the
9 locality in which the work is to be performed, for each craft
10 or type of worker or mechanic needed to execute the contract,
11 and where the public body performs the work without letting a
12 contract therefor, shall ascertain the prevailing rate of wages
13 on a per hour basis in the locality, and such public body shall
14 specify in the resolution or ordinance and in the call for bids
15 for the contract, that the general prevailing rate of wages in
16 the locality for each craft or type of worker or mechanic
17 needed to execute the contract or perform such work, also the
18 general prevailing rate for legal holiday and overtime work, as
19 ascertained by the public body or by the Department of Labor
20 shall be paid for each craft or type of worker needed to
21 execute the contract or to perform such work, and it shall be
22 mandatory upon the contractor to whom the contract is awarded
23 and upon any subcontractor under him, and where the public body
24 performs the work, upon the public body, to pay not less than

1 the specified rates to all laborers, workers and mechanics
2 employed by them in the execution of the contract or such work;
3 provided, however, that if the public body desires that the
4 Department of Labor ascertain the prevailing rate of wages, it
5 shall notify the Department of Labor to ascertain the general
6 prevailing rate of hourly wages for work under contract, or for
7 work performed by a public body without letting a contract as
8 required in the locality in which the work is to be performed,
9 for each craft or type of worker or mechanic needed to execute
10 the contract or project or work to be performed. Upon such
11 notification the Department of Labor shall ascertain such
12 general prevailing rate of wages, and certify the prevailing
13 wage to such public body. The public body awarding the contract
14 shall cause to be inserted in the project specifications and
15 the contract a stipulation to the effect that not less than the
16 prevailing rate of wages as found by the public body or
17 Department of Labor or determined by the court on review shall
18 be paid to all laborers, workers and mechanics performing work
19 under the contract.

20 (b) It shall also be mandatory upon the contractor to whom
21 the contract is awarded to insert into each subcontract and
22 into the project specifications for each subcontract a written
23 stipulation to the effect that not less than the prevailing
24 rate of wages shall be paid to all laborers, workers, and
25 mechanics performing work under the contract. It shall also be
26 mandatory upon each subcontractor to cause to be inserted into

1 each lower tiered subcontract and into the project
2 specifications for each lower tiered subcontract a stipulation
3 to the effect that not less than the prevailing rate of wages
4 shall be paid to all laborers, workers, and mechanics
5 performing work under the contract. A contractor or
6 subcontractor who fails to comply with this subsection (b) is
7 in violation of this Act.

8 (c) It shall also require in all such contractor's bonds
9 that the contractor include such provision as will guarantee
10 the faithful performance of such prevailing wage clause as
11 provided by contract. All bid specifications shall list the
12 specified rates to all laborers, workers and mechanics in the
13 locality for each craft or type of worker or mechanic needed to
14 execute the contract.

15 (d) If the Department of Labor revises the prevailing rate
16 of hourly wages to be paid by the public body, the revised rate
17 shall apply to such contract, and the public body shall be
18 responsible to notify the contractor and each subcontractor, of
19 the revised rate.

20 (e) Two or more investigatory hearings under this Section
21 on the issue of establishing a new prevailing wage
22 classification for a particular craft or type of worker shall
23 be consolidated in a single hearing before the Department. Such
24 consolidation shall occur whether each separate investigatory
25 hearing is conducted by a public body or the Department. The
26 party requesting a consolidated investigatory hearing shall

1 have the burden of establishing that there is no existing
2 prevailing wage classification for the particular craft or type
3 of worker in any of the localities under consideration.

4 (f) It shall be mandatory upon the contractor or
5 construction manager to whom a contract for public works is
6 awarded to post, at a location on the project site of the
7 public works that is easily accessible to the workers engaged
8 on the project, the prevailing wage rates for each craft or
9 type of worker or mechanic needed to execute the contract or
10 project or work to be performed. A failure to post a prevailing
11 wage rate as required by this Section is a violation of this
12 Act.

13 (Source: P.A. 92-783, eff. 8-6-02; 93-15, eff. 6-11-03; 93-16,
14 eff. 1-1-04; 93-38, eff. 6-1-04; revised 10-29-04.)

