SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FOURTH GENERAL ASSEMBLY

24TH LEGISLATIVE DAY

WEDNESDAY, APRIL 6, 2005

12:28 O'CLOCK P.M.

NO. 24
[April 6, 2005]

SENATE
Daily Journal Index
24th Legislative Day

The Senate met pursuant to adjournment.
Honorable Emil Jones, Jr., President of the Senate, presiding.
Prayer by Pastor John Price, Springfield Church of Christ, Springfield, Illinois.
Senator Maloney led the Senate in the Pledge of Allegiance.

The Journal of Thursday, March 17, 2005, was being read when on motion of Senator Hunter, further reading of same was dispensed with and unless some Senator had corrections to offer, the Journal would stand approved. No corrections being offered, the Journal was ordered to stand approved.

LEGISLATIVE MEASURES FILED

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

Senate Floor Amendment No. 1 to Senate Bill 14
Senate Floor Amendment No. 1 to Senate Bill 41
Senate Floor Amendment No. 2 to Senate Bill 59
Senate Floor Amendment No. 1 to Senate Bill 69
Senate Floor Amendment No. 3 to Senate Bill 101
Senate Floor Amendment No. 3 to Senate Bill 118
Senate Floor Amendment No. 4 to Senate Bill 216
Senate Floor Amendment No. 1 to Senate Bill 226
Senate Floor Amendment No. 3 to Senate Bill 250
Senate Floor Amendment No. 1 to Senate Bill 314
Senate Floor Amendment No. 1 to Senate Bill 318
Senate Floor Amendment No. 1 to Senate Bill 319
Senate Floor Amendment No. 2 to Senate Bill 332
Senate Floor Amendment No. 3 to Senate Bill 508
Senate Floor Amendment No. 2 to Senate Bill 521
Senate Floor Amendment No. 2 to Senate Bill 546
Senate Floor Amendment No. 1 to Senate Bill 574
Senate Floor Amendment No. 3 to Senate Bill 658
Senate Floor Amendment No. 3 to Senate Bill 750
Senate Floor Amendment No. 2 to Senate Bill 760
Senate Floor Amendment No. 1 to Senate Bill 1328
Senate Floor Amendment No. 1 to Senate Bill 1449
Senate Floor Amendment No. 1 to Senate Bill 1691
Senate Floor Amendment No. 2 to Senate Bill 1691
Senate Floor Amendment No. 1 to Senate Bill 1692
Senate Floor Amendment No. 2 to Senate Bill 1692
Senate Floor Amendment No. 1 to Senate Bill 1825
Senate Floor Amendment No. 2 to Senate Bill 1838
Senate Floor Amendment No. 1 to Senate Bill 1883
Senate Floor Amendment No. 1 to Senate Bill 1902
Senate Floor Amendment No. 1 to Senate Bill 1907
Senate Floor Amendment No. 1 to Senate Bill 1958
Senate Floor Amendment No. 1 to Senate Bill 1962
Senate Floor Amendment No. 1 to Senate Bill 1966
Senate Floor Amendment No. 1 to Senate Bill 2040

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION 118

Offered by Senators Harmon - Dillard and all Senators:
Mourns the death of Linda J. Bourke Hilbert of Elmhurst.

SENATE RESOLUTION 123
Offered by Senator Meeks and all Senators:
Mourns the death of Percy Jerome Burnett of Chicago.

SENATE RESOLUTION 124
Offered by Senator Risinger and all Senators:
Mourns the death of Robert E. Sipp of rural Cambridge.

SENATE RESOLUTION 125
Offered by Senator Risinger and all Senators:
Mourns the death of Edward D. Cox of Galesburg.

SENATE RESOLUTION 126
Offered by Senator Risinger and all Senators:
Mourns the death of Richard A. "Dick" Switzer of Kewanee.

SENATE RESOLUTION 127
Offered by Senator Lightford and all Senators:
Mourns the death of Leola Spann of Chicago.

SENATE RESOLUTION 128
Offered by Senator Lauzen and all Senators:
Mourns the death of Herbert Emerson Funk of Aurora.

SENATE RESOLUTION 129
Offered by Senator Link and all Senators:
Mourns the death of Daniel Washington Powell of Waukegan.

SENATE RESOLUTION 130
Offered by Senator Hunter and all Senators:
Mourns the death of William Boyd "Bill" Ferrell, III, formerly of Chicago.

SENATE RESOLUTION 131
Offered by Senator Hunter and all Senators:
Mourns the death of Clarence Williams of Chicago.

SENATE RESOLUTION 132
Offered by Senator E. Jones and all Senators:
Mourns the death of Rachel M. Adler of Crest Hill.

SENATE RESOLUTION 133
Offered by Senator Lauzen and all Senators:
Mourns the death of Lloyd E. Falconer of Rockford.

SENATE RESOLUTION 134
Offered by Senator Haine and all Senators:
Mourns the death of Reverend Orrin M. Anderson of Godfrey.

SENATE RESOLUTION 135
Offered by Senator Haine and all Senators:
Mourns the death of Audrey L. Elmendorf of Alton.

SENATE RESOLUTION 136
Offered by Senator Haine and all Senators:
Mourns the death of Lewis Jule Krause, former mayor of Collinsville.

SENATE RESOLUTION 137
Offered by Senator Haine and all Senators:
Mourns the death of Bennett V. Dickmann of Edwardsville.

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

Senator Shadid offered the following Senate Resolution, which was referred to the Committee on Rules:

SENATE RESOLUTION NO. 138

WHEREAS, The United States of America has always been the world leader in pushing for free trade, which is a hallmark of our capitalistic society; and

WHEREAS, Free trade only thrives where there is a level playing field of government regulations between trading partners; and

WHEREAS, Free trade agreements and policies of the United States with other nations have severely affected United States manufacturing industries and the workers the industries employ; and

WHEREAS, Participation by the United States in international trade organizations may imperil the success of United States manufacturing; and

WHEREAS, Between January 2000 and November 2004, Illinois lost approximately 143,000 manufacturing jobs; and

WHEREAS, Manufacturing jobs in the United States have plunged from 19.3 million in 1980 to only about 14.6 million today, in large part because of these types of trade issues; and

WHEREAS, Foreign nations, such as China, have engaged in a wide range of unfair trading practices, including the manipulation of currency, subsidization of industries, and the dumping of below-cost subsidized products into the United States market; and

WHEREAS, United States manufacturers cannot compete with foreign companies who pay a fraction of the salaries paid to United States manufacturing employees, provide no health benefits to their workers, do not have to comply with safety and environmental regulations, pay no pensions, and receive government subsidies; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that we urge the Congress of the United States to place a moratorium on new free trade agreements, to investigate and review current free trade agreements and policies of the United States, to investigate and review participation of the United States with international trade organizations, and to ensure that the agreements, policies, and participation are in the best interests of the citizens of Illinois and the United States; and be it further

RESOLVED, That a copy of this resolution be sent to the President of the United States, the Majority Leader of the United States Senate, the Minority Leader of the Senate, the Speaker of the United States House of Representatives, the Minority Leader of the House of Representatives, and to each member of the Illinois congressional delegation.

Senator Silverstein offered the following Senate Resolution, which was referred to the Committee on Rules:

SENATE RESOLUTION NO. 139

WHEREAS, During the 93rd General Assembly, the Senate Task Force on Illinois Alcoholic Beverage Laws was established pursuant to Senate Resolution 645 for the purpose of examining whether Illinois laws regulating the importation of alcoholic beverages may be in jeopardy of being held invalid due to preferential treatment granted toward Illinois wine makers; and

WHEREAS, Further work is needed on these issues; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the Senate Task Force on Illinois Alcoholic Beverage Laws is extended; and be it further

RESOLVED, That the Senate Task Force on Illinois Alcoholic Beverage Laws shall submit a report, as established in its authorizing resolution, on or before August 15, 2005; and be it further

RESOLVED, That with this reporting extension, the Senate Task Force on Illinois Alcoholic Beverage Laws shall continue to operate pursuant to its enabling resolution.

Senator Hunter offered the following Senate Joint Resolution, which was referred to the Committee on Rules:

SENATE JOINT RESOLUTION NO. 34

WHEREAS, During the 93rd General Assembly, the Sibling Post-Adoption Continuing Contact Governor's Joint Task Force was established pursuant to Senate Joint Resolution 58 to study and make recommendations regarding sibling contact after termination of parental rights; and

WHEREAS, Further work is needed on these issues; therefore, be it

RESOLVED, BY THE SENATE OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE HOUSE OF REPRESENTATIVES CONCURRING HEREIN, that the Sibling Post-Adoption Continuing Contact Governor's Joint Task Force is extended; and be it further

RESOLVED, That the Sibling Post-Adoption Continuing Contact Governor's Joint Task Force shall submit a report, as established in its authorizing resolution, on or before December 30, 2005; and be it further

RESOLVED, That with this reporting extension, the Sibling Post-Adoption Continuing Contact Governor's Joint Task Force shall continue to operate pursuant to its enabling resolution.

MESSAGES FROM THE HOUSE

A message from the House by
Mr. Mahoney, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 112
A bill for AN ACT concerning transportation.
HOUSE BILL NO. 157
A bill for AN ACT concerning public employee benefits.
HOUSE BILL NO. 783
A bill for AN ACT concerning child support.
HOUSE BILL NO. 2589
A bill for AN ACT concerning education.
HOUSE BILL NO. 2595
A bill for AN ACT concerning revenue.
HOUSE BILL NO. 3595
A bill for AN ACT concerning civil law.
HOUSE BILL NO. 3879
A bill for AN ACT concerning education.
Passed the House, March 17, 2005.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 112, 157, 783, 2589, 2595, 3595 and 3879** were taken up, ordered printed and placed on first reading.

A message from the House by
Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 23
A bill for AN ACT concerning criminal law.
HOUSE BILL NO. 348
A bill for AN ACT in relation to firearms.
HOUSE BILL NO. 395
A bill for AN ACT concerning public health.
HOUSE BILL NO. 396
A bill for AN ACT concerning transportation.
HOUSE BILL NO. 515
A bill for AN ACT concerning taxes.
HOUSE BILL NO. 695
A bill for AN ACT regarding schools.
HOUSE BILL NO. 1079
A bill for AN ACT concerning civil law.
HOUSE BILL NO. 1299
A bill for AN ACT concerning civil law.
HOUSE BILL NO. 2462
A bill for AN ACT concerning revenue.
HOUSE BILL NO. 2531
A bill for AN ACT concerning regulation.
Passed the House, April 5, 2005.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 23, 348, 395, 396, 515, 695, 1079, 1299, 2462 and 2531** were taken up, ordered printed and placed on first reading.

A message from the House by
Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 270
A bill for AN ACT concerning revenue.
HOUSE BILL NO. 497
A bill for AN ACT concerning State government.
HOUSE BILL NO. 593
A bill for AN ACT concerning veterans.
HOUSE BILL NO. 657
A bill for AN ACT concerning transportation.
HOUSE BILL NO. 747
A bill for AN ACT concerning minors.
HOUSE BILL NO. 788
A bill for AN ACT concerning State government.
HOUSE BILL NO. 793
A bill for AN ACT concerning criminal law.

HOUSE BILL NO. 828
A bill for AN ACT concerning taxes.
HOUSE BILL NO. 1056
A bill for AN ACT to create the Illinois Africa-America Peace Brigade.
HOUSE BILL NO. 1109
A bill for AN ACT concerning criminal law.
Passed the House, April 5, 2005.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 270, 497, 593, 657, 747, 788, 793, 828, 1056 and 1109** were taken up, ordered printed and placed on first reading.

A message from the House by
Mr. Mahoney, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:
HOUSE BILL NO. 991
A bill for AN ACT concerning health.
HOUSE BILL NO. 1041
A bill for AN ACT in relation to taxes.
HOUSE BILL NO. 1191
A bill for AN ACT concerning municipalities.
HOUSE BILL NO. 1336
A bill for AN ACT concerning education.
HOUSE BILL NO. 1427
A bill for AN ACT concerning revenue.
HOUSE BILL NO. 2077
A bill for AN ACT concerning criminal law.
HOUSE BILL NO. 3416
A bill for AN ACT concerning criminal law.
HOUSE BILL NO. 3651
A bill for AN ACT concerning highways.
HOUSE BILL NO. 3680
A bill for AN ACT concerning schools.
HOUSE BILL NO. 3757
A bill for AN ACT concerning the Fire Truck Revolving Loan Program.
Passed the House, April 5, 2005.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 991, 1041, 1191, 1336, 1427, 2077, 3416, 3651, 3680 and 3757** were taken up, ordered printed and placed on first reading.

A message from the House by
Mr. Mahoney, Clerk:
Mr. President -- I am directed to inform the Senate that the House of Representatives has passed bills of the following titles, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:
HOUSE BILL NO. 1429
A bill for AN ACT concerning families.
HOUSE BILL NO. 1586
A bill for AN ACT concerning health.
HOUSE BILL NO. 2344
A bill for AN ACT concerning State government.
HOUSE BILL NO. 2407

A bill for AN ACT concerning finance.
HOUSE BILL NO. 3752
A bill for AN ACT concerning employment.
HOUSE BILL NO. 4020
A bill for AN ACT concerning criminal law.
Passed the House, April 5, 2005.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 1429, 1586, 2344, 2407, 3752 and 4020** were taken up, ordered printed and placed on first reading.

A message from the House by
Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE JOINT RESOLUTION NO. 1

WHEREAS, The Illinois General Assembly wishes to present this resolution as a tribute to and acknowledgment of Oprah Winfrey's contributions to the State of Illinois, the nation, and the world; we benefit immensely from her presence in Illinois; and

WHEREAS, Oprah Gail Winfrey was born on January 29, 1954 in Kosciusko, Mississippi; and

WHEREAS, She began her broadcasting career at WVOL radio in Nashville while still in high school; at the age of 19, she became the youngest person and the first African-American woman to anchor the news at Nashville's WTVF-TV; and

WHEREAS, In 1976, she moved to Baltimore, Maryland to join WJZ-TV news as a co-anchor of the Six O'Clock News, and in 1978, discovered her talent for hosting talk shows when she became co-host of WJZ-TV's talk show "People Are Talking", while continuing to serve as anchor and news reporter; in January 1984, she moved to Chicago to host WLS-TV's morning talk show "AM Chicago", which became the number one local talk show just one month after she began; in less than a year, the show expanded to one hour and, in September 1985, was renamed "The Oprah Winfrey Show"; in 1986, "The Oprah Winfrey Show" was syndicated and aired in 107 countries with 23 million viewers; and

WHEREAS, She has impacted the media of television, publishing, film, philanthropy, education, and health and fitness; and

WHEREAS, In the television medium, the film medium, and the print medium, she serves as chairperson of HARPO, Inc., HARPO Productions, Inc.; HARPO Studios Inc., HARPO Films, Inc., HARPO Print, LLC, and HARPO Video, Inc.; and

WHEREAS, She has received numerous awards, including the George Foster Peabody Individual Achievement Award (1996); the International Radio and Television Society's "Broadcaster of the Year" Award (1996); Newsweek's "Most Important Person" in books and media, TV Guide's "Television Performer of the Year" (1997); Time magazine's "100 Most Influential People of the 20th Century", the National Academy of Television Arts and Sciences' Lifetime Achievement Award (1998); the National Book Foundation's 50th Anniversary Gold Medal (1999); the Bob Hope Humanitarian Award, Broadcasting & Cable's Hall of Fame (2002); Association of American Publishers AAP Honors award (2003); National Association of Broadcasters Distinguished Service Award; and Time Magazine's "100 Most Influential People in the World" (2004); and

WHEREAS, After receiving 39 Daytime Emmy Awards, seven for Outstanding Host, nine for Outstanding Talk Show, 21 in the Creative Arts categories, and one for Oprah's work as supervising producer of the ABC After School Special "Shades of Single Protein", Oprah removed herself from

future Emmy consideration in 1999, and the show followed suit in 2000; and

WHEREAS, Her never-ending philanthropy has been exemplified by such activities as ChristmasKindness South Africa 2002; Oprah Winfrey Leadership Academy for Girls-South Africa (opening 2007); and the Oprah Winfrey Scholars Program; among her many ventures that have improved the lives of countless individuals are Oprah's Angel Network; Oprah's Book Club; the Live Your Best Life Tour; her service as national spokesperson for "A Better Chance"; and her service as an advocate for the National Child Protection Act, which was signed on December 20, 1993 by President Clinton and declared the "Oprah Bill"; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the first week of February in 2005 and each subsequent year shall be known as Oprah Winfrey Week to recognize the innumerable achievements of Ms. Winfrey, as well as her mark on the world as an African-American woman; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Oprah Winfrey as an expression of our utmost respect and esteem.

Adopted by the House, February 18, 2005.

MARK MAHONEY, Clerk of the House

The foregoing message from the House of Representatives, reporting House Joint Resolution No. 1, was referred to the Committee on Rules.

A message from the House by
Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE JOINT RESOLUTION NO. 2

WHEREAS, The United States is a nation of explorers, and exploration and discovery have been especially important to the American experience, providing vision, hope, and economic stimulus from new world explorers and American pioneers to the Apollo program; and

WHEREAS, Just as Lewis and Clark could not have predicted the settlement of the American west within a hundred years of the start of their famous 19th century expedition, the total benefits of a single exploratory undertaking or discovery cannot be predicted in advance; the desire to explore is part of our character, and history has shown that space exploration benefits all humankind through new technologies for everyday application, new jobs across the entire economic enterprise, economic contributions through new markets and commercial products, education and inspiration, United States leadership, increased security, and a legacy for future generations; and

WHEREAS, New technologies and commercial spin-offs from the advancements made through the National Aeronautics and Space Administration (NASA) programs have provided economic expansion and improved life quality to residents not only within the United States but worldwide, and some of these technologies include the following:

(1) Image processing used in CT scanners and MRI technology came from technology developed to computer-enhance pictures of the moon for the Apollo program;

(2) Kidney dialysis machines were developed as a result of a NASA-developed chemical process, and insulin pumps were based on technology used on the Mars Viking spacecraft;

(3) Programmable heart pacemakers were first developed in the 1970's using NASA satellite electrical systems;

(4) Fetal heart monitors were developed from technology originally used to measure airflow over aircraft wings;

(5) Surgical probes used to treat brain tumors resulted from special lighting technology developed for plant growth experiments on space shuttle missions; and

(6) Infrared hand-held cameras used to observe atmospheric gas plumes in space from the space shuttles have helped firefighters point out hotspots in wild fires; and

WHEREAS, Our nation's new vision for space exploration charts a new building block strategy to explore destinations across our solar system with robots and humans which will significantly help the United States protect its technological leadership, economic vitality, and security; and

WHEREAS, Implementation of the space exploration vision will require private industry to have a larger presence in space operations and the creation of a space-based industry; and

WHEREAS, The talent, technology, and infrastructure exist in Illinois to provide resources that will be key to implementing the vision and carrying out NASA's future missions; the State of Illinois has long played a leading role in America's exploration initiatives, especially in our nation's aeronautics and space program; Illinois is home to 15 active and former astronauts, including Eugene Sernan and Mae Johnson, the first black woman in space; the State of Illinois is a leader in science and technological research, hosting federal laboratories such as Argonne National Labs and Fermi National Accelerator Laboratory, and academic research institutions such as the University of Chicago, Northwestern University, and the University of Illinois; and

WHEREAS, NASA has invested over $100 million in direct funding to businesses and academic institutions in the State of Illinois over the past 5 years; and

WHEREAS, NASA funds the NASA Illinois Commercialization Center that, alone, has had a $23 million economic benefit to the Illinois business community over the past 3 years by assisting private industry in the development and commercialization of space-based technologies; and

WHEREAS, NASA's proposed vision has the potential to expand NASA's economic impact in the State of Illinois, becoming a catalyst for innovation and discovery in support of the vision that will contribute to local and national economic growth; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, That the State of Illinois support the continuation of research and development programs in space science missions in order to take full advantage of the previous investments made in the space stations and other NASA infrastructure, support NASA's goal of returning to the moon as well as conducting excursions to Mars and beyond, and encourage the United States Congress to enact and fully fund the proposed Vision for Space Exploration Program as submitted to the Congress in the federal 2005 fiscal year budget, to enable the United States and the State of Illinois, in particular, to remain a leader in the exploration and development of space; and be it further

RESOLVED, That the clerk transmit copies of this Resolution to the President and Vice President of the United States, to the Speaker of the House of Representatives of the Congress of the United States, to the Majority Leader of the Senate of the Congress of the United States, and to each Senator and Representative from the State of Illinois in the Congress of the United States.

Adopted by the House, March 15, 2005.

MARK MAHONEY, Clerk of the House

The foregoing message from the House of Representatives, reporting House Joint Resolution No. 2, was referred to the Committee on Rules.

A message from the House by
Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE JOINT RESOLUTION NO. 3

WHEREAS, The Autism Society of America, Cure Autism Now, the National Alliance for Autism Research, Unlocking Autism, the Autism Society of Illinois, Giant Steps of Illinois, and numerous other organizations commemorate April as National Autism Awareness Month; and

WHEREAS, Autism is a developmental disorder that is typically diagnosed during the first 3 years of life, robbing individuals of their ability to communicate and interact with others; and

WHEREAS, Autism affects an estimated 1 in every 250 children in America; and

WHEREAS, Autism is 4 times more likely in boys than in girls, and can affect anyone, regardless of race, ethnicity, or other factors; and

WHEREAS, The cost of specialized treatment in a developmental center for people with autism is approximately $80,000 per individual per year; and

WHEREAS, The cost of special education programs for school-aged children with autism is often more than $30,000 per individual per year; and

WHEREAS, The cost nationally of caring for persons affected by autism is estimated at more than $90,000,000,000 per year; and

WHEREAS, Despite the fact that autism is one of the most common developmental disorders, many professionals in the medical and educational fields are still unaware of the best methods to diagnose and treat the disorder; and

WHEREAS, Public and private entities including Giant Steps of Illinois provide educational and therapeutic services to enable children with autism to achieve their maximum potential and strive to improve a child's ability to interact, communicate, and develop academic and daily life skills; the group works cooperatively with local school districts to reintegrate students with autism into their home school on a full-time or part-time basis based on the individual needs of the student; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that we name the month of April 2005 as Autism Awareness Month in the State of Illinois, and we recognize and commend the parents and relatives of children with autism for their sacrifice and dedication in providing for the special needs of children with autism and for absorbing significant financial costs for specialized education and support services; and be it further

RESOLVED, That we support the goal of increasing federal, State, and private funding for aggressive research to learn the root causes of autism, identify the best methods of early intervention and treatment, expand programs for individuals with autism across their lifespan, and promote understanding of the special needs of people with autism; and be it further

RESOLVED, That a suitable copy of this resolution be presented to the Autism Society of Illinois and Giant Steps of Illinois.

Adopted by the House, March 15, 2005.

MARK MAHONEY, Clerk of the House

The foregoing message from the House of Representatives, reporting House Joint Resolution No. 3, was referred to the Committee on Rules.

A message from the House by
Mr. Mahoney, Clerk:

Mr. President -- I am directed to inform the Senate that the House of Representatives has adopted the following joint resolution, in the adoption of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE JOINT RESOLUTION NO. 5

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

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

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

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

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

WHEREAS, In rural areas persons with disabilities and others who need specialized care must overcome the added difficulties of lack of public transportation, long distance to health care providers, and limited support services; therefore, be it

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that the Joint Task Force on Rural Health is hereby created comprised of 8 members as follows: 2 members of the Senate appointed by the Senate President, 2 members of the Senate appointed by the Senate Minority Leader, 2 members of the House of Representatives appointed by the Speaker of the House and 2 members of the House of Representatives appointed by the House Minority Leader, with one member appointed by the Senate President serving as co-chairperson and one member appointed by the Speaker of the House serving as co-chairperson; and be it further

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

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

RESOLVED, That the Task Force shall present its findings and recommendations on how best to improve health care in rural communities to the President of the Senate and the Speaker of the House no later than January 1, 2006.

Adopted by the House, March 15, 2005.

MARK MAHONEY, Clerk of the House

The foregoing message from the House of Representatives, reporting House Joint Resolution No. 5, was referred to the Committee on Rules.

A message from the House by
Mr. Mahoney, Clerk:

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

SENATE JOINT RESOLUTION NO. 33

Concurred in by the House, March 17, 2005.

MARK MAHONEY, Clerk of the House

LEGISLATIVE MEASURES FILED

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

Senate Floor Amendment No. 1 to Senate Bill 28
Senate Floor Amendment No. 2 to Senate Bill 184
Senate Floor Amendment No. 2 to Senate Bill 323
Senate Floor Amendment No. 1 to Senate Bill 661
Senate Floor Amendment No. 1 to Senate Bill 850
Senate Floor Amendment No. 1 to Senate Bill 1445
Senate Floor Amendment No. 1 to Senate Bill 1734
Senate Floor Amendment No. 1 to Senate Bill 1752
Senate Floor Amendment No. 3 to Senate Bill 1792
Senate Floor Amendment No. 3 to Senate Bill 1911
Senate Floor Amendment No. 2 to Senate Bill 1943

MESSAGE FROM THE TREASURER

March 30, 2005

Honorable Members
Illinois State Senate
94th General Assembly
Springfield, IL 62706

Dear Members:

I am nominating Dr. Andrea Grubb Barthwell, to the State Treasurer's Personnel Review Board.

I respectfully ask concurrence in and confirmation of this appointment by your Honorable Body:

TREASURER'S PERSONNEL REVIEW BOARD MEMBER

To be a member of the Treasurer's Personnel Review Board for a term ending March 30, 2011.

Andrea Grubb Barthwell, M.D.
(Non-Salaried)

If you have any questions please contact Matt Overaker, Director of Legislative Affairs. Thank you for your consideration.

Sincerely,
Judy Baar Topinka

Under the rules, the foregoing Message was referred to the Committee on Executive Appointments.

COMMITTEE REPORT CORRECTIONS

The following correction has been made on the report from the Senate Judiciary Committee. On March 16, 2005, the Committee reported **SENATE BILL 1303** as having been postponed. When the Committee re-convened on March 17, 2005, the bill was heard and received a recommendation of "Do Pass." That action was inadvertently omitted from the report filed by the Committee and read into the record on March 17, 2005.

