SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FOURTH GENERAL ASSEMBLY

79TH LEGISLATIVE DAY

FRIDAY, FEBRUARY 24, 2006

11:15 O'CLOCK A.M.

NO. 79
[February 24, 2006]

SENATE
Daily Journal Index
79th Legislative Day

The Senate met pursuant to adjournment.
Senator Terry Link, Waukegan, Illinois, presiding.
Prayer by Pastor Chad Pickering, Hope Evangelical Free Church, Springfield, Illinois.
Senator Maloney led the Senate in the Pledge of Allegiance.

The Journal of Thursday, February 23, 2006, 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 618
Senate Floor Amendment No. 1 to Senate Bill 789
Senate Floor Amendment No. 1 to Senate Bill 819
Senate Floor Amendment No. 2 to Senate Bill 821
Senate Floor Amendment No. 1 to Senate Bill 841
Senate Floor Amendment No. 1 to Senate Bill 843
Senate Floor Amendment No. 1 to Senate Bill 854
Senate Floor Amendment No. 2 to Senate Bill 854
Senate Floor Amendment No. 1 to Senate Bill 855
Senate Floor Amendment No. 1 to Senate Bill 880
Senate Floor Amendment No. 1 to Senate Bill 893
Senate Floor Amendment No. 1 to Senate Bill 1085
Senate Floor Amendment No. 1 to Senate Bill 1183
Senate Floor Amendment No. 1 to Senate Bill 1214
Senate Floor Amendment No. 2 to Senate Bill 1835
Senate Floor Amendment No. 1 to Senate Bill 2328
Senate Floor Amendment No. 4 to Senate Bill 2330
Senate Floor Amendment No. 3 to Senate Bill 2349
Senate Floor Amendment No. 1 to Senate Bill 2374
Senate Floor Amendment No. 2 to Senate Bill 2489
Senate Floor Amendment No. 1 to Senate Bill 2670
Senate Floor Amendment No. 2 to Senate Bill 2737
Senate Floor Amendment No. 2 to Senate Bill 2777
Senate Floor Amendment No. 2 to Senate Bill 2798
Senate Floor Amendment No. 1 to Senate Bill 2967
Senate Floor Amendment No. 1 to Senate Bill 2810
Senate Floor Amendment No. 2 to Senate Bill 3086

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. 2150

A bill for AN ACT concerning civil law.

HOUSE BILL NO. 4157

A bill for AN ACT concerning finance.

HOUSE BILL NO. 4132

A bill for AN ACT concerning criminal law.

HOUSE BILL NO. 4161

A bill for AN ACT concerning land.
HOUSE BILL NO. 4456
A bill for AN ACT concerning health.
HOUSE BILL NO. 4195
A bill for AN ACT concerning insurance.
HOUSE BILL NO. 5375
A bill for AN ACT concerning children.
HOUSE BILL NO. 5385
A bill for AN ACT concerning public aid.
HOUSE BILL NO. 5550
A bill for AN ACT concerning education.
Passed the House, February 23, 2006.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 2150, 4157, 4132, 4161, 4456, 4195, 5375, 5385 5550** 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. 4955
A bill for AN ACT concerning education.
HOUSE BILL NO. 5370
A bill for AN ACT concerning education.
Passed the House, February 23, 2006.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 4955 and 5370** 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. 77

WHEREAS, Healthy people and healthy communities are the centerpiece of any strong and vibrant society; and

WHEREAS, Americans from the State of Illinois are amongst the most generous people in the world; and

WHEREAS, ONE billion people live on less than $1 a day; and

WHEREAS, ONE: The Campaign to Make Poverty History is a new effort by Americans to rally Americans - ONE by ONE - to fight the emergency of global AIDS and extreme poverty; and

WHEREAS, ONE is students and ministers, punk rockers and NASCAR moms, Americans of all beliefs and persuasions, united as ONE to help make poverty history; and

WHEREAS, ONE believes that allocating an additional ONE percent of the U.S. budget toward

providing basic needs like health, education, clean water, and food would transform the futures and hopes of an entire generation in the world's poorest countries; and

WHEREAS, ONE also calls for debt cancellation, trade reform, and anti-corruption measures in a comprehensive package to help Africa and the poorest nations beat AIDS and extreme poverty; and

WHEREAS, A pact directing support for basic needs - education, health, clean water, food, and care for orphans - would transform the futures and hopes of an entire generation in the poorest countries; and

WHEREAS, ONE is an unprecedented bipartisan political movement in American history and part of a fast-growing global movement to make poverty history; 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 proclaim our community to be A State of ONE in Illinois and encourage everyone to recognize the devastating impact poverty and AIDS have had around the world and take action to bring about change.

Adopted by the House, February 23, 2006.

MARK MAHONEY, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 77 was referred to the Committee on Rules.

INTRODUCTION OF BILLS

SENATE BILL NO. 3171. Introduced by Senator Radogno, a bill for AN ACT making appropriations.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 3172. Introduced by Senator Sandoval, a bill for AN ACT making appropriations.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

SENATE BILL NO. 3173. Introduced by Senator Sandoval, a bill for AN ACT concerning revenue.

The bill was taken up, read by title a first time, ordered printed and referred to the Committee on Rules.

REPORTS FROM STANDING COMMITTEES

Senator J. Sullivan, Chairperson of the Committee on Agriculture & Conservation, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 2236

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Clayborne, Chairperson of the Committee on Environment & Energy, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 2579

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

Senator Ronen, Chairperson of the Committee on Health & Human Services, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 2170
Senate Amendment No. 2 to Senate Bill 2267
Senate Amendment No. 1 to Senate Bill 2455
Senate Amendment No. 3 to Senate Bill 2578
Senate Amendment No. 1 to Senate Bill 2672
Senate Amendment No. 2 to Senate Bill 2782
Senate Amendment No. 1 to Senate Bill 2898

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Silverstein, Chairperson of the Committee on Executive, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 2445
Senate Amendment No. 1 to Senate Bill 2477

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Harmon, Chairperson of the Committee on Revenue, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 2246
Senate Amendment No. 2 to Senate Bill 2691

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Garrett, Chairperson of the Committee on State Government, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 2456
Senate Amendment No. 1 to Senate Bill 2674
Senate Amendment No. 1 to Senate Bill 2870
Senate Amendment No. 1 to Senate Bill 2921

Under the rules, the foregoing floor amendments are eligible for consideration on second reading.

Senator Collins, Chairperson of the Committee on Financial Institutions, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 2495

Under the rules, the foregoing floor amendment is eligible for consideration on second reading.

PRESENTATION OF RESOLUTIONS

SENATE RESOLUTION 642

Offered by Senator Forby and all Senators:
Mourns the death of Lloyd Earl Friedman of Ullin.

SENATE RESOLUTION 643

Offered by Senator Forby and all Senators:
Mourns the death of George Victor Bucher, Sr., of Evansville, Indiana, formerly of Mounds.

SENATE RESOLUTION 644
Offered by Senator Forby and all Senators:
Mourns the death of Donald Lee "John" Mowery, Sr., of Anna.

SENATE RESOLUTION 645
Offered by Senator Hunter and all Senators:
Mourns the death of Lola Marie Newman.

SENATE RESOLUTION 646
Offered by Senator Forby and all Senators:
Mourns the death of Roy S. Davis of Carterville.

SENATE RESOLUTION 647
Offered by Senator Forby and all Senators:
Mourns the death of Tom Burns, Sr., of DeMotte, Indiana and Creal Springs.

SENATE RESOLUTION 648
Offered by Senator Haine and all Senators:
Mourns the death of Miles Rex Brueckner of Alton.

SENATE RESOLUTION 649
Offered by Senator Haine and all Senators:
Mourns the death of Nancy H. DeGrand of Alton.

SENATE RESOLUTION 650
Offered by Senator Forby and all Senators:
Mourns the death of Angela Renae King of Royalton.

SENATE RESOLUTION 651
Offered by Senator Forby and all Senators:
Mourns the death of Gil B. Tope of Carterville.

SENATE RESOLUTION 652
Offered by Senator Forby and all Senators:
Mourns the death of Merle Moe Boswell of Anna.

SENATE RESOLUTION 653
Offered by Senator Forby and all Senators:
Mourns the death of Gerald William Downey of Dongola.

SENATE RESOLUTION 654
Offered by Senator Forby and all Senators:
Mourns the death of Olga Sturm of Herrin.

SENATE RESOLUTION 655
Offered by Senator Forby and all Senators:
Mourns the death of Lyman L. Benns, Sr., of Benton.

SENATE RESOLUTION 656
Offered by Senator Forby and all Senators:
Mourns the death of Terry P. Tanner of Crab Orchard.

SENATE RESOLUTION 657
Offered by Senator Forby and all Senators:
Mourns the death of Kent Alan "Mr. A" Alexander of Carterville.

SENATE RESOLUTION 658
Offered by Senator Forby and all Senators:
Mourns the death of Henry M. Tellor of Anna.

SENATE RESOLUTION 659

Offered by Senator Forby and all Senators:
Mourns the death of Gerald Leon Hall, Sr., of Tunnel Hill.

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

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

SENATE JOINT RESOLUTION NO. 79

WHEREAS, The Older Adult Services Act, which was passed by the General Assembly and approved by the Governor in 2004, provides a planning mechanism for the overhaul of the State's long term care system; and

WHEREAS, The establishment of a statewide enhanced comprehensive care coordination system is a critical first step in the overhaul of the long term services and care systems as recommended in the Older Adult Services Report submitted in January 2006; and

WHEREAS, Older adults and their families need the ability to make informed choices about services to meet their needs in the areas of physical health, function, mental health, home environment, finance, and social and informal supports; and

WHEREAS, Key components are a standardized statewide comprehensive assessment, care coordination, client follow-up, flexible hours, and enhanced training; and

WHEREAS, Comprehensive assessment and ongoing care coordination assists older adults in identifying these holistic needs, provides them with information on and access to the services to meet those needs, and results in comprehensive care plans for their specific needs, thereby allowing older adults to remain as independent as possible for as long as possible; and

WHEREAS, The purpose of a comprehensive assessment is to gather a complete picture of the older adult's needs and strengths so that a care plan is developed that helps the older adult and his or her family to problem-solve, make informed choices, and remain as independent as possible; and

WHEREAS, The comprehensive assessment process will include a face to face interview in the client's home that identifies needs in new areas: physical health, mental health, environment, and social and informal supports, in addition to functional and financial information; and

WHEREAS, Once fully operational, the comprehensive care coordination system would be backed up by a full array of home and community based services; and

WHEREAS, The design of the enhanced care coordination system would build upon the strengths and experiences of the different case management structures currently operating in Illinois and promising practices identified in other states; and

WHEREAS, Unmet service needs would be collected to assist in the identification of priority service areas as defined in the Older Adult Services Act and the development of new services; 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 we do declare that it is in the best interest of the older adults of Illinois and their family caregivers that the existing case management system be transformed into an enhanced comprehensive care coordination system; and be it further

RESOLVED, That such an overhaul shall build on the strengths and experience of the current case

management system, transforming the process from simply eligibility determination to one that is holistic, client-focused, and consumer-directed and that produces customized care plans; and be it further

RESOLVED, That a copy of this resolution be delivered to Governor Rod Blagojevich.

Senators Harmon - Dahl offered the following Senate Joint Resolution, which was referred to the Committee on Rules:

SENATE JOINT RESOLUTION NO. 80

WHEREAS, Attacks by vicious and dangerous dogs are a threat to the public health and safety of Illinois residents; and

WHEREAS, Attacks against vulnerable residents are being reported to law enforcement officials and animal control officers; and

WHEREAS, Enforcement challenges have risen with respect to addressing issues relating to vicious and dangerous dogs; and

WHEREAS, It is imperative that the General Assembly take comprehensive action to ensure the safety of the residents of this State; 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 there is created a Vicious and Dangerous Dog Task Force to hold hearings to explore and make recommendations designed to address protecting the public health and safety stemming from vicious and dangerous dog attacks; and be it further

RESOLVED, That the task force shall consist of 17 members and two ex parte members as follows: one member appointed by the Speaker of the House, one member appointed by the House Minority Leader, one member appointed by the President of the Senate, and one member appointed by the Senate Minority Leader; one member shall be a representative of the Illinois State Veterinary Medical Association; one member shall be a representative from the Northern Illinois Public Health Consortium; one member shall be a representative of the Chicago Veterinary Medical Association; one member shall be the Cook County Animal Control Administrator or his or her designee; one member shall be a representative of the County Animal Controls of Illinois; one member shall be a representative of the Illinois Farm Bureau; one member shall be a representative from a private not for profit humane society in a county with a population under 130,000 appointed by the Illinois Animal Welfare Federation; one member shall be the Cook County State's Attorney, or his or her designee; one member shall be the McHenry County State's Attorney, or his or her designee; one member shall be a representative of the Illinois State's Attorney Association; one member shall be a representative of the ASPCA; one member shall be appointed by the American Kennel Club; one member shall be an animal behaviorist appointed by the University of Illinois School of Veterinary Medicine; one ex parte representative appointed by the Department of Agriculture; and one ex parte representative appointed by the Department of Public Health; and be it further

RESOLVED, That the task force shall hold at least four hearings, which shall be held in geographically separate regions of the State, and shall report to the General Assembly no later than December 31, 2006; the Task Force members shall receive no compensation; the Task Force shall be dissolved upon reporting its finding and recommendations to the General Assembly.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Collins, **Senate Bill No. 2351** having been printed, was taken up, read by title a second time.

Senator Collins offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2351

AMENDMENT NO. 1. Amend Senate Bill 2351 by replacing everything after the enacting clause with the following:

"Section 5. The Higher Education Student Assistance Act is amended by adding Section 65.75 as follows:

(110 ILCS 947/65.75 new)

Sec. 65.75. Grant for a person raised by a grandparent.

(a) The Commission shall, each year, receive and consider applications for grant assistance under this Section. An applicant is eligible for a grant under this Section if the Commission finds that the applicant:

(1) has been in the legal custody of his or her grandparent and received public aid assistance under the Illinois Public Aid Code for a period of at least the consecutive 12 months preceding application for assistance under this Section;

(2) has graduated from high school with a cumulative grade point average of at least a 3.0 on a 4.0 scale or its equivalent;

(3) has been recommended for assistance under this Section by the principal or other appropriate administrative officer of his or her high school; and

(4) is enrolled in or plans to enroll in an institution of higher learning in this State.

(b) Applicants who are determined to be eligible for assistance under this Section shall receive, subject to appropriation, a grant of $1,000 to be applied to tuition and mandatory fees and paid directly to the institution of higher learning at which the applicant is enrolled. However, the total amount of assistance awarded by the Commission under this Section to an individual in any fiscal year, when added to other financial assistance awarded by the Commission to that individual for that fiscal year, must not exceed the cost of attendance at the institution of higher learning at which the student is enrolled.

(c) Applicants may receive assistance under this Section only one time.

(d) The Commission shall make all necessary and proper rules not inconsistent with this Section for its effective implementation.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

EXCUSED FROM ATTENDANCE

On motion of Senator Burzynski, Senators Althoff and Petka were excused from attendance due to legislative business.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Shadid, **Senate Bill No. 2477** having been printed, was taken up, read by title a second time.