15 Section 1275. The Workers' Compensation Act is amended by
16 changing Section 4d as follows:

17 (820 ILCS 305/4d)

18 Sec. 4d. Illinois Workers' Compensation Commission
19 Operations Fund Fee.

20 (a) As of the effective date of this amendatory Act of the
21 93rd General Assembly, each employer that self-insures its
22 liabilities arising under this Act or Workers' Occupational
23 Diseases Act shall pay a fee measured by the annual actual
24 wages paid in this State of such an employer in the manner

1 provided in this Section. Such proceeds shall be deposited in
2 the Illinois Workers' Compensation Commission Operations Fund.
3 If an employer survives or was formed by a merger,
4 consolidation, reorganization, or reincorporation, the actual
5 wages paid in this State of all employers party to the merger,
6 consolidation, reorganization, or reincorporation shall, for
7 purposes of determining the amount of the fee imposed by this
8 Section, be regarded as those of the surviving or new employer.

9 (b) Beginning on July 30, 2004 (the effective date of
10 Public Act 93-840) ~~this amendatory Act of 2004~~ and on July 1 of
11 each year thereafter, the Chairman shall charge and collect an
12 annual Illinois Workers' Compensation Commission Operations
13 Fund Fee from every employer subject to subsection (a) of this
14 Section equal to 0.0075% of its annual actual wages paid in
15 this State as reported in each employer's annual self-insurance
16 renewal filed for the previous year as required by Section 4 of
17 this Act and Section 4 of the Workers' Occupational Diseases
18 Act. All sums collected by the Commission under the provisions
19 of this Section shall be paid promptly after the receipt of the
20 same, accompanied by a detailed statement thereof, into the
21 Illinois Workers' Compensation Commission Operations Fund. The
22 fee due pursuant to Public Act 93-840 ~~this amendatory Act of~~
23 ~~2004~~ shall be collected instead of the fee due on July 1, 2004
24 under Public Act 93-32. Payment of the fee due under Public Act
25 93-840 ~~this amendatory Act of 2004~~ shall discharge the
26 employer's obligations due on July 1, 2004.

1 (c) In addition to the authority specifically granted under
2 Section 16, the Chairman shall have such authority to adopt
3 rules or establish forms as may be reasonably necessary for
4 purposes of enforcing this Section. The Commission shall have
5 authority to defer, waive, or abate the fee or any penalties
6 imposed by this Section if in the Commission's opinion the
7 employer's solvency and ability to meet its obligations to pay
8 workers' compensation benefits would be immediately threatened
9 by payment of the fee due.

10 (d) When an employer fails to pay the full amount of any
11 annual Illinois Workers' Compensation Commission Operations
12 Fund Fee of \$100 or more due under this Section, there shall be
13 added to the amount due as a penalty the greater of \$1,000 or
14 an amount equal to 5% of the deficiency for each month or part
15 of a month that the deficiency remains unpaid.

16 (e) The Commission may enforce the collection of any
17 delinquent payment, penalty or portion thereof by legal action
18 or in any other manner by which the collection of debts due the
19 State of Illinois may be enforced under the laws of this State.

20 (f) Whenever it appears to the satisfaction of the Chairman
21 that an employer has paid pursuant to this Act an Illinois
22 Workers' Compensation Commission Operations Fund Fee in an
23 amount in excess of the amount legally collectable from the
24 employer, the Chairman shall issue a credit memorandum for an
25 amount equal to the amount of such overpayment. A credit
26 memorandum may be applied for the 2-year period from the date

1 of issuance against the payment of any amount due during that
2 period under the fee imposed by this Section or, subject to
3 reasonable rule of the Commission including requirement of
4 notification, may be assigned to any other employer subject to
5 regulation under this Act. Any application of credit memoranda
6 after the period provided for in this Section is void.

7 (Source: P.A. 93-32, eff. 6-20-03; 93-721, eff. 1-1-05; 93-840,
8 eff. 7-30-04; revised 10-25-04.)