EXCUSED FROM ATTENDANCE

On motion of Senator Burzynski, Senator Wojcik was excused from attendance due to illness in the family, and Senator Luechtefeld was excused from attendance due to a funeral in his district.

READING BILLS FROM THE HOUSE OF REPRESENTATIVES A FIRST TIME

House Bill No. 15, sponsored by Senator Demuzio was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 56, sponsored by Senator Sandoval was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 132, sponsored by Senator Roskam was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 264, sponsored by Senator Demuzio was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 324, sponsored by Senator Haine was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 330, sponsored by Senator Jacobs was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 386, sponsored by Senator Haine was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 466, sponsored by Senator Raoul was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 504, sponsored by Senator Garrett was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 603, sponsored by Senator Peterson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 669, sponsored by Senator Haine was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 723, sponsored by Senator Forby was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 759, sponsored by Senator Garrett was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 767, sponsored by Senator Althoff was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 779, sponsored by Senator Clayborne was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 781, sponsored by Senator Forby was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 808, sponsored by Senator Garrett was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 884, sponsored by Senator Harmon was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 892, sponsored by Senator Roskam was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 900, sponsored by Senator DeLeo was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 909, sponsored by Senator Halvorson was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 917, sponsored by Senator Ronen was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 947, sponsored by Senator Haine was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 950, sponsored by Senator Harmon was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 960, sponsored by Senator del Valle was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1058, sponsored by Senator Hunter was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1101, sponsored by Senator Roskam was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1142, sponsored by Senator D. Sullivan was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1157, sponsored by Senator Lauzen was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1344, sponsored by Senator Clayborne was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1386, sponsored by Senator J. Sullivan was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1406, sponsored by Senator Collins was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1434, sponsored by Senator Collins was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1487, sponsored by Senator Demuzio was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1500, sponsored by Senator Haine was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1549, sponsored by Senator Clayborne was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1550, sponsored by Senator Righter was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1570, sponsored by Senator Harmon was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1587, sponsored by Senator Cullerton was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1588, sponsored by Senator Cullerton was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 1597, sponsored by Senator Munoz was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2343, sponsored by Senator Garrett was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2375, sponsored by Senator Garrett was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2380, sponsored by Senator Schoenberg was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2444, sponsored by Senator Martinez was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2527, sponsored by Senator Forby was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2533, sponsored by Senator Munoz was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2582, sponsored by Senator Cullerton was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2596, sponsored by Senator J. Sullivan was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 2693, sponsored by Senator Wilhelmi was taken up, read by title a first time and referred to the Committee on Rules.

House Bill No. 3691, sponsored by Senator Sieben was taken up, read by title a first time and referred to the Committee on Rules.

REPORT FROM RULES COMMITTEE

Senator Viverito, Chairperson of the Committee on Rules, during its April 6, 2005 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Agriculture & Conservation: **Floor Amendment No. 2 to Senate Bill 59; Floor Amendment No. 1 to Senate Bill 2088**.

Commerce & Economic Development: **Floor Amendment No. 1 to Senate Bill 14**.

Education: **Floor Amendment No. 1 to Senate Bill 41; Floor Amendment No. 1 to Senate Bill 69; Floor Amendments numbered 2 and 3 to Senate Bill 162; Floor Amendment No. 1 to Senate Bill 574**.

Environment & Energy: **Floor Amendment No. 1 to Senate Bill 474; Floor Amendment No. 1 to Senate Bill 1701; Floor Amendment No. 2 to Senate Bill 1787; Floor Amendment No. 1 to Senate Bill 2040; Floor Amendment No. 1 to Senate Bill 2060**.

Executive: **Floor Amendment No. 1 to Senate Bill 52; Floor Amendment No. 3 to Senate Bill 250; Floor Amendment No. 1 to Senate Bill 500; Floor Amendment No. 1 to Senate Bill 610; Floor Amendment No. 1 to Senate Bill 1966**.

Financial Institutions: **Floor Amendment No. 1 to Senate Bill 1958**.

Housing & Community Affairs: **Floor Amendment No. 4 to Senate Bill 75; Floor Amendment No. 3 to Senate Bill 101; Floor Amendment No. 1 to Senate Bill 129; Floor Amendment No. 1 to Senate Bill 485**.

Insurance: **Floor Amendment No. 1 to Senate Bill 1449**.

Judiciary: **Floor Amendment No. 1 to Senate Bill 30; Floor Amendment No. 1 to Senate Bill 72; Floor Amendment No. 2 to Senate Bill 95; Floor Amendment No. 1 to Senate Bill 273; Floor Amendment No. 1 to Senate Bill 304; Floor Amendment No. 1 to Senate Bill 319; Floor Amendment No. 1 to Senate Bill 511; Floor Amendments numbered 1 and 2 to Senate Bill 546; Floor Amendment No. 1 to Senate Bill 1328; Floor Amendment No. 1 to Senate Bill 1647; Floor Amendment No. 2 to Senate Bill 1838; Floor Amendment No. 1 to Senate Bill 1962**.

Licensed Activities: **Floor Amendment No. 1 to Senate Bill 158**.

Local Government: **Floor Amendment No. 1 to Senate Bill 94; Floor Amendment No. 1 to Senate Bill 343; Floor Amendment No. 1 to Senate Bill 453; Floor Amendment No. 1 to Senate Bill 489; Floor Amendment No. 1 to Senate Bill 1355; Floor Amendment No. 2 to Senate Bill 1444; Floor Amendment No. 1 to Senate Bill 1503; Floor Amendment No. 1 to Senate Bill 1505**.

Pensions & Investments: **Floor Amendments numbered 1 and 2 to Senate Bill 1691; Floor Amendments numbered 1 and 2 to Senate Bill 1692; Floor Amendment No. 1 to Senate Bill 1871**.

Revenue: **Floor Amendment No. 1 to Senate Bill 316**.

State Government: **Floor Amendment No. 3 to Senate Bill 118; Floor Amendment No. 1 to Senate Bill 2043; Floor Amendment No. 1 to Senate Bill 2116**.

Transportation: **Floor Amendment No. 2 to Senate Bill 66; Floor Amendment No. 4 to Senate Bill 216; Floor Amendment No. 1 to Senate Bill 318; Floor Amendment No. 3 to Senate Bill 508; Floor Amendment No. 1 to Senate Bill 534; Floor Amendment No. 2 to Senate Bill 1235; Floor Amendment No. 1 to Senate Bill 1825**.

COMMITTEE MEETING ANNOUNCEMENTS

Senator Harmon, Chairperson of the Committee on Revenue, announced that the Revenue Committee will meet today in Room 400 Capitol Building, at 2:00 o'clock p.m.

Senator Garrett, Chairperson of the Committee on State Government, announced that the State Government Committee will meet today in Room A-1 Stratton Building, at 2:00 o'clock a.m.

Senator Cullerton, Co-Chairperson of the Committee on Judiciary, announced that the Judiciary Committee will meet today in Room 212 Capitol Building, at 2:30 o'clock p.m.

Senator Collins, Vice-Chairperson of the Committee on Appropriations I, announced that the Appropriations I Committee will meet today in Room 212 Capitol Building, at 4:00 o'clock p.m.

Senator Martinez, Chairperson of the Committee on Pensions & Investments, announced that the Pensions & Investments Committee will meet today in Room 400 Capitol Building, at 4:00 o'clock p.m.

Senator Shadid, Vice-Chairperson of the Committee on Transportation, announced that the Transportation Committee will meet today in Room 400 Capitol Building, at 2:30 o'clock p.m.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Cullerton, **Senate Bill No. 1930** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 1930

AMENDMENT NO. 1. Amend Senate Bill 1930 by replacing everything after the enacting clause with the following:

"Section 5. The Mechanics Lien Act is amended by changing Sections 1, 2, 3, 5, 7, 11, 13, 21, 21.01, 21.02, 22, 24, 25, 26, 28, 30, 32, and 35 as follows:

(770 ILCS 60/1) (from Ch. 82, par. 1)

Sec. 1. Contractor defined; amount of lien; waiver of lien; attachment of lien; agreement to waive; when not enforceable.

(a) Any person who shall by any contract or contracts, express or implied, or partly expressed or implied, with the owner of a lot or tract of land, or with one whom the owner has authorized or knowingly permitted to contract, to improve the lot or tract of land or for the purpose of improving the tract of land, or to manage a structure under construction thereon, is known under this Act as a contractor and has a lien upon the whole of such lot or tract of land and upon adjoining or adjacent lots or tracts of land of such owner constituting the same premises and occupied or used in connection with such lot or tract of land as a place of residence or business; and in case the contract relates to 2 or more buildings, on 2 or more lots or tracts of land, upon all such lots and tracts of land and improvements thereon for the amount due to him or her for the material, fixtures, apparatus, machinery, services or labor, and interest at the rate of 10% per annum from the date the same is due. This lien extends to an estate in fee, for life, for years, or any other estate or any right of redemption or other interest that the owner may have in the lot or tract of land at the time of making such contract or may subsequently acquire and this lien attaches as of the date of the contract.

(b) As used in subsection (a) of this Section, "improve" means ~~thereon, or~~ to furnish labor, services, material, fixtures, apparatus or machinery, forms or form work ~~used~~ in the process of construction where cement, concrete or like material is used for the purpose of or in the building, altering, repairing or ornamenting any house or other building, walk or sidewalk, whether the walk or sidewalk is on the land or bordering thereon, driveway, fence or improvement or appurtenances to the lot or tract of land or connected therewith, and upon, over or under a sidewalk, street or alley adjoining; or fill, sod or excavate such lot or tract of land, or do landscape work thereon or therefor; or raise or lower any house

thereon or remove any house thereto, or remove any house or other structure therefrom, or perform any services or incur any expense as an architect, structural engineer, professional engineer, land surveyor or property manager in, for or on a lot or tract of land for any such purpose; or drill any water well thereon; or furnish or perform labor or services as superintendent, time keeper, mechanic, laborer or otherwise, in the building, altering, repairing or ornamenting of the same; or furnish material, fixtures, apparatus, machinery, labor or services, forms or form work used in the process of construction where concrete, cement or like material is used, or drill any water well on the order of his agent, architect, structural engineer or superintendent having charge of the improvements, building, altering, repairing or ornamenting the same . ~~, is known under this Act as a contractor, and has a lien upon the whole of such lot or tract of land and upon adjoining or adjacent lots or tracts of land of such owner constituting the same premises and occupied or used in connection with such lot or tract of land as a place of residence or business; and in case the contract relates to 2 or more buildings, on 2 or more lots or tracts of land, upon all such lots and tracts of land and improvements thereon for the amount due to him for such material, fixtures, apparatus, machinery, services or labor, and interest at the rate of 10% per annum from the date the same is due. This lien extends to an estate in fee, for life, for years, or any other estate or any right of redemption, or other interest which the owner may have in the lot or tract of land at the time of making such contract or may subsequently acquire.~~

(c) The taking of additional security by the contractor or sub-contractor is not a waiver of any right of lien which he may have by virtue of this Act, unless made a waiver by express agreement of the parties and the waiver is not prohibited by this Act. ~~This lien attaches as of the date of the contract.~~

(d) An agreement to waive any right to enforce or claim any lien under this Act where the agreement is in anticipation of and in consideration for the awarding of a contract or subcontract, either express or implied, to perform work or supply materials for an improvement upon real property is against public policy and unenforceable. This Section does not prohibit release of lien under subsection (b) of Section 35 of this Act or prohibit subordination of the lien, except as provided in Section 21.

(Source: P.A. 86-807; 87-361.)

(770 ILCS 60/2) (from Ch. 82, par. 2)

Sec. 2. Labor, services, material, fixtures, apparatus or machinery, forms or form work furnished by mistake. Any person furnishing labor, services, ~~labor or~~ material , fixtures, apparatus or machinery, forms or form work for the erection of a building, or structure, or improvement, by mistake upon land owned by another than the party contracting as owner, shall have a lien for such labor, services, ~~labor or~~ material , fixtures, apparatus or machinery, forms or form work upon such building, or structure or improvement, and the court, in the enforcement of such lien, shall order and direct such building, structure or improvement to be separately sold under its judgment, and the purchaser may remove the same within such reasonable time as the court may fix.

(Source: P.A. 84-452; 84-545.)

(770 ILCS 60/3) (from Ch. 82, par. 3)

Sec. 3. Labor, services, material, fixtures, apparatus or machinery, forms or form work furnished for lands of married person; lands held by husband and wife. If any such labor, services, material, fixtures, apparatus or machinery, forms or form work ~~or labor~~ are performed upon ~~or materials are furnished for~~ lands belonging to any married person, with the married person's knowledge and not against the married person's protest in writing, as provided in Section 1 of this Act, in pursuance of a contract with the spouse of such married person, the person furnishing such labor , services, material, fixtures, apparatus or machinery, forms or form work ~~or materials~~ shall have a lien upon such property, the same as if such contract had been made with the married person, and in case the title to such lands upon which improvements are made is held by married persons ~~husband and wife~~ jointly, the lien given by this act shall attach to such lands and improvements, if the improvements be made in pursuance of a contract with both of them, or in pursuance of a contract with either of them, and in such cases no claim of homestead right set up by a husband or wife shall defeat the lien given by this Act. For purposes of this Section, property shall be deemed to be held jointly if title is held by the parties either in tenancy by the entirety or jointly, with right of survivorship and not as tenants in common.

(Source: P.A. 78-846.)

(770 ILCS 60/5) (from Ch. 82, par. 5)

Sec. 5. Statement of persons furnishing labor, services, material, fixtures, apparatus or machinery, forms or form work notice to owner of waiver; size of type.

(a) It shall be the duty of the contractor to give the owner, and the duty of the owner to require of the contractor, before the owner or his agent, architect, or superintendent shall pay or cause to be paid to the contractor or to his order any moneys or other consideration due or to become due to the contractor, or make or cause to be made to the contractor any advancement of any moneys or any other consideration,

a statement in writing, under oath or verified by affidavit, of the names and addresses of all parties furnishing ~~materials and~~ labor , services, material, fixtures, apparatus or machinery, forms or form work and of the amounts due or to become due to each. Merchants and dealers in materials only shall not be required to make statements required in this Section.

(b) The following shall apply to an owner-occupied single-family residence:

(i) Each contractor shall provide the ~~each~~ owner or his or her agent, either as part of the contract or as a separate

printed statement given before the owner or his agent makes the first payment for labor, materials, fixtures, apparatus or machinery, the following:

"THE LAW REQUIRES THAT THE CONTRACTOR SHALL SUBMIT A SWORN STATEMENT OF PERSONS

FURNISHING ~~MATERIALS AND~~ LABOR , SERVICES, MATERIAL, FIXTURES, APPARATUS OR MACHINERY, FORMS OR FORM WORK BEFORE ANY PAYMENTS ARE REQUIRED TO BE MADE TO THE CONTRACTOR."

If the owners of the property are persons living together, the aforesaid statement is conclusively presumed given to each such owners if given to one of them. ~~printed in the contract, the statement shall be set in type that is at least the same size as the largest type used in the body of the contract and is bold face or another font that clearly contrasts with and sets the statement apart from the rest of the body of the contract.~~

(ii) Each ~~It shall be the duty of each~~ subcontractor who has furnished, or is furnishing, labor, services, material, fixtures, apparatus or machinery, forms or form work ~~materials or labor for an existing owner occupied single family residence,~~ in order to preserve his lien, shall ~~to~~

notify the occupant either personally or by certified mail, return receipt requested, addressed to the occupant or his agent at the residence within 60 days from his first furnishing labor, services, material, fixtures, apparatus or machinery, forms or form work, of his agreement to do so. ~~materials or labor, that he is supplying materials or labor. Any notice given after 60 days by the subcontractor, however, shall preserve his lien, but only to the extent that the owner has not been prejudiced by payments made before receipt of the notice.~~

The notice shall contain the name and address of the subcontractor or material man, the

date he started to work or to deliver materials, the type of work done and to be done or the type of labor, services, material, fixtures, apparatus or machinery, forms or form work ~~materials~~ delivered and to be delivered, and the name of the contractor requesting the work. The notice shall also contain the following warning:

"NOTICE TO OWNER

The subcontractor providing this notice has performed work for or delivered material to

your home improvement contractor. These services or materials are being used in the improvements to your residence and entitle the subcontractor to file a lien against your residence if the labor, services, material, fixtures, apparatus or machinery, forms or form work ~~or materials~~ are not paid for by your home improvement contractor. A lien waiver will be provided to your contractor when the subcontractor is paid, and you are urged to request this waiver from your contractor when paying for your home improvements."

(iii) The statement and the notices required by subdivisions (b)(i) and (b)(ii) of this Section ~~The warning~~ shall be in at least 10 point boldface type. For purposes of this Section, notice by

certified mail is considered served at the time of its mailing. Any notice given pursuant to subdivision (b)(ii) of this Section after 60 days by the subcontractor, however, shall preserve his or her lien, but only to the extent that the owner has not been prejudiced by payments made before receipt of the notice.

(Source: P.A. 87-362.)

(770 ILCS 60/7) (from Ch. 82, par. 7)

Sec. 7. Claim for lien; third parties; errors or overcharges; multiple buildings or lots. No contractor shall be allowed to enforce such lien against or to the prejudice of any other creditor or incumbrancer or purchaser, unless within 4 months after completion, or if extra or additional work is done or labor, services, material, fixtures, apparatus or machinery, forms or form work is delivered therefor within 4 months after the completion of such extra or additional work or the final delivery of such extra or additional labor, services, material, fixtures, apparatus or machinery, forms or form work, he or she shall either bring an action to enforce his or her lien therefor or shall file in the office of the recorder of the county in which the building, erection or other improvement to be charged with the lien is situated, a claim for lien, verified by the affidavit of himself or herself, or his or her agent or employee, which shall

consist of a brief statement of the claimant's contract, the balance due after allowing all credits, and a sufficiently correct description of the lot, lots or tracts of land to identify the same. Such claim for lien may be filed at any time after the claimant's contract is made, and as to the owner may be filed at any time after the contract is made and within 2 years after the completion of the contract, or the completion of any extra work or the furnishing of any extra labor, services, material, fixtures, apparatus or machinery, forms or form work thereunder, and as to such owner may be amended at any time before the final judgment. No such lien shall be defeated to the proper amount thereof because of an error or overcharging on the part of any person claiming a lien therefor under this Act, unless it shall be shown that such error or overcharge is made with intent to defraud; nor shall any such lien for material be defeated because of lack of proof that the material after the delivery thereof, actually entered into the construction of such building or improvement, although it be shown that such material was not actually used in the construction of such building or improvement; provided, that ~~Provided,~~ it is shown that such material was delivered either to the owner or his or her agent for that building or improvement, to be used in that building or improvement, or at the place where said building or improvement was being constructed, for the purpose of being used in construction or for the purpose of being employed in the process of construction as a means for assisting in the erection of the building or improvement in what is commonly termed forms or form work where concrete, cement or like material is used, in whole or in part.

In case of the construction of a number of buildings under contract between the same parties, it shall be sufficient in order to establish such lien for material, if it be shown that such material was in good faith delivered at one of these buildings for the purpose of being used in the construction of any one or all of such buildings, or delivered to the owner or his or her agent for such buildings, to be used therein; and such lien for such material shall attach to all of said buildings, together with the land upon which the same are being constructed, the same as in a single building or improvement. In the event the contract relates to 2 or more buildings on 2 or more lots or tracts of land, then all of these buildings and lots or tracts of land may be included in one statement of claims for a lien.

A statement that a party is a subcontractor shall not constitute an admission by the lien claimant that its status is that of subcontractor if it is later determined that the party with whom the lien claimant contracted was the owner or an agent of the owner.

(Source: P.A. 83-358.)

(770 ILCS 60/11) (from Ch. 82, par. 11)

Sec. 11. Averments in pleading; parties; dismissal; notice.

(a) Any pleading asserting a claim for lien ~~The complaint~~ shall contain (i) a brief statement of the contract or contracts to which the person (hereinafter called the "claimant") asserting a claim for lien in the pleading is a party and by the terms of which the claimant is employed to furnish lienable services or material for the real property (herein called the "premises"), (ii) the date when the contract or contracts were dated or entered into, (iii) the date on which the claimant's work, labor or material labor, services, material, fixtures, apparatus or machinery, forms or form work was last performed or furnished, whether the claimant completed furnishing or performing its work, labor and material labor, services, material, fixtures, apparatus or machinery, forms or form work and if not why, (iv) ~~on which it is founded, the date, when made, and when completed, if not completed, why, and it shall also set forth~~ the amount due and unpaid to the claimant, (v) ~~,~~ a description of the premises, and (vi) ~~premises which are subject to the lien, and~~ such other facts as may be necessary for ~~to~~ a full understanding of the rights of the parties. Where plans and specifications are by reference made a part of a ~~the~~ contract that is required to be alleged in a pleading, it shall not be necessary to set the same out in the pleading ~~pleadings~~ or attached as exhibits, but the same may be produced on the trial of the suit. It shall not be necessary to include a statement of any contract to which the claimant is not a contracting party.

(b) Each claimant shall make as parties to its pleading (hereinafter called "necessary parties") the owner of the premises, the contractor, all persons in the chain of contracts between the claimant and the owner, all persons who have asserted or may assert liens against the premises under this Act, and any other person against whose interest in the premises the claimant asserts a claim.

(c) Necessary parties whose claims or interests are not disclosed by a document recorded at the time a proper lis pendens of the action under Section 2-1901 of the Code of Civil Procedure has been recorded (or if the action is instituted as a mortgage foreclosure at the time a proper notice of foreclosure under Section 15-1503 of the Code of Civil Procedure has been recorded) may be named and made parties under the description of "unknown necessary parties". Persons other than unknown necessary parties who may be interested in the premises but whose identities are unknown to the claimant may be named and made parties to the action under the description of "unknown owners".

(d) A claimant may, in its, his or her discretion, make as parties (hereinafter called "permissible

parties") to the action any other persons having a legal, equitable or possessory interest in or claim to the whole or any part of the premises, but failure to make any such permissible party a party to the action shall not defeat the lien, but the claim of each claimant asserting a lien claim under this Act in the action shall be subject to the interest of such permissible party not made a party, and the action shall not adversely affect the interest of any such permissible party not made a party and not served with notice by summons or publication in the action as provided in this Act.

(e) The plaintiff shall cause notice to be given to all such necessary parties or cause them to be served by summons or by publication in like manner and upon the same conditions as in other civil actions, and the plaintiff's failure to do so, shall be grounds for judgment against him, her, or it on the merits. A claimant other than the plaintiff asserting a claim in the action under this Act shall also cause notice to be given to or cause summons to be served upon any necessary parties who have not been joined to the action, and his, her, or its failure to do so shall be grounds for judgment against him, her or it on the merits. Process may issue and service by publication may be had against those persons so named under the descriptions of "unknown necessary parties" or "unknown owners", and judgments entered against them shall be of the same effect as though they had been designated by and served under their proper names, provided that any judgment shall only bind any person served by publication with respect to their interests in the premises and liens asserted or assertable against the premises under this Act. A person who has been properly served in the action by summons or by publication by any claimant shall be deemed properly served by all claimants in the action regardless of whether such persons have been served before or after such claimants or any of them shall have appeared, filed their pleadings or become parties to the action, provided that nothing in this Section 11 shall excuse a claimant from joining all necessary parties to the claimant's pleading, whether as named parties, unknown necessary parties, or unknown owners, within the time permitted by this Act. Nothing in this Section 11 shall prevent service by publication in any proceeding brought under this Act where authorized by this act in like manner and upon the same conditions as in other civil actions.

(f) Any necessary party or permissible party who has not been joined to the action under his, her, or its proper name, may, upon application of such party ~~The plaintiff shall make all parties interested, of whose interest he is notified or has knowledge, parties defendant, and summons shall issue and service thereof be had as in other civil actions; and when any defendant resides or has gone out of the State, or on inquiry cannot be found, or is concealed within this State, so that process cannot be served on him, the plaintiff shall cause a notice to be given to him, or cause a copy of the complaint to be served upon him, in like manner and upon the same conditions as is provided in other civil actions, and his failure to so act with regard to summons or notice shall be ground for judgment against him as upon the merits. The same rule shall prevail with counterclaimants with regard to any person of whose interest they have knowledge, and who are not already parties to the suit or action. Parties in interest, within the meaning of this act, shall include persons entitled to liens thereunder whose claims are not, as well as are, due at the time of the commencement of suit, and such claim shall be allowed subject to a reduction of interest from the date of judgment to the time the claim is due; also all persons who may have any valid claim to the whole or any part of the premises upon which a lien may be attempted to be enforced under the provisions thereof, or who are interested in the subject matter of the suit. Any such persons may, on application~~ to the court wherein the action ~~suit~~ is pending, be made or become a party ~~parties~~ at any time before final judgment , but such joinder shall not give such party any substantive rights not otherwise provided by law, or excuse failure to comply with the provisions of any applicable law.

(g) No action under the provisions of this act shall be voluntarily dismissed by the party bringing it without due notice to all parties to ~~before~~ the action, ~~court~~ and upon leave of court for ~~upon~~ good cause shown and upon terms approved ~~designated~~ by the court.

(Source: P.A. 79-1358.)

(770 ILCS 60/13) (from Ch. 82, par. 13)

Sec. 13. Defendant shall answer as in other civil actions.

(a) The owner may make any defense against the contractor by way of counter claim that he could in any civil action for the payment of money, and may have the same right of recovery on proof of such in excess of the claim of the contractor against the contractor only, but for matters not growing out of the contract recovery shall be without prejudice to the rights of the sub-contractors thereunder for payment out of the contract price or fund.

(b) In any proceedings to enforce a lien on account of wages due for labor the claimant need file only an affidavit giving the amount due, between what dates the labor was performed and the kind of labor performed, and the court shall direct the amount due for wages as therein specified to be paid within a short day to be fixed by the court, unless within 10 days after the filing of the claim the amount claimed is contested by the owner or some other party to the suit. The party making such contest shall file an

affidavit which shall state his defense to the allowance of the claim, and the court shall proceed at once to hear the evidence, and determine the merits of the claim, and in the event the allowance for wages is not paid within the time fixed by the court, the court shall order the premises sold to pay the amount in such manner as it directs.

(Source: P.A. 79-1358.)