Senator Shadid offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2477

AMENDMENT NO. 1. Amend Senate Bill 2477 by replacing everything after the enacting clause with the following:

"Section 5. The Public Building Commission Act is amended by changing Section 3 as follows:

(50 ILCS 20/3) (from Ch. 85, par. 1033)

Sec. 3. The following terms, wherever used, or referred to in this Act, mean unless the context clearly requires a different meaning:

(a) "Commission" means a Public Building Commission created pursuant to this Act.

(b) "Commissioner" or "Commissioners" means a Commissioner or Commissioners of a Public Building Commission.

(c) "County seat" means a city, village or town which is the county seat of a county.

(d) "Municipality" means any city, village or incorporated town of the State of Illinois.

(e) "Municipal corporation" includes a county, city, village, town, (including a county seat), park district, school district in a county of 3,000,000 or more population, board of education of a school district in a county of 3,000,000 or more population, sanitary district, airport authority contiguous with the County Seat as of July 1, 1969 and any other municipal body or governmental agency of the State, and until July 1, 2011, a school district that (i) was organized prior to 1860, (ii) is located in part in a city originally incorporated prior to 1840, and (iii) entered into a lease with a Commission prior to 1993, and its board of education, but does not include a school district in a county of less than 3,000,000 population, a board of education of a school district in a county of less than 3,000,000 population, or a community college district in a county of less than 3,000,000 population, except that until July 1, 2011, a school district that (i) was organized prior to 1860, (ii) is located in part in a city originally incorporated prior to 1840, and (iii) entered into a lease with a Commission prior to 1993, and its board of education, are included.

(f) "Governing body" includes a city council, county board, or any other body or board, by whatever name it may be known, charged with the governing of a municipal corporation.

(g) "Presiding officer" includes the mayor or president of a city, village or town, the presiding officer of a county board, or the presiding officer of any other board or commission, as the case may be.

(h) "Oath" means oath or affirmation.

(i) "Building" means an improvement to real estate to be made available for use by a municipal corporation for the furnishing of governmental services to its citizens, together with any land or interest in land necessary or useful in connection with the improvement.

(Source: P.A. 88-304.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Ronen, **Senate Bill No. 2514,** 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. 2570** having been printed, was taken up, read by title a second time.

Senator Garrett offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2570

AMENDMENT NO. 1. Amend Senate Bill 2570 on page 4, by replacing lines 14 through 19 with the following:

"Foreclosure Law, shall have the"; and

on page 4, below line 32, by inserting the following:

"(4) The purchaser of a condominium unit at a judicial foreclosure sale, other than a mortgagee, who takes possession of a condominium unit pursuant to a court order or a purchaser who acquires title from a mortgagee shall have the duty to pay the proportionate share of the common expenses for the unit which would have become due in the absence of any assessment acceleration during the 6 months immediately preceding institution of an action to enforce the collection of assessments.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Ronen, **Senate Bill No. 2578** having been printed, was taken up, read by title a second time.

Committee Amendment Nos. 1 and 2 were held in the Committee on Rules.

Senator Ronen offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 2578

AMENDMENT NO. 3. Amend Senate Bill 2578 on page 3, immediately below line 28, by inserting the following:

"(a) The General Assembly finds that this Section is necessary for the immediate preservation of the public peace, health, and safety."; and

on page 3, line 29, by replacing "(a)" with "(b)"; and

on page 3, by replacing lines 32 through 35 with the following:
"seizures.
"Epilepsy" means a neurological condition characterized by recurrent seizures."; and

on page 4, by replacing lines 1 through 25 with the following:
""Seizure" means a brief disturbance in the electrical activity of the brain.
(c) When the prescribing physician has indicated on the original prescription "dispense as written" or "may not substitute", a pharmacist may not interchange an anti-epileptic drug or formulation of an anti-epileptic drug for the treatment of epilepsy without notification and the documented consent of the prescribing physician and the patient or the patient's parent, legal guardian, or spouse.

Section 10. The Illinois Food, Drug and Cosmetic Act is amended by changing Section 3.14 as follows:
(410 ILCS 620/3.14) (from Ch. 56 1/2, par. 503.14)
Sec. 3.14. Dispensing or causing to be dispensed a different drug in place of the drug or brand of drug ordered or prescribed without the express permission of the person ordering or prescribing. Except as set forth in Section 26 of the Pharmacy Practice Act ~~However~~, this Section does not prohibit the interchange of different brands of the same generically equivalent drug product, when the drug products are not required to bear the legend "Caution: Federal law prohibits dispensing without prescription", provided that the same dosage form is dispensed and there is no greater than 1% variance in the stated amount of each active ingredient of the drug products. A generic drug determined to be therapeutically equivalent by the United States Food and Drug Administration (FDA) shall be available for substitution in Illinois in accordance with this Act and the Pharmacy Practice Act of 1987, provided that each manufacturer submits to the Director of the Department of Public Health a notification containing product technical bioequivalence information as a prerequisite to product substitution when they have completed all required testing to support FDA product approval and, in any event, the information shall be submitted no later than 60 days prior to product substitution in the State.
(Source: P.A. 92-112, eff. 7-20-01; 93-841, eff. 7-30-04.)".

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 Haine, **Senate Bill No. 2608,** 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. 2672** having been printed, was taken up, read by title a second time.
Senator Clayborne offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2672

AMENDMENT NO. 1. Amend Senate Bill 2672 on page 4, line 6, after "Corporation", by inserting "in"; and

on page 6, line 16, by replacing "redistricting" with "redistricting,"; and

on page 12, line 2, by replacing "intent" with "intent,"; and

on page 16, line 9, after "election", by inserting "of".

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

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

On motion of Senator Geo-Karis, **Senate Bill No. 2695,** having been printed, was taken up, read by title a second time.

Floor 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 Viverito, **House Bill No. 2730** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator DeLeo, **House Bill No. 2748** was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Sieben, **Senate Bill No. 2778** having been printed, was taken up, read by title a second time.

Senator Sieben offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2778

AMENDMENT NO. 1. Amend Senate Bill 2778 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Volunteer Emergency Worker Higher Education Protection Act.

Section 5. Definitions. For the purposes of this Section:

"Institution of higher education" means the University of Illinois, Southern Illinois University, Chicago State University, Eastern Illinois University, Governors State University, Illinois State University, Northeastern Illinois University, Northern Illinois University, Western Illinois University, the public community colleges of this State, and any other public universities, colleges, and community colleges now or hereafter established or authorized by law.

"Volunteer emergency worker" means a volunteer emergency worker as defined in the Volunteer Emergency Worker Job Protection Act.

Section 10. Accommodation policy. Each public institution of higher education must adopt a policy that reasonably accommodates any student who is a volunteer emergency worker in regard to absence from class caused by the performance of his or her duties as a volunteer emergency worker. This policy shall include a grievance procedure by which a student who believes that he or she has been unreasonably denied this accommodation may seek redress.

Section 15. Publication of policy. Each institution of higher education must publish the policy adopted under Section 10 of this Act in a handbook, manual, or other similar document regularly provided to faculty and students.

Section 90. The State Mandates Act is amended by adding Section 8.30 as follows:

(30 ILCS 805/8.30 new)

Sec. 8.30. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by the Volunteer Emergency Worker Higher Education Protection Act.

Section 99. Effective date. This Act takes effect on July 1, 2006.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Halvorson, **Senate Bill No. 2782** 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 2782

AMENDMENT NO. 1. Amend Senate Bill 2782 on page 1, after line 3, by inserting the following:

"Section 2. The Abuse of Adults with Disabilities Intervention Act is amended by changing Section 55 as follows:

(20 ILCS 2435/55) (from Ch. 23, par. 3395-55)

Sec. 55. Access to records. All records concerning reports of abuse, neglect, or exploitation of an adult with disabilities and all records generated as a result of the reports shall be confidential and shall not be disclosed except as specifically authorized by this Act or other applicable law. A person making a report of alleged abuse, neglect, or exploitation functioning in his or her capacity as a licensed professional may be entitled to the result of the report and of the investigative assessment as authorized by the Inspector General. Access to the records, but not access to the identity of the person or persons making a report of alleged abuse, neglect, or exploitation as contained in the records, shall be allowed to the following persons and for the following purposes:

(a) Adults with Disabilities Abuse Project staff in the furtherance of their responsibilities under this Act;

(b) A law enforcement agency investigating alleged or suspected abuse, neglect, or exploitation of an adult with disabilities;

(c) An adult with disabilities reported to be abused, neglected, or exploited, or the guardian of an adult with disabilities unless the guardian is the alleged perpetrator of the abuse, neglect, or exploitation;

(d) A court, upon its finding that access to the records may be necessary for the determination of an issue before the court. However, the access shall be limited to an in camera inspection of the records, unless the court determines that disclosure of the information contained therein is necessary for the resolution of an issue then pending before it;

(e) A grand jury, upon its determination that access to the records is necessary to the conduct of its official business;

(f) Any person authorized by the Secretary, in writing, for audit or bona fide research purposes;

(g) A coroner or medical examiner who has reason to believe that abuse or neglect contributed to or resulted in the death of an adult with disabilities;

(h) The agency designated pursuant to the Protection and Advocacy for Developmentally Disabled Persons Act and the Protection and Advocacy for Mentally Ill Persons Act.

(Source: P.A. 91-671, eff. 7-1-00.)".

Senator Halvorson offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2782

AMENDMENT NO. 2. Amend Senate Bill 2782, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 1, by replacing lines 12 through 16 with the following:

"A person making a report of alleged abuse, neglect, or exploitation functioning in his or her capacity as a licensed professional may be entitled to the finding of the investigative assessment and subsequent referrals as authorized by the Inspector General. Office of Inspector General (OIG) investigators shall inform the alleged victim or guardian that information regarding the finding and referrals may be released to the person who made the report if that person is a professional, and the alleged victim or guardian shall be afforded the opportunity to refuse to consent to the release of that information. Access to the records, but not access to the identity".

The motion prevailed.

And the amendment was adopted and ordered printed.

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. 2784** having been printed, was taken up, read by title a second time.

Senator Garrett offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2784

AMENDMENT NO. 1. Amend Senate Bill 2784 on page 1, line 26, by deleting ", or foster care of a child"; and

on page 2, line 6, by deleting ", or foster care of a child".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator J. Sullivan, **Senate Bill No. 2870** having been printed, was taken up, read by title a second time.

Senator J. Sullivan offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2870

AMENDMENT NO. 1. Amend Senate Bill 2870 on page 1, by replacing line 25 with the following:

"Agency, the Department of Public Health, and the Secretary of State Police (which representative shall be the Director of the Secretary of State Police or his or her designee).".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Hunter, **Senate Bill No. 2898** having been printed, was taken up, read by title a second time.

Senator Hunter offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2898

AMENDMENT NO. 1. Amend Senate Bill 2898 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 22-30 as follows:

(105 ILCS 5/22-30)

Sec. 22-30. Self-administration of ~~asthma~~ medication.

(a) In this Section:

"Epinephrine auto-injector" means a disposable single-use medical device for immediate self-administration by a person with a history of anaphylaxis.

"Medication" means a medicine, prescribed by (i) a physician licensed to practice medicine in all its branches, (ii) a physician assistant who has been delegated the authority to prescribe asthma medications by his or her supervising physician, or (iii) an advanced practice registered nurse who has a written collaborative agreement with a collaborating physician that delegates the authority to prescribe asthma medications, for a pupil that pertains to the pupil's asthma and that has an individual prescription label.

"Self-administration" means a pupil's discretionary use of his or her prescribed asthma medication.

(b) A school, whether public or nonpublic, must permit the self-administration of medication by a pupil with asthma or the use of an epinephrine auto-injector by a pupil, provided that:

(1) the parents or guardians of the pupil provide to the school written authorization for the self-administration of medication or use of an epinephrine auto-injector; and

(2) the parents or guardians of the pupil provide to the school a written statement from the pupil's physician, physician assistant, or advanced practice registered nurse containing the following information:

(A) the name and purpose of the medication or epinephrine auto-injector;

(B) the prescribed dosage; and

(C) the time or times at which or the special circumstances under which the medication or epinephrine auto-injector is to be administered.

The information provided shall be kept on file in the office of the school nurse or, in the absence of a school nurse, the school's administrator.

(c) The school district or nonpublic school must inform the parents or guardians of the pupil, in writing, that the school district or nonpublic school and its employees and agents are to incur no liability, except for willful and wanton conduct, as a result of any injury arising from the self-administration of medication or use of an epinephrine auto-injector by the pupil. The parents or guardians of the pupil must sign a statement acknowledging that the school district or nonpublic school is to incur no liability, except for willful and wanton conduct, as a result of any injury arising from the self-administration of medication or use of an epinephrine auto-injector by the pupil and that the parents or guardians must indemnify and hold harmless the school district or nonpublic school and its employees and agents against any claims, except a claim based on willful and wanton conduct, arising out of the self-administration of medication or use of an epinephrine auto-injector by the pupil.

(d) The permission for self-administration of medication or use of an epinephrine auto-injector is effective for the school year for which it is granted and shall be renewed each subsequent school year upon fulfillment of the requirements of this Section.

(e) Provided that the requirements of this Section are fulfilled, a pupil with asthma may possess and use his or her medication or a pupil may possess and use an epinephrine auto-injector (i) while in school, (ii) while at a school-sponsored activity, (iii) while under the supervision of school personnel, or (iv) before or after normal school activities, such as while in before-school or after-school care on school-operated property.

(Source: P.A. 92-402, eff. 8-16-01.)

Section 90. The State Mandates Act is amended by adding Section 8.30 as follows:

(30 ILCS 805/8.30 new)

Sec. 8.30. Exempt mandate. Notwithstanding Sections 6 and 8 of this Act, no reimbursement by the State is required for the implementation of any mandate created by this amendatory Act of the 94th General Assembly.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Hunter, **Senate Bill No. 2921** having been printed, was taken up, read by title a second time.

Senator Hunter offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2921

AMENDMENT NO. 1. Amend Senate Bill 2921 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Professional Regulation Law of the Civil Administrative Code of Illinois is amended by changing Section 2105-400 as follows:

(20 ILCS 2105/2105-400)

Sec. 2105-400. Emergency Powers.

(a) Upon proclamation of a disaster by the Governor, as provided for in the Illinois Emergency Management Agency Act, the Director of Professional Regulation shall have the following powers, which shall be exercised only in coordination with the Illinois Emergency Management Agency and the Department of Public Health:

(1) The power to suspend the requirements for permanent or temporary licensure of persons who are licensed in another state and are working under the direction of the Illinois Emergency Management Agency and the Department of Public Health pursuant to a declared disaster.

(2) The power to modify the scope of practice restrictions under any licensing act administered by the Department for any person working under the direction of the Illinois Emergency Management Agency and the Illinois Department of Public Health pursuant to the declared disaster.

(3) The power to expand the exemption in Section 4(a) of the Pharmacy Practice Act of 1987 to those licensed professionals whose scope of practice has been modified, under paragraph (2)

of subsection (a) of this Section, to include any element of the practice of pharmacy as defined in the Pharmacy Practice Act of 1987 for any person working under the direction of the Illinois Emergency Management Agency and the Illinois Department of Public Health pursuant to the declared disaster.