9 Section 1280. The Workers' Occupational Diseases Act is
10 amended by changing Section 1 as follows:

11 (820 ILCS 310/1) (from Ch. 48, par. 172.36)

12 Sec. 1. This Act shall be known and may be cited as the
13 "Workers' Occupational Diseases Act".

14 (a) The term "employer" as used in this Act shall be
15 construed to be:

16 1. The State and each county, city, town, township,
17 incorporated village, school district, body politic, or
18 municipal corporation therein.

19 2. Every person, firm, public or private corporation,
20 including hospitals, public service, eleemosynary,
21 religious or charitable corporations or associations, who
22 has any person in service or under any contract for hire,
23 express or implied, oral or written.

24 3. Where an employer operating under and subject to the

1 provisions of this Act loans an employee to another such
2 employer and such loaned employee sustains a compensable
3 occupational disease in the employment of such borrowing
4 employer and where such borrowing employer does not provide
5 or pay the benefits or payments due such employee, such
6 loaning employer shall be liable to provide or pay all
7 benefits or payments due such employee under this Act and
8 as to such employee the liability of such loaning and
9 borrowing employers shall be joint and several, provided
10 that such loaning employer shall in the absence of
11 agreement to the contrary be entitled to receive from such
12 borrowing employer full reimbursement for all sums paid or
13 incurred pursuant to this paragraph together with
14 reasonable attorneys' fees and expenses in any hearings
15 before the Illinois Workers' Compensation Commission or in
16 any action to secure such reimbursement. Where any benefit
17 is provided or paid by such loaning employer, the employee
18 shall have the duty of rendering reasonable co-operation in
19 any hearings, trials or proceedings in the case, including
20 such proceedings for reimbursement.

21 Where an employee files an Application for Adjustment
22 of Claim with the Illinois Workers' Compensation
23 Commission alleging that his or her claim is covered by the
24 provisions of the preceding paragraph, and joining both the
25 alleged loaning and borrowing employers, they and each of
26 them, upon written demand by the employee and within 7 days

1 after receipt of such demand, shall have the duty of filing
2 with the Illinois Workers' Compensation Commission a
3 written admission or denial of the allegation that the
4 claim is covered by the provisions of the preceding
5 paragraph and in default of such filing or if any such
6 denial be ultimately determined not to have been bona fide
7 then the provisions of Paragraph K of Section 19 of this
8 Act shall apply.

9 An employer whose business or enterprise or a
10 substantial part thereof consists of hiring, procuring or
11 furnishing employees to or for other employers operating
12 under and subject to the provisions of this Act for the
13 performance of the work of such other employers and who
14 pays such employees their salary or wage notwithstanding
15 that they are doing the work of such other employers shall
16 be deemed a loaning employer within the meaning and
17 provisions of this Section.

18 (b) The term "employee" as used in this Act, shall be
19 construed to mean:

20 1. Every person in the service of the State, county,
21 city, town, township, incorporated village or school
22 district, body politic or municipal corporation therein,
23 whether by election, appointment or contract of hire,
24 express or implied, oral or written, including any official
25 of the State, or of any county, city, town, township,
26 incorporated village, school district, body politic or

1 municipal corporation therein and except any duly
2 appointed member of the fire department in any city whose
3 population exceeds 500,000 according to the last Federal or
4 State census, and except any member of a fire insurance
5 patrol maintained by a board of underwriters in this State.
6 One employed by a contractor who has contracted with the
7 State, or a county, city, town, township, incorporated
8 village, school district, body politic or municipal
9 corporation therein, through its representatives, shall
10 not be considered as an employee of the State, county,
11 city, town, township, incorporated village, school
12 district, body politic or municipal corporation which made
13 the contract.

14 2. Every person in the service of another under any
15 contract of hire, express or implied, oral or written, who
16 contracts an occupational disease while working in the
17 State of Illinois, or who contracts an occupational disease
18 while working outside of the State of Illinois but where
19 the contract of hire is made within the State of Illinois,
20 and any person whose employment is principally localized
21 within the State of Illinois, regardless of the place where
22 the disease was contracted or place where the contract of
23 hire was made, including aliens, and minors who, for the
24 purpose of this Act, except Section 3 hereof, shall be
25 considered the same and have the same power to contract,
26 receive payments and give quittances therefor, as adult

1 employees. An employee or his or her dependents under this
2 Act who shall have a cause of action by reason of an
3 occupational disease, disablement or death arising out of
4 and in the course of his or her employment may elect or
5 pursue his or her remedy in the State where the disease was
6 contracted, or in the State where the contract of hire is
7 made, or in the State where the employment is principally
8 localized.