(770 ILCS 60/21) (from Ch. 82, par. 21)

Sec. 21. Sub-contractor defined; lien of sub-contractor; notice; size of type; service of notice; amount of lien; default by contractor.

(a) Subject to the provisions of Section 5, every mechanic, worker or other person who shall furnish any labor, services, material, fixtures ~~materials~~, apparatus or ~~,~~ machinery , forms or form work ~~or fixtures, or furnish or perform services or labor~~ for the contractor, or shall furnish any material to be employed in the process of construction as a means for assisting in the erection of the building or improvement in what is commonly termed form or form work where concrete, cement or like material is used in whole or in part, shall be known under this Act as a sub-contractor, and shall have a lien for the value thereof, with interest on such amount from the date the same is due, from the same time, on the same property as provided for the contractor, and, also, as against the creditors and assignees, and personal and legal representatives of the contractor, on the material, fixtures, apparatus or machinery furnished, and on the moneys or other considerations due or to become due from the owner under the original contract.

(b) If the legal effect of any contract between the owner and contractor is that no lien or claim may be filed or maintained by any one and the waiver is not prohibited by this Act, or that such contractor's lien shall be subordinated to the interests of any other party, such provision shall be binding; but the only admissible evidence thereof as against a subcontractor ~~sub-contractor~~ or material supplier ~~man~~, shall be proof of actual notice thereof to him or her before his or her contract is entered into. Such waiver or subordination provision shall not be binding on the subcontractor unless set forth in its entirety in writing in the contract between the contractor and subcontractor or material supplier. ~~before any labor or material is furnished by him; or proof that a duly written and signed stipulation or agreement to that effect has been filed in the office of the recorder of the county or counties where the house, building or other improvement is situated, prior to the commencement of the work upon such house, building or other improvement, or within 10 days after the execution of the principal contract or not less than 10 days prior to the contract of the sub-contractor or material man. The recorder shall record the same at length in the order of time of its reception in books provided by him for that purpose, and the recorder shall index the same, in the name of the contractor and in the name of the owner, in books kept for that purpose, and also in the tract or abstract book of the tract, lot, or parcel of land, upon which the house, building or other improvement is located, and the recorder shall receive therefor a fee, such as is provided for the recording of instruments in his office.~~

(c) It shall be the duty of each subcontractor who has furnished, or is furnishing, ~~materials or~~ labor , services, material, fixtures, apparatus or machinery, forms or form work for an existing owner-occupied single family residence, in order to preserve his lien, to notify the occupant either personally or by certified mail, return receipt requested, addressed to the occupant or his agent of the residence within 60 days from his first furnishing ~~materials or~~ labor , services, material, fixtures, apparatus or machinery, forms or form work, that he is supplying labor, services, material, fixtures, apparatus or machinery, forms or form work ~~materials or labor;~~ provided, however, that any notice given after 60 days by the subcontractor shall preserve his lien, but only to the extent that the owner has not been prejudiced by payments made prior to receipt of the notice. The notification shall include a warning to the owner that before any payment is made to the contractor, the owner should receive a waiver of lien executed by each subcontractor who has furnished ~~materials or~~ labor , services, material, fixtures, apparatus or machinery, forms or form work.

The notice shall contain the name and address of the subcontractor or material man, the date he started to work or to deliver materials, the type of work done and to be done or the type of materials delivered and to be delivered, and the name of the contractor requesting the work. The notice shall also contain the following warning:

"NOTICE TO OWNER

The subcontractor providing this notice has performed work for or delivered material to your home improvement contractor. These services or materials are being used in the improvements to your residence and entitle the subcontractor to file a lien against your residence if the services or materials are not paid for by your home improvement contractor. A lien waiver will be provided to your contractor when the subcontractor is paid, and you are urged to request this waiver from your contractor when paying for your home improvements."

Such warning shall be in at least 10 point bold face type. For purposes of this Section, notice by certified mail is considered served at the time of its mailing.

(d) In no case, except as hereinafter provided, shall the owner be compelled to pay a greater sum for or on account of the completion of such house, building or other improvement than the price or sum stipulated in said original contract or agreement, unless payment be made to the contractor or to his order, in violation of the rights and interests of the persons intended to be benefited by this act: Provided, if it shall appear to the court that the owner and contractor fraudulently, and for the purpose of defrauding sub-contractors fixed an unreasonably low price in their original contract for the erection or repairing of such house, building or other improvement, then the court shall ascertain how much of a difference exists between a fair price for labor, services, ~~and~~ material , fixtures, apparatus or machinery, forms or form work used in said house, building or other improvement, and the sum named in said original contract, and said difference shall be considered a part of the contract and be subject to a lien. But where the contractor's statement, made as provided in Section 5, shows the amount to be paid to the sub-contractor, or party furnishing material, or the sub-contractor's statement, made pursuant to Section 22, shows the amount to become due for material; or notice is given to the owner, as provided in Sections 24 and 25, and thereafter such sub-contract shall be performed, or material to the value of the amount named in such statements or notice, shall be prepared for use and delivery, or delivered without written protest on the part of the owner previous to such performance or delivery, or preparation for delivery, then, and in any of such cases, such sub-contractor or party furnishing or preparing material, regardless of the price named in the original contract, shall have a lien therefor to the extent of the amount named in such statements or notice. In case of default or abandonment by the contractor, the sub-contractor or party furnishing material, shall have and may enforce his lien to the same extent and in the same manner that the contractor may under conditions that arise as provided for in Section 4 of this Act, and shall have and may exercise the same rights as are therein provided for the contractor.

(e) Any provision in a contract, agreement, or understanding, when payment from a contractor to a subcontractor or supplier is conditioned upon receipt of the payment from any other party including a private or public owner, shall not be a defense by the party responsible for payment to a claim brought under Section 21, 22, 23, or 28 of this Act against the party. For the purpose of this Section, "contractor" also includes subcontractor or supplier. The provisions of Public Act 87-1180 shall be construed as declarative of existing law and not as a new enactment.

(Source: P.A. 87-361; 87-362; 87-895; 87-1180; 88-45.)

(770 ILCS 60/21.01) (from Ch. 82, par. 21.01)

Sec. 21.01. Failure of contractor to pay sub-contractor; fraud; penalty. Any contractor, or if the contractor is a corporation any officer or employee thereof, who with intent to defraud induces a subcontractor, as defined in Section 21, to execute and deliver a waiver of lien for the purpose of enabling the contractor to obtain ~~final~~ payment under his contract and upon the representation that the contractor will, from such ~~final~~ payment, pay the subcontractor the amount due the subcontractor, and who willfully fails to pay the subcontractor in full within 30 days after such ~~final~~ payment shall be guilty of a Class A misdemeanor.

(Source: P.A. 77-2705.)

(770 ILCS 60/21.02)

Sec. 21.02. Construction Trust Funds. ~~trust funds.~~

(a) Money held in trust; trustees. Any owner, contractor, subcontractor, or supplier of any tier who requests or requires the execution and delivery of a waiver of mechanics lien by any person who furnishes labor, services, material, fixtures, apparatus or machinery, forms or form work ~~or materials~~ for the improvement of a lot or a tract of land in exchange for payment or the promise of payment, shall hold in trust the sums received by such person as the result of ~~unpaid sums subject to~~ the waiver of mechanics lien, as trustee for the person who furnished the labor, services, material, fixtures, apparatus or machinery, forms or form work or the person otherwise entitled to payment in exchange for such waiver. ~~or materials.~~

(b) How trust moneys held; commingling. Nothing contained in this Section shall be construed as requiring moneys held in trust by an owner, contractor, subcontractor, or material supplier under this Section to be placed in a separate account. If an owner, contractor, subcontractor, or material supplier commingles moneys held in trust under this Section with other moneys, the mere commingling of the moneys does not constitute a violation of this Section.

(c) Violation of this Section. Any owner, contractor, subcontractor, or material supplier who knowingly retains or used ~~uses~~ the moneys held in trust under this Section or any part thereof, for any purpose other than to pay those ~~persons~~ for whom the moneys are held in trust, shall be liable to any person who successfully enforces his or her rights under this Section for all damages sustained by that

person.
(Source: P.A. 90-208, eff. 7-25-97.)

(770 ILCS 60/22) (from Ch. 82, par. 22)

Sec. 22. Partners or joint contractors; sub-letting of contract; statement by sub-contractor; failure to provide; penalty. Whenever, after a contract has been made, the contractor shall associate one or more persons as partners or joint contractors, in carrying out the same, or any part thereof, the lien for ~~materials or~~ labor , services, material, fixtures, apparatus or machinery, forms or form work furnished by a sub-contractor to such contractor and his partners or associates, as originally agreed upon, shall continue the same as if the sub-contract had been made with all of said partners. When the contractor shall sub-let his contract or a specific portion thereof to a sub-contractor, the party furnishing ~~material to or performing~~ labor , services, material, fixtures, apparatus or machinery, forms or form work for such sub-contractor shall have a lien therefor; and may enforce his lien in the same manner as is herein provided for the enforcement of liens by sub-contractors. Any sub-contractor shall, as often as requested in writing by the owner, or contractor, or the agent of either, make out and give to such owner, contractor or agent, a statement of the persons furnishing labor, services, material, fixtures, apparatus or machinery, forms or form work ~~material and labor~~, giving their names and how much, if anything, is due or to become due to each of them, and which statement shall be made under oath if required. If any sub-contractor shall fail to furnish such statement within 5 days after such demand, he shall forfeit to such owner or contractor the sum of $50 for every offense, which may be recovered in a civil action and shall have no right of action against either owner or contractor until he shall furnish such statement, and the lien of such sub-contractor shall be subject to the liens of all other creditors.
(Source: P.A. 76-1381.)

(770 ILCS 60/24) (from Ch. 82, par. 24)

Sec. 24. Written notice by sub-contractor; service; when notice not necessary; form of notice.

(a) Sub-contractors, or parties ~~party~~ furnishing labor , ~~or~~ materials, fixtures, apparatus, machinery, or services, may at any time after making his or her contract with the contractor, and shall within 90 days after the completion thereof, or, if extra or additional work or material is delivered thereafter, within 90 days after the date of completion of such extra or additional work or final delivery of such extra or additional material, cause a written notice of his or her claim and the amount due or to become due thereunder, to be sent by registered or certified mail, with return receipt requested, and delivery limited to addressee only, to or personally served on the owner of record or his agent or architect, or the superintendent having charge of the building or improvement and to the lending agency, if known; ~~however, if the lot or lots and tract or tracts of land in question are registered under the provisions of "An Act concerning land titles", approved May 1, 1897, as amended, the notice shall not be served as above stated, but shall be filed in the office of the registrar of titles of the county in which such lot or lots and tract or tracts of land are situated,~~ and such notice shall not be necessary when the sworn statement of the contractor or subcontractor provided for herein shall serve to give the owner notice of the amount due and to whom due, but where such statement is incorrect as to the amount, the subcontractor or material man named shall be protected to the extent of the amount named therein as due or to become due to him or her. For purposes of this Section, notice by registered or certified mail is considered served at the time of its mailing.

The form of such notice may be as follows: To (name of owner): You are hereby notified that I have been employed by (the name of contractor) to (state here what was the contract or what was done, or to be done, or what the claim is for) under his or her contract with you, on your property at (here give substantial description of the property) and that there was due to me, or is to become due (as the case may be) therefor, the sum of $.....

Dated at .... this .... day of ....., ...

(Signature).....

(b) The serving of notice pursuant to subsection (a) of this Section shall not constitute an admission by the lien claimant that its status is that of subcontractor if it is later determined that the party with whom the lien claimant contracted was the owner or an agent of the owner.
(Source: P.A. 84-551.)

(770 ILCS 60/25) (from Ch. 82, par. 25)

Sec. 25. Notice to persons not found or not residing in county.

(a) In all cases where the owner of record,his or her agent, architect, or superintendent or lending agency, if known, cannot, upon reasonable diligence, be found in the county in which said improvement is made, or shall not reside therein, the sub-contractor or person furnishing labor, services, material ~~materials~~, fixtures, apparatus or ~~,~~ machinery, forms ~~labor~~ or form work ~~services~~ may give notice to such persons who cannot be found by filing within 90 days after the completion of his or her contract with the

contractor, or if extra or additional work or material is delivered thereafter, within 90 days after the date of completion of such extra or additional work or final delivery of such extra or additional material, ~~by filing~~ in the office of the recorder ~~against the person making the contract and the owner~~ a claim for lien verified by the affidavit of himself or herself, or his or her ~~,~~ agent or employee, which shall consist of a brief statement of his or her contract or demand, and the balance due after allowing all credits, and a sufficient correct description of the lot, lots or tract of land to identify the same. An itemized account shall not be necessary.

(b) The notice recorded pursuant to subsection (a) of this Section shall satisfy the notice requirements of Section 24 of this Act only as to any owner of record, his or her agent, architect, superintendent, or lending agency, if known, who or which cannot, upon reasonable diligence, be found or shall not reside in the county in which said improvement is made. In the event that notice is recorded as provided herein, if such notice complies with Section 7 of this Act it shall also be deemed a claim for lien recorded pursuant to Section 7 of this Act.

(c) The recording of notice pursuant to subsection (a) of this Section shall not constitute an admission by the lien claimant that its status is that of subcontractor if it is later determined that the party with whom the lien claimant contracted was the owner or an agent of the owner.

(Source: P.A. 83-358.)

(770 ILCS 60/26) (from Ch. 82, par. 26)

Sec. 26. Claim for wages as laborer preferred. The claim of any person for wages ~~as a laborer~~ under Sections ~~section fifteen,~~ 21 ~~twenty one~~ and 22 ~~twenty two~~ of this Act shall be a preferred lien.

(Source: Laws 1903, p. 230.)

(770 ILCS 60/28) (from Ch. 82, par. 28)

Sec. 28. Suits by laborers, materialmen or sub-contractors. If any money due to the laborers, materialmen, or sub-contractors be not paid within 10 days after his notice is served as provided in sections 5, 24, and 25, ~~and 27,~~ then such person may ~~either~~ file a claim for lien or file a complaint and enforce such lien within the same limits as to time and in such other manner as hereinbefore provided for the contractor in section 7 and sections 9 to 20 inclusive, of this Act, or he may sue the owner and contractor jointly for the amount due in the circuit court, and a personal judgment may be rendered therein, as in other cases. In such actions, as in suits to enforce the lien, the owner shall be liable to the plaintiff for no more than the pro rata share that such person would be entitled to with other sub-contractors out of the funds due to the contractor from the owner or one knowingly permitted by the owner to ~~under the~~ contract for such improvements and the contractor ~~between them~~, except as hereinbefore provided for laborers and materialmen, and such action shall be maintained against the owner only in case the plaintiff establishes a right to the lien. All suits and actions by sub-contractors shall be against both contractor and owner jointly, and no judgment shall be rendered therein until both are duly brought before the court by process or publication, and such process may be served and publication made as to all persons except the owners as in other civil actions. All such judgments, where the lien is established shall be against both jointly, but shall be enforced against the owner only to the extent that he is liable under his contract as by this Act provided, and shall recite the date from which the lien thereof attached according to the provisions of Sections 1 to 20 of this Act; but this shall not preclude a judgment against the contractor, personally, where the lien is defeated.

(Source: P.A. 79-1358.)

(770 ILCS 60/30) (from Ch. 82, par. 30)

Sec. 30. Multiple liens; insufficient funds; hearing; judgment. If there are several liens under sections 21 and 22 of this Act upon the same premises, and the owner or any person having such a lien shall fear that there is not a sufficient amount coming to the contractor to pay all such liens, the ~~such~~ owner or any one or more persons having such lien may file his, her or their complaint in the circuit court of the proper county, stating such fact and such other facts as may be sufficient to a full understanding of the rights of the parties. The contractor and all persons having liens upon or who are interested in the premises, so far as the same are known to or can be ascertained by the plaintiff, upon diligent inquiry shall be made parties. Upon the hearing the court shall find the amount due from the owner to the contractor, and the amount due to each of the persons having liens, and in case the amount found to be due to the contractor shall be insufficient to discharge all the liens in full, the amount so found in favor of the contractor shall be divided between the persons entitled to such liens pro rata after the payment of all claims for wages in proportion to the amounts so found to be due them respectively. If the amount so found to be due to the contractor shall be sufficient to pay the liens in full, the same shall be so ordered. The premises may be sold as in other cases under this Act. The parties to such action shall prosecute the same under like requirements as are directed in section 11 of this Act, and all persons who shall be duly notified of such proceedings, and who shall fail to prove their claims, whether the same be in judgment

against the owner or not, shall forever lose the benefit of and be precluded from their liens and all claims against the owner. Upon the filing of such complaint the court may, on the motion of any person interested, and shall, upon final judgment stay further proceedings upon any action against the owner on account of such liens, and costs in such cases shall be adjusted as provided for in section 17 of this Act.
(Source: P.A. 81-251.)

(770 ILCS 60/32) (from Ch. 82, par. 32)

Sec. 32. Payments to contractor by owner. No payments to the contractor or to his order of any money or other considerations due or to become due to the contractor shall be regarded as rightfully made, as against the sub-contractor, laborer, or party furnishing labor, services, material, fixtures, apparatus or machinery, forms or form work ~~or materials,~~ if made by the owner without exercising and enforcing the rights and powers conferred upon him in Sections 5, 21 and 22 of this Act.
(Source: P.A. 80-1333.)

(770 ILCS 60/35) (from Ch. 82, par. 35)

Sec. 35. Satisfaction or release; recording; neglect; penalty. Whenever a claim for lien has been filed with the recorder ~~or the Registrar~~ of deeds ~~Titles~~, either by the contractor or sub-contractor, and is paid ~~before October 1, 1973~~, with cost of filing same, or where there is a failure to institute suit to enforce the same after demand~~,~~ as provided in the preceding section~~,~~ within the time by this Act limited~~,~~ the person filing the same or some one by him duly authorized in writing so to do, shall acknowledge satisfaction or release thereof, in writing, on written demand of the owner, lienor, or any person interested in the real estate, or his or her agent or attorney, and on neglect to do so for 10 days after such written demand he or she shall be liable to the owner for the sum of $2,500, ~~$25,~~ which may be recovered in a civil action together with the costs and the reasonable attorney's fees of the owner, lienor, or other person interested in the real estate, or his or her agent or attorney incurred in bringing such action.

(b) Such a satisfaction or release of lien may be filed with the recorder ~~or Registrar~~ of deeds ~~Titles~~ in whose office the claim for lien had been filed and when so filed shall forever thereafter discharge and release the claim for lien and shall bar all actions brought or to be brought thereupon.

(c) ~~Whenever a claim for lien has been filed with the recorder or the Registrar of Titles, either by the contractor or sub-contractor, and is paid after October 1, 1973 with cost of filing such claim for lien, the person filing the claim or someone by him duly authorized in writing so to do shall, upon receipt of the satisfaction of such claim deliver a release of lien in writing to the owner within 30 days after receipt of payment or shall be liable to the owner for the sum of $100 which may be recovered in a civil action.~~ The release of lien shall have the following imprinted thereon in bold letters at least 1/4 inch in height: "FOR THE PROTECTION OF THE OWNER, THIS RELEASE SHOULD BE FILED WITH THE RECORDER ~~OR THE REGISTRAR OF TITLES~~ IN WHOSE OFFICE THE CLAIM FOR LIEN WAS FILED." The Recorder ~~or the Registrar of Titles~~ in whose office the claim for lien had been filed, upon receipt of a release and the payment of the recording ~~or registration~~ fee, shall record ~~or register~~ the release.
(Source: P.A. 83-358.)

(770 ILCS 60/1.1 rep.) (from Ch. 82, par. 1.1)

Section 10. The Mechanics Lien Act is amended by repealing Section 1.1.".

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

On motion of Senator Demuzio, **Senate Bill No. 1949** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Raoul, **Senate Bill No. 1953** having been printed, was taken up, read by title a second time and ordered to a third reading.

COMMITTEE MEETING ANNOUNCEMENT

Senator Meeks, Chairperson of the Committee on Housing & Community Affairs, announced that the Housing & Community Affairs Committee will meet today in Room A-1 Stratton Building, at 2:30 o'clock p.m.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Jacobs, **Senate Bill No. 1977** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 1977

AMENDMENT NO. 1. Amend Senate Bill 1977 by replacing everything after the enacting clause with the following:

"Section 5. The Quad Cities Regional Economic Development Authority Act, approved September 22, 1987 is amended by changing Section 9 as follows:

(70 ILCS 510/9) (from Ch. 85, par. 6209)

Sec. 9. Bonds and notes. (a)(1) The Authority may, with the written approval of the Governor, at any time and from time to time, issue bonds and notes for any corporate purpose, including the establishment of reserves and the payment of interest. In this Act the term "bonds" includes notes of any kind, interim certificates, refunding bonds or any other evidence of obligation.

(2) The bonds of any issue shall be payable solely from the property or receipts of the Authority, including, without limitation:

(I) fees, charges or other revenues payable to the Authority;

(II) payments by financial institutions, insurance companies, or others pursuant to letters or lines of credit, policies of insurance, or purchase agreements;

(III) investment earnings from funds or accounts maintained pursuant to a bond resolution or trust agreement; and

(IV) proceeds of refunding bonds.

(3) Bonds shall be authorized by a resolution of the Authority and may be secured by a trust agreement by and between the Authority and a corporate trustee or trustees, which may be any trust company or bank having the powers of a trust company within or without the State. Bonds shall:

(I) be issued at, above or below par value, for cash or other valuable consideration, and mature at time or times, whether as serial bonds or as term bonds or both, not exceeding 40 years from their respective date of issue; however, the length of the term of the bond should bear a reasonable relationship to the value life of the item financed;

(II) bear interest at the fixed or variable rate or rates determined by the method provided in the resolution or trust agreement;

(III) be payable at a time or times, in the denominations and form, either coupon or registered or both, and carry the registration and privileges as to conversion and for the replacement of mutilated, lost or destroyed bonds as the resolution or trust agreement may provide;

(IV) be payable in lawful money of the United States at a designated place;

(V) be subject to the terms of purchase, payment, redemption, refunding or refinancing that the resolution or trust agreement provides;

(VI) be executed by the manual or facsimile signatures of the officers of the Authority designated by the Authority, which signatures shall be valid at delivery even for one who has ceased to hold office; and

(VII) be sold in the manner and upon the terms determined by the Authority.

(b) Any resolution or trust agreement may contain provisions which shall be a part of the contract with the holders of the bonds as to:

(1) pledging, assigning or directing the use, investment or disposition of receipts of the Authority or proceeds or benefits of any contract and conveying or otherwise securing any property or property rights;

(2) the setting aside of loan funding deposits, debt service reserves, capitalized interest accounts, cost of issuance accounts and sinking funds, and the regulations, investment and disposition thereof;

(3) limitations on the purpose to which or the investments in which the proceeds of sale of any issue of bonds may be applied and restrictions to investment of revenues or bond proceeds in government obligations for which principal and interest are unconditionally guaranteed by the United States of America;

(4) limitations on the issue of additional bonds, the terms upon which additional bonds may be issued and secured, the terms upon which additional bonds may rank on a parity with, or be subordinate or superior to, other bonds;

(5) the refunding or refinancing of outstanding bonds;

(6) the procedure, if any, by which the terms of any contract with bondholders may be altered or amended and the amount of bonds and holders of which must consent thereto, and the manner in which consent shall be given;

(7) defining the acts or omissions which shall constitute a default in the duties of the Authority to holders of bonds and providing the rights or remedies of such holders in the event of a default which may include provisions restricting individual right of action by bondholders;

(8) providing for guarantees, pledges of property, letters of credit, or other security, or insurance for the benefit of bondholders; and

(9) any other matter relating to the bonds which the Authority determines appropriate.

(c) No member of the Authority nor any person executing the bonds shall be liable personally on the bonds or subject to any personal liability by reason of the issuance of the bonds.

(d) The Authority may enter into agreements with agents, banks, insurers or others for the purpose of enhancing the marketability of or as security for its bonds.

(e)(1) A pledge by the Authority of revenues as security for an issue of bonds shall be valid and binding from the time when the pledge is made.

(2) The revenues pledged shall immediately be subject to the lien of the pledge without any physical delivery or further act, and the lien of any pledge shall be valid and binding against any person having any claim of any kind in tort, contract or otherwise against the Authority, irrespective of whether the person has notice.

(3) No resolution, trust agreement or financing statement, continuation statement, or other instrument adopted or entered into by the Authority need be filed or recorded in any public record other than the records of the authority in order to perfect the lien against third persons, regardless of any contrary provision of law.

(f) The Authority may issue bonds to refund any of its bonds then outstanding, including the payment of any redemption premium and any interest accrued or to accrue to the earliest or any subsequent date of redemption, purchase or maturity of the bonds. Refunding bonds may be issued for the public purposes of realizing savings in the effective costs of debt service, directly or through a debt restructuring, for alleviating impending or actual default and may be issued in one or more series in an amount in excess of that of the bonds to be refunded.

(g) Bonds or notes of the Authority may be sold by the Authority through the process of competitive bid or negotiated sale.

(h) At no time shall the total outstanding bonds and notes of the Authority exceed $250 million ~~$100 million~~.

(i) The bonds and notes of the Authority shall not be debts of the State.

(j) In no event may proceeds of bonds or notes issued by the Authority be used to finance any structure which is not constructed pursuant to an agreement between the Authority and a party, which provides for the delivery by the party of a completed structure constructed pursuant to a fixed price contract, and which provides for the delivery of such structure at such fixed price to be insured or guaranteed by a third party determined by the Authority to be capable of completing construction of such a structure.

(Source: P.A. 85-713.)

Section 10. The Quad Cities Regional Economic Development Authority Act, certified December 30, 1987 is amended by changing Section 9 as follows:

(70 ILCS 515/9) (from Ch. 85, par. 6509)

Sec. 9. Bonds and notes. (a)(1) The Authority may, with the written approval of the Governor, at any time and from time to time, issue bonds and notes for any corporate purpose, including the establishment of reserves and the payment of interest. In this Act the term "bonds" includes notes of any kind, interim certificates, refunding bonds or any other evidence of obligation.

(2) The bonds of any issue shall be payable solely from the property or receipts of the Authority, including, without limitation:

(I) fees, charges or other revenues payable to the Authority;

(II) payments by financial institutions, insurance companies, or others pursuant to letters or lines of credit, policies of insurance, or purchase agreements;

(III) investment earnings from funds or accounts maintained pursuant to a bond resolution or trust agreement; and

(IV) proceeds of refunding bonds.