(b) Persons exempt from licensure under paragraph (1) of subsection (a) of this Section and persons operating under modified scope of practice provisions under paragraph (2) of subsection (a) of this Section shall be exempt from licensure or be subject to modified scope of practice only until the declared disaster has ended as provided by law. For purposes of this Section, persons working under the direction of an emergency services and disaster agency accredited by the Illinois Emergency Management Agency and a local public health department, pursuant to a declared disaster, shall be deemed to be working under the direction of the Illinois Emergency Management Agency and the Department of Public Health.

(c) The Director shall exercise these powers by way of proclamation.

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

Section 10. The Department of Public Health Powers and Duties Law of the Civil Administrative Code of Illinois is amended by changing Section 2310-625 as follows:

(20 ILCS 2310/2310-625)

Sec. 2310-625. Emergency Powers.

(a) Upon proclamation of a disaster by the Governor, as provided for in the Illinois Emergency Management Agency Act, the Director of Public Health shall have the following powers, which shall be exercised only in coordination with the Illinois Emergency Management Agency and the Department of Professional Regulation:

(1) The power to suspend the requirements for temporary or permanent licensure or certification of persons who are licensed or certified in another state and are working under the direction of the Illinois Emergency Management Agency and the Illinois Department of Public Health pursuant to the declared disaster.

(2) The power to modify the scope of practice restrictions under the Emergency Medical Services (EMS) Systems Act for any persons who are licensed under that Act for any person working under the direction of the Illinois Emergency Management Agency and the Illinois Department of Public Health pursuant to the declared disaster.

(3) The power to modify the scope of practice restrictions under the Nursing Home Care Act for Certified Nursing Assistants for any person working under the direction of the Illinois Emergency Management Agency and the Illinois Department of Public Health pursuant to the declared disaster.

(b) Persons exempt from licensure or certification under paragraph (1) of subsection (a) and persons operating under modified scope of practice provisions under paragraph (2) of subsection (a) and paragraph (3) of subsection (a) shall be exempt from licensure or certification or subject to modified scope of practice only until the declared disaster has ended as provided by law. For purposes of this Section, persons working under the direction of an emergency services and disaster agency accredited by the Illinois Emergency Management Agency and a local public health department, pursuant to a declared disaster, shall be deemed to be working under the direction of the Illinois Emergency Management Agency and the Department of Public Health.

(c) The Director shall exercise these powers by way of proclamation.

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

Section 15. The Illinois Emergency Management Agency Act is amended by changing Section 10 as follows:

(20 ILCS 3305/10) (from Ch. 127, par. 1060)

Sec. 10. Emergency Services and Disaster Agencies.

(a) Each political subdivision within this State shall be within the jurisdiction of and served by the Illinois Emergency Management Agency and by an emergency services and disaster agency responsible for emergency management programs. A township, if the township is in a county having a population of more than 2,000,000, must have approval of the county coordinator before establishment of a township emergency services and disaster agency.

(b) Unless multiple county emergency services and disaster agency consolidation is authorized by the Illinois Emergency Management Agency with the consent of the respective counties, each county shall maintain an emergency services and disaster agency that has jurisdiction over and serves the entire county, except as otherwise provided under this Act and except that in any county with a population of over 3,000,000 containing a municipality with a population of over 500,000 the jurisdiction of the

county agency shall not extend to the municipality when the municipality has established its own agency.

(c) Each municipality with a population of over 500,000 shall maintain an emergency services and disaster agency which has jurisdiction over and serves the entire municipality. A municipality with a population less than 500,000 may establish, by ordinance, an agency or department responsible for emergency management within the municipality's corporate limits.

(d) The Governor shall determine which municipal corporations, other than those specified in paragraph (c) of this Section, need emergency services and disaster agencies of their own and require that they be established and maintained. The Governor shall make these determinations on the basis of the municipality's disaster vulnerability and capability of response related to population size and concentration. The emergency services and disaster agency of a county or township, shall not have a jurisdiction within a political subdivision having its own emergency services and disaster agency, but shall cooperate with the emergency services and disaster agency of a city, village or incorporated town within their borders. The Illinois Emergency Management Agency shall publish and furnish a current list to the municipalities required to have an emergency services and disaster agency under this subsection.

(e) Each municipality that is not required to and does not have an emergency services and disaster agency shall have a liaison officer designated to facilitate the cooperation and protection of that municipal corporation with the county emergency services and disaster agency in which it is located in the work of disaster mitigation, preparedness, response, and recovery.

(f) The principal executive officer or his or her designee of each political subdivision in the State shall annually notify the Illinois Emergency Management Agency of the manner in which the political subdivision is providing or securing emergency management, identify the executive head of the agency or the department from which the service is obtained, or the liaison officer in accordance with paragraph (d) of this Section and furnish additional information relating thereto as the Illinois Emergency Management Agency requires.

(g) Each emergency services and disaster agency shall prepare an emergency operations plan for its geographic boundaries that complies with planning, review, and approval standards promulgated by the Illinois Emergency Management Agency. The Illinois Emergency Management Agency shall determine which jurisdictions will be required to include earthquake preparedness in their local emergency operations plans.

(h) The emergency services and disaster agency shall prepare and distribute to all appropriate officials in written form a clear and complete statement of the emergency responsibilities of all local departments and officials and of the disaster chain of command.

(i) Each emergency services and disaster agency shall have a Coordinator who shall be appointed by the principal executive officer of the political subdivision in the same manner as are the heads of regular governmental departments. If the political subdivision is a county and the principal executive officer appoints the sheriff as the Coordinator, the sheriff may, in addition to his or her regular compensation, receive compensation at the same level as provided in Section 3 of "An Act in relation to the regulation of motor vehicle traffic and the promotion of safety on public highways in counties", approved August 9, 1951, as amended. The Coordinator shall have direct responsibility for the organization, administration, training, and operation of the emergency services and disaster agency, subject to the direction and control of that principal executive officer. Each emergency services and disaster agency shall coordinate and may perform emergency management functions within the territorial limits of the political subdivision within which it is organized as are prescribed in and by the State Emergency Operations Plan, and programs, orders, rules and regulations as may be promulgated by the Illinois Emergency Management Agency and by local ordinance and, in addition, shall conduct such functions outside of those territorial limits as may be required under mutual aid agreements and compacts as are entered into under subparagraph (5) of paragraph (c) of Section 6.

(j) In carrying out the provisions of this Act, each political subdivision may enter into contracts and incur obligations necessary to place it in a position effectively to combat the disasters as are described in Section 4, to protect the health and safety of persons, to protect property, and to provide emergency assistance to victims of those disasters. If a disaster occurs, each political subdivision may exercise the powers vested under this Section in the light of the exigencies of the disaster and, excepting mandatory constitutional requirements, without regard to the procedures and formalities normally prescribed by law pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, and the appropriation, expenditure, and disposition of public funds and property.

(k) Volunteers who, while engaged in a disaster, an exercise, training related to the emergency operations plan of the political subdivision, or a search-and-rescue team response to an occurrence or

threat of injury or loss of life that is beyond local response capabilities, suffer disease, injury or death, shall, for the purposes of benefits under the Workers' Compensation Act or Workers' Occupational Diseases Act only, be deemed to be employees of the State, if: (1) the claimant is a duly qualified and enrolled (sworn in) as a volunteer of the Illinois Emergency Management Agency or an emergency services and disaster agency accredited by the Illinois Emergency Management Agency, and (2) if: (i) the claimant was participating in a disaster as defined in Section 4 of this Act, (ii) the exercise or training participated in was specifically and expressly approved by the Illinois Emergency Management Agency prior to the exercise or training, or (iii) the search-and-rescue team response was to an occurrence or threat of injury or loss of life that was beyond local response capabilities and was specifically and expressly approved by the Illinois Emergency Management Agency prior to the search-and-rescue team response. The computation of benefits payable under either of those Acts shall be based on the income commensurate with comparable State employees doing the same type work or income from the person's regular employment, whichever is greater.

Volunteers who are working under the direction of an emergency services and disaster agency accredited by the Illinois Emergency Management Agency, pursuant to a plan approved by the Illinois Emergency Management Agency (i) during a disaster declared by the Governor under Section 7 of this Act, or (ii) in circumstances otherwise expressly approved by the Illinois Emergency Management Agency, shall be deemed exclusively employees of the State for purposes of Section 8(d) of the Court of Claims Act, provided that the Illinois Emergency Management Agency may, in coordination with the emergency services and disaster agency, audit implementation for compliance with the plan.

(l) If any person who is entitled to receive benefits through the application of this Section receives, in connection with the disease, injury or death giving rise to such entitlement, benefits under an Act of Congress or federal program, benefits payable under this Section shall be reduced to the extent of the benefits received under that other Act or program.

(m) (1) Prior to conducting an exercise, the principal executive officer of a political subdivision or his or her designee shall provide area media with written notification of the exercise. The notification shall indicate that information relating to the exercise shall not be released to the public until the commencement of the exercise. The notification shall also contain a request that the notice be so posted to ensure that all relevant media personnel are advised of the exercise before it begins.

(2) During the conduct of an exercise, all messages, two-way radio communications, briefings, status reports, news releases, and other oral or written communications shall begin and end with the following statement: "This is an exercise message".

(Source: P.A. 92-16, eff. 6-28-01; 92-73, eff. 1-1-02.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Roskam, **Senate Bill No. 2971** having been printed, was taken up, read by title a second time.

Senator Roskam offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2971

AMENDMENT NO. 1. Amend Senate Bill 2971 on page 1, line 27, by changing "X" to "1"; and

on page 2, line 9, by inserting after the period the following:

"When one of the offenses for which a defendant was convicted was a violation of Section 32-5.2 of the Criminal Code of 1961 and the offense was committed in attempting or committing a forcible felony, the court may impose consecutive sentences."; and

on page 3, line 18, by deleting "or"; and

on page 3, by deleting lines 19 through 22.

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Halvorson, **Senate Bill No. 2978,** having been printed, was taken up, read by title a second time and ordered to a third reading.

On motion of Senator Halvorson, **Senate Bill No. 2981,** 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. 2170** having been printed, was taken up, read by title a second time.

Senator Garrett offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2170

AMENDMENT NO. 1. Amend Senate Bill 2170 by replacing everything after the enacting clause with the following:

"Section 5. The Nursing Home Care Act is amended by adding Sections 2-217 and 2-218 as follows:

(210 ILCS 45/2-217 new)

Sec. 2-217. Order for transportation of resident by ambulance. If a facility orders transportation of a resident of the facility by ambulance, the facility must maintain a written record that shows (i) the name of the person who placed the order for that transportation and (ii) the medical reason for that transportation. The facility must maintain the record for a period of at least 3 years after the date of the order for transportation by ambulance.

(210 ILCS 45/2-218 new)

Sec. 2-218. Inducement to vehicle service provider; penalty.

(a) If the Department determines, after an opportunity for a hearing in accordance with rules adopted by the Department, that (i) a facility knowingly or willingly offered or provided, solicited, or received any remuneration (including any kickback, bribe, rebate, or discount) directly or indirectly, overtly or covertly, in cash or in kind, to any Vehicle Service Provider licensed under the Emergency Medical Services (EMS) Systems Act for the purpose of providing referrals for transportation by the Vehicle Service Provider or (ii) an employee or contractual agent of a facility knowingly or willingly falsified any documentation of medical necessity for non-emergency ambulance transportation, the Department may impose against the facility, or against the employer of the facility's contractual agent in the case of an individual who became the facility's contractual agent by virtue of his or her employment by that employer, a civil penalty in an amount not exceeding $10,000.

(b) If the Department makes a determination described in subsection (a), the Department shall refer that determination to the United States Department of Health and Human Services Office of Inspector General.

Section 10. The Emergency Medical Services (EMS) Systems Act is amended by changing Section 3.85 as follows:

(210 ILCS 50/3.85)

Sec. 3.85. Vehicle Service Providers.

(a) "Vehicle Service Provider" means an entity licensed by the Department to provide emergency or non-emergency medical services in compliance with this Act, the rules promulgated by the Department pursuant to this Act, and an operational plan approved by its EMS System(s), utilizing at least ambulances or specialized emergency medical service vehicles (SEMSV).

(1) "Ambulance" means any publicly or privately owned on-road vehicle that is specifically designed, constructed or modified and equipped, and is intended to be used for, and is maintained or operated for the emergency transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless, or the non-emergency medical transportation of persons who require the presence of medical personnel to monitor the individual's condition or medical apparatus being used on such individuals.

(2) "Specialized Emergency Medical Services Vehicle" or "SEMSV" means a vehicle or conveyance, other than those owned or operated by the federal government, that is primarily intended for use in transporting the sick or injured by means of air, water, or ground transportation, that is not an ambulance as defined in this Act. The term includes watercraft, aircraft and special purpose ground

transport vehicles or conveyances not intended for use on public roads.

(3) An ambulance or SEMSV may also be designated as a Limited Operation Vehicle or Special-Use Vehicle:

(A) "Limited Operation Vehicle" means a vehicle which is licensed by the Department to provide basic, intermediate or advanced life support emergency or non-emergency medical services that are exclusively limited to specific events or locales.

(B) "Special-Use Vehicle" means any publicly or privately owned vehicle that is specifically designed, constructed or modified and equipped, and is intended to be used for, and is maintained or operated solely for the emergency or non-emergency transportation of a specific medical class or category of persons who are sick, injured, wounded or otherwise incapacitated or helpless (e.g. high-risk obstetrical patients, neonatal patients).

(b) The Department shall have the authority and responsibility to:

(1) Require all Vehicle Service Providers, both publicly and privately owned, to function within an EMS System;

(2) Require a Vehicle Service Provider utilizing ambulances to have a primary affiliation with an EMS System within the EMS Region in which its Primary Service Area is located, which is the geographic areas in which the provider renders the majority of its emergency responses. This requirement shall not apply to Vehicle Service Providers which exclusively utilize Limited Operation Vehicles;

(3) Establish licensing standards and requirements for Vehicle Service Providers, through rules adopted pursuant to this Act, including but not limited to:

(A) Vehicle design, specification, operation and maintenance standards;

(B) Equipment requirements;

(C) Staffing requirements; and

(D) Annual license renewal.

(4) License all Vehicle Service Providers that have met the Department's requirements for licensure, unless such Provider is owned or licensed by the federal government. All Provider licenses issued by the Department shall specify the level and type of each vehicle covered by the license (BLS, ILS, ALS, ambulance, SEMSV, limited operation vehicle, special use vehicle);

(5) Annually inspect all licensed Vehicle Service Providers, and relicense such Providers that have met the Department's requirements for license renewal;

(6) Suspend, revoke, refuse to issue or refuse to renew the license of any Vehicle Service Provider, or that portion of a license pertaining to a specific vehicle operated by the Provider, after an opportunity for a hearing, when findings show that the Provider or one or more of its vehicles has failed to comply with the standards and requirements of this Act or rules adopted by the Department pursuant to this Act;

(6.5) Impose against a Vehicle Service Provider a civil penalty in an amount not exceeding $10,000, if the Department determines, after an opportunity for a hearing in accordance with rules adopted by the Department, that the Vehicle Service Provider knowingly or willingly offered or provided, solicited, or received any remuneration (including any kickback, bribe, rebate, or discount) directly or indirectly, overtly or covertly, in cash or in kind, to any long-term care facility licensed under the Nursing Home Care Act or any hospital licensed under the Hospital Licensing Act for the purpose of influencing the long-term care facility or hospital to provide referrals to the Vehicle Service Provider for the transportation of residents of the long-term care facility or patients of the hospital; the Department shall refer any such determination to the United States Department of Health and Human Services Office of Inspector General;

(7) Issue an Emergency Suspension Order for any Provider or vehicle licensed under this Act, when the Director or his designee has determined that an immediate and serious danger to the public health, safety and welfare exists. Suspension or revocation proceedings which offer an opportunity for hearing shall be promptly initiated after the Emergency Suspension Order has been issued;

(8) Exempt any licensed vehicle from subsequent vehicle design standards or specifications required by the Department, as long as said vehicle is continuously in compliance with the vehicle design standards and specifications originally applicable to that vehicle, or until said vehicle's title of ownership is transferred;

(9) Exempt any vehicle (except an SEMSV) which was being used as an ambulance on or before December 15, 1980, from vehicle design standards and specifications required by the Department, until said vehicle's title of ownership is transferred. Such vehicles shall not be exempt from all other licensing standards and requirements prescribed by the Department;

(10) Prohibit any Vehicle Service Provider from advertising, identifying its vehicles, or disseminating information in a false or misleading manner concerning the Provider's type and level of vehicles, location, primary service area, response times, level of personnel, licensure status or System participation; and

(11) Charge each Vehicle Service Provider a fee, to be submitted with each application for licensure and license renewal, which shall not exceed $25.00 per vehicle, up to $500.00 per Provider.