9 (c) "Commission" means the Illinois Workers' Compensation
10 Commission created by the Workers' Compensation Act, approved
11 July 9, 1951, as amended.

12 (d) In this Act the term "Occupational Disease" means a
13 disease arising out of and in the course of the employment or
14 which has become aggravated and rendered disabling as a result
15 of the exposure of the employment. Such aggravation shall arise
16 out of a risk peculiar to or increased by the employment and
17 not common to the general public.

18 A disease shall be deemed to arise out of the employment if
19 there is apparent to the rational mind, upon consideration of
20 all the circumstances, a causal connection between the
21 conditions under which the work is performed and the
22 occupational disease. The disease need not to have been
23 foreseen or expected but after its contraction it must appear
24 to have had its origin or aggravation in a risk connected with
25 the employment and to have flowed from that source as a
26 rational consequence.

1 An employee shall be conclusively deemed to have been
2 exposed to the hazards of an occupational disease when, for any
3 length of time however short, he or she is employed in an
4 occupation or process in which the hazard of the disease
5 exists; provided however, that in a claim of exposure to atomic
6 radiation, the fact of such exposure must be verified by the
7 records of the central registry of radiation exposure
8 maintained by the Department of Public Health or by some other
9 recognized governmental agency maintaining records of such
10 exposures whenever and to the extent that the records are on
11 file with the Department of Public Health or the agency.

12 Any injury to or disease or death of an employee arising
13 from the administration of a vaccine, including without
14 limitation smallpox vaccine, to prepare for, or as a response
15 to, a threatened or potential bioterrorist incident to the
16 employee as part of a voluntary inoculation program in
17 connection with the person's employment or in connection with
18 any governmental program or recommendation for the inoculation
19 of workers in the employee's occupation, geographical area, or
20 other category that includes the employee is deemed to arise
21 out of and in the course of the employment for all purposes
22 under this Act. This paragraph added by Public Act 93-829 ~~this~~
23 ~~amendatory Act of the 93rd General Assembly~~ is declarative of
24 existing law and is not a new enactment.

25 The employer liable for the compensation in this Act
26 provided shall be the employer in whose employment the employee

1 was last exposed to the hazard of the occupational disease
2 claimed upon regardless of the length of time of such last
3 exposure, except, in cases of silicosis or asbestosis, the only
4 employer liable shall be the last employer in whose employment
5 the employee was last exposed during a period of 60 days or
6 more after the effective date of this Act, to the hazard of
7 such occupational disease, and, in such cases, an exposure
8 during a period of less than 60 days, after the effective date
9 of this Act, shall not be deemed a last exposure. If a miner
10 who is suffering or suffered from pneumoconiosis was employed
11 for 10 years or more in one or more coal mines there shall,
12 effective July 1, 1973 be a rebuttable presumption that his or
13 her pneumoconiosis arose out of such employment.

14 If a deceased miner was employed for 10 years or more in
15 one or more coal mines and died from a respirable disease there
16 shall, effective July 1, 1973, be a rebuttable presumption that
17 his or her death was due to pneumoconiosis.

18 The insurance carrier liable shall be the carrier whose
19 policy was in effect covering the employer liable on the last
20 day of the exposure rendering such employer liable in
21 accordance with the provisions of this Act.

22 (e) "Disablement" means an impairment or partial
23 impairment, temporary or permanent, in the function of the body
24 or any of the members of the body, or the event of becoming
25 disabled from earning full wages at the work in which the
26 employee was engaged when last exposed to the hazards of the

1 occupational disease by the employer from whom he or she claims
2 compensation, or equal wages in other suitable employment; and
3 "disability" means the state of being so incapacitated.