(3) Bonds shall be authorized by a resolution of the Authority and may be secured by a trust agreement by and between the Authority and a corporate trustee or trustees, which may be any trust

company or bank having the powers of a trust company within or without the State. Bonds shall:

(I) be issued at, above or below par value, for cash or other valuable consideration, and mature at time or times, whether as serial bonds or as term bonds or both, not exceeding 40 years from their respective date of issue; however, the length of the term of the bond should bear a reasonable relationship to the value life of the item financed;

(II) bear interest at the fixed or variable rate or rates determined by the method provided in the resolution or trust agreement;

(III) be payable at a time or times, in the denominations and form, either coupon or registered or both, and carry the registration and privileges as to conversion and for the replacement of mutilated, lost or destroyed bonds as the resolution or trust agreement may provide;

(IV) be payable in lawful money of the United States at a designated place;

(V) be subject to the terms of purchase, payment, redemption, refunding or refinancing that the resolution or trust agreement provides;

(VI) be executed by the manual or facsimile signatures of the officers of the Authority designated by the Authority, which signatures shall be valid at delivery even for one who has ceased to hold office; and

(VII) be sold in the manner and upon the terms determined by the Authority.

(b) Any resolution or trust agreement may contain provisions which shall be a part of the contract with the holders of the bonds as to:

(1) pledging, assigning or directing the use, investment or disposition of receipts of the Authority or proceeds or benefits of any contract and conveying or otherwise securing any property or property rights;

(2) the setting aside of loan funding deposits, debt service reserves, capitalized interest accounts, cost of issuance accounts and sinking funds, and the regulations, investment and disposition thereof;

(3) limitations on the purpose to which or the investments in which the proceeds of sale of any issue of bonds may be applied and restrictions to investment of revenues or bond proceeds in government obligations for which principal and interest are unconditionally guaranteed by the United States of America;

(4) limitations on the issue of additional bonds, the terms upon which additional bonds may be issued and secured, the terms upon which additional bonds may rank on a parity with, or be subordinate or superior to, other bonds;

(5) the refunding or refinancing of outstanding bonds;

(6) the procedure, if any, by which the terms of any contract with bondholders may be altered or amended and the amount of bonds and holders of which must consent thereto, and the manner in which consent shall be given;

(7) defining the acts or omissions which shall constitute a default in the duties of the Authority to holders of bonds and providing the rights or remedies of such holders in the event of a default which may include provisions restricting individual right of action by bondholders;

(8) providing for guarantees, pledges of property, letters of credit, or other security, or insurance for the benefit of bondholders; and

(9) any other matter relating to the bonds which the Authority determines appropriate.

(c) No member of the Authority nor any person executing the bonds shall be liable personally on the bonds or subject to any personal liability by reason of the issuance of the bonds.

(d) The Authority may enter into agreements with agents, banks, insurers or others for the purpose of enhancing the marketability of or as security for its bonds.

(e)(1) A pledge by the Authority of revenues as security for an issue of bonds shall be valid and binding from the time when the pledge is made.

(2) The revenues pledged shall immediately be subject to the lien of the pledge without any physical delivery or further act, and the lien of any pledge shall be valid and binding against any person having any claim of any kind in tort, contract or otherwise against the Authority, irrespective of whether the person has notice.

(3) No resolution, trust agreement or financing statement, continuation statement, or other instrument adopted or entered into by the Authority need be filed or recorded in any public record other than the records of the authority in order to perfect the lien against third persons, regardless of any contrary provision of law.

(f) The Authority may issue bonds to refund any of its bonds then outstanding, including the payment of any redemption premium and any interest accrued or to accrue to the earliest or any subsequent date of redemption, purchase or maturity of the bonds. Refunding bonds may be issued for the public purposes of realizing savings in the effective costs of debt service, directly or through a debt restructuring, for alleviating impending or actual default and may be issued in one or more series in an

amount in excess of that of the bonds to be refunded.

(g) Bonds or notes of the Authority may be sold by the Authority through the process of competitive bid or negotiated sale.

(h) At no time shall the total outstanding bonds and notes of the Authority exceed $250 million ~~$100 million~~.

(i) The bonds and notes of the Authority shall not be debts of the State.

(j) In no event may proceeds of bonds or notes issued by the Authority be used to finance any structure which is not constructed pursuant to an agreement between the Authority and a party, which provides for the delivery by the party of a completed structure constructed pursuant to a fixed price contract, and which provides for the delivery of such structure at such fixed price to be insured or guaranteed by a third party determined by the Authority to be capable of completing construction of such a structure.

(Source: P.A. 85-988.)".

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

On motion of Senator Clayborne, **Senate Bill No. 1990** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 1991** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 1992** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 1993** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 1994** having been printed, was taken up, read by title a second time and ordered to a third reading.

COMMITTEE MEETING ANNOUNCEMENT

Senator Silverstein, Chairperson of the Committee on Executive, announced that the Executive Committee will meet today in Room 212 Capitol Building, at 2:00 o'clock p.m.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Clayborne, **Senate Bill No. 1995** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 1998** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Environment & Energy, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 1998

AMENDMENT NO. 1. Amend Senate Bill 1998 by replacing everything after the enacting clause with the following:

"Section 5. The Public Utilities Act is amended by changing Section 16-125 as follows:

(220 ILCS 5/16-125)

Sec. 16-125. Transmission and ~~and~~ distribution reliability requirements.

(a) To assure the reliable delivery of electricity to all customers in this State and the effective implementation of the provisions of this Article, the Commission shall, within 180 days of the effective date of this Article, adopt rules and regulations for assessing and assuring the reliability of the

transmission and distribution systems and facilities that are under the Commission's jurisdiction.

(b) These rules and regulations shall require each electric utility or alternative retail electric supplier owning, controlling, or operating transmission and distribution facilities and equipment subject to the Commission's jurisdiction, referred to in this Section as "jurisdictional entities", to adopt and implement procedures for restoring transmission and distribution services to customers after transmission or distribution outages on a nondiscriminatory basis without regard to whether a customer has chosen the electric utility, an affiliate of the electric utility, or another entity as its provider of electric power and energy. These rules and regulations shall also, at a minimum, specifically require each jurisdictional entity to submit annually to the Commission.

(1) the number and duration of planned and unplanned outages during the prior year and their impacts on customers;

(2) outages that were controllable and outages that were exacerbated in scope or duration by the condition of facilities, equipment or premises or by the actions or inactions of operating personnel or agents;

(3) customer service interruptions that were due solely to the actions or inactions of an alternative retail electric supplier or a public utility in supplying power or energy;

(4) a detailed report of the age, current condition, reliability and performance of the jurisdictional entity's existing transmission and distribution facilities, which shall include, without limitation, the following data:

(i) a summary of the jurisdictional entity's outages and voltage variances reportable under the Commission's rules;

(ii) the jurisdictional entity's expenditures for transmission construction and maintenance, the ratio of those expenditures to the jurisdictional entity's transmission investment, and the average remaining depreciation lives of the entity's transmission facilities, expressed as a percentage of total depreciation lives;

(iii) the jurisdictional entity's expenditures for distribution construction and maintenance, the ratio of those expenditures to the jurisdictional entity's distribution investment, and the average remaining depreciation lives of the entity's distribution facilities, expressed as a percentage of total depreciation lives;

(iv) a customer satisfaction survey covering, among other areas identified in Commission rules, reliability, customer service, and understandability of the jurisdictional entity's services and prices; and

(v) the corresponding information, in the same format, for the previous 3 years, if available;

(5) a plan for future investment and reliability improvements for the jurisdictional entity's transmission and distribution facilities that will ensure continued reliable delivery of energy to customers and provide the delivery reliability needed for fair and open competition; and

(6) a report of the jurisdictional entity's implementation of its plan filed pursuant to subparagraph (5) for the previous reporting period.

(c) The Commission rules shall set forth the criteria that will be used to assess each jurisdictional entity's annual report and evaluate its reliability performance. Such criteria must take into account, at a minimum: the items required to be reported in subsection (b); the relevant characteristics of the area served; the age and condition of the system's equipment and facilities; good engineering practices; the costs of potential actions; and the benefits of avoiding the risks of service disruption.

(d) At least every 3 years, beginning in the year the Commission issues the rules required by subsection (a) or the following year if the rules are issued after June 1, the Commission shall assess the annual report of each jurisdictional entity and evaluate its reliability performance. The Commission's evaluation shall include specific identification of, and recommendations concerning, any potential reliability problems that it has identified as a result of its evaluation.

(e) In the event that more than 30,000 customers of an electric utility are subjected to a continuous power interruption of 4 hours or more that results in the transmission of power at less than 50% of the standard voltage, or that results in the total loss of power transmission, the utility shall be responsible for compensating customers affected by that interruption for 4 hours or more for all actual damages, which shall not include consequential damages, suffered as a result of the power interruption. The utility shall also reimburse the affected municipality, county, or other unit of local government in which the power interruption has taken place for all emergency and contingency expenses incurred by the unit of local government as a result of the interruption. A waiver of the requirements of this subsection may be granted by the Commission in instances in which the utility can show that the power interruption was a result of any one or more of the following causes:

(1) Unpreventable damage due to weather events or conditions.
(2) Customer tampering.
(3) Unpreventable damage due to civil or international unrest or animals.
(4) Damage to utility equipment or other actions by a party other than the utility, its employees, agents, or contractors.

Loss of revenue and expenses incurred in complying with this subsection may not be recovered from ratepayers.

(f) In the event of a power surge or other fluctuation that causes damage and affects more than 30,000 customers, the electric utility shall pay to affected customers the replacement value of all goods damaged as a result of the power surge or other fluctuation unless the utility can show that the power surge or other fluctuation was due to one or more of the following causes:

(1) Unpreventable damage due to weather events or conditions.
(2) Customer tampering.
(3) Unpreventable damage due to civil or international unrest or animals.
(4) Damage to utility equipment or other actions by a party other than the utility, its employees, agents, or contractors.

Loss of revenue and expenses incurred in complying with this subsection may not be recovered from ratepayers. Customers with respect to whom a waiver has been granted by the Commission pursuant to subparagraphs (1)-(4) of subsections (e) and (f) shall not count toward the 30,000 customers required therein.

(g) Whenever an electric utility must perform planned or routine maintenance or repairs on its equipment that will result in transmission of power at less than 50% of the standard voltage, loss of power, or power fluctuation (as defined in subsection (f)), the utility shall make reasonable efforts to notify potentially affected customers no less than 24 hours in advance of performance of the repairs or maintenance.

(h) Remedies provided for under this Section may be sought exclusively through the Illinois Commerce Commission as provided under Section 10-109 of this Act. Damages awarded under this Section for a power interruption shall be limited to actual damages, which shall not include consequential damages, and litigation costs. Damage awards may not be paid out of utility rate funds.

(i) The provisions of this Section shall not in any way diminish or replace other civil or administrative remedies available to a customer or a class of customers.

(j) The Commission shall by rule require an electric utility to maintain service records detailing information on each instance of transmission of power at less than 50% of the standard voltage, loss of power, or power fluctuation (as defined in subsection (f)), that affects 10 or more customers. Occurrences that are momentary shall not be required to be recorded or reported. The service record shall include, for each occurrence, the following information:

(1) The date.
(2) The time of occurrence.
(3) The duration of the incident.
(4) The number of customers affected.
(5) A description of the cause.
(6) The geographic area affected.
(7) The specific equipment involved in the fluctuation or interruption.
(8) A description of measures taken to restore service.
(9) A description of measures taken to remedy the cause of the power interruption or fluctuation.
(10) A description of measures taken to prevent future occurrence.
(11) The amount of remuneration, if any, paid to affected customers.
(12) A statement of whether the fixed charge was waived for affected customers.

Copies of the records containing this information shall be available for public inspection at the utility's offices, and copies thereof may be obtained upon payment of a fee not exceeding the reasonable cost of reproduction. A copy of each record shall be filed with the Commission and shall be available for public inspection. Copies of the records may be obtained upon payment of a fee not exceeding the reasonable cost of reproduction.

(k) The requirements of subsections (e) through (j) of this Section shall apply only to an electric public utility having 1,000,000 or more customers.

(Source: P.A. 90-561, eff. 12-16-97.)".

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

On motion of Senator Collins, **Senate Bill No. 2028** having been printed, was taken up, read by title a second time and ordered to a third reading.

At the hour of 12:59 o'clock p.m., Senator Halvorson presiding.

On motion of Senator Collins, **Senate Bill No. 2030** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator J. Sullivan, **Senate Bill No. 2031** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator J. Sullivan, **Senate Bill No. 2032** having been printed, was taken up, read by title a second time.

Committee Amendment No. 1 was held in the Committee on Rules.

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

AMENDMENT NO. 2 TO SENATE BILL 2032

AMENDMENT NO. 2. Amend Senate Bill 2032 by replacing everything after the enacting clause with the following:

"Section 5. The Children of Deceased Veterans Act is amended by changing Section 1 as follows:

(330 ILCS 105/1) (from Ch. 126 1/2, par. 26)

Sec. 1. The Illinois Department of Veterans' Affairs shall provide, insofar as moneys are appropriated for those purposes, for matriculation and tuition fees, board, room rent, books and supplies for the use and benefit of children, not under 10 and not over 18 years of age, except extension of time may be granted for a child to complete high school but in no event beyond the 19th birthday who have for 12 months immediately preceding their application for these benefits had their domicile in the State of Illinois, of World War I veterans who were killed in action or who died between April 6, 1917, and July 2, 1921, and of World War II veterans who were killed in action or died after December 6, 1941, and on or before December 31, 1946, and of Korean conflict veterans who were killed in action or died between June 27, 1950 and January 31, 1955, and of Vietnam conflict veterans who were killed in action or died between January 1, 1961 and May 7, 1975, as a result of service in the Armed Forces of the United States or from other causes of World War I, World War II, the Korean conflict or the Vietnam conflict, who died, whether before or after the cessation of hostilities, from service-connected disability, and of any veterans who died during the induction periods specified below or died of a service-connected disability incurred during such induction periods, such periods to be those beginning September 16, 1940, and ending December 6, 1941, and beginning January 1, 1947 and ending June 26, 1950 and the period beginning February 1, 1955, and ending on the day before the first day thereafter on which individuals (other than individuals liable for induction by reason of prior deferment) are no longer liable for induction for training and service into the Armed Forces under the Universal Military Training and Service Act, and beginning January 1, 1961 and ending May 7, 1975 and of any veterans who are totally and permanently disabled as a result of a service-connected disability (or who died while a disability so evaluated was in existence); which children are attending or may attend a state or private educational institution of elementary or high school grade ~~, a high school~~ or a business college, vocational training school, or other educational institution in this State where courses of instruction are provided in subjects which would tend to enable such children to engage in any useful trade, occupation or profession. As used in this Act "service-connected" means, with respect to disability or death, that such disability was incurred or aggravated, or that the death resulted from a disability incurred or aggravated, in the performance of active duty or active duty for training in the military services. Such children shall be admitted to state educational institutions free of tuition. No more than $250.00 may be paid under this Act for any one child for any one school year.

(Source: P.A. 85-1187.)

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

There being no further amendments, the foregoing Amendment No. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Demuzio, **Senate Bill No. 2040** having been printed, was taken up, read by title a second time.

Floor Amendment No. 1 was referred to the Committee on Environment & Energy earlier today.

There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 2041** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 2064** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Licensed Activities, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 2064

AMENDMENT NO. 1. Amend Senate Bill 2064 by replacing everything after the enacting clause with the following:

"Section 5. The Nursing and Advanced Practice Nursing Act is amended by changing Section 10-30 as follows:

(225 ILCS 65/10-30)

(Section scheduled to be repealed on January 1, 2008)

Sec. 10-30. Qualifications for licensure.

(a) Each applicant who successfully meets the requirements of this Section shall be entitled to licensure as a Registered Nurse or Licensed Practical Nurse, whichever is applicable.

(b) An applicant for licensure by examination to practice as a registered nurse or licensed practical nurse shall:

(1) submit a completed written application, on forms provided by the Department and fees as established by the Department;

(2) for registered nurse licensure, have graduated from a professional nursing education program approved by the Department;

(2.5) for licensed practical nurse licensure, have graduated ~~graduate~~ from a practical nursing education program approved by the Department;

(3) have not violated the provisions of Section 10-45 of this Act. The Department may take into consideration any felony conviction of the applicant, but such a conviction shall not operate as an absolute bar to licensure;

(4) meet all other requirements as established by rule;

(5) pay, either to the Department or its designated testing service, a fee covering the cost of providing the examination. Failure to appear for the examination on the scheduled date at the time and place specified after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service shall result in the forfeiture of the examination fee.

If an applicant neglects, fails, or refuses to take an examination or fails to pass an examination for a license under this Act within 3 years after filing the application, the application shall be denied. However, the applicant may make a new application accompanied by the required fee and provide evidence of meeting the requirements in force at the time of the new application.

An applicant may take and successfully complete a Department-approved examination in another jurisdiction. However, an applicant who has never been licensed previously in any jurisdiction that utilizes a Department-approved examination and who has taken and failed to pass the examination within 3 years after filing the application must submit proof of successful completion of a Department-authorized nursing education program or recompletion of an approved registered nursing program or licensed practical nursing program, as appropriate, prior to re-application.

An applicant shall have one year from the date of notification of successful completion of the examination to apply to the Department for a license. If an applicant fails to apply within one year, the

applicant shall be required to again take and pass the examination unless licensed in another jurisdiction of the United States within one year of passing the examination.

(c) An applicant for licensure by endorsement who is a registered professional nurse or a licensed practical nurse licensed by examination under the laws of another state or territory of the United States or a foreign country, jurisdiction, territory, or province shall:

(1) submit a completed written application, on forms supplied by the Department, and fees as established by the Department;

(2) for registered nurse licensure, have graduated from a professional nursing education program approved by the Department;

(2.5) for licensed practical nurse licensure, have graduated from a practical nursing education program approved by the Department;

(3) submit verification of licensure status directly from the United States jurisdiction of licensure, if applicable, as defined by rule;

(4) have passed the examination authorized by the Department;

(5) meet all other requirements as established by rule.

(d) All applicants for registered nurse licensure pursuant to item (2) of subsection (b) and item (2) of subsection (c) of this Section who are graduates of nursing educational programs in a country other than the United States or its territories shall have their nursing education credentials evaluated by a Department-approved nursing credentialing evaluation service. No such applicant may be issued a license under this Act unless the applicant's program is deemed by the nursing credentialing evaluation service to be equivalent to a professional nursing education program approved by the Department. An applicant who has graduated from a nursing educational program outside of the United States or its territories and whose first language is not English shall submit certification of passage of the Test of English as a Foreign Language (TOEFL), as defined by rule. The Department may waive the requirement that the applicant pass the TOEFL examination if the applicant submits verification of the successful completion of a nursing education program conducted in English. ~~must submit to the Department certification of successful completion of the Commission of Graduates of Foreign Nursing Schools (CGFNS) examination. An applicant who is unable to provide appropriate documentation to satisfy CGFNS of her or his educational qualifications for the CGFNS examination shall be required to pass an examination to test competency in the English language, which shall be prescribed by the Department, if the applicant is determined by the Board to be educationally prepared in nursing. The Board shall make appropriate inquiry into the reasons for any adverse determination by CGFNS before making its own decision.~~

(d-5) An applicant licensed in another state or territory who is applying for licensure and has received her or his education in a country other than the United States or its territories shall have her or his nursing education credentials evaluated by a Department-approved nursing credentialing evaluation service. No such applicant may be issued a license under this Act unless the applicant's program is deemed by the nursing credentialing evaluation service to be equivalent to a professional nursing education program approved by the Department. An applicant who has graduated from a nursing educational program outside of the United States or its territories and whose first language is not English shall submit certification of passage of the Test of English as a Foreign Language (TOEFL), as defined by rule. The Department may waive the requirement that the applicant pass the TOEFL examination if the applicant submits verification of the successful completion of a nursing education program conducted in English or the successful passage of an approved licensing examination given in English. ~~be exempt from the completion of the Commission of Graduates of Foreign Nursing Schools (CGFNS) examination if the applicant meets all of the following requirements:~~

~~(1) successful passage of the licensure examination authorized by the Department;~~

~~(2) holds an active, unencumbered license in another state; and~~

~~(3) has been actively practicing for a minimum of 2 years in another state.~~

(e) (Blank).

(f) Pending the issuance of a license under subsection (c) of this Section, the Department may grant an applicant a temporary license to practice nursing as a registered nurse or as a licensed practical nurse if the Department is satisfied that the applicant holds an active, unencumbered license in good standing in another jurisdiction. If the applicant holds more than one current active license, or one or more active temporary licenses from other jurisdictions, the Department shall not issue a temporary license until it is satisfied that each current active license held by the applicant is unencumbered. The temporary license, which shall be issued no later than 14 working days following receipt by the Department of an application for the temporary license, shall be granted upon the submission of the following to the Department:

(1) a signed and completed application for licensure under subsection (a) of this Section as a registered nurse or a licensed practical nurse;

(2) proof of a current, active license in at least one other jurisdiction and proof that each current active license or temporary license held by the applicant within the last 5 years is unencumbered;

(3) a signed and completed application for a temporary license; and

(4) the required temporary license fee.

(g) The Department may refuse to issue an applicant a temporary license authorized pursuant to this Section if, within 14 working days following its receipt of an application for a temporary license, the Department determines that:

(1) the applicant has been convicted of a crime under the laws of a jurisdiction of the United States: (i) which is a felony; or (ii) which is a misdemeanor directly related to the practice of the profession, within the last 5 years;

(2) within the last 5 years the applicant has had a license or permit related to the practice of nursing revoked, suspended, or placed on probation by another jurisdiction, if at least one of the grounds for revoking, suspending, or placing on probation is the same or substantially equivalent to grounds in Illinois; or

(3) it intends to deny licensure by endorsement.

For purposes of this Section, an "unencumbered license" means a license against which no disciplinary action has been taken or is pending and for which all fees and charges are paid and current.

(h) The Department may revoke a temporary license issued pursuant to this Section if:

(1) it determines that the applicant has been convicted of a crime under the law of any jurisdiction of the United States that is (i) a felony or (ii) a misdemeanor directly related to the practice of the profession, within the last 5 years;

(2) it determines that within the last 5 years the applicant has had a license or permit related to the practice of nursing revoked, suspended, or placed on probation by another jurisdiction, if at least one of the grounds for revoking, suspending, or placing on probation is the same or substantially equivalent to grounds in Illinois; or

(3) it determines that it intends to deny licensure by endorsement.

A temporary license shall expire 6 months from the date of issuance. Further renewal may be granted by the Department in hardship cases, as defined by rule and upon approval of the Director. However, a temporary license shall automatically expire upon issuance of the Illinois license or upon notification that the Department intends to deny licensure, whichever occurs first.

(i) Applicants have 3 years from the date of application to complete the application process. If the process has not been completed within 3 years from the date of application, the application shall be denied, the fee forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(Source: P.A. 92-39, eff. 6-29-01; 92-744, eff. 7-25-02; revised 2-17-03.)

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

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

On motion of Senator Bomke, **Senate Bill No. 2066** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 2066

AMENDMENT NO. 1. Amend Senate Bill 2066 on page 5, by deleting lines 26 and 27.

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

On motion of Senator Cullerton, **Senate Bill No. 2082** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 2111** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **Senate Bill No. 2112** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Collins, **Senate Bill No. 13** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **Senate Bill No. 16** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator DeLeo, **Senate Bill No. 21** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Collins, **Senate Bill No. 23** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 23

AMENDMENT NO. __1__. Amend Senate Bill 23 by replacing the title with the following:

"AN ACT concerning State government, which may be cited as the Act to End Atrocities and Terrorism in the Sudan."; and

by replacing everything after the enacting clause with the following:

"Section 5. The Deposit of State Moneys Act is amended by changing Section 22.5 and by adding Section 22.6 as follows:

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

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

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

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

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

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

The State Treasurer may, with the approval of the Governor, invest or reinvest, at a price not to

exceed par, any State money in the treasury that is not needed for current expenditures due or about to become due, or any money in the State Treasury that has been set aside and held for the payment of the principal of and interest on any State bonds, in bonds issued by counties or municipal corporations of the State of Illinois.

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

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

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

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

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

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

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

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

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

(7) Short-term obligations of corporations organized in the United States with assets exceeding $500,000,000 if (i) the obligations are rated at the time of purchase at one of the 3 highest classifications established by at least 2 standard rating services and mature not later than 180 days from the date of purchase, (ii) the purchases do not exceed 10% of the corporation's outstanding obligations, ~~and~~ (iii) no more than one-third of the public agency's funds are invested in short-term obligations of corporations , and (iv) the corporation is not a forbidden entity, as defined in Section 22.6 of the Deposit of State Moneys Act.

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

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

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

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

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

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

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

(iii) the Commodity Credit Corporation; and

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

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

(Source: P.A. 92-546, eff. 1-1-03; 92-851, eff. 8-26-02; revised 9-19-02.)

(15 ILCS 520/22.6 new)

Sec. 22.6. Prohibited deposits.

(a) Notwithstanding any other provision of law, the State Treasurer shall not deposit any funds into or otherwise contract with any financial institution unless an expressly authorized officer of that financial institution annually certifies, in the manner and form established by the Treasurer, that the financial institution has implemented policies and practices that require loan applicants to certify that they are not forbidden entities.

(b) For the purposes of this Section:

"Company" is any entity capable of affecting commerce, including but not limited to (i) a government, government agency, natural person, legal person, sole proprietorship, partnership, firm, corporation, subsidiary, affiliate, franchisor, franchisee, joint venture, trade association, financial institution, utility, public franchise, provider of financial services, trust, or enterprise; and (ii) any association thereof.