(Source: P.A. 89-177, eff. 7-19-95.)

Section 15. The Hospital Licensing Act is amended by adding Sections 6.22 and 6.23 as follows:

(210 ILCS 85/6.22 new)

Sec. 6.22. Order for transportation of patient by ambulance. If a hospital orders transportation of a patient of the hospital by ambulance, the hospital must maintain a written record that shows (i) the name of the person who placed the order for that transportation and (ii) the medical reason for that transportation. The hospital must maintain the record for a period of at least 3 years after the date of the order for transportation by ambulance.

(210 ILCS 85/6.23 new)

Sec. 6.23. Inducement to vehicle service provider; penalty.

(a) If the Department determines, after an opportunity for a hearing in accordance with rules adopted by the Department, that (i) a hospital knowingly or willingly offered or provided, solicited, or received any remuneration (including any kickback, bribe, rebate, or discount) directly or indirectly, overtly or covertly, in cash or in kind, to any Vehicle Service Provider licensed under the Emergency Medical Services (EMS) Systems Act for the purpose of providing referrals for transportation by the Vehicle Service Provider or (ii) an employee or contractual agent of a hospital knowingly or willingly falsified any documentation of medical necessity for non-emergency ambulance transportation, the Department may impose against the hospital, or against the employer of the hospital's contractual agent in the case of an individual who became the hospital's contractual agent by virtue of his or her employment by that employer, a civil penalty in an amount not exceeding $10,000.

(b) If the Department makes a determination described in subsection (a), the Department shall refer that determination to the United States Department of Health and Human Services Office of Inspector General.

Section 20. The Consumer Fraud and Deceptive Business Practices Act is amended by adding Section 2XX as follows:

(815 ILCS 505/2XX new)

Sec. 2XX. Notification requirements for non-emergency ambulance services.

(a) In this Section:

"Ambulance service provider" means a Vehicle Service Provider, as defined in the Emergency Medical Services (EMS) Systems Act, who provides non-emergency transportation services by ambulance.

"Patient" means a person who is transported by an ambulance service provider.

(b) An ambulance service provider shall provide a written notice, and a verbal explanation of the written notice, prior to non-emergency ambulance transports that originate at a hospital or other health care facility when no written documentation of medical necessity is available at the time of transport. This notice must meet all of the following requirements:

(1) The following caption must appear at the beginning of the notice, in at least 14-point type: Notice to Patient Regarding Non-Emergency Ambulance Services.

(2) The remainder of the notice must be expressed in clear, simple language and in at least 14-point type.

(3) The notice must contain each of the following statements:

(A) Notice: Medicare and other insurers may not pay for any part of the cost of your transport by ambulance unless certified by your physician or healthcare provider as allowed under federal rules as being medically necessary.

(B) The purpose of this notice is to help you make an informed choice about whether or not you want to be transported by ambulance, knowing that you might have to pay for this transport yourself. Before you make any decision about your options, you should:

(i) Read this entire notice carefully.

(ii) Ask a representative of the physician or facility ordering transport to explain, if you do not understand or are not sure, the guidelines regarding medical necessity for transport by ambulance and to

tell you whether or not you meet these guidelines.

(iii) Ask us how much being transported by ambulance will cost you, in case you have to pay for transport by ambulance out of your own pocket or through other insurance. The estimated cost will be $(amount).

(C) Please choose one option by checking one box and signing and dating your selection below:

(i) Option 1. Yes. I want to be transported by ambulance. I understand that Medicare and many other insurers may not pay for any part of the cost of my ambulance transport unless certified by my physician or healthcare provider as allowed under federal rules as being medically necessary. I understand that you will file a claim on my behalf to Medicare or my other insurer. I understand that you may bill me for items or services and that I may have to pay the bill while Medicare or my other insurer is making its decision. If Medicare or my other insurer does pay on my behalf, I understand that you will refund to me any payments that I made to you that are due to me. If Medicare or my other insurer denies payment, I agree to be personally and fully responsible for payment. I understand that I can appeal the decision made by Medicare or my other insurer.

(ii) Option 2. No. I have decided not to be transported by ambulance.

(4) The notice must be signed by the patient or by the patient's authorized representative.

(5) The notice must contain the patient's full name and the date of service.

(6) The notice must contain the full name and business address (including the street name and number, city, state, and zip code) of the ambulance service provider.

(c) If a patient is physically or mentally unable to sign the notice described in subsection (b) at the time of transport by ambulance and no authorized representative of the patient is available to sign the notice on the patient's behalf, the ambulance service provider must be able to provide documentation of the patient's inability to sign the notice and the unavailability of an authorized representative. In any case described in this subsection (c), the ambulance service provider shall be considered to have met the requirements of subsection (b).

(d) If an ambulance service provider has obtained documentation of medical necessity prior to transport and the patient's Medicare or other insurer denies the claim for transport by ambulance despite this fact, the ambulance service provider is considered to have met the requirements of subsection (b).

(e) In addition to any other penalty provided in this Act, if the court finds that an ambulance service provider has violated any provision of subsection (b), the court may order that the ambulance service provider pay to the patient an amount equal to 3 times the amount claimed due by the ambulance provider, including any interest, collection costs, and attorney's fees claimed by the ambulance service provider, and any attorney's fees incurred by the patient.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING OF BILLS OF THE SENATE A THIRD TIME

On motion of Senator Hunter, **Senate Bill No. 2762**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

Yeas 55; Nays None.

The following voted in the affirmative:

Axley	Forby	Luechtefeld	Sandoval
Bomke	Garrett	Maloney	Schoenberg
Brady	Geo-Karis	Meeks	Shadid
Burzynski	Haine	Millner	Sieben
Clayborne	Halvorson	Munoz	Silverstein
Collins	Harmon	Pankau	Sullivan, J.
Cronin	Hendon	Peterson	Syverson
Crotty	Hunter	Radogno	Trotter

Cullerton	Jacobs	Raoul	Viverito
Dahl	Jones, J.	Righter	Watson
del Valle	Jones, W.	Risinger	Wilhelmi
DeLeo	Lauzen	Ronen	Winkel
Demuzio	Lightford	Roskam	Mr. President
Dillard	Link	Rutherford	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Demuzio, **Senate Bill No. 2827**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 53; Nays None.

The following voted in the affirmative:

Axley	Garrett	Meeks	Shadid
Bomke	Geo-Karis	Millner	Sieben
Brady	Haine	Munoz	Silverstein
Burzynski	Halvorson	Pankau	Sullivan, J.
Clayborne	Harmon	Peterson	Syverson
Collins	Hendon	Radogno	Trotter
Crotty	Hunter	Raoul	Viverito
Cullerton	Jacobs	Righter	Watson
Dahl	Jones, J.	Risinger	Wilhelmi
del Valle	Jones, W.	Ronen	Winkel
DeLeo	Lightford	Roskam	Mr. President
Demuzio	Link	Rutherford	
Dillard	Luechtefeld	Sandoval	
Forby	Maloney	Schoenberg	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

SENATE BILLS RECALLED

On motion of Senator Harmon, **Senate Bill No. 2865** was recalled from the order of third reading to the order of second reading.

Senator Harmon offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2865

AMENDMENT NO. 1. Amend Senate Bill 2865 on page 5, line 35, after the period, by inserting "Local authorities desiring the establishment of an automated railroad crossing enforcement system must initiate the process by enacting a local ordinance requesting the creation of such a system. After the ordinance has been enacted, and before any additional steps toward the establishment of the system are undertaken, the local authorities, the Commission, and the Department must agree to a plan for obtaining, from any combination of federal, State, and local funding sources, the moneys required for the purchase and installation of any necessary equipment.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Sandoval, **Senate Bill No. 2878** was recalled from the order of third reading to the order of second reading.

Senator Sandoval offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2878

AMENDMENT NO. 1. Amend Senate Bill 2878 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Sections 13C-15, 13C-50, 13C-55, and 13C-60 as follows:

(625 ILCS 5/13C-15)

Sec. 13C-15. Inspections.

(a) Computer-Matched Inspections and Notification.

(1) The provisions of this subsection (a) are operative until the implementation of the registration denial inspection and notification mechanisms required by subsection (b). Beginning with the implementation of the program required by this Chapter, every motor vehicle that is owned by a resident of an affected county, other than a vehicle that is exempt under paragraph (a)(6) or (a)(7) ~~subsection (f) or (g)~~, is subject to inspection under the program.

The Agency shall send notice of the assigned inspection month, at least 15 days before the beginning of the assigned month, to the owner of each vehicle subject to the program. An initial emission inspection sticker or initial inspection certificate, as the case may be, expires on the last day of the third month following the month assigned by the Agency for the first inspection of the vehicle. A renewal inspection sticker or certificate expires on the last day of the third month following the month assigned for inspection in the year in which the vehicle's next inspection is required.

The Agency or its agent may issue an interim emission inspection sticker or certificate for any vehicle subject to inspection that does not have a currently valid emission inspection sticker or certificate at the time the Agency is notified by the Secretary of State of its registration by a new owner, and for which an initial emission inspection sticker or certificate has already been issued. An interim emission inspection sticker or certificate expires no later than the last day of the sixth complete calendar month after the date the Agency issued the interim emission inspection sticker or certificate.

The owner of each vehicle subject to inspection shall obtain an emission inspection sticker or certificate for the vehicle in accordance with this paragraph (1) ~~subsection~~. Before the expiration of the emission inspection sticker or certificate, the owner shall have the vehicle inspected and, upon demonstration of compliance, obtain a renewal emission inspection sticker or certificate. A renewal emission inspection sticker or certificate shall not be issued more than 5 months before the expiration date of the previous inspection sticker or certificate.

(2) ~~(b)~~ Except as provided in paragraph (a)(3) ~~subsection (c)~~, vehicles shall be inspected every 2 years on a schedule that begins either in the second, fourth, or later calendar year after the vehicle model year. The beginning test schedule shall be set by the Agency and shall be consistent with the State's requirements for emission reductions as determined by the applicable United States Environmental Protection Agency vehicle emissions estimation model and applicable guidance and rules.

(3) ~~(c)~~ A vehicle may be inspected at a time outside of its normal 2-year inspection schedule, if (i) the vehicle was acquired by a new owner and (ii) the vehicle was required to be in compliance with this Act at the time the vehicle was acquired by the new owner, but it was not then in compliance.

(4) ~~(d)~~ The owner of a vehicle subject to inspection shall have the vehicle inspected and shall obtain and display on the vehicle or carry within the vehicle, in a manner specified by the Agency, a valid unexpired emission inspection sticker or certificate in the manner specified by the Agency. A person who violates this paragraph (4) ~~subsection (d)~~ is guilty of a petty offense, except that a third or subsequent violation within one year of the first violation is a Class C misdemeanor. The fine imposed for a violation of this paragraph (4) ~~subsection~~ shall be not less than $50 if the violation occurred within 60 days following the date by which a new or renewal emission inspection sticker or certificate was required to be obtained for the vehicle, and not less than $300 if the violation

occurred more than 60 days after that date.

(5) ~~(c)~~ For a $20 fee, to be paid into the Vehicle Inspection Fund, the Agency may inspect:

(A) ~~(1)~~ A vehicle registered in and subject to the emission inspections requirements of another state.

(B) ~~(2)~~ A vehicle presented for inspection on a voluntary basis.

Any fees collected under this paragraph (5) ~~subsection~~ shall not offset Motor Fuel Tax Funds normally appropriated for the program.

(6) ~~(f)~~ The following vehicles are not subject to inspection:

(A) ~~(1)~~ Vehicles not subject to registration under Article IV of Chapter 3 of this Code, other than vehicles owned by the federal government.

(B) ~~(2)~~ Motorcycles, motor driven cycles, and motorized pedalcycles.

(C) ~~(3)~~ Farm vehicles and implements of husbandry.

(D) ~~(4)~~ Implements of warfare owned by the State or federal government.

(E) ~~(5)~~ Antique vehicles, custom vehicles, street rods, and vehicles of model year 1967 or before.

(F) ~~(6)~~ Vehicles operated exclusively for parade or ceremonial purposes by any veterans, fraternal, or civic organization, organized on a not-for-profit basis.

(G) ~~(7)~~ Vehicles for which the Secretary of State, under Section 3-117 of this Code, has issued a Junking Certificate.

(H) ~~(8)~~ Diesel powered vehicles and vehicles that are powered exclusively by electricity.

(I) ~~(9)~~ Vehicles operated exclusively in organized amateur or professional sporting activities, as defined in Section 3.310 of the Environmental Protection Act.

(J) ~~(10)~~ Vehicles registered in, subject to, and in compliance with the emission inspection requirements of another state.

(K) ~~(11)~~ Vehicles participating in an OBD continuous monitoring program operated in accordance with procedures adopted by the Agency.

(L) ~~(12)~~ Vehicles of model year 1995 or earlier that do not have an expired emissions test sticker or certificate on February 1, 2007.

The Agency may issue temporary or permanent exemption stickers or certificates for vehicles temporarily or permanently exempt from inspection under this paragraph (6) ~~subsection (f)~~. An exemption sticker or certificate does not need to be displayed.

(7) ~~(g)~~ According to criteria that the Agency may adopt, a motor vehicle may be exempted from the inspection requirements of this Section by the Agency on the basis of an Agency determination that the vehicle is located and primarily used outside of the affected counties or in other jurisdictions where vehicle emission inspections are not required. The Agency may issue an annual exemption sticker or certificate without inspection for any vehicle exempted from inspection under this paragraph (7) ~~subsection~~.

(8) ~~(h)~~ Any owner or lessee of a fleet of 15 or more motor vehicles that are subject to inspection under this Section may apply to the Agency for a permit to establish and operate a private official inspection station in accordance with rules adopted by the Agency.