4 (f) No compensation shall be payable for or on account of
5 any occupational disease unless disablement, as herein
6 defined, occurs within two years after the last day of the last
7 exposure to the hazards of the disease, except in cases of
8 occupational disease caused by berylliosis or by the inhalation
9 of silica dust or asbestos dust and, in such cases, within 3
10 years after the last day of the last exposure to the hazards of
11 such disease and except in the case of occupational disease
12 caused by exposure to radiological materials or equipment, and
13 in such case, within 25 years after the last day of last
14 exposure to the hazards of such disease.

15 (Source: P.A. 93-721, eff. 1-1-05; 93-829, eff. 7-28-04;
16 revised 10-25-04.)

17 Section 1285. The Unemployment Insurance Act is amended by
18 changing Section 1300 as follows:

19 (820 ILCS 405/1300) (from Ch. 48, par. 540)

20 Sec. 1300. Waiver or transfer of benefit rights - Partial
21 exemption.

22 (A) Except as otherwise provided herein any agreement by an
23 individual to waive, release or commute his rights under this
24 Act shall be void.

1 (B) Benefits due under this Act shall not be assigned,
2 pledged, encumbered, released or commuted and shall be exempt
3 from all claims of creditors and from levy, execution and
4 attachment or other remedy for recovery or collection of a
5 debt. However, nothing in this Section shall prohibit a
6 specified or agreed upon deduction from benefits by an
7 individual, or a court or administrative order for withholding
8 of income, for payment of past due child support from being
9 enforced and collected by the Department of Healthcare and
10 Family Services ~~Public Aid~~ on behalf of persons receiving a
11 grant of financial aid under Article IV of the Illinois Public
12 Aid Code, persons for whom an application has been made and
13 approved for child support enforcement services under Section
14 10-1 of such Code, or persons similarly situated and receiving
15 like services in other states. It is provided that:

16 (1) The aforementioned deduction of benefits and order
17 for withholding of income apply only if appropriate
18 arrangements have been made for reimbursement to the
19 Director by the Department of Healthcare and Family
20 Services ~~Public Aid~~ for any administrative costs incurred
21 by the Director under this Section.

22 (2) The Director shall deduct and withhold from
23 benefits payable under this Act, or under any arrangement
24 for the payment of benefits entered into by the Director
25 pursuant to the powers granted under Section 2700 of this
26 Act, the amount specified or agreed upon. In the case of a

1 court or administrative order for withholding of income,
2 the Director shall withhold the amount of the order.

3 (3) Any amount deducted and withheld by the Director
4 shall be paid to the Department of Healthcare and Family
5 Services ~~Public Aid~~ or the State Disbursement Unit
6 established under Section 10-26 of the Illinois Public Aid
7 Code, as directed by the Department of Healthcare and
8 Family Services ~~Public Aid~~, on behalf of the individual.

9 (4) Any amount deducted and withheld under subsection
10 (3) shall for all purposes be treated as if it were paid to
11 the individual as benefits and paid by such individual to
12 the Department of Healthcare and Family Services ~~Public Aid~~
13 or the State Disbursement Unit in satisfaction of the
14 individual's child support obligations.

15 (5) For the purpose of this Section, child support is
16 defined as those obligations which are being enforced
17 pursuant to a plan described in Title IV, Part D, Section
18 454 of the Social Security Act and approved by the
19 Secretary of Health and Human Services.

20 (6) The deduction of benefits and order for withholding
21 of income for child support shall be governed by Titles III
22 and IV of the Social Security Act and all regulations duly
23 promulgated thereunder.

24 (C) Nothing in this Section prohibits an individual from
25 voluntarily electing to have federal income tax deducted and
26 withheld from his or her unemployment insurance benefit

1 payments.

2 (1) The Director shall, at the time that an individual
3 files his or her claim for benefits that establishes his or
4 her benefit year, inform the individual that:

5 (a) unemployment insurance is subject to federal,
6 State, and local income taxes;

7 (b) requirements exist pertaining to estimated tax
8 payments;

9 (c) the individual may elect to have federal income
10 tax deducted and withheld from his or her payments of
11 unemployment insurance in the amount specified in the
12 federal Internal Revenue Code; and

13 (d) the individual is permitted to change a
14 previously elected withholding status.

15 (2) Amounts deducted and withheld from unemployment
16 insurance shall remain in the unemployment fund until
17 transferred to the federal taxing authority as a payment of
18 income tax.