"Forbidden entity" means any of the following:

(1)The government of the Republic of the Sudan and any of its agencies, including but not limited to political units and subdivisions;

(2)Any company that is wholly or partially managed or controlled by the government of the Republic of the Sudan and any of its agencies, including but not limited to political units and subdivisions;

(3)Any company (i) that is established or organized under the laws of the Republic of the Sudan; or (ii) whose principal place of business is in the Republic of the Sudan;

(4)Any company (i) identified by the Office of Foreign Assets Control in the United States Department of the Treasury as sponsoring terrorist activities; or (ii) fined, penalized, or sanctioned by the Office of Foreign Assets Control in the United States Department of the Treasury for any violation of any United States rules and restrictions relating to the Republic of the Sudan that occurred at any time following the effective date of this Act; and

(5)Any company who has failed to certify under oath that it does not own or control any property or asset located in, have employees or facilities located in, provide goods or services to, obtain goods or services from, have distribution agreements with, issue credits or loans to, purchase bonds or commercial paper issued by, or invest in (i) the Republic of the Sudan; or (ii) any company domiciled in the Republic of the Sudan.

Notwithstanding the foregoing, the term "forbidden entity" shall exclude companies, except agencies of the Republic of the Sudan, who are certified as Non-Government Organizations by the United Nations, or who engage solely in (i) the provision of goods and services intended to relieve human suffering or to promote welfare, health, religious and spiritual activities, and education for humanitarian purposes or otherwise; or (ii) journalistic activities.

(c) In addition to any other penalties and remedies available under the law of Illinois and the United States, any transaction between a financial institution and a company that violates the provisions of this Act shall be void or voidable, at the joint discretion of the Treasurer and the financial institution.

(d) This Section does not apply to (a) linked deposits made by the Treasurer into financial institutions in return for that institution's commitment to provide, through loans or other financial support, agreed benefits in projects undertaken in the community; and (b) the purchase of depository, custodial, processing, and advisory services that are necessary to fulfill the Treasurer's obligations and responsibilities.

Section 10. The Illinois Pension Code is amended by adding Section 1-110.5 as follows:

(40 ILCS 5/1-110.5 new)

Sec. 1-110.5. Certain prohibited transactions.

(a) A fiduciary of a retirement system or pension fund established under this Code shall not transfer or disburse funds to, deposit into, acquire any bonds or commercial paper from, or otherwise loan to or invest in any entity unless the company charged with managing the assets of the retirement system or

pension fund, at no additional cost to the fiduciary, certifies to the fiduciary, in the manner and form established by the Treasurer, that:

(1)the fund managing company has not loaned to, invested in, or otherwise transferred any of the retirement system or pension fund's assets to a forbidden entity any time after the effective date of this Act;

(2)at least 60% of the retirement system or pension fund's assets are not invested in forbidden entities at any time more than twelve months after the effective date of this Act;

(3)at least 100% of the retirement system or pension fund's assets are not invested in forbidden entities at any time more than eighteen months after the effective date of this Act.

(b) For purposes of this Section:

"Company" is any entity capable of affecting commerce, including but not limited to (i) a government, government agency, natural person, legal person, sole proprietorship, partnership, firm, corporation, subsidiary, affiliate, franchisor, franchisee, joint venture, trade association, financial institution, utility, public franchise, provider of financial services, trust, or enterprise; and (ii) any association thereof.

"Forbidden entity" means any of the following:

(1)The government of the Republic of the Sudan and any of its agencies, including but not limited to political units and subdivisions;

(2)Any company that is wholly or partially managed or controlled by the government of the Republic of the Sudan and any of its agencies, including but not limited to political units and subdivisions;

(3)Any company (i) that is established or organized under the laws of the Republic of the Sudan; (ii) whose principal place of business is in the Republic of the Sudan;

(4)Any company (i) identified by the Office of Foreign Assets Control in the United States Department of the Treasury as sponsoring terrorist activities; or (ii) fined, penalized, or sanctioned by the Office of Foreign Assets Control in the United States Department of the Treasury for any violation of any United States rules and restrictions relating to the Republic of the Sudan that occurred at any time following the effective date of this Act; and

(5)Any publicly traded company who has been identified by an independent researching firm that specializes in global security risk as being a company that owns or controls property or assets located in, has employees or facilities located in, provides goods or services to, obtain goods or services from, has distribution agreements with, issue credits or loans to, purchase bonds or commercial paper issued by, or invest in (i) the Republic of the Sudan; or (ii) any company domiciled in the Republic of the Sudan; and

(6)Any non publicly-traded company that fails to submit to the fund managing company an affidavit sworn under oath in which an expressly authorized officer of the company avers that the company (i) does not own or control any property or asset located in the Republic of the Sudan; and (ii) did not transact commercial business in the Republic of the Sudan.

Notwithstanding the foregoing, the term "forbidden entity" shall exclude companies, except agencies of the Republic of the Sudan, who are certified as Non-Government Organizations by the United Nations, or who engage solely in (i) the provision of goods and services intended to relieve human suffering or to promote welfare, health, religious and spiritual activities, and education humanitarian purposes or otherwise; or (ii) journalistic activities.

(c) In addition to any other penalties and remedies available under the law of Illinois and the United States, any transaction that violates the provisions of this Act shall be void or voidable, at the sole discretion of the fiduciary.

Section 90. Term; construction. The provisions of this amendatory Act of the 94th General Assembly shall have full force and effect until such time as the government of the United States, through Executive Order or otherwise, rescinds Executive Order 13067, or until such time as these provisions are repealed or modified by the General Assembly. This amendatory Act of the 94th General Assembly shall be construed under the laws of the State of Illinois and, where applicable, the laws of the United States.

Section 99. Effective date. This Act takes effect 7 months after becoming law.".

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

On motion of Senator Link, **Senate Bill No. 25** having been printed, was taken up, read by title a second time.

The following amendments were offered in the Committee on Transportation, adopted and

ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 25

AMENDMENT NO. 1. Amend Senate Bill 25 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by adding Section 11-1426.1 as follows:
(625 ILCS 5/11-1426.1 new)
Sec. 11-1426.1. Operation of neighborhood electric vehicles on streets, roads, and highways.
(a) As used in this Section, "neighborhood electric vehicle" means a self-propelled, electronically powered four-wheeled motor vehicle which is capable of attaining in one mile a speed of more than 20 miles per hour, but not more than 25 miles per hour, and which conforms to federal regulations under Title 49 C.F.R. Part 571.500.
(b) Except as otherwise provided in this Section, it is unlawful for any person to drive or operate a neighborhood electric vehicle upon any street, highway, or roadway in this State. If the operation of a neighborhood electric vehicle is authorized under subsection (d), the neighborhood electric vehicle may be operated only on streets where the posted speed limit is 35 miles per hour or less. This subsection (b) does not prohibit a neighborhood electric vehicle from crossing a road or street at an intersection where the road or street has a posted speed limit of more than 35 miles per hour.
(c) No person operating a neighborhood electric vehicle shall make a direct crossing upon or across any highway under the jurisdiction of the State, tollroad, interstate highway, or controlled access highway in this State.
(d) A municipality, township, county, or other unit of local government may authorize, by ordinance or resolution, the operation of neighborhood electric vehicles on roadways under its jurisdiction if the unit of local government determines that the public safety will not be jeopardized. The Department may authorize the operation of neighborhood electric vehicles on the roadways under its jurisdiction if the Department determines that the public safety will not be jeopardized.
Before permitting the operation of neighborhood electric vehicles on its roadways, a municipality, township, county, other unit of local government, or the Department must consider the volume, speed, and character of traffic on the roadway and determine whether neighborhood electric vehicles may safely travel on or cross the roadway. Upon determining that neighborhood electric vehicles may safely operate on a roadway and the adoption of an ordinance or resolution by a municipality, township, county, or other unit of local government, or authorization by the Department, appropriate signs shall be posted.
If a roadway is under the jurisdiction of more than one unit of government, neighborhood electric vehicles may not be operated on the roadway unless each unit of government agrees and takes action as provided in this subsection.
(e) No neighborhood electric vehicle may be operated on a roadway unless, at a minimum, it has the following: brakes, a steering apparatus, tires, a rearview mirror, red reflectorized warning devices in the front and rear, a slow moving emblem (as required of other vehicles in Section 12-709 of this Code) on the rear of the neighborhood electric vehicle, a headlight that emits a white light visible from a distance of 500 feet to the front, a tail lamp that emits a red light visible from at least 100 feet from the rear, brake lights, and turn signals. When operated on a roadway, a neighborhood electric vehicle shall have its headlight and tail lamps lighted as required by Section 12-201 of this Code.
(f) A person who drives or is in actual physical control of a neighborhood electric vehicle on a roadway while under the influence is subject to Sections 11-500 through 11-502 of this Code.".

AMENDMENT NO. 2 TO SENATE BILL 25

AMENDMENT NO. 2. Amend Senate Bill 25, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 1, by inserting below line 24 the following:
"(b-5) A person may not operate a neighborhood electric vehicle upon any street, highway, or roadway in this State unless he or she has a valid Illinois driver's license issued in his or her name by the Secretary of State.".

There being no further amendments, the foregoing Amendments numbered 1 and 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator DeLeo, **Senate Bill No. 27** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 49** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Roskam, **Senate Bill No. 55** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Roskam, **Senate Bill No. 56** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 56

AMENDMENT NO. 1. Amend Senate Bill 56 by replacing everything after the enacting clause with the following:

"Section 5. The Firearm Owners Identification Card Act is amended by changing Sections 1.1, 3, 3.1, 3a, and 5 as follows:

(430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

Sec. 1.1. For purposes of this Act:

"Counterfeit" means to copy or imitate, without legal authority, with intent to deceive.

"Federally licensed firearm dealer" means a person who is licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).

"Firearm" means any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas; excluding, however:

(1) any pneumatic gun, spring gun, paint ball gun or B-B gun which either expels a single globular projectile not exceeding .18 inch in diameter and which has a maximum muzzle velocity of less than 700 feet per second or breakable paint balls containing washable marking colors;

(2) any device used exclusively for signalling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission;

(3) any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition; and

(4) an antique firearm (other than a machine-gun) which, although designed as a weapon, the Department of State Police finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon.

"Firearm ammunition" means any self-contained cartridge or shotgun shell, by whatever name known, which is designed to be used or adaptable to use in a firearm; excluding, however:

(1) any ammunition exclusively designed for use with a device used exclusively for signalling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; and

(2) any ammunition designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.

"Gun show" means an event or function:

(1) at which the sale and transfer of firearms is the regular and normal course of business where 50 or more firearms are displayed, offered, or exhibited for sale, transfer, or exchange; or

(2) not less than 10 gun show vendors display, offer, or exhibit for sale, sell, transfer, or exchange firearms.

"Gun show" includes the entire premises provided for an event or function, including parking areas for the event or function, that is sponsored to facilitate the purchase, sale, transfer, or exchange of firearms as described in this Section.

"Gun show" does not include training or safety classes, competitive shooting events, such as rifle, shotgun, or handgun matches, trap, skeet, or sporting clays shoots, dinners, banquets, raffles, or any other event where the sale or transfer of firearms is not the primary course of business.

"Gun show promoter" means a person who organizes or operates a gun show.

"Gun show vendor" means a person who exhibits, sells, offers for sale, transfers, or exchanges any firearms at a gun show, regardless of whether the person arranges with a gun show promoter for a fixed location from which to exhibit, sell, offer for sale, transfer, or exchange any firearm.

"Sanctioned competitive shooting event" means a shooting contest officially recognized by a national or state shooting sport association, and includes any sight-in or practice conducted in conjunction with the event.

(Source: P.A. 91-357, eff. 7-29-99; 92-414, eff. 1-1-02.)

(430 ILCS 65/3) (from Ch. 38, par. 83-3)

Sec. 3. (a) Except as provided in Section 3a, no person may knowingly transfer, or cause to be transferred, any firearm or any firearm ammunition to any person within this State unless the transferee with whom he deals displays a currently valid Firearm Owner's Identification Card which has previously been issued in his name by the Department of State Police under the provisions of this Act. In addition, all firearm transfers by federally licensed firearm dealers are subject to Section 3.1.

(a-5) Any person who is not a federally licensed firearm dealer and who desires to transfer or sell a firearm while that person is on the grounds of a gun show must, before selling or transferring the firearm, request the Department of State Police to conduct a background check on the prospective recipient of the firearm in accordance with Section 3.1.

(b) Any person within this State who transfers or causes to be transferred any firearm shall keep a record of such transfer for a period of 10 years from the date of transfer. Such record shall contain the date of the transfer; the description, serial number or other information identifying the firearm if no serial number is available; and, if the transfer was completed within this State, the transferee's Firearm Owner's Identification Card number. On demand of a peace officer such transferor shall produce for inspection such record of transfer. If the transfer or sale took place at a gun show, the record shall include the unique identification number. Failure to record the unique identification number is a petty offense.

(c) The provisions of this Section regarding the transfer of firearm ammunition shall not apply to those persons specified in paragraph (b) of Section 2 of this Act.

(Source: P.A. 92-442, eff. 8-17-01.)

(430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

Sec. 3.1. Dial up system.

(a) The Department of State Police shall provide a dial up telephone system or utilize other existing technology which shall be used by any federally licensed firearm dealer, gun show promoter, or gun show vendor who is to transfer a firearm under the provisions of this Act. The Department of State Police shall utilize existing technology which allows the caller to be charged a fee ~~equivalent to the cost of providing this service but~~ not to exceed $2. Fees collected by the Department of State Police shall be deposited in the State Police Services Fund and used to provide the service.

(b) Upon receiving a request from a federally licensed firearm dealer, gun show promoter, or gun show vendor, the Department of State Police shall immediately approve, or within the time period established by Section 24-3 of the Criminal Code of 1961 regarding the delivery of firearms, notify the inquiring dealer, gun show promoter, or gun show vendor of any objection that would disqualify the transferee from acquiring or possessing a firearm. In conducting the inquiry, the Department of State Police shall initiate and complete an automated search of its criminal history record information files and those of the Federal Bureau of Investigation, including the National Instant Criminal Background Check System, and of the files of the Department of Human Services relating to mental health and developmental disabilities to obtain any felony conviction or patient hospitalization information which would disqualify a person from obtaining or require revocation of a currently valid Firearm Owner's Identification Card.

(c) If receipt of a firearm would not violate Section 24-3 of the Criminal Code of 1961, federal law, or this Act the Department of State Police shall:

(1) assign a unique identification number to the transfer;

(2) provide the licensee, gun show promoter, or gun show vendor with the number; and

(3) destroy all records of the system with respect to the call, other than the identifying number and the date the number was assigned, and all records of the system relating to the person or the transfer within 90 days.

(d) The Department may not retain, copy, or distribute any information previously collected under this Section, except for any investigation of a forcible felony or a violation of Section 24-3A or 24-3.1 or Article 29D of the Criminal Code of 1961. Any records generated under this Section shall comply with subsection (c).

(e) If the transfer of a firearm is denied by the Department of State Police, the Department may keep the records of a denial until the denial is appealed and overturned, or as long as necessary for a criminal prosecution.

(f) Approvals issued by the Department of State Police for the purchase of a firearm are valid for 30 days from the date of issue.

(g) The Department of State Police must act as the Illinois Point of Contact for the National Instant Criminal Background Check System.

(h) The Department of State Police shall promulgate rules not inconsistent with this Section to implement this system.
(Source: P.A. 91-399, eff. 7-30-99.)

(430 ILCS 65/3a) (from Ch. 38, par. 83-3a)

Sec. 3a. (a) Any resident of Illinois who has obtained a firearm owner's identification card pursuant to this Act and who is not otherwise prohibited from obtaining, possessing or using a firearm may purchase or obtain a rifle or shotgun or ammunition for a rifle or shotgun in Iowa, Missouri, Indiana, Wisconsin or Kentucky.

(b) Any resident of Iowa, Missouri, Indiana, Wisconsin or Kentucky or a non-resident with a valid non-resident hunting license, who is 18 years of age or older and who is not prohibited by the laws of Illinois, the state of his domicile, or the United States from obtaining, possessing or using a firearm, may purchase or obtain a rifle, shotgun or ammunition for a rifle or shotgun in Illinois.

(b-5) Any non-resident who is participating in a sanctioned competitive shooting event, who is 18 years of age or older and who is not prohibited by the laws of Illinois, the state of his or her domicile, or the United States from obtaining, possessing, or using a firearm, may purchase or obtain a shotgun or shotgun ammunition in Illinois for the purpose of participating in that event. A person may purchase or obtain a shotgun or shotgun ammunition under this subsection only at the site where the sanctioned competitive shooting event is being held.

~~For purposes of this subsection, "sanctioned competitive shooting event" means a shooting contest officially recognized by a national or state shooting sport association, and includes any sight in or practice conducted in conjunction with the event.~~

(c) Any transaction under this Section is subject to the provisions of the Gun Control Act of 1968 (18 U.S.C. 922 (b)(3)).
(Source: P.A. 92-528, eff. 2-8-02.)

(430 ILCS 65/5) (from Ch. 38, par. 83-5)

Sec. 5. The Department of State Police shall either approve or deny all applications within 30 days from the date they are received, and every applicant found qualified pursuant to Section 8 of this Act by the Department shall be entitled to a Firearm Owner's Identification Card upon the payment of a $5 fee. $3 of each fee derived from the issuance of Firearm Owner's Identification Cards, or renewals thereof, shall be deposited in the Wildlife and Fish Fund in the State Treasury; $1 of such fee shall be deposited in the State Police Services Fund ~~General Revenue Fund in the State Treasury~~ and $1 of such fee shall be deposited in the Firearm Owner's Notification Fund. Monies in the Firearm Owner's Notification Fund shall be used exclusively to pay for the cost of sending notices of expiration of Firearm Owner's Identification Cards under Section 13.2 of this Act. Excess monies in the Firearm Owner's Notification Fund shall be used to ensure the prompt and efficient processing of applications received under Section 4 of this Act.
(Source: P.A. 84-1426.)

Section 10. The Criminal Code of 1961 is amended by adding Section 24-11 as follows:

(720 ILCS 5/24-11 new)

Sec. 24-11. Home rule preemption.

(a) The provisions of any ordinance or resolution adopted before, on, or after the effective date of this amendatory Act of the 94th General Assembly by any unit of local government that imposes restrictions or limitations on the acquisition, possession, transportation, storage, purchase, sale, or other dealing in firearms and ammunition, components, accessories, and accoutrements of firearms in a manner other than those that are imposed by Sections 24-1.1, 24-1.5, 24-3, 24-3.1, 24-3.2, 24-3.4, 24-3.5 or 24-9 of this Act are invalid, except as authorized by this Section, and all those existing ordinances and resolutions are void.

(b) A unit of local government, including a home rule unit, may not regulate the acquisition, possession, transportation, storage, purchase, sale, or other dealing in firearms, and may not regulate ammunition, components, accessories, or accoutrements for firearms, except as follows:

(1) A unit of local government may also establish zoning and security requirements for the retail sale of firearms by federally licensed firearms dealers.

(2) This Section does not apply to any municipality with a population of 2,000,000 or more inhabitants.

(c) This Section is limitation of home rule powers under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

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

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

On motion of Senator Roskam, **Senate Bill No. 57** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 57

AMENDMENT NO. 1. Amend Senate Bill 57 by replacing everything after the enacting clause with the following:

"Section 5. The Firearm Owners Identification Card Act is amended by changing Sections 1.1, 3, 3.1, 3a, and 5 as follows:

(430 ILCS 65/1.1) (from Ch. 38, par. 83-1.1)

Sec. 1.1. For purposes of this Act:

"Counterfeit" means to copy or imitate, without legal authority, with intent to deceive.

"Federally licensed firearm dealer" means a person who is licensed as a federal firearms dealer under Section 923 of the federal Gun Control Act of 1968 (18 U.S.C. 923).

"Firearm" means any device, by whatever name known, which is designed to expel a projectile or projectiles by the action of an explosion, expansion of gas or escape of gas; excluding, however:

(1) any pneumatic gun, spring gun, paint ball gun or B-B gun which either expels a single globular projectile not exceeding .18 inch in diameter and which has a maximum muzzle velocity of less than 700 feet per second or breakable paint balls containing washable marking colors;

(2) any device used exclusively for signalling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission;

(3) any device used exclusively for the firing of stud cartridges, explosive rivets or similar industrial ammunition; and

(4) an antique firearm (other than a machine-gun) which, although designed as a weapon, the Department of State Police finds by reason of the date of its manufacture, value, design, and other characteristics is primarily a collector's item and is not likely to be used as a weapon.

"Firearm ammunition" means any self-contained cartridge or shotgun shell, by whatever name known, which is designed to be used or adaptable to use in a firearm; excluding, however:

(1) any ammunition exclusively designed for use with a device used exclusively for signalling or safety and required or recommended by the United States Coast Guard or the Interstate Commerce Commission; and

(2) any ammunition designed exclusively for use with a stud or rivet driver or other similar industrial ammunition.

"Gun show" means an event or function:

(1) at which the sale and transfer of firearms is the regular and normal course of business where 50 or more firearms are displayed, offered, or exhibited for sale, transfer, or exchange; or

(2) not less than 10 gun show vendors display, offer, or exhibit for sale, sell, transfer, or exchange firearms.

"Gun show" includes the entire premises provided for an event or function, including parking areas for the event or function, that is sponsored to facilitate the purchase, sale, transfer, or exchange of firearms as described in this Section.

"Gun show" does not include training or safety classes, competitive shooting events, such as rifle, shotgun, or handgun matches, trap, skeet, or sporting clays shoots, dinners, banquets, raffles, or any other event where the sale or transfer of firearms is not the primary course of business.

"Gun show promoter" means a person who organizes or operates a gun show.

"Gun show vendor" means a person who exhibits, sells, offers for sale, transfers, or exchanges any firearms at a gun show, regardless of whether the person arranges with a gun show promoter for a fixed location from which to exhibit, sell, offer for sale, transfer, or exchange any firearm.

"Sanctioned competitive shooting event" means a shooting contest officially recognized by a national or state shooting sport association, and includes any sight-in or practice conducted in conjunction with the event.

(Source: P.A. 91-357, eff. 7-29-99; 92-414, eff. 1-1-02.)

(430 ILCS 65/3) (from Ch. 38, par. 83-3)

Sec. 3. (a) Except as provided in Section 3a, no person may knowingly transfer, or cause to be transferred, any firearm or any firearm ammunition to any person within this State unless the transferee with whom he deals displays a currently valid Firearm Owner's Identification Card which has previously been issued in his name by the Department of State Police under the provisions of this Act. In addition, all firearm transfers by federally licensed firearm dealers are subject to Section 3.1.

(a-5) Any person who is not a federally licensed firearm dealer and who desires to transfer or sell a firearm while that person is on the grounds of a gun show must, before selling or transferring the firearm, request the Department of State Police to conduct a background check on the prospective recipient of the firearm in accordance with Section 3.1.

(b) Any person within this State who transfers or causes to be transferred any firearm shall keep a record of such transfer for a period of 10 years from the date of transfer. Such record shall contain the date of the transfer; the description, serial number or other information identifying the firearm if no serial number is available; and, if the transfer was completed within this State, the transferee's Firearm Owner's Identification Card number. On demand of a peace officer such transferor shall produce for inspection such record of transfer. If the transfer or sale took place at a gun show, the record shall include the unique identification number. Failure to record the unique identification number is a petty offense.

(c) The provisions of this Section regarding the transfer of firearm ammunition shall not apply to those persons specified in paragraph (b) of Section 2 of this Act.

(Source: P.A. 92-442, eff. 8-17-01.)

(430 ILCS 65/3.1) (from Ch. 38, par. 83-3.1)

Sec. 3.1. Dial up system.

(a) The Department of State Police shall provide a dial up telephone system or utilize other existing technology which shall be used by any federally licensed firearm dealer, gun show promoter, or gun show vendor who is to transfer a firearm under the provisions of this Act. The Department of State Police may ~~shall~~ utilize existing technology which allows the caller to be charged a fee ~~equivalent to the cost of providing this service but~~ not to exceed $2. Fees collected by the Department of State Police shall be deposited in the State Police Services Fund and used to provide the service.

(b) Upon receiving a request from a federally licensed firearm dealer, gun show promoter, or gun show vendor, the Department of State Police shall immediately approve, or within the time period established by Section 24-3 of the Criminal Code of 1961 regarding the delivery of firearms, notify the inquiring dealer, gun show promoter, or gun show vendor of any objection that would disqualify the transferee from acquiring or possessing a firearm. In conducting the inquiry, the Department of State Police shall initiate and complete an automated search of its criminal history record information files and those of the Federal Bureau of Investigation, including the National Instant Criminal Background Check System, and of the files of the Department of Human Services relating to mental health and developmental disabilities to obtain any felony conviction or patient hospitalization information which would disqualify a person from obtaining or require revocation of a currently valid Firearm Owner's Identification Card.

(c) If receipt of a firearm would not violate Section 24-3 of the Criminal Code of 1961, federal law, or this Act the Department of State Police shall:

(1) assign a unique identification number to the transfer;

(2) provide the licensee, gun show promoter, or gun show vendor with the number; and

(3) destroy all records of the system with respect to the call, other than the identifying number and the date the number was assigned, and all records of the system relating to the person or the transfer within 90 days.

(d) The Department may not retain, copy, or distribute any information previously collected under this Section, except for any investigation of a forcible felony or a violation of Section 24-3A or 24-3.1 or Article 29D of the Criminal Code of 1961. Any records generated under this Section shall comply with subsection (c).

(e) If the transfer of a firearm is denied by the Department of State Police, the Department may keep the records of a denial until the denial is appealed and overturned, or as long as necessary for a criminal prosecution.

(f) Approvals issued by the Department of State Police for the purchase of a firearm are valid for 30 days from the date of issue.

(g) The Department of State Police must act as the Illinois Point of Contact for the National Instant Criminal Background Check System.

(h) The Department of State Police shall promulgate rules not inconsistent with this Section to implement this system.

(Source: P.A. 91-399, eff. 7-30-99.)

(430 ILCS 65/3a) (from Ch. 38, par. 83-3a)

Sec. 3a. (a) Any resident of Illinois who has obtained a firearm owner's identification card pursuant to this Act and who is not otherwise prohibited from obtaining, possessing or using a firearm may purchase or obtain a rifle or shotgun or ammunition for a rifle or shotgun in Iowa, Missouri, Indiana, Wisconsin or Kentucky.

(b) Any resident of Iowa, Missouri, Indiana, Wisconsin or Kentucky or a non-resident with a valid non-resident hunting license, who is 18 years of age or older and who is not prohibited by the laws of Illinois, the state of his domicile, or the United States from obtaining, possessing or using a firearm, may purchase or obtain a rifle, shotgun or ammunition for a rifle or shotgun in Illinois.