(9) ~~(i)~~ Pursuant to Title 40, Section 51.371 of the Code of Federal Regulations, the Agency may establish a program of on-road testing of in-use vehicles through the use of remote sensing devices. In any such program, the Agency shall evaluate the emission performance of 0.5% of the subject fleet or 20,000 vehicles, whichever is less. Under no circumstances shall on-road testing include any sort of roadblock or roadside pullover or cause any type of traffic delay. If, during the course of an on-road inspection, a vehicle is found to exceed the on-road emissions standards established for the model year and type of vehicle, the Agency shall send a notice to the vehicle owner. The notice shall document the occurrence and the results of the on-road exceedance. The notice of a second on-road exceedance shall indicate that the vehicle has been reassigned and is subject to an out-of-cycle follow-up inspection at an official inspection station. In no case shall the Agency send a notice of an on-road exceedance to the owner of a vehicle that was found to exceed the on-road emission standards established for the model year and type of vehicle, if the vehicle is registered outside of the affected counties.

(b) Registration Denial Inspection and Notification.

(1) No later than January 1, 2008, every motor vehicle that is owned by a resident of an affected county, other than a vehicle that is exempt under paragraph (b)(8) or (b)(9), is subject to inspection under the program.

The owner of a vehicle subject to inspection shall have the vehicle inspected and obtain proof of

compliance from the Agency in order to obtain or renew a vehicle registration for a subject vehicle.

The Secretary of State shall notify the owner of a vehicle subject to inspection of the requirement to have the vehicle tested at least 30 days prior to the beginning of the month in which the vehicle's registration is due to expire. Notwithstanding the preceding, vehicles with permanent registration plates shall be notified at least 30 days prior to the month corresponding to the date the vehicle was originally registered. This notification shall clearly state the vehicle's test status, based upon the vehicle type, model year and registration address.

The owner of each vehicle subject to inspection shall have the vehicle inspected and, upon demonstration of compliance, obtain an emissions compliance certificate for the vehicle. The compliance certificate shall state that the vehicle is in compliance with applicable emissions inspections requirements and shall expire one year from the date of issuance.

(2) Except as provided in paragraphs (b)(3), (b)(4), and (b)(5), vehicles shall be inspected every 2 years on a schedule that begins in the fourth calendar year after the vehicle model year. Even model year vehicles shall be inspected and comply in order to renew registrations expiring in even calendar years and odd model year vehicles shall be inspected and comply in order to renew registrations expiring in odd calendar years.

(3) A vehicle shall be inspected and comply at a time outside of its normal 2-year inspection schedule if (i) the vehicle was acquired by a new owner and (ii) the vehicle had not been issued a Compliance Certificate within one year of the date of application for the title or registration, or both, for the vehicle.

(4) Vehicles with 2-year registrations shall be inspected every 2 years at the time of registration issuance or renewal on a schedule that begins in the fourth year after the vehicle model year.

(5) Vehicles with permanent vehicle registration plates shall be inspected every 2 years on a schedule that begins in the fourth calendar year after the vehicle model year in the month corresponding to the date the vehicle was originally registered. Even model year vehicles shall be inspected and comply in even calendar years, and odd model year vehicles shall be inspected and comply in odd calendar years.

(6) The Agency and the Secretary of State shall endeavor to ensure a smooth transition from test scheduling from the provisions of subsection (a) to subsection (b). Passing tests and waivers issued prior to the implementation of this subsection (b) may be utilized to establish compliance for a period of one year from the date of the emissions or waiver inspection.

(7) For a $20 fee, to be paid into the Vehicle Inspection Fund, the Agency may inspect:

(A) A vehicle registered in and subject to the emission inspections requirements of another state.

(B) A vehicle presented for inspection on a voluntary basis.

Any fees collected under this paragraph (7) shall not offset Motor Fuel Tax Funds normally appropriated for the program.

(8) The following vehicles are not subject to inspection:

(A) Vehicles not subject to registration under Article IV of Chapter 3 of this Code, other than vehicles owned by the federal government.

(B) Motorcycles, motor driven cycles, and motorized pedalcycles.

(C) Farm vehicles and implements of husbandry.

(D) Implements of warfare owned by the State or federal government.

(E) Antique vehicles, custom vehicles, street rods, and vehicles of model year 1967 or before.

(F) Vehicles operated exclusively for parade or ceremonial purposes by any veterans, fraternal, or civic organization, organized on a not-for-profit basis.

(G) Vehicles for which the Secretary of State, under Section 3-117 of this Code, has issued a Junking Certificate.

(H) Diesel powered vehicles and vehicles that are powered exclusively by electricity.

(I) Vehicles operated exclusively in organized amateur or professional sporting activities, as defined in Section 3.310 of the Environmental Protection Act.

(J) Vehicles registered in, subject to, and in compliance with the emission inspection requirements of another state.

(K) Vehicles participating in an OBD continuous monitoring program operated in accordance with procedures adopted by the Agency.

(L) Vehicles of model year 1995 or earlier that do not have an expired emissions test sticker or certificate on February 1, 2007.

The Agency may issue temporary or permanent exemption certificates for vehicles temporarily or permanently exempt from inspection under this paragraph (8). An exemption sticker or certificate does not need to be displayed.

(9) According to criteria that the Agency may adopt, a motor vehicle may be exempted from the inspection requirements of this Section by the Agency on the basis of an Agency determination that the vehicle is located and primarily used outside of the affected counties or in other jurisdictions where vehicle emission inspections are not required. The Agency may issue an annual exemption certificate without inspection for any vehicle exempted from inspection under this paragraph (9).

(10) Any owner or lessee of a fleet of 15 or more motor vehicles that are subject to inspection under this Section may apply to the Agency for a permit to establish and operate a private official inspection station in accordance with rules adopted by the Agency.

(11) Pursuant to Title 40, Section 51.371 of the Code of Federal Regulations, the Agency may establish a program of on on-road testing of in-use vehicles through the use of remote sensing devices. In any such program, the Agency shall evaluate the emission performance of 0.5% of the subject fleet or 20,000 vehicles, whichever is less. Under no circumstances shall on-road testing include any sort of roadblock or roadside pullover or cause any type of traffic delay. If, during the course of an on-road inspection, a vehicle is found to exceed the on-road emissions standards established for the model year and type of vehicle, the Agency shall send a notice to the vehicle owner. The notice shall document the occurrence and the results of the on-road exceedance. The notice of a second on-road exceedance shall indicate that the vehicle has been reassigned and is subject to an out-of-cycle follow-up inspection at an official inspection station. In no case shall the Agency send a notice of an on-road exceedance to the owner of a vehicle that was found to exceed the on-road emission standards established for the model year and type of vehicle, if the vehicle is registered outside of the affected counties.

(Source: P.A. 94-526, eff. 1-1-06.)

(625 ILCS 5/13C-50)

Sec. 13C-50. Costs.

(a) Except as otherwise provided in paragraph (a)(5) or (b)(7) ~~subsection (e)~~ of Section 13C-15, no fee shall be charged to motor vehicle owners for obtaining inspections required under this Chapter. The Vehicle Inspection Fund, which is a fund created in the State treasury for the purpose of receiving moneys from the Motor Fuel Tax Fund and other sources, shall be used, subject to appropriation, for the payment of the costs of the program, including reimbursement of those agencies of the State that incur expenses in the administration or enforcement of the program. The Vehicle Inspection Fund shall continue in existence notwithstanding the repeal of Chapter 13B. Any money in the Vehicle Inspection Fund on February 1, 2007, shall be used for the purposes set forth in this Chapter.

(b) The Agency may acquire, own, maintain, operate, sell, lease and otherwise transfer real and personal property and interests in real and personal property for the purpose of creating or operating inspection stations and for any other purpose relating to the administration of this Chapter, and may use money from the Vehicle Inspection Fund for these purposes.

(Source: P.A. 94-526, eff. 1-1-06.)

(625 ILCS 5/13C-55)

Sec. 13C-55. Enforcement.

(a) Computer-Matched Enforcement.

(1) The provisions of this subsection (a) are operative until the implementation of the registration denial enforcement mechanism required by subsection (b). The Agency shall cooperate in the enforcement of this Chapter by (i) identifying probable violations through computer matching of vehicle registration records and inspection records; (ii) sending one notice to each suspected violator identified through such matching, stating that registration and inspection records indicate that the vehicle owner has not complied with this Chapter; (iii) directing the vehicle owner to notify the Agency or the Secretary of State if he or she has ceased to own the vehicle or has changed residence; and (iv) advising the vehicle owner of the consequences of violating this Chapter.

The Agency shall cooperate with the Secretary of State in the administration of this Chapter and the related provisions of Chapter 3, and shall provide the Secretary of State with such information as the Secretary of State may deem necessary for these purposes, including regular and timely access to vehicle inspection records.

The Secretary of State shall cooperate with the Agency in the administration of this Chapter and shall provide the Agency with such information as the Agency may deem necessary for the purposes of this Chapter, including regular and timely access to vehicle registration records. Section 2-123 of this Code does not apply to the provision of this information.

(2) ~~(b)~~ The Secretary of State shall suspend either the driving privileges or the vehicle registration, or both, of any vehicle owner who has not complied with this Chapter, if (i) the vehicle owner has failed to satisfactorily respond to the one notice sent by the Agency under paragraph (a)(1)

~~subsection (a)~~, and (ii) the Secretary of State has mailed the vehicle owner a notice that the suspension will be imposed if the owner does not comply within a stated period, and the Secretary of State has not received satisfactory evidence of compliance within that period. The Secretary of State shall send this notice only after receiving a statement from the Agency that the vehicle owner has failed to comply with this Section. Notice shall be effective as specified in subsection (c) of Section 6-211 of this Code.

A suspension under this paragraph (a)(2) ~~subsection~~ shall not be terminated until satisfactory proof of compliance

has been submitted to the Secretary of State. No driver's license or permit, or renewal of a license or permit, may be issued to a person whose driving privileges have been suspended under this Section until the suspension has been terminated. No vehicle registration or registration plate that has been suspended under this Section may be reinstated or renewed, or transferred by the owner to any other vehicle, until the suspension has been terminated.

(b) Registration Denial Enforcement.

(1) No later than January 1, 2008, and consistent with Title 40, Part 51, Section 51.361 of the Code of Federal Regulations, the Agency and the Secretary of State shall design, implement, maintain, and operate a registration denial enforcement mechanism to ensure compliance with the provisions of this Chapter, and cooperate with other State and local governmental entities to effectuate its provisions. Specifically, this enforcement mechanism shall contain, at a minimum, the following elements:

(A) An external, readily visible means of determining vehicle compliance with the registration requirement to facilitate enforcement of the program;

(B) A biennial schedule of testing that clearly determines when a vehicle shall comply prior to registration;

(C) A testing certification mechanism (either paper-based or electronic) that shall be used for registration purposes and clearly states whether the certification is valid for purposes of registration, including:

(i) Expiration date of the certificate;

(ii) Unambiguous vehicle identification information; and

(iii) Whether the vehicle passed or received a waiver;

(D) A commitment to routinely issue citations to motorists with expired or missing license plates, with either no registration or an expired registration, and with no license plate decals or expired decals, and provide for enforcement officials other than police to issue citations (e.g., parking meter attendants) to parked vehicles in noncompliance;

(E) A commitment to structure the penalty system to deter non-compliance with the registration requirement through the use of mandatory minimum fines (meaning civil, monetary penalties) constituting a meaningful deterrent and through a requirement that compliance be demonstrated before a case can be closed;

(F) Ensurance that evidence of testing is available and checked for validity at the time of a new registration of a used vehicle or registration renewal;

(G) Prevention of owners or lessors from avoiding testing through manipulation of the title or registration system; title transfers may re-start the clock on the inspection cycle only if proof of current compliance is required at title transfer;

(H) Prevention of the fraudulent initial classification or reclassification of a vehicle from subject to non-subject or exempt by requiring proof of address changes prior to registration record modification, and documentation from the testing program (or delegate) certifying based on a physical inspection that the vehicle is exempt;

(I) Limiting and tracking of the use of time extensions of the registration requirement to prevent repeated extensions;

(J) Providing for meaningful penalties for cases of registration fraud;

(K) Limiting and tracking exemptions to prevent abuse of the exemption policy for vehicles claimed to be out-of-state; and

(L) Encouraging enforcement of vehicle registration transfer requirements when vehicle owners move into the affected counties by coordinating with local and State enforcement agencies and structuring other activities (e.g., drivers license issuance) to effect registration transfers.

(2) The Agency shall cooperate in the enforcement of this Chapter by providing the owner or owners of complying vehicles with a Compliance Certificate stating that the vehicle meets all applicable requirements of this Chapter.

The Agency shall cooperate with the Secretary of State in the administration of this Chapter and the related provisions of Chapter 3, and shall provide the Secretary of State with such information as the Secretary of State may deem necessary for these purposes, including regular and timely access to vehicle

inspection records.

The Secretary of State shall cooperate with the Agency in the administration of this Chapter and shall provide the Agency with such information as the Agency may deem necessary for the purposes of this Chapter, including regular and timely access to vehicle registration records. Section 2-123 of this Code does not apply to the provision of this information.

(3) Consistent with the requirements of Section 13C-15, the Secretary of State shall not renew any vehicle registration for a subject vehicle that has not complied with this Chapter. Additionally, the Secretary of State shall not allow the issuance of a new registration nor allow the transfer of a registration to a subject vehicle that has not complied with this Chapter.

(4) The Secretary of State shall suspend the registration of any vehicle which has permanent vehicle registration plates that has not complied with the requirements of this Chapter. A suspension under this paragraph (4) shall not be terminated until satisfactory proof of compliance has been submitted to the Secretary of State. No permanent vehicle registration plate that has been suspended under this Section may be reinstated or renewed, or transferred by the owner to any other vehicle, until the suspension has been terminated.

(Source: P.A. 94-526, eff. 1-1-06.)

(625 ILCS 5/13C-60)

Sec. 13C-60. Other offenses.

(a) Any person who knowingly displays an emission inspection or exemption certificate for ~~sticker or exemption sticker on~~ any vehicle other than the one for which the certificate ~~sticker~~ was lawfully issued in accordance with the provisions of this Chapter, or duplicates, alters, uses, possesses, issues, or distributes any emission inspection or exemption ~~sticker, exemption sticker, inspection~~ certificate, or facsimile thereof, except in accordance with the provisions of this Chapter and the rules and regulations adopted hereunder, is guilty of a Class C misdemeanor.

(b) A vehicle owner shall pay a monetary fine equivalent to the test fee plus the applicable waiver repair expenditure for the continued operation of a non-complying ~~noncomplying~~ vehicle beyond 4 months past the expiration of the vehicle emission inspection certificate. Any fines collected under this Section shall be divided equally between the local jurisdiction issuing the citation and the Vehicle Inspection Fund.

(Source: P.A. 94-526, eff. 1-1-06.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING OF BILLS OF THE SENATE A THIRD TIME

On motion of Senator Cronin, **Senate Bill No. 2887**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

Pending roll call on motion of Senator Cronin, further consideration of **Senate Bill No. 2887** was postponed.

Senator Harmon asked and obtained unanimous consent for the Journal to reflect his present vote on **Senate Bill No. 2887.**

On motion of Senator Trotter, **Senate Bill No. 2913**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

Yeas 54; Nays None.