19 (3) The Director shall follow all procedures specified
20 by the United States Department of Labor and the federal
21 Internal Revenue Service pertaining to the deducting and
22 withholding of income tax.

23 (4) Amounts shall be deducted and withheld in
24 accordance with the priorities established in rules
25 promulgated by the Director.

26 (D) Nothing in this Section prohibits an individual from

1 voluntarily electing to have State of Illinois income tax
2 deducted and withheld from his or her unemployment insurance
3 benefit payments.

4 (1) The Director shall, at the time that an individual
5 files his or her claim for benefits that establishes his or
6 her benefit year, in addition to providing the notice
7 required under subsection C, inform the individual that:

8 (a) the individual may elect to have State of
9 Illinois income tax deducted and withheld from his or
10 her payments of unemployment insurance; and

11 (b) the individual is permitted to change a
12 previously elected withholding status.

13 (2) Amounts deducted and withheld from unemployment
14 insurance shall remain in the unemployment fund until
15 transferred to the Department of Revenue as a payment of
16 State of Illinois income tax.

17 (3) Amounts shall be deducted and withheld in
18 accordance with the priorities established in rules
19 promulgated by the Director.

20 (E) Nothing in this Section prohibits the deduction and
21 withholding of an uncollected overissuance of food stamp
22 coupons from unemployment insurance benefits pursuant to this
23 subsection (E).

24 (1) At the time that an individual files a claim for
25 benefits that establishes his or her benefit year, that
26 individual must disclose whether or not he or she owes an

1 uncollected overissuance (as defined in Section 13(c)(1)
2 of the federal Food Stamp Act of 1977) of food stamp
3 coupons. The Director shall notify the State food stamp
4 agency enforcing such obligation of any individual who
5 discloses that he or she owes an uncollected overissuance
6 of food stamp coupons and who meets the monetary
7 eligibility requirements of subsection E of Section 500.

8 (2) The Director shall deduct and withhold from any
9 unemployment insurance benefits payable to an individual
10 who owes an uncollected overissuance of food stamp coupons:

11 (a) the amount specified by the individual to the
12 Director to be deducted and withheld under this
13 subsection (E);

14 (b) the amount (if any) determined pursuant to an
15 agreement submitted to the State food stamp agency
16 under Section 13(c)(3)(A) of the federal Food Stamp Act
17 of 1977; or

18 (c) any amount otherwise required to be deducted
19 and withheld from unemployment insurance benefits
20 pursuant to Section 13(c)(3)(B) of the federal Food
21 Stamp Act of 1977.

22 (3) Any amount deducted and withheld pursuant to this
23 subsection (E) shall be paid by the Director to the State
24 food stamp agency.

25 (4) Any amount deducted and withheld pursuant to this
26 subsection (E) shall for all purposes be treated as if it

1 were paid to the individual as unemployment insurance
2 benefits and paid by the individual to the State food stamp
3 agency as repayment of the individual's uncollected
4 overissuance of food stamp coupons.

5 (5) For purposes of this subsection (E), "unemployment
6 insurance benefits" means any compensation payable under
7 this Act including amounts payable by the Director pursuant
8 to an agreement under any federal law providing for
9 compensation, assistance, or allowances with respect to
10 unemployment.

11 (6) This subsection (E) applies only if arrangements
12 have been made for reimbursement by the State food stamp
13 agency for the administrative costs incurred by the
14 Director under this subsection (E) which are attributable
15 to the repayment of uncollected overissuances of food stamp
16 coupons to the State food stamp agency.

17 (Source: P.A. 94-237, eff. 1-1-06; revised 12-15-05.)

18 Section 9995. No acceleration or delay. Where this Act
19 makes changes in a statute that is represented in this Act by
20 text that is not yet or no longer in effect (for example, a
21 Section represented by multiple versions), the use of that text
22 does not accelerate or delay the taking effect of (i) the
23 changes made by this Act or (ii) provisions derived from any
24 other Public Act.

1 Section 9996. No revival or extension. This Act does not
2 revive or extend any Section or Act otherwise repealed.

3 Section 9999. Effective date. This Act takes effect upon
4 becoming law.

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