(b-5) Any non-resident who is participating in a sanctioned competitive shooting event, who is 18 years of age or older and who is not prohibited by the laws of Illinois, the state of his or her domicile, or the United States from obtaining, possessing, or using a firearm, may purchase or obtain a shotgun or shotgun ammunition in Illinois for the purpose of participating in that event. A person may purchase or obtain a shotgun or shotgun ammunition under this subsection only at the site where the sanctioned competitive shooting event is being held.

~~For purposes of this subsection, "sanctioned competitive shooting event" means a shooting contest officially recognized by a national or state shooting sport association, and includes any sight in or practice conducted in conjunction with the event.~~

(c) Any transaction under this Section is subject to the provisions of the Gun Control Act of 1968 (18 U.S.C. 922 (b)(3)).

(Source: P.A. 92-528, eff. 2-8-02.)

(430 ILCS 65/5) (from Ch. 38, par. 83-5)

Sec. 5. The Department of State Police shall either approve or deny all applications within 30 days from the date they are received, and every applicant found qualified pursuant to Section 8 of this Act by the Department shall be entitled to a Firearm Owner's Identification Card upon the payment of a $5 fee. $3 of each fee derived from the issuance of Firearm Owner's Identification Cards, or renewals thereof, shall be deposited in the Wildlife and Fish Fund in the State Treasury; $1 of such fee shall be deposited in the State Police Services Fund ~~General Revenue Fund in the State Treasury~~ and $1 of such fee shall be deposited in the Firearm Owner's Notification Fund. Monies in the Firearm Owner's Notification Fund shall be used exclusively to pay for the cost of sending notices of expiration of Firearm Owner's Identification Cards under Section 13.2 of this Act. Excess monies in the Firearm Owner's Notification Fund shall be used to ensure the prompt and efficient processing of applications received under Section 4 of this Act.

(Source: P.A. 84-1426.)

Section 10. The Criminal Code of 1961 is amended by adding Section 24-11 as follows:

(720 ILCS 5/24-11 new)

Sec. 24-11. Home rule preemption.

(a) The provisions of any ordinance or resolution adopted before, on, or after the effective date of this amendatory Act of the 94th General Assembly by any unit of local government that imposes restrictions or limitations on the acquisition, possession, transportation, storage, purchase, sale, or other dealing in firearms and ammunition, components, accessories, and accoutrements of firearms in a manner other than those that are imposed by Sections 24-1.1, 24-1.5, 24-3, 24-3.1, 24-3.2, 24-3.4, 24-3.5 or 24-9 of this Act are invalid, except as authorized by this Section, and all those existing ordinances and resolutions are void.

(b) A unit of local government, including a home rule unit, may not regulate the acquisition, possession, transportation, storage, purchase, sale, or other dealing in firearms, and may not regulate ammunition, components, accessories, or accoutrements for firearms, except as follows:

(1) A unit of local government may also establish zoning and security requirements for the retail sale of firearms by federally licensed firearms dealers.

(2) This Section does not apply to any municipality with a population of 2,000,000 or more inhabitants.

(c) This Section is limitation of home rule powers under subsection (h) of Section 6 of Article VII of the Illinois Constitution.

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

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

On motion of Senator Silverstein, **Senate Bill No. 63** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 86** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Licensed Activities, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 86

AMENDMENT NO. 1. Amend Senate Bill 86 by replacing everything after the enacting clause with the following:

"Section 5. The Nursing and Advanced Practice Nursing Act is amended by adding Title 25 as follows:

(225 ILCS 65/Tit. 25 heading new)

NURSE LICENSURE COMPACT

(225 ILCS 65/25-5 new)

(Section scheduled to be repealed on January 1, 2008)

Sec. 25-5. Nurse Licensure Compact. The State of Illinois ratifies and approves the Nurse Licensure Compact and enters into it with all other jurisdictions that legally join in the compact. The General Assembly finds that no amendment by the General Assembly to the provisions of the Compact contained in this Act shall become effective and binding upon the Compact and the Compact party states unless and until the Nurse Licensure Compact Administrators (NLCA) enact the amendment to the Articles of Organization of the NCLA. The Nurse Licensure Compact is, in form, substantially as follows:

ARTICLE I.
Findings and Declaration of Purpose

(a) The party states find that:

(1) the health and safety of the public are affected by the degree of compliance with and the effectiveness of enforcement activities related to state nurse licensure laws;

(2) violations of nurse licensure and other laws regulating the practice of nursing may result in injury or harm to the public;

(3) the expanded mobility of nurses and the use of advanced communication technologies as part of our nation's healthcare delivery system require greater coordination and cooperation among states in the areas of nurse licensure and regulation;

(4) new practice modalities and technology make compliance with individual state nurse licensure laws difficult and complex;

(5) the current system of duplicative licensure for nurses practicing in multiple states is cumbersome and redundant to both nurses and states.

(b) The general purposes of this Compact are to:

(1) facilitate the states' responsibility to protect the public's health and safety;

(2) ensure and encourage the cooperation of party states in the areas of nurse licensure and regulation;

(3) facilitate the exchange of information between party states in the areas of nurse regulation, investigation and adverse actions;

(4) promote compliance with the laws governing the practice of nursing in each jurisdiction;

(5) invest all party states with the authority to hold a nurse accountable for meeting all state practice laws in the state in which the patient is located at the time care is rendered through the mutual recognition of party state licenses.

ARTICLE II.
Definitions

As used in this Compact:

(a) "Adverse Action" means a home or remote state action.

(b) "Alternative program" means a voluntary, non-disciplinary monitoring program approved by a nurse licensing board.

(c) "Coordinated licensure information system" means an integrated process for collecting, storing, and sharing information on nurse licensure and enforcement activities related to nurse licensure laws, which is administered by a non-profit organization composed of and controlled by state nurse licensing boards.

(d) "Current significant investigative information" means:

(1) investigative information that a licensing board, after a preliminary inquiry that includes notification and an opportunity for the nurse to respond if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or

(2) investigative information that indicates that the nurse represents an immediate threat to public health and safety regardless of whether the nurse has been notified and had an opportunity to respond.

(e) "Home state" means the party state which is the nurse's primary state of residence.

(f) "Home state action" means any administrative, civil, equitable or criminal action permitted by the home state's laws which are imposed on a nurse by the home state's licensing board or other authority including actions against an individual's license such as: revocation, suspension, probation or any other action which affects a nurse's authorization to practice.

(g) "Licensing board" means a party state's regulatory body responsible for issuing nurse licenses.

(h) "Multistate licensure privilege" means current, official authority from a remote state permitting the practice of nursing as either a registered nurse or a licensed practical/vocational nurse in such party state. All party states have the authority, in accordance with existing state due process law, to take actions against the nurse's privilege such as: revocation, suspension, probation or any other action which affects a nurse's authorization to practice.

(i) "Nurse" means a registered nurse or licensed practical/vocational nurse, as those terms are defined by each party's state practice laws.

(j) "Party state" means any state that has adopted this Compact.

(k) "Remote state" means a party state, other than the home state,

(1) where the patient is located at the time nursing care is provided, or,

(2) in the case of the practice of nursing not involving a patient, in such party state where the recipient of nursing practice is located.

(l) "Remote state action" means:

(1) any administrative, civil, equitable or criminal action permitted by a remote state's laws which are imposed on a nurse by the remote state's licensing board or other authority including actions against an individual's multistate licensure privilege to practice in the remote state, and

(2) cease and desist and other injunctive or equitable orders issued by remote states or the licensing boards thereof.

(m) "State" means a state, territory, or possession of the United States, the District of Columbia or the Commonwealth of Puerto Rico.

(n) "State practice laws" means those individual party's state laws and regulations that govern the practice of nursing, define the scope of nursing practice, and create the methods and grounds for imposing discipline. "State practice laws" does not include the initial qualifications for licensure or requirements necessary to obtain and retain a license, except for qualifications or requirements of the home state.

ARTICLE III.

General Provisions and Jurisdiction

(a) A license to practice registered nursing issued by a home state to a resident in that state will be recognized by each party state as authorizing a multistate licensure privilege to practice as a registered nurse in such party state. A license to practice licensed practical/vocational nursing issued by a home state to a resident in that state will be recognized by each party state as authorizing a multistate licensure privilege to practice as a licensed practical/vocational nurse in such party state. In order to obtain or retain a license, an applicant must meet the home state's qualifications for licensure and license renewal as well as all other applicable state laws.

(b) Party states may, in accordance with state due process laws, limit or revoke the multistate licensure privilege of any nurse to practice in their state and may take any other actions under their applicable state laws necessary to protect the health and safety of their citizens. If a party state takes such action, it shall promptly notify the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the home state of any such actions by remote states.

(c) Every nurse practicing in a party state must comply with the state practice laws of the state in which the patient is located at the time care is rendered. In addition, the practice of nursing is not limited

to patient care, but shall include all nursing practice as defined by the state practice laws of a party state. The practice of nursing will subject a nurse to the jurisdiction of the nurse licensing board and the courts, as well as the laws, in that party state.

(d) This Compact does not affect additional requirements imposed by states for advanced practice registered nursing. However, a multistate licensure privilege to practice registered nursing granted by a party state shall be recognized by other party states as a license to practice registered nursing if one is required by state law as a precondition for qualifying for advanced practice registered nurse authorization.

(e) Individuals not residing in a party state shall continue to be able to apply for nurse licensure as provided for under the laws of each party state. However, the license granted to these individuals will not be recognized as granting the privilege to practice nursing in any other party state unless explicitly agreed to by that party state.

ARTICLE IV.

Applications for Licensure in a Party State

(a) Upon application for a license, the licensing board in a party state shall ascertain, through the coordinated licensure information system, whether the applicant has ever held, or is the holder of, a license issued by any other state, whether there are any restrictions on the multistate licensure privilege, and whether any other adverse action by any state has been taken against the license.

(b) A nurse in a party state shall hold licensure in only one party state at a time, issued by the home state.

(c) A nurse who intends to change primary state of residence may apply for licensure in the new home state in advance of such change. However, new licenses will not be issued by a party state until after a nurse provides evidence of change in primary state of residence satisfactory to the new home state's licensing board.

(d) When a nurse changes primary state of residence by:

(1) moving between two party states, and obtains a license from the new home state, the license from the former home state is no longer valid;

(2) moving from a non-party state to a party state, and obtains a license from the new home state, the individual state license issued by the non-party state is not affected and will remain in full force if so provided by the laws of the non-party state;

(3) moving from a party state to a non-party state, the license issued by the prior home state converts to an individual state license, valid only in the former home state, without the multistate licensure privilege to practice in other party states.

ARTICLE V.

Adverse Actions

In addition to the General Provisions described in Article III, the following provisions apply:

(a) The licensing board of a remote state shall promptly report to the administrator of the coordinated licensure information system any remote state actions including the factual and legal basis for such action, if known. The licensing board of a remote state shall also promptly report any significant current investigative information yet to result in a remote state action. The administrator of the coordinated licensure information system shall promptly notify the home state of any such reports.

(b) The licensing board of a party state shall have the authority to complete any pending investigations for a nurse who changes primary state of residence during the course of such investigations. It shall also have the authority to take appropriate action(s), and shall promptly report the conclusions of such investigations to the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any such actions.

(c) A remote state may take adverse action affecting the multistate licensure privilege to practice within that party state. However, only the home state shall have the power to impose adverse action against the license issued by the home state.

(d) For purposes of imposing adverse action, the licensing board of the home state shall give the same priority and effect to reported conduct received from a remote state as it would if such conduct had occurred within the home state. In so doing, it shall apply its own state laws to determine appropriate action.

(e) The home state may take adverse action based on the factual findings of the remote state, so long as each state follows its own procedures for imposing such adverse action.

(f) Nothing in this Compact shall override a party state's decision that participation in an alternative

program may be used in lieu of licensure action and that such participation shall remain non-public if required by the party state's laws. Party states must require nurses who enter any alternative programs to agree not to practice in any other party state during the term of the alternative program without prior authorization from such other party state.

ARTICLE VI.
Additional Authorities Invested
in Party State Nurse Licensing Boards

Notwithstanding any other powers, party state nurse licensing boards shall have the authority to:

(a) if otherwise permitted by state law, recover from the affected nurse the costs of investigations and disposition of cases resulting from any adverse action taken against that nurse;

(b) issue subpoenas for both hearings and investigations which require the attendance and testimony of witnesses, and the production of evidence. Subpoenas issued by a nurse licensing board in a party state for the attendance and testimony of witnesses, and/or the production of evidence from another party state, shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage and other fees required by the service statutes of the state where the witnesses and/or evidence are located;

(c) issue cease and desist orders to limit or revoke a nurse's authority to practice in their state;

(d) promulgate uniform rules and regulations as provided for in Article VIII(c).

ARTICLE VII.
Coordinated Licensure Information System

(a) All party states shall participate in a cooperative effort to create a coordinated data base of all licensed registered nurses and licensed practical/vocational nurses. This system will include information on the licensure and disciplinary history of each nurse, as contributed by party states, to assist in the coordination of nurse licensure and enforcement efforts.

(b) Notwithstanding any other provision of law, all party states' licensing boards shall promptly report adverse actions, actions against multistate licensure privileges, any current significant investigative information yet to result in adverse action, denials of applications, and the reasons for such denials, to the coordinated licensure information system.

(c) Current significant investigative information shall be transmitted through the coordinated licensure information system only to party state licensing boards.

(d) Notwithstanding any other provision of law, all party states' licensing boards contributing information to the coordinated licensure information system may designate information that may not be shared with non-party states or disclosed to other entities or individuals without the express permission of the contributing state.

(e) Any personally identifiable information obtained by a party states' licensing board from the coordinated licensure information system may not be shared with non-party states or disclosed to other entities or individuals except to the extent permitted by the laws of the party state contributing the information.

(f) Any information contributed to the coordinated licensure information system that is subsequently required to be expunged by the laws of the party state contributing that information, shall also be expunged from the coordinated licensure information system.

(g) The Compact administrators, acting jointly with each other and in consultation with the administrator of the coordinated licensure information system, shall formulate necessary and proper procedures for the identification, collection and exchange of information under this Compact.

ARTICLE VIII.
Compact Administration and
Interchange of Information

(a) The head of the nurse licensing board, or his/her designee, of each party state shall be the administrator of this Compact for his/her state.

(b) The Compact administrator of each party state shall furnish to the Compact administrator of each other party state any information and documents including, but not limited to, a uniform data set of investigations, identifying information, licensure data, and disclosable alternative program participation information to facilitate the administration of this Compact.

(c) Compact administrators shall have the authority to develop uniform rules to facilitate and coordinate implementation of this Compact. These uniform rules shall be adopted by party states, under

the authority invested under Article VI(d).

ARTICLE IX.

Immunity

No party state or the officers or employees or agents of a party state's nurse licensing board who acts in accordance with the provisions of this Compact shall be liable on account of any act or omission in good faith while engaged in the performance of their duties under this Compact. Good faith in this article shall not include willful misconduct, gross negligence, or recklessness.

ARTICLE X.

Entry into Force, Withdrawal and Amendment

(a) This Compact shall enter into force and become effective as to any state when it has been enacted into the laws of that state. Any party state may withdraw from this Compact by enacting a statute repealing the same, but no such withdrawal shall take effect until six months after the withdrawing state has given notice of the withdrawal to the executive heads of all other party states.

(b) No withdrawal shall affect the validity or applicability by the licensing boards of states remaining party to the Compact of any report of adverse action occurring prior to the withdrawal.

(c) Nothing contained in this Compact shall be construed to invalidate or prevent any nurse licensure agreement or other cooperative arrangement between a party state and a non-party state that is made in accordance with the other provisions of this Compact.

(d) This Compact may be amended by the party states. No amendment to this Compact shall become effective and binding upon the party states unless and until it is enacted into the laws of all party states.

ARTICLE XI.

Construction and Severability

(a) This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable and if any phrase, clause, sentence or provision of this Compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this Compact shall be held contrary to the constitution of any state party thereto, the Compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.

(b) In the event party states find a need for settling disputes arising under this Compact:

(1) The party states may submit the issues in dispute to an arbitration panel which will be comprised of an individual appointed by the Compact administrator in the home state; an individual appointed by the Compact administrator in the remote state(s) involved; and an individual mutually agreed upon by the Compact administrators of all the party states involved in the dispute.

(2) The decision of a majority of the arbitrators shall be final and binding.

(225 ILCS 65/25-10 new)

(Section scheduled to be repealed on January 1, 2008)

Sec. 25-10. Costs of investigation and disposition of cases. To facilitate cross-state enforcement efforts, the General Assembly finds that it is necessary for Illinois to have the power to recover from the affected nurse the costs of investigations and disposition of cases resulting from adverse actions taken by this State against that nurse.

(225 ILCS 65/25-15 new)

(Section scheduled to be repealed on January 1, 2008)

Sec. 25-15. Statutory obligations. This Compact is designed to facilitate the regulation of nurses and does not relieve employers from complying with statutorily imposed obligations.

(225 ILCS 65/25-20 new)

(Section scheduled to be repealed on January 1, 2008)

Sec. 25-20. State labor laws. This Compact does not supersede existing State labor laws.

Section 90. The Nursing and Advanced Practice Nursing Act is amended by changing Sections 5-10, 5-15, and 10-30 as follows:

(225 ILCS 65/5-10)

(Section scheduled to be repealed on January 1, 2008)

Sec. 5-10. Definitions. Each of the following terms, when used in this Act, shall have the meaning ascribed to it in this Section, except where the context clearly indicates otherwise:

(a) "Department" means the Department of Professional Regulation.

(b) "Director" means the Director of Professional Regulation.

(c) "Board" means the Board of Nursing appointed by the Director.

(d) "Academic year" means the customary annual schedule of courses at a college, university, or approved school, customarily regarded as the school year as distinguished from the calendar year.

(e) "Approved program of professional nursing education" and "approved program of practical nursing education" are programs of professional or practical nursing, respectively, approved by the Department under the provisions of this Act.

(f) "Nursing Act Coordinator" means a registered professional nurse appointed by the Director to carry out the administrative policies of the Department.

(g) "Assistant Nursing Act Coordinator" means a registered professional nurse appointed by the Director to assist in carrying out the administrative policies of the Department.

(h) "Registered" is the equivalent of "licensed".

(i) "Practical nurse" or "licensed practical nurse" means a person who is licensed as a practical nurse under this Act or holds the privilege to practice under this Act and practices practical nursing as defined in paragraph (j) of this Section. Only a practical nurse licensed or granted the privilege to practice under this Act is entitled to use the title "licensed practical nurse" and the abbreviation "L.P.N.".

(j) "Practical nursing" means the performance of nursing acts requiring the basic nursing knowledge, judgement, and skill acquired by means of completion of an approved practical nursing education program. Practical nursing includes assisting in the nursing process as delegated by and under the direction of a registered professional nurse. The practical nurse may work under the direction of a licensed physician, dentist, podiatrist, or other health care professional determined by the Department.

(k) "Registered Nurse" or "Registered Professional Nurse" means a person who is licensed as a professional nurse under this Act or holds the privilege to practice under this Act and practices nursing as defined in paragraph (l) of this Section. Only a registered nurse licensed or granted the privilege to practice under this Act is entitled to use the titles "registered nurse" and "registered professional nurse" and the abbreviation, "R.N.".

(l) "Registered professional nursing practice" includes all nursing specialities and means the performance of any nursing act based upon professional knowledge, judgment, and skills acquired by means of completion of an approved registered professional nursing education program. A registered professional nurse provides nursing care emphasizing the importance of the whole and the interdependence of its parts through the nursing process to individuals, groups, families, or communities, that includes but is not limited to: (1) the assessment of healthcare needs, nursing diagnosis, planning, implementation, and nursing evaluation; (2) the promotion, maintenance, and restoration of health; (3) counseling, patient education, health education, and patient advocacy; (4) the administration of medications and treatments as prescribed by a physician licensed to practice medicine in all of its branches, a licensed dentist, a licensed podiatrist, or a licensed optometrist or as prescribed by a physician assistant in accordance with written guidelines required under the Physician Assistant Practice Act of 1987 or by an advanced practice nurse in accordance with a written collaborative agreement required under the Nursing and Advanced Practice Nursing Act; (5) the coordination and management of the nursing plan of care; (6) the delegation to and supervision of individuals who assist the registered professional nurse implementing the plan of care; and (7) teaching and supervision of nursing students. The foregoing shall not be deemed to include those acts of medical diagnosis or prescription of therapeutic or corrective measures that are properly performed only by physicians licensed in the State of Illinois.

(m) "Current nursing practice update course" means a planned nursing education curriculum approved by the Department consisting of activities that have educational objectives, instructional methods, content or subject matter, clinical practice, and evaluation methods, related to basic review and updating content and specifically planned for those nurses previously licensed in the United States or its territories and preparing for reentry into nursing practice.

(n) "Professional assistance program for nurses" means a professional assistance program that meets criteria established by the Board of Nursing and approved by the Director, which provides a non-disciplinary treatment approach for nurses licensed under this Act whose ability to practice is compromised by alcohol or chemical substance addiction.

(o) "Privilege to practice" means the authorization to practice as a practical nurse or a registered nurse in the State under Title 25 of this Act.

(p) "License" or "licensed" means the permission granted a person to practice nursing under this Act, including the privilege to practice.

(q) "Licensee" means a person who has been issued a license to practice nursing in the state or who

holds the privilege to practice nursing in this State.

(Source: P.A. 90-61, eff. 12-30-97; 90-248, eff. 1-1-98; 90-655, eff. 7-30-98; 90-742, eff. 8-13-98.)

(225 ILCS 65/5-15)

(Section scheduled to be repealed on January 1, 2008)

Sec. 5-15. Policy; application of Act. For the protection of life and the promotion of health, and the prevention of illness and communicable diseases, any person practicing or offering to practice professional and practical nursing in Illinois shall submit evidence that he or she is qualified to practice, and shall be licensed or hold the privilege to practice as provided under this Act. No person shall practice or offer to practice professional or practical nursing in Illinois or use any title, sign, card or device to indicate that such a person is practicing professional or practical nursing unless such person has been licensed or holds the privilege to practice under the provisions of this Act.

This Act does not prohibit the following:

(a) The practice of nursing in Federal employment in the discharge of the employee's duties by a person who is employed by the United States government or any bureau, division or agency thereof and is a legally qualified and licensed nurse of another state or territory and not in conflict with Sections 10-5, 10-30, and 10-45 of this Act.

(b) Nursing that is included in their program of study by students enrolled in programs of nursing or in current nurse practice update courses approved by the Department.

(c) The furnishing of nursing assistance in an emergency.

(d) The practice of nursing by a nurse who holds an active license in another state when providing services to patients in Illinois during a bonafide emergency or in immediate preparation for or during interstate transit.

(e) The incidental care of the sick by members of the family, domestic servants or housekeepers, or care of the sick where treatment is by prayer or spiritual means.

(f) Persons from being employed as nursing aides, attendants, orderlies, and other auxiliary workers in private homes, long term care facilities, nurseries, hospitals or other institutions.

(g) The practice of practical nursing by one who has applied in writing to the Department in form and substance satisfactory to the Department, for a license as a licensed practical nurse and who has complied with all the provisions under Section 10-30, except the passing of an examination to be eligible to receive such license, until: the decision of the Department that the applicant has failed to pass the next available examination authorized by the Department or has failed, without an approved excuse, to take the next available examination authorized by the Department or until the withdrawal of the application, but not to exceed 3 months. An applicant practicing practical nursing under this Section who passes the examination, however, may continue to practice under this Section until such time as he or she receives his or her license to practice or until the Department notifies him or her that the license has been denied. No applicant for licensure practicing under the provisions of this paragraph shall practice practical nursing except under the direct supervision of a registered professional nurse licensed under this Act or a licensed physician, dentist or podiatrist. In no instance shall any such applicant practice or be employed in any supervisory capacity.

(h) The practice of practical nursing by one who is a licensed practical nurse under the laws of another U.S. jurisdiction and has applied in writing to the Department, in form and substance satisfactory to the Department, for a license as a licensed practical nurse and who is qualified to receive such license under Section 10-30, until (1) the expiration of 6 months after the filing of such written application, (2) the withdrawal of such application, or (3) the denial of such application by the Department.

(i) The practice of professional nursing by one who has applied in writing to the Department in form and substance satisfactory to the Department for a license as a registered professional nurse and has complied with all the provisions under Section 10-30 except the passing of an examination to be eligible to receive such license, until the decision of the Department that the applicant has failed to pass the next available examination authorized by the Department or has failed, without an approved excuse, to take the next available examination authorized by the Department or until the withdrawal of the application, but not to exceed 3 months. An applicant practicing professional nursing under this Section who passes the examination, however, may continue to practice under this Section until such time as he or she receives his or her license to practice or until the Department notifies him or her that the license has been denied. No applicant for licensure practicing under the provisions of this paragraph shall practice professional nursing except under the direct supervision of a registered professional nurse licensed under this Act. In no instance shall any such applicant practice or be employed in any supervisory capacity.

(j) The practice of professional nursing by one who is a registered professional nurse

under the laws of another state, territory of the United States or country and has applied in writing to the Department, in form and substance satisfactory to the Department, for a license as a registered professional nurse and who is qualified to receive such license under Section 10-30, until (1) the expiration of 6 months after the filing of such written application, (2) the withdrawal of such application, or (3) the denial of such application by the Department.

(k) The practice of professional nursing that is included in a program of study by one who is a registered professional nurse under the laws of another state or territory of the United States or foreign country, territory or province and who is enrolled in a graduate nursing education program or a program for the completion of a baccalaureate nursing degree in this State, which includes clinical supervision by faculty as determined by the educational institution offering the program and the health care organization where the practice of nursing occurs. The educational institution will file with the Department each academic term a list of the names and origin of license of all professional nurses practicing nursing as part of their programs under this provision.

(l) Any person licensed in this State under any other Act from engaging in the practice for which she or he is licensed.

(m) Delegation to authorized direct care staff trained under Section 15.4 of the Mental Health and Developmental Disabilities Administrative Act.