The following voted in the affirmative:

Axley Garrett Maloney Schoenberg

Bomke	Geo-Karis	Meeks	Shadid
Brady	Haine	Millner	Sieben
Clayborne	Halvorson	Munoz	Silverstein
Collins	Harmon	Pankau	Sullivan, J.
Cronin	Hendon	Peterson	Syverson
Crotty	Hunter	Radogno	Trotter
Cullerton	Jacobs	Raoul	Viverito
Dahl	Jones, J.	Righter	Watson
del Valle	Jones, W.	Risinger	Wilhelmi
DeLeo	Lauzen	Ronen	Winkel
Demuzio	Lightford	Roskam	Mr. President
Dillard	Link	Rutherford	
Forby	Luechtefeld	Sandoval	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

SENATE BILLS RECALLED

On motion of Senator Cullerton, **Senate Bill No. 2954** was recalled from the order of third reading to the order of second reading.

Senator Cullerton offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2954

AMENDMENT NO. 1. Amend Senate Bill 2954 on page 1, by inserting immediately below line 3, the following:

"Article 1."; and

on page 1, line 4, by replacing "Section 1." with "Section 1-1."; and

on page 1, lines 14, 22, 23, 26, 31, 32 and on page 2, lines 4 and 5, by changing "Act" wherever it appears to "Article 1"; and

on page 2, line 8, by replacing "Section 5." with "Section 1-5."; and

on page 4, line 25, by replacing "Section 10." with "Section 1-10."; and

on page 10, by inserting immediately below line 20, the following:

"Article 2.

Section 2-1. Findings; purpose.

(a) The General Assembly finds and declares that:

(1) Public Act 89-688, effective June 1, 1997, contained provisions amending Sections 31A-1.1 and 31A-1.2 of the Criminal Code of 1961 relating to bringing contraband into a penal institution; possessing contraband in a penal institution; and unauthorized bringing of contraband into a penal institution by an employee. Public Act 89-688 also contained other provisions.

(2) On October 20, 2000, in People v. Jerry Lee Foster, 316 Ill. App. 3d 855, the Illinois Appellate Court, Fourth District, ruled that Public Act 89-688 violates the single subject clause of the Illinois Constitution (Article IV, Section 8 (d)) and is therefore unconstitutional in its entirety. The Illinois Supreme Court agreed with the reasoning of that court in People v. Burdunice, 211 Ill. 2d 264 (2004).

(3) The provisions added to Sections 31A-1.1 and 31A-1.2 of the Criminal Code of 1961 by Public Act 89-688 are of vital concern to the people of this State. Prompt legislative action concerning those provisions is necessary.

(4) Section 31A-1.1 of the Criminal Code of 1961 has subsequently been amended by Public Act 94-556. Section 31A-1.2 of the Criminal Code of 1961 has subsequently been amended by Public Acts 90-655, 91-357, and 94-556.

(b) It is the purpose of this Article 2 to re-enact Sections 31A-1.1 and 31A-1.2 of the Criminal Code of 1961, including the provisions added by Public Act 89-688 and the subsequent amendment to Section 31A-1.1 by Public Act 94-556 and subsequent amendments to Section 31A-1.2 by Public Acts 90-655, 91-357, and 94-556. This re-enactment is intended to remove any question as to the validity or content of those provisions; it is not intended to supersede any other Public Act that amends the text of the Sections as set forth in this Article 2. The re-enacted material is shown in this Article 2 as existing text (i.e., without underscoring).

Section 2-5. The Criminal Code of 1961 is amended by re-enacting Sections 31A-1.1 and 31A-1.2 as follows:

(720 ILCS 5/31A-1.1) (from Ch. 38, par. 31A-1.1)

Sec. 31A-1.1. Bringing Contraband into a Penal Institution; Possessing Contraband in a Penal Institution.

(a) A person commits the offense of bringing contraband into a penal institution when he knowingly and without authority of any person designated or authorized to grant such authority (1) brings an item of contraband into a penal institution or (2) causes another to bring an item of contraband into a penal institution or (3) places an item of contraband in such proximity to a penal institution as to give an inmate access to the contraband.

(b) A person commits the offense of possessing contraband in a penal institution when he possesses contraband in a penal institution, regardless of the intent with which he possesses it.

(c) For the purposes of this Section, the words and phrases listed below shall be defined as follows:

(1) "Penal institution" means any penitentiary, State farm, reformatory, prison, jail, house of correction, police detention area, half-way house or other institution or place for the incarceration or custody of persons under sentence for offenses awaiting trial or sentence for offenses, under arrest for an offense, a violation of probation, a violation of parole, or a violation of mandatory supervised release, or awaiting a bail setting hearing or preliminary hearing; provided that where the place for incarceration or custody is housed within another public building this Act shall not apply to that part of such building unrelated to the incarceration or custody of persons.

(2) "Item of contraband" means any of the following:

(i) "Alcoholic liquor" as such term is defined in Section 1-3.05 of the Liquor Control Act of 1934.

(ii) "Cannabis" as such term is defined in subsection (a) of Section 3 of the Cannabis Control Act.

(iii) "Controlled substance" as such term is defined in the Illinois Controlled Substances Act.

(iii-a) "Methamphetamine" as such term is defined in the Illinois Controlled Substances Act or the Methamphetamine Control and Community Protection Act.

(iv) "Hypodermic syringe" or hypodermic needle, or any instrument adapted for use of controlled substances or cannabis by subcutaneous injection.

(v) "Weapon" means any knife, dagger, dirk, billy, razor, stiletto, broken bottle, or other piece of glass which could be used as a dangerous weapon. Such term includes any of the devices or implements designated in subsections (a)(1), (a)(3) and (a)(6) of Section 24-1 of this Act, or any other dangerous weapon or instrument of like character.

(vi) "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, including but not limited to:

(A) any pneumatic gun, spring gun, or B-B gun which expels a single globular projectile not exceeding .18 inch in diameter, or;

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

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

(D) any device which is powered by electrical charging units, such as batteries, and which fires one or several barbs attached to a length of wire and which, upon hitting a human, can send out current capable of disrupting the person's nervous system in such a manner as to render him incapable of normal functioning, commonly referred to as a stun gun or taser.

(vii) "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, including but

not limited to:

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

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

(viii) "Explosive" means, but is not limited to, bomb, bombshell, grenade, bottle or other container containing an explosive substance of over one-quarter ounce for like purposes such as black powder bombs and Molotov cocktails or artillery projectiles.

(ix) "Tool to defeat security mechanisms" means, but is not limited to, handcuff or security restraint key, tool designed to pick locks, or device or instrument capable of unlocking handcuff or security restraints, doors to cells, rooms, gates or other areas of the penal institution.

(x) "Cutting tool" means, but is not limited to, hacksaw blade, wirecutter, or device, instrument or file capable of cutting through metal.

(xi) "Electronic contraband" means, but is not limited to, any electronic, video recording device, computer, or cellular communications equipment, including, but not limited to, cellular telephones, cellular telephone batteries, videotape recorders, pagers, computers, and computer peripheral equipment brought into or possessed in a penal institution without the written authorization of the Chief Administrative Officer.

(d) Bringing alcoholic liquor into a penal institution is a Class 4 felony. Possessing alcoholic liquor in a penal institution is a Class 4 felony.

(e) Bringing cannabis into a penal institution is a Class 3 felony. Possessing cannabis in a penal institution is a Class 3 felony.

(f) Bringing any amount of a controlled substance classified in Schedules III, IV or V of Article II of the Controlled Substance Act into a penal institution is a Class 2 felony. Possessing any amount of a controlled substance classified in Schedule III, IV, or V of Article II of the Controlled Substance Act in a penal institution is a Class 2 felony.

(g) Bringing any amount of a controlled substance classified in Schedules I or II of Article II of the Controlled Substance Act into a penal institution is a Class 1 felony. Possessing any amount of a controlled substance classified in Schedules I or II of Article II of the Controlled Substance Act in a penal institution is a Class 1 felony.

(h) Bringing an item of contraband listed in paragraph (iv) of subsection (c)(2) into a penal institution is a Class 1 felony. Possessing an item of contraband listed in paragraph (iv) of subsection (c)(2) in a penal institution is a Class 1 felony.

(i) Bringing an item of contraband listed in paragraph (v), (ix), (x), or (xi) of subsection (c)(2) into a penal institution is a Class 1 felony. Possessing an item of contraband listed in paragraph (v), (ix), (x), or (xi) of subsection (c)(2) in a penal institution is a Class 1 felony.

(j) Bringing an item of contraband listed in paragraphs (vi), (vii) or (viii) of subsection (c)(2) in a penal institution is a Class X felony. Possessing an item of contraband listed in paragraphs (vi), (vii), or (viii) of subsection (c)(2) in a penal institution is a Class X felony.

(k) It shall be an affirmative defense to subsection (b) hereof, that such possession was specifically authorized by rule, regulation, or directive of the governing authority of the penal institution or order issued pursuant thereto.

(l) It shall be an affirmative defense to subsection (a)(1) and subsection (b) hereof that the person bringing into or possessing contraband in a penal institution had been arrested, and that that person possessed such contraband at the time of his arrest, and that such contraband was brought into or possessed in the penal institution by that person as a direct and immediate result of his arrest.

(m) Items confiscated may be retained for use by the Department of Corrections or disposed of as deemed appropriate by the Chief Administrative Officer in accordance with Department rules or disposed of as required by law.

(Source: P.A. 94-556, eff. 9-11-05.)

(720 ILCS 5/31A-1.2) (from Ch. 38, par. 31A-1.2)

Sec. 31A-1.2. Unauthorized bringing of contraband into a penal institution by an employee; unauthorized possessing of contraband in a penal institution by an employee; unauthorized delivery of contraband in a penal institution by an employee.

(a) A person commits the offense of unauthorized bringing of contraband into a penal institution by an employee when a person who is an employee knowingly and without authority or any person designated or authorized to grant such authority:

(1) brings or attempts to bring an item of contraband listed in paragraphs (i) through

(iv) of subsection (d)(4) into a penal institution, or

(2) causes or permits another to bring an item of contraband listed in paragraphs (i) through (iv) of subsection (d)(4) into a penal institution.

(b) A person commits the offense of unauthorized possession of contraband in a penal institution by an employee when a person who is an employee knowingly and without authority of any person designated or authorized to grant such authority possesses contraband listed in paragraphs (i) through (iv) of subsection (d)(4) in a penal institution, regardless of the intent with which he possesses it.

(c) A person commits the offense of unauthorized delivery of contraband in a penal institution by an employee when a person who is an employee knowingly and without authority of any person designated or authorized to grant such authority:

(1) delivers or possesses with intent to deliver an item of contraband to any inmate of a penal institution, or

(2) conspires to deliver or solicits the delivery of an item of contraband to any inmate of a penal institution, or

(3) causes or permits the delivery of an item of contraband to any inmate of a penal institution, or

(4) permits another person to attempt to deliver an item of contraband to any inmate of a penal institution.

(d) For purpose of this Section, the words and phrases listed below shall be defined as follows:

(1) "Penal Institution" shall have the meaning ascribed to it in subsection (c)(1) of Section 31A-1.1 of this Code;

(2) "Employee" means any elected or appointed officer, trustee or employee of a penal institution or of the governing authority of the penal institution, or any person who performs services for the penal institution pursuant to contract with the penal institution or its governing authority.

(3) "Deliver" or "delivery" means the actual, constructive or attempted transfer of possession of an item of contraband, with or without consideration, whether or not there is an agency relationship;

(4) "Item of contraband" means any of the following:

(i) "Alcoholic liquor" as such term is defined in Section 1-3.05 of the Liquor Control Act of 1934.

(ii) "Cannabis" as such term is defined in subsection (a) of Section 3 of the Cannabis Control Act.

(iii) "Controlled substance" as such term is defined in the Illinois Controlled Substances Act.

(iii-a) "Methamphetamine" as such term is defined in the Illinois Controlled Substances Act or the Methamphetamine Control and Community Protection Act.

(iv) "Hypodermic syringe" or hypodermic needle, or any instrument adapted for use of controlled substances or cannabis by subcutaneous injection.

(v) "Weapon" means any knife, dagger, dirk, billy, razor, stiletto, broken bottle, or other piece of glass which could be used as a dangerous weapon. Such term includes any of the devices or implements designated in subsections (a)(1), (a)(3) and (a)(6) of Section 24-1 of this Act, or any other dangerous weapon or instrument of like character.

(vi) "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, including but not limited to:

(A) any pneumatic gun, spring gun, or B-B gun which expels a single globular projectile not exceeding .18 inch in diameter; or

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

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

(D) any device which is powered by electrical charging units, such as batteries, and which fires one or several barbs attached to a length of wire and which, upon hitting a human, can send out current capable of disrupting the person's nervous system in such a manner as to render him incapable of normal functioning, commonly referred to as a stun gun or taser.

(vii) "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, including but not limited to:

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

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

(viii) "Explosive" means, but is not limited to, bomb, bombshell, grenade, bottle or other container containing an explosive substance of over one-quarter ounce for like purposes such as black powder bombs and Molotov cocktails or artillery projectiles.

(ix) "Tool to defeat security mechanisms" means, but is not limited to, handcuff or security restraint key, tool designed to pick locks, or device or instrument capable of unlocking handcuff or security restraints, doors to cells, rooms, gates or other areas of the penal institution.

(x) "Cutting tool" means, but is not limited to, hacksaw blade, wirecutter, or device, instrument or file capable of cutting through metal.

(xi) "Electronic contraband" means, but is not limited to, any electronic, video recording device, computer, or cellular communications equipment, including, but not limited to, cellular telephones, cellular telephone batteries, videotape recorders, pagers, computers, and computer peripheral equipment.

(e) A violation of paragraphs (a) or (b) of this Section involving alcohol is a Class 4 felony. A violation of paragraph (a) or (b) of this Section involving cannabis is a Class 2 felony. A violation of paragraph (a) or (b) involving any amount of a controlled substance classified in Schedules III, IV or V of Article II of the Illinois Controlled Substances Act is a Class 1 felony. A violation of paragraph (a) or (b) of this Section involving any amount of a controlled substance classified in Schedules I or II of Article II of the Illinois Controlled Substances Act is a Class X felony. A violation of paragraph (a) or (b) involving an item of contraband listed in paragraph (iv) of subsection (d)(4) is a Class X felony. A violation of paragraph (a) or (b) involving an item of contraband listed in paragraph (v) or (xi) of subsection (d)(4) is a Class 1 felony. A violation of paragraph (a) or (b) involving an item of contraband listed in paragraphs (vi), (vii) or (viii) of subsection (d)(4) is a Class X felony.

(f) A violation of paragraph (c) of this Section involving alcoholic liquor is a Class 3 felony. A violation of paragraph (c) involving cannabis is a Class 1 felony. A violation of paragraph (c) involving any amount of a controlled substance classified in Schedules III, IV or V of Article II of the Illinois Controlled Substances Act is a Class X felony. A violation of paragraph (c) involving any amount of a controlled substance classified in Schedules I or II of Article II of the Illinois Controlled Substances Act is a Class X felony for which the minimum term of imprisonment shall be 8 years. A violation of paragraph (c) involving an item of contraband listed in paragraph (iv) of subsection (d)(4) is a Class X felony for which the minimum term of imprisonment shall be 8 years. A violation of paragraph (c) involving an item of contraband listed in paragraph (v), (ix) or (x) of subsection (d)(4) is a Class X felony for which the minimum term of imprisonment shall be 10 years. A violation of paragraph (c) involving an item of contraband listed in paragraphs (vi), (vii) or (viii) of subsection (d)(4) is a Class X felony for which the minimum term of imprisonment shall be 12 years.