An applicant for license practicing under the exceptions set forth in subparagraphs (g), (h), (i), and (j) of this Section shall use the title R.N. Lic. Pend. or L.P.N. Lic. Pend. respectively and no other.
(Source: P.A. 93-265, eff. 7-22-03.)

(225 ILCS 65/10-30)

(Section scheduled to be repealed on January 1, 2008)

Sec. 10-30. Qualifications for licensure.

(a) Each applicant who successfully meets the requirements of this Section shall be entitled to licensure as a Registered Nurse or Licensed Practical Nurse, whichever is applicable.

(b) An applicant for licensure by examination to practice as a registered nurse or licensed practical nurse shall:

(1) submit a completed written application, on forms provided by the Department and fees as established by the Department;

(2) for registered nurse licensure, have graduated from a professional nursing education program approved by the Department;

(2.5) for licensed practical nurse licensure, have graduated ~~graduate~~ from a practical nursing education program approved by the Department;

(3) have not violated the provisions of Section 10-45 of this Act. The Department may take into consideration any felony conviction of the applicant, but such a conviction shall not operate as an absolute bar to licensure;

(4) meet all other requirements as established by rule;

(5) pay, either to the Department or its designated testing service, a fee covering the cost of providing the examination. Failure to appear for the examination on the scheduled date at the time and place specified after the applicant's application for examination has been received and acknowledged by the Department or the designated testing service shall result in the forfeiture of the examination fee.

If an applicant neglects, fails, or refuses to take an examination or fails to pass an examination for a license under this Act within 3 years after filing the application, the application shall be denied. However, the applicant may make a new application accompanied by the required fee and provide evidence of meeting the requirements in force at the time of the new application.

An applicant may take and successfully complete a Department-approved examination in another jurisdiction. However, an applicant who has never been licensed previously in any jurisdiction that utilizes a Department-approved examination and who has taken and failed to pass the examination within 3 years after filing the application must submit proof of successful completion of a Department-authorized nursing education program or recompletion of an approved registered nursing program or licensed practical nursing program, as appropriate, prior to re-application.

An applicant shall have one year from the date of notification of successful completion of the examination to apply to the Department for a license. If an applicant fails to apply within one year, the applicant shall be required to again take and pass the examination unless licensed in another jurisdiction of the United States within one year of passing the examination.

(c) An applicant for licensure by endorsement who is a registered professional nurse or a licensed practical nurse licensed by examination under the laws of another state or territory of the United States

or a foreign country, jurisdiction, territory, or province shall:

(1) submit a completed written application, on forms supplied by the Department, and fees as established by the Department;

(2) for registered nurse licensure, have graduated from a professional nursing education program approved by the Department;

(2.5) for licensed practical nurse licensure, have graduated from a practical nursing education program approved by the Department;

(3) submit verification of licensure status directly from the United States jurisdiction of licensure, if applicable, as defined by rule;

(4) have passed the examination authorized by the Department;

(5) meet all other requirements as established by rule.

(d) All applicants for registered nurse licensure pursuant to item (2) of subsection (b) and item (2) of subsection (c) of this Section who are graduates of nursing educational programs in a country other than the United States or its territories must submit to the Department certification of successful completion of the Commission of Graduates of Foreign Nursing Schools (CGFNS) examination. An applicant who is unable to provide appropriate documentation to satisfy CGFNS of her or his educational qualifications for the CGFNS examination shall be required to pass an examination to test competency in the English language, which shall be prescribed by the Department, if the applicant is determined by the Board to be educationally prepared in nursing. The Board shall make appropriate inquiry into the reasons for any adverse determination by CGFNS before making its own decision.

An applicant licensed in another state or territory who is applying for licensure and has received her or his education in a country other than the United States or its territories shall be exempt from the completion of the Commission of Graduates of Foreign Nursing Schools (CGFNS) examination if the applicant meets all of the following requirements:

(1) successful passage of the licensure examination authorized by the Department;

(2) holds an active, unencumbered license in another state; and

(3) has been actively practicing for a minimum of 2 years in another state.

(e) (Blank).

(f) Pending the issuance of a license under subsection (c) of this Section, the Department may grant an applicant a temporary license to practice nursing as a registered nurse or as a licensed practical nurse if the Department is satisfied that the applicant holds an active, unencumbered license in good standing in another jurisdiction. If the applicant holds more than one current active license, or one or more active temporary licenses from other jurisdictions, the Department shall not issue a temporary license until it is satisfied that each current active license held by the applicant is unencumbered. The temporary license, which shall be issued no later than 14 working days following receipt by the Department of an application for the temporary license, shall be granted upon the submission of the following to the Department:

(1) a signed and completed application for licensure under subsection (a) of this Section as a registered nurse or a licensed practical nurse;

(2) proof of a current, active license in at least one other jurisdiction and proof that each current active license or temporary license held by the applicant within the last 5 years is unencumbered;

(3) a signed and completed application for a temporary license; and

(4) the required temporary license fee.

(g) The Department may refuse to issue an applicant a temporary license authorized pursuant to this Section if, within 14 working days following its receipt of an application for a temporary license, the Department determines that:

(1) the applicant has been convicted of a crime under the laws of a jurisdiction of the United States: (i) which is a felony; or (ii) which is a misdemeanor directly related to the practice of the profession, within the last 5 years;

(2) within the last 5 years the applicant has had a license or permit related to the practice of nursing revoked, suspended, or placed on probation by another jurisdiction, if at least one of the grounds for revoking, suspending, or placing on probation is the same or substantially equivalent to grounds in Illinois; or

(3) it intends to deny licensure by endorsement.

For purposes of this Section, an "unencumbered license" means a license against which no disciplinary action has been taken or is pending and for which all fees and charges are paid and current.

(h) The Department may revoke a temporary license issued pursuant to this Section if:

(1) it determines that the applicant has been convicted of a crime under the law of any

jurisdiction of the United States that is (i) a felony or (ii) a misdemeanor directly related to the practice of the profession, within the last 5 years;

(2) it determines that within the last 5 years the applicant has had a license or permit related to the practice of nursing revoked, suspended, or placed on probation by another jurisdiction, if at least one of the grounds for revoking, suspending, or placing on probation is the same or substantially equivalent to grounds in Illinois; or

(3) it determines that it intends to deny licensure by endorsement.

A temporary license shall expire 6 months from the date of issuance. Further renewal may be granted by the Department in hardship cases, as defined by rule and upon approval of the Director. However, a temporary license shall automatically expire upon issuance of the Illinois license or upon notification that the Department intends to deny licensure, whichever occurs first.

(i) Applicants have 3 years from the date of application to complete the application process. If the process has not been completed within 3 years from the date of application, the application shall be denied, the fee forfeited, and the applicant must reapply and meet the requirements in effect at the time of reapplication.

(j) A practical nurse licensed by a party state under the Nurse Licensure Compact under Title 25 of this Act is granted the privilege to practice practical nursing in this State. A registered nurse licensed by a party state under the Nurse Licensure Compact under Title 25 of this Act is granted the privilege to practice registered nursing in this State. A practical nurse or registered nurse who has been granted the privilege to practice nursing in this State under this subsection (j) may be required to notify the Department, prior to commencing employment in this State as a practical or registered nurse, of the identity and location of the nurse's prospective employer.

(Source: P.A. 92-39, eff. 6-29-01; 92-744, eff. 7-25-02; revised 2-17-03.)

Section 99. Effective date. This Act takes effect January 1, 2006.".

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

On motion of Senator Garrett, **Senate Bill No. 94** having been printed, was taken up, read by title a second time.

Floor Amendment No. 1 was referred to the Committee on Local Government earlier today.

There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 96** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 134** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shadid, **Senate Bill No. 176** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sandoval, **Senate Bill No. 205** having been printed, was taken up, read by title a second time.

Committee Amendment No. 1 was held in the Committee on Rules.

There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 171** having been printed, was taken up, read by title a second time.

Committee Amendments numbered 1 and 2 were held in the Committee on Rules.

Senator Link offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 171

AMENDMENT NO. 3. Amend Senate Bill 171 on page 1, line 12, after the period, by inserting the following:

"The surplus shall be maintained in a separate fund and not commingled with the township general fund. The surplus shall not be derived from any township tax levy.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 3 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Sandoval, **Senate Bill No. 207** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator J. Sullivan, **Senate Bill No. 213** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator J. Sullivan, **Senate Bill No. 214** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator J. Sullivan, **Senate Bill No. 218** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sandoval, **Senate Bill No. 233** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 233

AMENDMENT NO. 1. Amend Senate Bill 233 as follows:

on page 4, line 13, by replacing "immigration consultants" with "person that provides or offers to provide immigration assistance service"; and

on page 6, line 14, by replacing "word "notario" is" with "words ~~word~~ "notario" and "poder notarial" are ~~is~~".

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

On motion of Senator Clayborne, **Senate Bill No. 237** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 238** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 239** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shadid, **Senate Bill No. 248** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shadid, **Senate Bill No. 249** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shadid, **Senate Bill No. 259** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 262** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shadid, **Senate Bill No. 281** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shadid, **Senate Bill No. 282** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sandoval, **Senate Bill No. 304** having been printed, was taken up, read by title a second time.

Floor Amendment No. 1 was referred to the Committee on Rules earlier today.

There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Shadid, **Senate Bill No. 315** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Shadid, **Senate Bill No. 318** having been printed, was taken up, read by title a second time.

Floor Amendment No. 1 was referred to the Committee on Transportation earlier today.

There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Collins, **Senate Bill No. 326** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 326

AMENDMENT NO. 1. Amend Senate Bill 326 by replacing everything after the enacting clause with the following:

"Section 5. The Unified Code of Corrections is amended by changing Section 3-6-3 and by adding Section 3-6-8 as follows:

(730 ILCS 5/3-6-3) (from Ch. 38, par. 1003-6-3)

Sec. 3-6-3. Rules and Regulations for Early Release.

(a) (1) The Department of Corrections shall prescribe rules and regulations for the early release on account of good conduct of persons committed to the Department which shall be subject to review by the Prisoner Review Board.

(2) The rules and regulations on early release shall provide, with respect to offenses committed on or after June 19, 1998, the following:

(i) that a prisoner who is serving a term of imprisonment for first degree murder or for the offense of terrorism shall receive no good conduct credit and shall serve the entire sentence imposed by the court;

(ii) that a prisoner serving a sentence for attempt to commit first degree murder, solicitation of murder, solicitation of murder for hire, intentional homicide of an unborn child, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, aggravated kidnapping, aggravated battery with a firearm, heinous battery, aggravated battery of a senior citizen, or aggravated battery of a child shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment; and

(iii) that a prisoner serving a sentence for home invasion, armed robbery, aggravated vehicular hijacking, aggravated discharge of a firearm, or armed violence with a category I weapon or category II weapon, when the court has made and entered a finding, pursuant to subsection (c-1) of Section 5-4-1 of this Code, that the conduct leading to conviction for the enumerated offense resulted in great bodily harm to a victim, shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

(2.1) For all offenses, other than those enumerated in subdivision (a)(2) committed on or after June 19, 1998, and other than the offense of reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 committed on or after January 1, 1999, or aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, the rules and regulations shall provide that a prisoner who is serving a term of imprisonment shall receive one day of good conduct credit for each day of his or her sentence of imprisonment or recommitment under Section 3-3-9. Each day of good conduct credit shall reduce by one day the prisoner's period of imprisonment or recommitment under Section 3-3-9.

(2.2) A prisoner serving a term of natural life imprisonment or a prisoner who has been sentenced to death shall receive no good conduct credit.

(2.3) The rules and regulations on early release shall provide that a prisoner who is serving a sentence for reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 committed on or after January 1, 1999, or aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

(2.4) The rules and regulations on early release shall provide with respect to the offenses of aggravated battery with a machine gun or a firearm equipped with any device or attachment designed or used for silencing the report of a firearm or aggravated discharge of a machine gun or a firearm equipped with any device or attachment designed or used for silencing the report of a firearm, committed on or after July 15, 1999 (the effective date of Public Act 91-121) ~~this amendatory Act of 1999~~, that a prisoner serving a sentence for any of these offenses shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

(2.5) The rules and regulations on early release shall provide that a prisoner who is serving a sentence for aggravated arson committed on or after July 27, 2001 (the effective date of Public Act 92-176) ~~this amendatory Act of the 92nd 93rd General Assembly~~ shall receive no more than 4.5 days of good conduct credit for each month of his or her sentence of imprisonment.

(3) The rules and regulations shall also provide that the Director may award up to 180 days additional good conduct credit for meritorious service in specific instances as the Director deems proper; except that no more than 90 days of good conduct credit for meritorious service shall be awarded to any prisoner who is serving a sentence for conviction of first degree murder, reckless homicide while under the influence of alcohol or any other drug, or aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, aggravated kidnapping, kidnapping, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual assault, deviate sexual assault, aggravated criminal sexual abuse, aggravated indecent liberties with a child, indecent liberties with a child, child pornography, heinous battery, aggravated battery of a spouse, aggravated battery of a spouse with a firearm, stalking, aggravated stalking, aggravated battery of a child, endangering the life or health of a child, cruelty to a child, or narcotic racketeering. Notwithstanding the foregoing, good conduct credit for meritorious service shall not be awarded on a sentence of imprisonment imposed for conviction of: (i) one of the offenses enumerated in subdivision (a)(2) when the offense is committed on or after June 19, 1998, (ii) reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 when the offense is committed on or after January 1, 1999, or aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, (iii) one of the offenses enumerated in subdivision (a)(2.4) when the offense is committed on or after July 15, 1999 (the effective date of Public Act 91-121) ~~this amendatory Act of 1999~~, or (iv) aggravated arson when the offense is committed on or after July 27, 2001 (the effective date of Public Act 92-176) ~~this amendatory Act of the 92nd 93rd General Assembly~~.

(4) The rules and regulations shall also provide that the good conduct credit accumulated and retained under paragraph (2.1) of subsection (a) of this Section by any inmate during specific periods of time in which such inmate is engaged full-time in substance abuse programs, correctional industry assignments, or educational programs provided by the Department under this paragraph (4) and satisfactorily completes the assigned program as determined by the standards of the Department, shall be multiplied by a factor of 1.25 for program participation before August 11, 1993 and 1.50 for program participation on or after that date. However, no inmate shall be eligible for the additional good conduct credit under this paragraph (4) or (4.1) of this subsection (a) while assigned to a boot camp, mental health unit, or electronic detention, or if convicted of an offense enumerated in paragraph (a)(2) of this Section that is committed on or after June 19, 1998, or if convicted of reckless homicide as defined in subsection (e) of Section 9-3 of the Criminal Code of 1961 if the offense is committed on or after January 1, 1999, or aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code, or if convicted of an offense enumerated in paragraph (a)(2.4) of this Section that is committed on or

after July 15, 1999 (the effective date of Public Act 91-121) ~~this amendatory Act of 1999~~, or first degree murder, a Class X felony, criminal sexual assault, felony criminal sexual abuse, aggravated criminal sexual abuse, aggravated battery with a firearm, or any predecessor or successor offenses with the same or substantially the same elements, or any inchoate offenses relating to the foregoing offenses. No inmate shall be eligible for the additional good conduct credit under this paragraph (4) who (i) has previously received increased good conduct credit under this paragraph (4) and has subsequently been convicted of a felony, or (ii) has previously served more than one prior sentence of imprisonment for a felony in an adult correctional facility.

Educational, vocational, substance abuse and correctional industry programs under which good conduct credit may be increased under this paragraph (4) and paragraph (4.1) of this subsection (a) shall be evaluated by the Department on the basis of documented standards. The Department shall report the results of these evaluations to the Governor and the General Assembly by September 30th of each year. The reports shall include data relating to the recidivism rate among program participants.

Availability of these programs shall be subject to the limits of fiscal resources appropriated by the General Assembly for these purposes. Eligible inmates who are denied immediate admission shall be placed on a waiting list under criteria established by the Department. The inability of any inmate to become engaged in any such programs by reason of insufficient program resources or for any other reason established under the rules and regulations of the Department shall not be deemed a cause of action under which the Department or any employee or agent of the Department shall be liable for damages to the inmate.

(4.1) The rules and regulations shall also provide that an additional 60 days of good conduct credit shall be awarded to any prisoner who passes the high school level Test of General Educational Development (GED) and receives a GED certificate while the prisoner is incarcerated. The good conduct credit awarded under this paragraph (4.1) shall be in addition to, and shall not affect, the award of good conduct under any other paragraph of this Section, but shall also be pursuant to the guidelines and restrictions set forth in paragraph (4) of subsection (a) of this Section.

(4.5) The rules and regulations on early release shall also provide that a prisoner who is serving a sentence for a crime committed as a result of the use of, abuse of, or addiction to alcohol or a controlled substance and the crime was committed on or after September 1, 2003 (the effective date of Public Act 93-354) ~~this Amendatory Act of the 93rd General Assembly~~ shall receive no good conduct credit until he or she participates in and completes a substance abuse treatment program. Good conduct credit awarded under clauses (2), (3), and (4) of this subsection (a) for crimes committed on or after September 1, 2003 ~~the effective date of this amendatory Act of the 93rd General Assembly~~ is subject to the provisions of this clause (4.5). If the prisoner completes a substance abuse treatment program, the Department may award good conduct credit for the time spent in treatment. Availability of substance abuse treatment shall be subject to the limits of fiscal resources appropriated by the General Assembly for these purposes. If treatment is not available, the prisoner shall be placed on a waiting list under criteria established by the Department. The Department may require a prisoner placed on a waiting list to attend a substance abuse education class or attend substance abuse self-help meetings. A prisoner may not lose good conduct credit as a result of being placed on a waiting list. A prisoner placed on a waiting list remains eligible for increased good conduct credit for participation in an educational, vocational, or correctional industry program under clause (4) of subsection (a) of this Section.

(5) Whenever the Department is to release any inmate earlier than it otherwise would because of a grant of good conduct credit for meritorious service given at any time during the term, the Department shall give reasonable advance notice of the impending release to the State's Attorney of the county where the prosecution of the inmate took place.

(b) Whenever a person is or has been committed under several convictions, with separate sentences, the sentences shall be construed under Section 5-8-4 in granting and forfeiting of good time.

(c) The Department shall prescribe rules and regulations for revoking good conduct credit, or suspending or reducing the rate of accumulation of good conduct credit for specific rule violations, during imprisonment. These rules and regulations shall provide that no inmate may be penalized more than one year of good conduct credit for any one infraction.

When the Department seeks to revoke, suspend or reduce the rate of accumulation of any good conduct credits for an alleged infraction of its rules, it shall bring charges therefor against the prisoner sought to be so deprived of good conduct credits before the Prisoner Review Board as provided in subparagraph (a)(4) of Section 3-3-2 of this Code, if the amount of credit at issue exceeds 30 days or when during any 12 month period, the cumulative amount of credit revoked exceeds 30 days except where the infraction is committed or discovered within 60 days of scheduled release. In those cases, the

Department of Corrections may revoke up to 30 days of good conduct credit. The Board may subsequently approve the revocation of additional good conduct credit, if the Department seeks to revoke good conduct credit in excess of 30 days. However, the Board shall not be empowered to review the Department's decision with respect to the loss of 30 days of good conduct credit within any calendar year for any prisoner or to increase any penalty beyond the length requested by the Department.

The Director of the Department of Corrections, in appropriate cases, may restore up to 30 days good conduct credits which have been revoked, suspended or reduced. Any restoration of good conduct credits in excess of 30 days shall be subject to review by the Prisoner Review Board. However, the Board may not restore good conduct credit in excess of the amount requested by the Director.

Nothing contained in this Section shall prohibit the Prisoner Review Board from ordering, pursuant to Section 3-3-9(a)(3)(i)(B), that a prisoner serve up to one year of the sentence imposed by the court that was not served due to the accumulation of good conduct credit.

(d) If a lawsuit is filed by a prisoner in an Illinois or federal court against the State, the Department of Corrections, or the Prisoner Review Board, or against any of their officers or employees, and the court makes a specific finding that a pleading, motion, or other paper filed by the prisoner is frivolous, the Department of Corrections shall conduct a hearing to revoke up to 180 days of good conduct credit by bringing charges against the prisoner sought to be deprived of the good conduct credits before the Prisoner Review Board as provided in subparagraph (a)(8) of Section 3-3-2 of this Code. If the prisoner has not accumulated 180 days of good conduct credit at the time of the finding, then the Prisoner Review Board may revoke all good conduct credit accumulated by the prisoner.

For purposes of this subsection (d):

(1) "Frivolous" means that a pleading, motion, or other filing which purports to be a legal document filed by a prisoner in his or her lawsuit meets any or all of the following criteria:

(A) it lacks an arguable basis either in law or in fact;

(B) it is being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;

(C) the claims, defenses, and other legal contentions therein are not warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law;

(D) the allegations and other factual contentions do not have evidentiary support or, if specifically so identified, are not likely to have evidentiary support after a reasonable opportunity for further investigation or discovery; or

(E) the denials of factual contentions are not warranted on the evidence, or if specifically so identified, are not reasonably based on a lack of information or belief.

(2) "Lawsuit" means a petition for post-conviction relief under Article 122 of the Code of Criminal Procedure of 1963, a motion pursuant to Section 116-3 of the Code of Criminal Procedure of 1963, a habeas corpus action under Article X of the Code of Civil Procedure or under federal law (28 U.S.C. 2254), a petition for claim under the Court of Claims Act or an action under the federal Civil Rights Act (42 U.S.C. 1983).

(e) Nothing in Public Act 90-592 or 90-593 ~~this amendatory Act of 1998~~ affects the validity of Public Act 89-404.

(Source: P.A. 92-176, eff. 7-27-01; 92-854, eff. 12-5-02; 93-213, eff. 7-18-03; 93-354, eff. 9-1-03; revised 10-15-03.)

(730 ILCS 5/3-6-8 new)

Sec. 3-6-8. General Educational Development (GED) programs. The Department of Corrections shall develop and establish a program in the Adult Division designed to increase the number of committed persons enrolled in programs for the high school level Test of General Educational Development (GED) and pursuing GED certificates by at least 100% over the 4-year period following the effective date of this amendatory Act of the 94th General Assembly. Pursuant to the program, each adult institution and facility shall report annually to the Director of Corrections on the number of committed persons enrolled in GED programs and those who pass the high school level Test of General Educational Development (GED) and receive GED certificates, and the number of committed persons in the Adult Division who are on waiting lists for participation in the GED programs.

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

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

On motion of Senator Sandoval, **Senate Bill No. 334** having been printed, was taken up, read by title a second time.

The following amendments were offered in the Committee on State Government, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 334

AMENDMENT NO. 1. Amend Senate Bill 334 on page 2, line 28, by replacing "at least 6 months prior to" with "not less than 6 months after".

AMENDMENT NO. 2 TO SENATE BILL 334

AMENDMENT NO. 2. Amend Senate Bill 334 on page 1, below line 25, by inserting the following:

""State program" means any program administered by a State agency, but does not include any program administered in whole or in part by a unit of local government or school district, regardless of whether State funds are expended under the program.".

There being no further amendments, the foregoing Amendments numbered 1 and 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 350** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 350

AMENDMENT NO. 1. Amend Senate Bill 350 by replacing everything after the enacting clause with the following:

"Section 5. The Human Services 211 Collaboration Board Act is amended by changing Section 10 and by adding Section 10.5 as follows:

(20 ILCS 3956/10)

Sec. 10. Human Services 211 Collaboration Board.

(a) The Human Services 211 Collaboration Board is established to implement a non-emergency telephone number that will provide human services information concerning the availability of governmental and non-profit services and provide referrals to human services agencies, which may include referral to an appropriate web site. The Board shall consist of 9 ~~8~~ members appointed by the Governor. The Governor shall appoint one representative of each of the following Offices and Departments as a member of the Board: the Office of the Governor, the Department of Human Services, the Department of Public Aid, the Department of Public Health, the Department of Children and Family Services, the Department on Aging, the Department of Employment Security, the Department of Human Rights, and the Illinois Commerce Commission. The Governor shall designate one of the members as Chairperson. Members of the Board shall serve 3-year terms and may be reappointed to serve additional terms.

(b) The Board shall establish standards consistent with the standards established by the National 211 Collaborative and the Alliance of Information and Referral Systems for providing information about and referrals to human services agencies to 211 callers. The standards shall prescribe the technology or manner of delivering 211 calls and shall not exceed any requirements for 211 systems set by the Federal Communications Commission. The standards shall be consistent with the Americans with Disabilities Act, ensuring accessibility for users of Teletypewriters for the Deaf (TTY).

(Source: P.A. 93-613, eff. 11-18-03.)

(20 ILCS 3956/10.5 new)

Sec. 10.5. Advisory panel. The Human Services 211 Collaborative Board advisory panel is created to advise the Board on the implementation and administration of this Act.

The panel shall consist of members appointed by the Governor. The Governor shall appoint one representative of each of the following Offices and Departments as a member of the advisory panel: the Office of the Governor, the Department of Human Services, the Department of Public Aid, the Department of Public Health, the Department of Children and Family Services, the Department on Aging, the Department of Employment Security, the Department of Human Rights, and the Illinois Commerce Commission. The Governor shall appoint one representative of each of the following

organizations to the advisory panel: the United Way of Illinois, the Illinois Alliance of Information and Referral Systems, and the Illinois Telecommunications Association. The Governor shall appoint one representative of each of the following non-profit human services agencies: Catholic Charities, Jewish Federation/Jewish United Fund of Metropolitan Chicago, Lutheran Social Services of Illinois, Voices for Illinois Children, the American Red Cross, and Work Welfare and Families. The Governor shall designate one of the members as chairperson. Members of the advisory panel shall serve 3-year terms and may be reappointed to serve additional terms.".

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

On motion of Senator Garrett, **Senate Bill No. 351** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator DeLeo, **Senate Bill No. 387** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator DeLeo, **Senate Bill No. 388** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator DeLeo, **Senate Bill No. 389** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator DeLeo, **Senate Bill No. 390** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator DeLeo, **Senate Bill No. 391** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator DeLeo, **Senate Bill No. 392** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator DeLeo, **Senate Bill No. 393** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator DeLeo, **Senate Bill No. 397** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator DeLeo, **Senate Bill No. 399** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator DeLeo, **Senate Bill No. 403** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator DeLeo, **Senate Bill No. 404** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator DeLeo, **Senate Bill No. 405** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator DeLeo, **Senate Bill No. 406** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Garrett, **Senate Bill No. 413** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 413

AMENDMENT NO. 1. Amend Senate Bill 413 on page 1, by deleting lines 19 through 21; and

on page 1, line 22, by replacing "(d)" with "(c)".

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

On motion of Senator DeLeo, **Senate Bill No. 418** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator DeLeo, **Senate Bill No. 419** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 419

AMENDMENT NO. 1. Amend Senate Bill 419 as follows:

on page 1, line 9, by deleting "home rule"; and

on page 1, line 10, by deleting "with 1,000,000 or more inhabitants".

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

On motion of Senator Ronen, **Senate Bill No. 428** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator D. Sullivan, **Senate Bill No. 429** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Environment & Energy, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 429

AMENDMENT NO. 1. Amend Senate Bill 429 as follows:

on page 24, by replacing line 16 through line 27 with the following:

"amendatory Act of 1988, whichever is later. If the balance in the Low-Level Radioactive Waste Facility Development and Operation Fund falls below $500,000, as of the end of any fiscal year after fiscal year 2002, the Department is authorized to assess by rule, after notice and a hearing, an additional annual fee to be paid by the owners of nuclear power reactors for which operating licenses have been issued by the Nuclear Regulatory Commission, except that no additional annual fee shall be assessed because of the fund balance at the end of fiscal year 2005 or at the end of fiscal year 2006. The additional annual fee shall be payable on the date or dates specified by rule and shall not exceed $30,000 per operating reactor per year.".

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

On motion of Senator Ronen, **Senate Bill No. 457** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Health & Human Services, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 457

AMENDMENT NO. 1. Amend Senate Bill 457 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Age-appropriate Sex Education Grant Program Act.

Section 5. Legislative intent. The General Assembly finds and declares that Illinois' teen birth rate, numbering over 18,000 per year, ranks among the highest in the nation. Further, the United States has the highest teen pregnancy rate of all developed countries. Current research documents the fact that those individuals who receive early, comprehensive, age-appropriate, and scientifically accurate education in the health and other benefits derived from sexual abstinence, family planning, and birth control are more likely to delay sexual activity and engage in such activity later and with a higher degree of responsibility and safety. Comprehensive sex education programs, which complement parental involvement and respect the diversity and values of our State, provide our youth at risk with the foundation to make responsibly informed choices. The earlier these programs are commenced on an age-appropriate basis, the more responsibly our youth will make decisions about sexual activity.

The General Assembly further finds and declares that current statistics demonstrate that occurrences of sexually transmitted diseases among adolescents have shown an increase over the past several years. Concurrently, adolescents are the fastest growing population of new HIV/AIDS cases. These increases place greater demand on the State's health care delivery system and require that we take immediate action and embark on a dedicated mission to provide targeted at-risk adolescents with a more concentrated sex education program with a significant parental component, designed to inform and instruct them on abstinence, protection, and pregnancy prevention. Nearly half of all new sexually transmitted disease cases occurred among Americans aged 15 to 24. In Illinois, one-third of all Chlamydia cases and over one quarter of all Gonorrhea cases occur in teens ages 15 to 19. By age 24, at least one in 3 sexually active persons are estimated to have had a sexually transmitted disease.

It is the intent of the legislature that the age-appropriate sex education grant program established in this Act provide adolescents with the information, assistance, skills, and support to enable them to make responsible decisions, including abstaining from sexual intercourse, and, for those who do become sexually active, the effective use of contraceptives and barrier methods.

Section 10. Definitions. For the purposes of this Act, the following terms shall have the following meanings:

"Eligible applicant" means any of the following:

(1) A public school district.

(2) A community based organization that may be a for-profit corporation or entity or not-for-profit corporation or organization.

(3) A religious corporation, church, or other religious entity, provided that, either directly or indirectly, the promotion or teaching of religious tenets is not a component of a sex education program.

(4) A consortium or partnership formed by a public school district and one or more community based organizations that qualify for the award of an age-appropriate sex education grant by the Illinois Department of Human Services under this Act.

"Grant program plan" means the plan submitted to the Department by an eligible applicant under Section 15 of this Act.

"State income standard" means the most recent federal income official poverty line as defined annually and revised by the federal Office of Management and Budget adjusted for family size.

"Age-appropriate sex education grant program" means a comprehensive age-appropriate sex education program conducted by an eligible applicant under Section 15 of this Act.

"Medically accurate" means verified or supported by research conducted in compliance with scientific methods, published in peer-reviewed journals, when appropriate, and recognized as accurate and objective by professional organizations and agencies with expertise in the relevant field, such as the Centers for Disease Control and Prevention.

"Department" means the Department of Human Services.

Section 15. Establishment of age-appropriate sex education grant program; components of instruction; general standards.

(a) There is established within the Illinois Department of Human Services an age-appropriate sex education grant program subject to appropriation. The purpose of the program shall be to provide grants to eligible applicants to support age-appropriate sex education programs for young people that provide them with components of instruction set forth in subsection (b).

(b) The age-appropriate sex education programs approved under this grant program shall include the following components of instruction:

(1) Teaches that abstinence is the only sure way to avoid pregnancy or sexually transmitted diseases.

(2) Provides information about the health benefits, side effects, and proper use of all contraceptives and barrier methods as a means to prevent pregnancy, including accurate information about effectiveness.

(3) Provides information about the health benefits, side effects, and proper use of all contraceptives and barrier methods as a means to reduce the risk of contracting sexually transmitted diseases, HIV/AIDS, and other diseases.

(4) Teaches skills to make responsible decisions about sexuality, including how to avoid unwanted verbal, physical, and sexual advances, and how not to make unwanted verbal, physical, and sexual advances.

(5) Teaches how alcohol and drug use can affect responsible decision making.

(6) Helps young people to gain knowledge about the physical, biological, and hormonal changes of adolescence and subsequent stages of human maturation.

(7) Assists young people in gaining knowledge about the specific involvement and responsibility of both males and females in sexual decision making.

(8) Encourages young people to practice healthy life skills, including goal setting, decision making, negotiation, communication, and stress management.

(9) Promotes self-esteem and positive interpersonal skills focusing on relationship skills, including platonic, romantic, intimate, and family relationships and interaction.

The Department may determine certain components of instruction to be optional in grades kindergarten through 5 for age-appropriate or other practical reasons as specified in the application instructions made available by the Department for the purposes of implementing this Act.

(c) Any eligible applicant may apply for and, upon approval of the application by the Department, shall be awarded an annual age-appropriate sex education grant if it demonstrates in the grant program plan submitted to the Department that:

(1) The components of instruction shall adhere to the following standards:

(A) Is age-appropriate.

(B) Is medically accurate.

(C) Does not teach or promote religion, provided that this item shall not preclude discussion of moral, ethical, or religious views related to sex or sexual relationships.

(D) Stresses the value of abstinence while not ignoring those adolescents who have had or who are having sexual intercourse.

(E) Encourages family communication about sexuality among parents, other adult household members, and children.

(F) Develops the knowledge and skills necessary to ensure and protect young people with respect to their sexual and reproductive health.

(G) Develops healthy attitudes and values concerning growth and development, body image, gender roles, sexual orientation, and other subjects.

(2) The applicant is capable of providing young persons with an effective sex education program that shall be meaningful, shall substantially involve parents and other adults as feasible and appropriate, and shall be conducted in accordance with this Act and any rule under this Act.

(3) If the applicant is a community based organization, religious corporation, church, or other religious entity, it has a demonstrated record of conducting comprehensive sex education that conforms to the standards set forth in paragraph (1) of this subsection, it will use instructional strategies that are high quality and based on medically accurate research, it is capable of providing an age-appropriate sex education program to a broad based segment of the youth population in the organization's service area, and it will provide instruction consistent with applicable federal, State, and local health, safety, and civil rights laws. The Department may seek and shall receive any pertinent information or request and receive recommendations as to interactions or prior dealings the community based organization, religious corporation, church, or other religious entity has with any other State or local governmental entity, including, but not limited to, any public school district, in making the determination required by this paragraph.

Section 20. Application for grants; age-appropriate sex education grant program plan.

(a) The Department shall establish an application procedure by which eligible applicants may

apply for a grant pursuant to this Act. The Department shall establish the manner and method, including specified objective criteria consistent with this Act, by which the Department shall determine the eligibility of an applicant. Once an application is approved, the Department shall not suspend a grant unless for good cause shown. If an application is rejected by the Department, an eligible applicant is not prohibited from resubmitting a new or supplemental application with the Department for consideration in future years.

(b) The eligible applicant shall submit with its age-appropriate sex education grant application its grant program plan to the Department, which shall include but not be limited to:

(1) The manner in which parents and other adults will be included in the program.

(2) An outline for the curriculum to be covered in the eligible applicant's program, including the instructional materials, books, videos, or other instructional tools to be used and the training that will be provided to teachers, personnel, and volunteers who will conduct the program. The curriculum shall include, but need not be limited to, a comprehensive block of instruction that stresses the components of instruction of an age-appropriate sex education grant program as established in Section 15.

(3) Any special, unusual, or innovative services, programs, or education methods to be used.

(4) The number and types of teachers or personnel to be employed, or volunteers to be used, together with their professional or academic credentials.

(5) The geographic area in which the proposed program will be offered and a description of the categories and age groupings of at-risk adolescents included in the program, along with an estimate of the number of adolescents the applicant estimates will participate in the program.

(6) A demonstration that the proposed program is adequate in terms of course length and in terms of both short-term and long-range goals.

(7) The program is appropriate within the overall goals of school health.

(8) The need for the program in the proposed area to be served. In determining the need the Department shall specifically consider the following factors and give special attention to programs servicing areas that have a higher than average incidence in one or more of the following life experiences:

(A) The number of reported adolescent pregnancies by persons residing in the area over the previous 10 years and the number of adolescent parents, including when feasible the number of single parents, who currently reside in the area.

(B) The number of reported occurrences of sexually transmitted diseases and HIV/AIDS among residents of the area to be served, with particular emphasis on HIV/AIDS.

(C) The number of persons residing in the area to be served whose annual personal income is less than 150% of the established State income standard and any other generally available statistical data that indicate that the area to be served is economically or otherwise disadvantaged.

(D) The high school drop out rate in the area.

(E) Any other generally available statistical data that indicate that the area to be served is in need of an age-appropriate sex education program.

(F) The success realized by an eligible applicant in reducing unintended pregnancies and cases of sexually transmitted diseases, as well as reducing risky behavior, in programs previously or currently conducted.

(G) Any other information as the Department may request.

(c) In considering applications submitted by eligible applicants, the Department shall give special attention and priority to applications submitted by an eligible applicant that is a public school district working in consortium or partnership with one or more community based organizations, especially when the community based organization or organizations have a demonstrated record of success in the conduct of sex education programs of a similar nature to the sex education program provided for in this Act.

Section 25. Annual reports by grant recipients.

(a) Every eligible applicant that has been awarded a grant under this Act shall file an annual report with the Department, in a form and with the data as the Department prescribes, detailing the expenditure of grant funds, together with an analysis of the age-appropriate sex education grant program it conducted, and a summary of its success or failures in altering attitudes and the acquisition of knowledge regarding the merits of sexual abstinence and methods of preventing unintended pregnancies, sexually transmitted diseases, and HIV/AIDS.

(b) The Department shall, on or before February 1 in each year, submit a report on the program to the Governor and the General Assembly containing its findings and recommendations.

Section 30. Grants for curriculum development and innovative programming. The Department may award grants to eligible applicants for the development of age appropriate, comprehensive sex education curriculum and innovative programming. The curriculum and programming developed under these grants must include the components outlined in Section 15.

Section 35. Notification to potential applicants. The Department shall at least 90 days prior to the application deadline send to every public school district and to every requesting community based organization a copy of this Act and general information relating to the age-appropriate sex education grant program and the grant application process.

Section 40. Rules. The Department shall promulgate rules as shall be reasonably necessary to implement and administer the provisions of this Act.

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

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

On motion of Senator Forby, **Senate Bill No. 475** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Rauschenberger, **Senate Bill No. 502** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 513** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Radogno, **Senate Bill No. 534** having been printed, was taken up, read by title a second time.

Floor Amendment No. 1 was referred to the Committee on Transportation earlier today.

There being no further amendments, the bill was ordered to a third reading.

On motion of Senator DeLeo, **Senate Bill No. 551** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator DeLeo, **Senate Bill No. 552** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 556** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 558** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Althoff, **Senate Bill No. 568** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 600** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 601** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 602** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Crotty, **Senate Bill No. 603** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 604** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 605** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 606** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 607** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 608** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 614** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **Senate Bill No. 629** having been printed, was taken up, read by title a second time.

Committee Amendments numbered 1 and 2 were held in the Committee on Rules.

There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Link, **Senate Bill No. 766** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 766

AMENDMENT NO. 1. Amend Senate Bill 766 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Design-Build Procurement Act.".

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

On motion of Senator Demuzio, **Senate Bill No. 768** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Demuzio, **Senate Bill No. 770** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sandoval, **Senate Bill No. 777** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sandoval, **Senate Bill No. 779** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sandoval, **Senate Bill No. 781** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sandoval, **Senate Bill No. 782** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sandoval, **Senate Bill No. 783** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 818** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 819** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 820** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 821** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 822** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 823** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 824** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 825** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 826** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 827** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 828** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 829** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 830** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 831** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 832** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 833** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 834** having been printed, was taken up, read by title a second time.

Floor Amendment No. 1 was referred to the Committee on Rules earlier today.

There being no further amendments, the bill was ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 835** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 836** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 837** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 838** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 839** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 840** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 841** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 842** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 843** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 844** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 845** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 846** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 847** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Crotty, **Senate Bill No. 848** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Collins, **Senate Bill No. 849** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 849

AMENDMENT NO. 1. Amend Senate Bill 849 by replacing everything after the enacting clause with the following:

"Section 5. The Abused and Neglected Long Term Care Facility Residents Reporting Act is amended by changing Sections 6.2 and 10 as follows:

(210 ILCS 30/6.2) (from Ch. 111 1/2, par. 4166.2)

Sec. 6.2. Inspector General.

(a) The Governor shall appoint, and the Senate shall confirm, an Inspector General. The Inspector General shall be appointed for a term of 4 years and shall function within the Department of Human Services and report to the Secretary of Human Services and the Governor. The Inspector General shall function independently within the Department of Human Services with respect to the operations of the office, including the performance of investigations and issuance of findings and recommendations. The appropriation for the Office of Inspector General shall be separate from the overall appropriation for the Department of Human Services. The Inspector General shall investigate reports of suspected abuse or

neglect (as those terms are defined in Section 3 of this Act) of patients or residents in any mental health or developmental disabilities facility operated by the Department of Human Services and shall have authority to investigate and take immediate action on reports of abuse or neglect of recipients, whether patients or residents, in any mental health or developmental disabilities facility or program that is licensed or certified by the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities) or that is funded by the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities) and is not licensed or certified by any agency of the State. At the specific, written request of an agency of the State other than the Department of Human Services (as successor to the Department of Mental Health and Developmental Disabilities), the Inspector General may cooperate in investigating reports of abuse and neglect of persons with mental illness or persons with developmental disabilities. The Inspector General shall have no supervision over or involvement in routine, programmatic, licensure, or certification operations of the Department of Human Services or any of its funded agencies.

The Inspector General shall promulgate rules establishing minimum requirements for reporting allegations of abuse and neglect and initiating, conducting, and completing investigations. The promulgated rules shall clearly set forth that in instances where 2 or more State agencies could investigate an allegation of abuse or neglect, the Inspector General shall not conduct an investigation that is redundant to an investigation conducted by another State agency. The rules shall establish criteria for determining, based upon the nature of the allegation, the appropriate method of investigation, which may include, but need not be limited to, site visits, telephone contacts, or requests for written responses from agencies. The rules shall also clarify how the Office of the Inspector General shall interact with the licensing unit of the Department of Human Services in investigations of allegations of abuse or neglect. Any allegations or investigations of reports made pursuant to this Act shall remain confidential until a final report is completed. The resident or patient who allegedly was abused or neglected and his or her legal guardian shall be informed by the facility or agency of the report of alleged abuse or neglect. Final reports regarding unsubstantiated or unfounded allegations shall remain confidential, except that final reports may be disclosed pursuant to Section 6 of this Act.

When the Office of the Inspector General has substantiated a case of abuse or neglect, the Inspector General shall include in the final report any mitigating or aggravating circumstances that were identified during the investigation. Upon determination that a report of neglect is substantiated, the Inspector General shall then determine whether such neglect rises to the level of egregious neglect.

(b) The Inspector General shall, within 24 hours after determining that a reported allegation ~~receiving a report~~ of suspected abuse or neglect ~~determine whether the evidence~~ indicates that any possible criminal act has been committed~~. If he determines that a possible criminal act has been committed,~~ or that special expertise is required in the investigation, ~~he shall~~ immediately notify the Department of State Police or the appropriate law enforcement entity. The Department of State Police shall investigate any report from a State-operated facility indicating a possible murder, rape, or other felony. All investigations conducted by the Inspector General shall be conducted in a manner designed to ensure the preservation of evidence for possible use in a criminal prosecution.

(b-5) The Inspector General shall make a determination to accept or reject a preliminary report of the investigation of alleged abuse or neglect based on established investigative procedures. Notice of the Inspector General's determination must be given to the person who claims to be the victim of the abuse or neglect, to the person or persons alleged to have been responsible for abuse or neglect, and to the facility or agency. The facility or agency or the person or persons alleged to have been responsible for the abuse or neglect and the person who claims to be the victim of the abuse or neglect may request clarification or reconsideration based on additional information. For cases where the allegation of abuse or neglect is substantiated, the Inspector General shall require the facility or agency to submit a written response. The written response from a facility or agency shall address in a concise and reasoned manner the actions that the agency or facility will take or has taken to protect the resident or patient from abuse or neglect, prevent reoccurrences, and eliminate problems identified and shall include implementation and completion dates for all such action.

(c) The Inspector General shall, within 10 calendar days after the transmittal date of a completed investigation where abuse or neglect is substantiated or administrative action is recommended, provide a complete report on the case to the Secretary of Human Services and to the agency in which the abuse or neglect is alleged to have happened. The complete report shall include a written response from the agency or facility operated by the State to the Inspector General that addresses in a concise and reasoned manner the actions that the agency or facility will take or has taken to protect the resident or patient from abuse or neglect, prevent reoccurrences, and eliminate problems identified and shall include implementation and completion dates for all such action. The Secretary of Human Services shall accept

or reject the response and establish how the Department will determine whether the facility or program followed the approved response. The Secretary may require Department personnel to visit the facility or agency for training, technical assistance, programmatic, licensure, or certification purposes. Administrative action, including sanctions, may be applied should the Secretary reject the response or should the facility or agency fail to follow the approved response. Within 30 days after the Secretary has approved a response, the facility or agency making the response shall provide an implementation report to the Inspector General on the status of the corrective action implemented. Within 60 days after the Secretary has approved the response, the facility or agency shall send notice of the completion of the corrective action or shall send an updated implementation report. The facility or agency shall continue sending updated implementation reports every 60 days until the facility or agency sends a notice of the completion of the corrective action. The Inspector General shall review any implementation plan that takes more than 120 days. The Inspector General shall monitor compliance through a random review of completed corrective actions. This monitoring may include, but need not be limited to, site visits, telephone contacts, or requests for written documentation from the facility or agency to determine whether the facility or agency is in compliance with the approved response. The facility or agency shall inform the resident or patient and the legal guardian whether the reported allegation was substantiated, unsubstantiated, or unfounded. There shall be an appeals process for any person or agency that is subject to any action based on a recommendation or recommendations.

(d) The Inspector General may recommend to the Departments of Public Health and Human Services sanctions to be imposed against mental health and developmental disabilities facilities under the jurisdiction of the Department of Human Services for the protection of residents, including appointment of on-site monitors or receivers, transfer or relocation of residents, and closure of units. The Inspector General may seek the assistance of the Attorney General or any of the several State's attorneys in imposing such sanctions. Whenever the Inspector General issues any recommendations to the Secretary of Human Services, the Secretary shall provide a written response.

(e) The Inspector General shall establish and conduct periodic training programs for Department of Human Services employees concerning the prevention and reporting of neglect and abuse.

(f) The Inspector General shall at all times be granted access to any mental health or developmental disabilities facility operated by the Department of Human Services, shall establish and conduct unannounced site visits to those facilities at least once annually, and shall be granted access, for the purpose of investigating a report of abuse or neglect, to the records of the Department of Human Services and to any facility or program funded by the Department of Human Services that is subject under the provisions of this Section to investigation by the Inspector General for a report of abuse or neglect.

(g) Nothing in this Section shall limit investigations by the Department of Human Services that may otherwise be required by law or that may be necessary in that Department's capacity as the central administrative authority responsible for the operation of State mental health and developmental disability facilities.

(g-5) After notice and an opportunity for a hearing that is separate and distinct from the Office of the Inspector General's appeals process as implemented under subsection (c) of this Section, the Inspector General shall report to the Department of Public Health's nurse aide registry under Section 3-206.01 of the Nursing Home Care Act the identity of individuals against whom there has been a substantiated finding of physical or sexual abuse or egregious neglect of a service recipient.

Nothing in this subsection shall diminish or impair the rights of a person who is a member of a collective bargaining unit pursuant to the Illinois Public Labor Relations Act or pursuant to any federal labor statute. An individual who is a member of a collective bargaining unit as described above shall not be reported to the Department of Public Health's nurse aide registry until the exhaustion of that individual's grievance and arbitration rights, or until 3 months after the initiation of the grievance process, whichever occurs first, provided that the Department of Human Services' hearing under subsection (c), that is separate and distinct from the Office of the Inspector General's appeals process, has concluded. Notwithstanding anything hereinafter or previously provided, if an action taken by an employer against an individual as a result of the circumstances that led to a finding of physical or sexual abuse or egregious neglect is later overturned under a grievance or arbitration procedure provided for in Section 8 of the Illinois Public Labor Relations Act or under a collective bargaining agreement, the report must be removed from the registry.

The Department of Human Services shall promulgate or amend rules as necessary or appropriate to establish procedures for reporting to the registry, including the definition of egregious neglect, procedures for notice to the individual and victim, appeal and hearing procedures, and petition for removal of the report from the registry. The portion of the rules pertaining to hearings shall provide that,

at the hearing, both parties may present written and oral evidence. The Department shall be required to establish by a preponderance of the evidence that the Office of the Inspector General's finding of physical or sexual abuse or egregious neglect warrants reporting to the Department of Public Health's nurse aide registry under Section 3-206.01 of the Nursing Home Care Act.

Notice to the individual shall include a clear and concise statement of the grounds on which the report to the registry is based and notice of the opportunity for a hearing to contest the report. The Department of Human Services shall provide the notice by certified mail to the last known address of the individual. The notice shall give the individual an opportunity to contest the report in a hearing before the Department of Human Services or to submit a written response to the findings instead of requesting a hearing. If the individual does not request a hearing or if after notice and a hearing the Department of Human Services finds that the report is valid, the finding shall be included as part of the registry, as well as a brief statement from the reported individual if he or she chooses to make a statement. The Department of Public Health shall make available to the public information reported to the registry. In a case of inquiries concerning an individual listed in the registry, any information disclosed concerning a finding of abuse or neglect shall also include disclosure of the individual's brief statement in the registry relating to the reported finding or include a clear and accurate summary of the statement.

At any time after the report of the registry, an individual may petition the Department of Human Services for removal from the registry of the finding against him or her. Upon receipt of such a petition, the Department of Human Services shall conduct an investigation and hearing on the petition. Upon completion of the investigation and hearing, the Department of Human Services shall report the removal of the finding to the registry unless the Department of Human Services determines that removal is not in the public interest.

(Source: P.A. 92-358, eff. 8-15-01; 92-473, eff. 1-1-02; 92-651, eff. 7-11-02; 93-636, eff. 12-31-03.)

(210 ILCS 30/10) (from Ch. 111 1/2, par. 4170)

Sec. 10. If, during the investigation of a report made pursuant to this Act, the Department obtains information indicating possible criminal acts, the Department shall refer the matter to the appropriate law enforcement agency or agencies for further investigation or prosecution. The Department shall make the entire file of its investigation available to the appropriate law enforcement agencies.

With respect to reports of suspected abuse or neglect of residents of facilities operated by the Department of Human Services (as successor to the Department of Rehabilitation Services) or recipients of services through any home, institution, program or other entity licensed in whole or in part by the Department of Human Services (as successor to the Department of Rehabilitation Services), the Department shall refer reports ~~indicating possible criminal acts~~ to the Department of State Police or the appropriate law enforcement entity upon awareness that a possible criminal act has occurred ~~for investigation~~.

(Source: P.A. 89-507, eff. 7-1-97.)

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

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

On motion of Senator Lightford, **Senate Bill No. 852** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lightford, **Senate Bill No. 853** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lightford, **Senate Bill No. 854** having been printed, was taken up, read by title a second time and ordered to a third reading.

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On motion of Senator Maloney, **Senate Bill No. 880** having been printed, was taken up, read by title a second time and ordered to a third reading.

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On motion of Senator Maloney, **Senate Bill No. 888** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Maloney, **Senate Bill No. 889** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Lightford, **Senate Bill No. 890** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Collins, **Senate Bill No. 893** having been printed, was taken up, read by title a second time and ordered to a third reading.

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On motion of Senator Collins, **Senate Bill No. 900** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 901** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 902** having been printed, was taken up, read by title a second time and ordered to a third reading.

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On motion of Senator Ronen, **Senate Bill No. 909** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Silverstein, **Senate Bill No. 935** having been printed, was taken up, read by title a second time and ordered to a third reading.

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On motion of Senator Silverstein, **Senate Bill No. 943** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sandoval, **Senate Bill No. 949** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sandoval, **Senate Bill No. 950** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Ronen, **Senate Bill No. 951** having been printed, was taken up, read by title a second time and ordered to a third reading.

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On motion of Senator Ronen, **Senate Bill No. 965** having been printed, was taken up, read by title a second time and ordered to a third reading.

At the hour of 1:56 o'clock p.m., the Chair announced that the Senate stand adjourned until Thursday, April 7, 2005, at 10:00 o'clock a.m.