(g) Items confiscated may be retained for use by the Department of Corrections or disposed of as deemed appropriate by the Chief Administrative Officer in accordance with Department rules or disposed of as required by law.

(Source: P.A. 94-556, eff. 9-11-05.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Syverson, **Senate Bill No. 3036** was recalled from the order of third reading to the order of second reading.

Senator Syverson offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3036

AMENDMENT NO. 1. Amend Senate Bill 3036 on page 4, immediately below line 5, by inserting the following:

"(d) A manufacturer or retailer of computer equipment shall not be liable under this Act to the extent that the manufacturer or retailer is providing third-party branded software loaded on the equipment they are manufacturing or selling."; and

on page 8, line 5, after "computer", by inserting "hardware or".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING OF BILL OF THE SENATE A THIRD TIME

On motion of Senator Haine, **Senate Bill No. 3062**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

Yeas 52; Nays None.

The following voted in the affirmative:

Axley	Forby	Maloney	Sieben
Bomke	Garrett	Meeks	Silverstein
Brady	Geo-Karis	Millner	Sullivan, J.
Burzynski	Haine	Munoz	Syverson
Clayborne	Halvorson	Pankau	Trotter
Collins	Harmon	Peterson	Viverito
Cronin	Hendon	Radogno	Watson
Crotty	Hunter	Raoul	Wilhelmi
Cullerton	Jacobs	Risinger	Winkel
Dahl	Jones, J.	Ronen	Mr. President
del Valle	Jones, W.	Roskam	
DeLeo	Lightford	Sandoval	
Demuzio	Link	Schoenberg	
Dillard	Luechtefeld	Shadid	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

SENATE BILLS RECALLED

On motion of Senator Watson, **Senate Bill No. 2130** was recalled from the order of third reading to the order of second reading.

Senator Watson offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2130

AMENDMENT NO. __1__. Amend Senate Bill 2130 by replacing everything after the enacting clause with the following:

"Section 5. The State Finance Act is amended by changing Section 8h and adding Section 5.663 as follows:

(30 ILCS 105/5.663 new)

Sec. 5.663. The Support Our Troops Fund.

(30 ILCS 105/8h)

Sec. 8h. Transfers to General Revenue Fund.

(a) Except as provided in subsection (b), notwithstanding any other State law to the contrary, the Governor may, through June 30, 2007, from time to time direct the State Treasurer and Comptroller to

transfer a specified sum from any fund held by the State Treasurer to the General Revenue Fund in order to help defray the State's operating costs for the fiscal year. The total transfer under this Section from any fund in any fiscal year shall not exceed the lesser of (i) 8% of the revenues to be deposited into the fund during that fiscal year or (ii) an amount that leaves a remaining fund balance of 25% of the July 1 fund balance of that fiscal year. In fiscal year 2005 only, prior to calculating the July 1, 2004 final balances, the Governor may calculate and direct the State Treasurer with the Comptroller to transfer additional amounts determined by applying the formula authorized in Public Act 93-839 to the funds balances on July 1, 2003. No transfer may be made from a fund under this Section that would have the effect of reducing the available balance in the fund to an amount less than the amount remaining unexpended and unreserved from the total appropriation from that fund estimated to be expended for that fiscal year. This Section does not apply to any funds that are restricted by federal law to a specific use, to any funds in the Motor Fuel Tax Fund, the Intercity Passenger Rail Fund, the Hospital Provider Fund, the Medicaid Provider Relief Fund, the Teacher Health Insurance Security Fund, the Reviewing Court Alternative Dispute Resolution Fund, ~~or~~ the Voters' Guide Fund, the Foreign Language Interpreter Fund, the Lawyers' Assistance Program Fund, the Supreme Court Federal Projects Fund, the Supreme Court Special State Projects Fund, ~~or~~ the Low-Level Radioactive Waste Facility Development and Operation Fund, or the Hospital Basic Services Preservation Fund, or to any funds to which subsection (f) of Section 20-40 of the Nursing and Advanced Practice Nursing Act applies. No transfers may be made under this Section from the Pet Population Control Fund. Notwithstanding any other provision of this Section, for fiscal year 2004, the total transfer under this Section from the Road Fund or the State Construction Account Fund shall not exceed the lesser of (i) 5% of the revenues to be deposited into the fund during that fiscal year or (ii) 25% of the beginning balance in the fund. For fiscal year 2005 through fiscal year 2007, no amounts may be transferred under this Section from the Road Fund, the State Construction Account Fund, the Criminal Justice Information Systems Trust Fund, the Wireless Service Emergency Fund, or the Mandatory Arbitration Fund.

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

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

(b) This Section does not apply to: (i) the Ticket For The Cure Fund; (ii) ~~or to~~ any fund established under the Community Senior Services and Resources Act; or (iii) ~~(ii)~~ on or after January 1, 2006 (the effective date of Public Act 94-511) ~~this amendatory Act of the 94th General Assembly~~, the Child Labor and Day and Temporary Labor Enforcement Fund.

(c) This Section does not apply to the Demutualization Trust Fund established under the Uniform Disposition of Unclaimed Property Act.

(d) ~~(c)~~ This Section does not apply to moneys set aside in the Illinois State Podiatric Disciplinary Fund for podiatric scholarships and residency programs under the Podiatric Scholarship and Residency Act.

(e) This Section does not apply to moneys deposited into the Support Our Troops Fund.

(Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674, eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04; 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff. 1-15-05; 94-91, eff. 7-1-05; 94-120, eff. 7-6-05; 94-511, eff. 1-1-06; 94-535, eff. 8-10-05; 94-639, eff. 8-22-05; 94-645, eff. 8-22-05; 94-648, eff. 1-1-06; 94-686, eff. 11-2-05; 94-691, eff. 11-2-05; 94-726, eff. 1-20-06; revised 1-23-06.)

Section 10. The Illinois Vehicle Code is amended by adding Section 3-664 as follows:

(625 ILCS 5/3-664 new)

Sec. 3-664. Support Our Troops license plates.

(a) The Secretary, upon receipt of all applicable fees and applications made in the form prescribed by the Secretary, may issue special registration plates designated as Support Our Troops license plates. The special plates issued under this Section shall be affixed only to passenger vehicles of the first division or motor vehicles of the second division weighing not more than 8,000 pounds. Plates issued under this Section shall expire according to the multi-year procedure established by Section 3-414.1 of this Code.

(b) The design and color of the special plates shall be wholly within the discretion of the Secretary, except that the phrase "Support Our Troops" and an emblem of a soldier and child shall be on the plates. The Secretary may, in his or her discretion, allow the plates to be issued as vanity or personalized plates in accordance with Section 3-405.1 of this Code. The plates are not required to designate "Land of Lincoln", as prescribed in subsection (b) of Section 3-412 of this Code. The Secretary, in his or her discretion, shall approve and prescribe stickers or decals as provided under Section 3-412.

(c) An applicant for the special plate shall be charged a $40 fee for original issuance in addition to the appropriate registration fee. Of this fee, $25 shall be deposited into the Support Our Troops Fund and $15 shall be deposited into the Secretary of State Special License Plate Fund, to be used by the Secretary to help defray the administrative processing costs. For each registration renewal period, a $27 fee, in addition to the appropriate registration fee, shall be charged. Of this fee, $25 shall be deposited into the Support Our Troops Fund and $2 shall be deposited into the Secretary of State Special License Plate Fund.

(d) The Support Our Troops Fund is created as a special fund in the State treasury. All moneys in the Support Our Troops Fund shall be paid, subject to appropriation by the General Assembly and approval by the Secretary, as grants to Illinois Support Our Troops, Inc., a not for profit public purpose charity under Internal Revenue Code Section 501(c)(3), for charitable assistance to the troops and their families in accordance with its Articles of Incorporation.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Harmon, **Senate Bill No. 2162** was recalled from the order of third reading to the order of second reading.

Senator Harmon offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2162

AMENDMENT NO. 1. Amend Senate Bill 2162 on page 1, line 17, after "mother", by inserting "or guardian, other than the father of the child who has been convicted of or pled guilty to one of the offenses listed in this Section, or, in cases where the mother is a minor, the guardian of the mother".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Collins, **Senate Bill No. 2191** was recalled from the order of third reading to the order of second reading.

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

Senator Collins offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2191

AMENDMENT NO. 2. Amend Senate Bill 2191 by replacing everything after the enacting clause with the following:

"Section 5. The State Finance Act is amended by adding Section 5.663 as follows:

(30 ILCS 105/5.663 new)

Sec. 5.663. The Financial Literacy Fund.

Section 10. The School Code is amended by changing Section 27-12.1 as follows:

(105 ILCS 5/27-12.1) (from Ch. 122, par. 27-12.1)

Sec. 27-12.1. Consumer education.

(a) Subject to the provisions of subsection (b) of this Section, pupils in the public schools in grades 9 through 12 shall be taught and be required to study courses which include instruction in the area of consumer education, including but not necessarily limited to (i) understanding the basic concepts of financial literacy, including installment purchasing (including credit scoring, managing credit debt, and completing a loan application), budgeting, savings and investing, banking (including balancing a checkbook, opening a deposit account, and the use of interest rates), understanding simple contracts, State and federal income taxes, personal insurance policies, and the comparison of prices, and (ii) ~~an~~ understanding ~~of~~ the roles of consumers interacting with agriculture, business, labor unions and government in formulating and achieving the goals of the mixed free enterprise system. The State Board

of Education shall devise or approve the consumer education curriculum for grades 9 through 12 and specify the minimum amount of instruction to be devoted thereto.

(b) Prior to the commencement of the 1986-1987 school year and prior to the commencement of each school year thereafter, the State Board of Education shall devise, develop and furnish to each school district within the State a uniform Annual Consumer Education Proficiency Test to be administered by each school district to those pupils of the district in grades 9 through 12 who elect to take the same, provided that no pupil shall be permitted to take the test more than once in any school year. Each year the State Board of Education shall by rule prescribe the date or dates during the school year on which school districts shall administer the test devised and developed for that school year, together with the uniform standards which all districts shall apply in scoring that test. The test shall be devised and developed by the State Board of Education each year in a standardized manner to allow any pupil who takes the same and who achieves a score thereon which is not less than the minimum score established by the State Board of Education for the test so taken to thereby demonstrate sufficient proficiency in the area of consumer education as shall excuse such pupil from the necessity of receiving, as a prerequisite to graduation from high school and receipt of a high school diploma, the minimum amount of instruction in a consumer education curriculum otherwise required by subsection (a) and the rules or regulations promulgated thereunder. For purposes of this subsection, "proficiency" is defined to mean that a pupil is competent in and has a well advanced knowledge of consumer education so that study of the course of instruction required by this Section would not be substantially educationally beneficial as determined by the State Board of Education when developing the uniform standards and minimum score requirements of this Section.

(c) The Financial Literacy Fund is created as a special fund in the State treasury. State funds and private contributions for the promotion of financial literacy shall be deposited into the Financial Literacy Fund. All money in the Financial Literacy Fund shall be used, subject to appropriation, by the State Board of Education to award grants to school districts for the following:

(1) Defraying the costs of financial literacy training for teachers.

(2) Rewarding a school or teacher who wins or achieves results at a certain level of success in a financial literacy competition.

(3) Rewarding a student who wins or achieves results at a certain level of success in a financial literacy competition.

(4) Funding activities, including books, games, field trips, computers, and other activities, related to financial literacy education.

In awarding grants, every effort must be made to ensure that all geographic areas of the State are represented.

(d) A school board may establish a special fund in which to receive public funds and private contributions for the promotion of financial literacy. Money in the fund shall be used for the following:

(1) Defraying the costs of financial literacy training for teachers.

(2) Rewarding a school or teacher who wins or achieves results at a certain level of success in a financial literacy competition.

(3) Rewarding a student who wins or achieves results at a certain level of success in a financial literacy competition.

(4) Funding activities, including books, games, field trips, computers, and other activities, related to financial literacy education.

(e) The State Board of Education, upon the next comprehensive review of the Illinois Learning Standards, is urged to include the basic principles of personal insurance policies and understanding simple contracts.

(Source: P.A. 86-300.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Demuzio, **Senate Bill No. 2236** was recalled from the order of third reading to the order of second reading.

Senator Demuzio offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2236

AMENDMENT NO. _2_. Amend Senate Bill 2236 as follows:

on page 3, line 8, by replacing "an ethanol a plant" with "an ethanol ~~a~~ plant"; and

on page 6, by replacing line 7 with the following:
"Section 8h and by adding Sections 5.663 and 6z-70 as follows:"

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING OF BILLS OF THE SENATE A THIRD TIME

On motion of Senator Dillard, **Senate Bill No. 2241**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 53; Nays None.

The following voted in the affirmative:

Axley	Garrett	Maloney	Shadid
Bomke	Geo-Karis	Meeks	Sieben
Burzynski	Haine	Millner	Silverstein
Clayborne	Halvorson	Munoz	Sullivan, J.
Collins	Harmon	Pankau	Syverson
Cronin	Hendon	Peterson	Trotter
Crotty	Hunter	Radogno	Viverito
Cullerton	Jacobs	Raoul	Watson
Dahl	Jones, J.	Righter	Wilhelmi
del Valle	Jones, W.	Ronen	Winkel
DeLeo	Lauzen	Roskam	Mr. President
Demuzio	Lightford	Rutherford	
Dillard	Link	Sandoval	
Forby	Luechtefeld	Schoenberg	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Ronen, **Senate Bill No. 2297**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 52; Nays None.

The following voted in the affirmative:

Axley	Garrett	Meeks	Shadid
Bomke	Geo-Karis	Millner	Silverstein
Burzynski	Haine	Munoz	Sullivan, J.

Clayborne	Halvorson	Pankau	Syverson
Collins	Harmon	Peterson	Trotter
Cronin	Hunter	Radogno	Viverito
Crotty	Jacobs	Raoul	Watson
Cullerton	Jones, J.	Righter	Wilhelmi
Dahl	Jones, W.	Risinger	Winkel
del Valle	Lauzen	Ronen	Mr. President
DeLeo	Lightford	Roskam	
Demuzio	Link	Rutherford	
Dillard	Luechtefeld	Sandoval	
Forby	Maloney	Schoenberg	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Trotter, **Senate Bill No. 2320**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 53; Nays None.

The following voted in the affirmative:

Axley	Garrett	Meeks	Shadid
Bomke	Geo-Karis	Millner	Sieben
Burzynski	Haine	Munoz	Silverstein
Clayborne	Halvorson	Pankau	Sullivan, J.
Collins	Harmon	Peterson	Syverson
Cronin	Hunter	Radogno	Trotter
Crotty	Jacobs	Raoul	Viverito
Cullerton	Jones, J.	Righter	Watson
Dahl	Jones, W.	Risinger	Wilhelmi
del Valle	Lauzen	Ronen	Winkel
DeLeo	Lightford	Roskam	Mr. President
Demuzio	Link	Rutherford	
Dillard	Luechtefeld	Sandoval	
Forby	Maloney	Schoenberg	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Clayborne, **Senate Bill No. 2360**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, "Shall this bill pass?" it was decided in the affirmative by the following vote:

Yeas 52; Nays None.

The following voted in the affirmative:

Axley	Garrett	Meeks	Sieben

Bomke	Geo-Karis	Millner	Silverstein
Burzynski	Haine	Munoz	Sullivan, J.
Clayborne	Halvorson	Pankau	Syverson
Collins	Harmon	Peterson	Trotter
Cronin	Hunter	Radogno	Viverito
Crotty	Jacobs	Raoul	Watson
Cullerton	Jones, J.	Righter	Wilhelmi
Dahl	Jones, W.	Risinger	Winkel
del Valle	Lauzen	Ronen	Mr. President
DeLeo	Lightford	Roskam	
Demuzio	Link	Rutherford	
Dillard	Luechtefeld	Sandoval	
Forby	Maloney	Shadid	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

SENATE BILLS RECALLED

On motion of Senator Haine, **Senate Bill No. 2391** was recalled from the order of third reading to the order of second reading.

Senator Haine offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2391

AMENDMENT NO. 2. Amend Senate Bill 2391, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 14, line 26, by inserting "be" after "to".

The motion prevailed.

And the amendment was adopted and ordered printed.

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 Halvorson, **Senate Bill No. 2397** was recalled from the order of third reading to the order of second reading.

Senator Halvorson offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2397

AMENDMENT NO. 2. Amend Senate Bill 2397, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Election Code is amended by changing Sections 7-34 and 17-23 as follows:

(10 ILCS 5/7-34) (from Ch. 46, par. 7-34)

Sec. 7-34. Pollwatchers in a primary election shall be authorized in the following manner:

(1) Each established political party shall be entitled to appoint one pollwatcher per precinct. Such pollwatchers must be affiliated with the political party for which they are pollwatching and must be a registered voter in Illinois.

(2) Each candidate shall be entitled to appoint two pollwatchers per precinct. For Federal, State, county, township, and municipal primary elections, the pollwatchers must be registered to vote in Illinois.

(3) Each organization of citizens within the county or political subdivision, which has among its purposes or interests the investigation or prosecution of election frauds, and which shall have registered its name and address and the names and addresses of its principal officers with the proper election authority at least 40 days before the primary election, shall be entitled to appoint one pollwatcher per precinct. For all primary elections, the pollwatcher must be registered to vote in Illinois.

(3.5) Each State nonpartisan civic organization within the county or political subdivision shall be entitled to appoint one pollwatcher per precinct, provided that no more than 2 pollwatchers appointed by

State nonpartisan civic organizations shall be present in a precinct polling place at the same time. Each organization shall have registered the names and addresses of its principal officers with the proper election authority at least 40 days before the primary election. The pollwatchers must be registered to vote in Illinois. For the purpose of this paragraph, a "State nonpartisan civic organization" means any corporation, unincorporated association, or organization that:

(i) as part of its written articles of incorporation, bylaws, or charter or by separate written declaration, has among its stated purposes the provision of voter information and education, the protection of individual voters' rights, and the promotion of free and equal elections;

(ii) is organized or primarily conducts its activities within the State of Illinois; and

(iii) continuously maintains an office or business location within the State of Illinois, together with a current listed telephone number (a post office box number without a current listed telephone number is not sufficient).

(4) Each organized group of proponents or opponents of a ballot proposition, which shall have registered the name and address of its organization or committee and the name and address of its chairman with the proper election authority at least 40 days before the primary election, shall be entitled to appoint one pollwatcher per precinct. The pollwatcher must be registered to vote in Illinois.

(5) In any primary election held to nominate candidates for the offices of a municipality of less than 3,000,000 population that is situated in 2 or more counties, a pollwatcher who is a resident of a county in which any part of the municipality is situated shall be eligible to serve as a pollwatcher in any polling place located within such municipality, provided that such pollwatcher otherwise complies with the respective requirements of subsections (1) through (4) of this Section and is a registered voter whose residence is within Illinois.

All pollwatchers shall be required to have proper credentials. Such credentials shall be printed in sufficient quantities, shall be issued by and under the facsimile signature(s) of the election authority and shall be available for distribution at least 2 weeks prior to the election. Such credentials shall be authorized by the real or facsimile signature of the State or local party official or the candidate or the presiding officer of the civic organization or the chairman of the proponent or opponent group, as the case may be.

Pollwatcher credentials shall be in substantially the following form:

POLLWATCHER CREDENTIALS

TO THE JUDGES OF ELECTION:

In accordance with the provisions of the Election Code, the undersigned hereby appoints ..... (name of pollwatcher) at ..... (address) in the county of ....., ... (township or municipality) of ..... (name), State of Illinois and who is duly registered to vote from this address, to act as a pollwatcher in the ..... precinct of the ..... ward (if applicable) of the ..... (township or municipality) of ..... at the ..... election to be held on (insert date).

..... (Signature of Appointing Authority)

..... TITLE (party official, candidate,
civic organization president,
proponent or opponent group chairman)

Under penalties provided by law pursuant to Section 29-10 of the Election Code, the undersigned pollwatcher certifies that he or she resides at ..... (address) in the county of ....., ... (township or municipality) of ..... (name), State of Illinois, and is duly registered to vote in Illinois.

....
(Precinct and/or Ward in Which Pollwatcher Resides) (Signature of Pollwatcher)

Pollwatchers must present their credentials to the Judges of Election upon entering the polling place. Pollwatcher credentials properly executed and signed shall be proof of the qualifications of the pollwatcher authorized thereby. Such credentials are retained by the Judges and returned to the Election Authority at the end of the day of election with the other election materials. Once a pollwatcher has surrendered a valid credential, he may leave and reenter the polling place provided that such continuing action does not disrupt the conduct of the election. Pollwatchers may be substituted during the course of the day, but established political parties, candidates, qualified civic organizations and proponents and opponents of a ballot proposition can have only as many pollwatchers at any given time as are authorized in this Article. A substitute must present his signed credential to the judges of election upon entering the polling place. Election authorities must provide a sufficient number of credentials to allow for substitution of pollwatchers. After the polls have closed, pollwatchers shall be allowed to remain

until the canvass of votes is completed; but may leave and reenter only in cases of necessity, provided that such action is not so continuous as to disrupt the canvass of votes.

Candidates seeking office in a district or municipality encompassing 2 or more counties shall be admitted to any and all polling places throughout such district or municipality without regard to the counties in which such candidates are registered to vote. Actions of such candidates shall be governed in each polling place by the same privileges and limitations that apply to pollwatchers as provided in this Section. Any such candidate who engages in an activity in a polling place which could reasonably be construed by a majority of the judges of election as campaign activity shall be removed forthwith from such polling place.

Candidates seeking office in a district or municipality encompassing 2 or more counties who desire to be admitted to polling places on election day in such district or municipality shall be required to have proper credentials. Such credentials shall be printed in sufficient quantities, shall be issued by and under the facsimile signature of the election authority of the election jurisdiction where the polling place in which the candidate seeks admittance is located, and shall be available for distribution at least 2 weeks prior to the election. Such credentials shall be signed by the candidate.

Candidate credentials shall be in substantially the following form:

CANDIDATE CREDENTIALS

TO THE JUDGES OF ELECTION:

In accordance with the provisions of the Election Code, I ..... (name of candidate) hereby certify that I am a candidate for ..... (name of office) and seek admittance to ..... precinct of the ..... ward (if applicable) of the ..... (township or municipality) of ..... at the ..... election to be held on (insert date).

....

(Signature of Candidate) OFFICE FOR WHICH CANDIDATE SEEKS NOMINATION OR ELECTION

Pollwatchers shall be permitted to observe all proceedings and view all reasonably requested records relating to the conduct of the election, provided the secrecy of the ballot is not impinged, and to station themselves in a position in the voting room as will enable them to observe the judges making the signature comparison between the voter application and the voter registration record card; provided, however, that such pollwatchers shall not be permitted to station themselves in such close proximity to the judges of election so as to interfere with the orderly conduct of the election and shall not, in any event, be permitted to handle election materials. Pollwatchers may challenge for cause the voting qualifications of a person offering to vote and may call to the attention of the judges of election any incorrect procedure or apparent violations of this Code.

If a majority of the judges of election determine that the polling place has become too overcrowded with pollwatchers so as to interfere with the orderly conduct of the election, the judges shall, by lot, limit such pollwatchers to a reasonable number, except that each candidate and each established or new political party shall be permitted to have at least one pollwatcher present.

Representatives of an election authority, with regard to an election under its jurisdiction, the State Board of Elections, and law enforcement agencies, including but not limited to a United States Attorney, a State's attorney, the Attorney General, and a State, county, or local police department, in the performance of their official election duties, shall be permitted at all times to enter and remain in the polling place. Upon entering the polling place, such representatives shall display their official credentials or other identification to the judges of election.

Uniformed police officers assigned to polling place duty shall follow all lawful instructions of the judges of election.

The provisions of this Section shall also apply to supervised casting of absentee ballots as provided in Section 19-12.2 of this Act.

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

(10 ILCS 5/17-23) (from Ch. 46, par. 17-23)

Sec. 17-23. Pollwatchers in a general election shall be authorized in the following manner:

(1) Each established political party shall be entitled to appoint two pollwatchers per precinct. Such pollwatchers must be affiliated with the political party for which they are pollwatching. For all elections, the pollwatchers must be registered to vote in Illinois.

(2) Each candidate shall be entitled to appoint two pollwatchers per precinct. For all elections, the pollwatchers must be registered to vote in Illinois.

(3) Each organization of citizens within the county or political subdivision, which has among its purposes or interests the investigation or prosecution of election frauds, and which shall have registered its name and address and the name and addresses of its principal officers with the proper election authority at least 40 days before the election, shall be entitled to appoint one pollwatcher per precinct. For all elections, the pollwatcher must be registered to vote in Illinois.

(3.5) Each State nonpartisan civic organization within the county or political subdivision shall be entitled to appoint one pollwatcher per precinct, provided that no more than 2 pollwatchers appointed by State nonpartisan civic organizations shall be present in a precinct polling place at the same time. Each organization shall have registered the names and addresses of its principal officers with the proper election authority at least 40 days before the election. The pollwatchers must be registered to vote in Illinois. For the purpose of this paragraph, a "State nonpartisan civic organization" means any corporation, unincorporated association, or organization that:

(i) as part of its written articles of incorporation, bylaws, or charter or by separate written declaration, has among its stated purposes the provision of voter information and education, the protection of individual voters' rights, and the promotion of free and equal elections;

(ii) is organized or primarily conducts its activities within the State of Illinois; and

(iii) continuously maintains an office or business location within the State of Illinois, together with a current listed telephone number (a post office box number without a current listed telephone number is not sufficient).

(4) In any general election held to elect candidates for the offices of a municipality of less than 3,000,000 population that is situated in 2 or more counties, a pollwatcher who is a resident of Illinois shall be eligible to serve as a pollwatcher in any poll located within such municipality, provided that such pollwatcher otherwise complies with the respective requirements of subsections (1) through (3) of this Section and is a registered voter in Illinois.

(5) Each organized group of proponents or opponents of a ballot proposition, which shall have registered the name and address of its organization or committee and the name and address of its chairman with the proper election authority at least 40 days before the election, shall be entitled to appoint one pollwatcher per precinct. The pollwatcher must be registered to vote in Illinois.

All pollwatchers shall be required to have proper credentials. Such credentials shall be printed in sufficient quantities, shall be issued by and under the facsimile signature(s) of the election authority and shall be available for distribution at least 2 weeks prior to the election. Such credentials shall be authorized by the real or facsimile signature of the State or local party official or the candidate or the presiding officer of the civic organization or the chairman of the proponent or opponent group, as the case may be.

Pollwatcher credentials shall be in substantially the following form:

POLLWATCHER CREDENTIALS

TO THE JUDGES OF ELECTION:

In accordance with the provisions of the Election Code, the undersigned hereby appoints ..... (name of pollwatcher) who resides at ..... (address) in the county of ....., ... (township or municipality) of ..... (name), State of Illinois and who is duly registered to vote from this address, to act as a pollwatcher in the ..... precinct of the ..... ward (if applicable) of the ..... (township or municipality) of ..... at the ..... election to be held on (insert date).

..... (Signature of Appointing Authority)

..... TITLE (party official, candidate,
civic organization president,
proponent or opponent group chairman)

Under penalties provided by law pursuant to Section 29-10 of the Election Code, the undersigned pollwatcher certifies that he or she resides at ..... (address) in the county of ....., ... (township or municipality) of ..... (name), State of Illinois, and is duly registered to vote in Illinois.

....

(Precinct and/or Ward in Which Pollwatcher Resides) (Signature of Pollwatcher)

Pollwatchers must present their credentials to the Judges of Election upon entering the polling place. Pollwatcher credentials properly executed and signed shall be proof of the qualifications of the pollwatcher authorized thereby. Such credentials are retained by the Judges and returned to the Election Authority at the end of the day of election with the other election materials. Once a pollwatcher has

surrendered a valid credential, he may leave and reenter the polling place provided that such continuing action does not disrupt the conduct of the election. Pollwatchers may be substituted during the course of the day, but established political parties, candidates and qualified civic organizations can have only as many pollwatchers at any given time as are authorized in this Article. A substitute must present his signed credential to the judges of election upon entering the polling place. Election authorities must provide a sufficient number of credentials to allow for substitution of pollwatchers. After the polls have closed pollwatchers shall be allowed to remain until the canvass of votes is completed; but may leave and reenter only in cases of necessity, provided that such action is not so continuous as to disrupt the canvass of votes.

Candidates seeking office in a district or municipality encompassing 2 or more counties shall be admitted to any and all polling places throughout such district or municipality without regard to the counties in which such candidates are registered to vote. Actions of such candidates shall be governed in each polling place by the same privileges and limitations that apply to pollwatchers as provided in this Section. Any such candidate who engages in an activity in a polling place which could reasonably be construed by a majority of the judges of election as campaign activity shall be removed forthwith from such polling place.

Candidates seeking office in a district or municipality encompassing 2 or more counties who desire to be admitted to polling places on election day in such district or municipality shall be required to have proper credentials. Such credentials shall be printed in sufficient quantities, shall be issued by and under the facsimile signature of the election authority of the election jurisdiction where the polling place in which the candidate seeks admittance is located, and shall be available for distribution at least 2 weeks prior to the election. Such credentials shall be signed by the candidate.

Candidate credentials shall be in substantially the following form:

CANDIDATE CREDENTIALS

TO THE JUDGES OF ELECTION:

In accordance with the provisions of the Election Code, I ..... (name of candidate) hereby certify that I am a candidate for ..... (name of office) and seek admittance to ..... precinct of the ..... ward (if applicable) of the ..... (township or municipality) of ..... at the ..... election to be held on (insert date).

.....	.....
(Signature of Candidate)	OFFICE FOR WHICH CANDIDATE SEEKS NOMINATION OR ELECTION

Pollwatchers shall be permitted to observe all proceedings and view all reasonably requested records relating to the conduct of the election, provided the secrecy of the ballot is not impinged, and to station themselves in a position in the voting room as will enable them to observe the judges making the signature comparison between the voter application and the voter registration record card; provided, however, that such pollwatchers shall not be permitted to station themselves in such close proximity to the judges of election so as to interfere with the orderly conduct of the election and shall not, in any event, be permitted to handle election materials. Pollwatchers may challenge for cause the voting qualifications of a person offering to vote and may call to the attention of the judges of election any incorrect procedure or apparent violations of this Code.

If a majority of the judges of election determine that the polling place has become too overcrowded with pollwatchers so as to interfere with the orderly conduct of the election, the judges shall, by lot, limit such pollwatchers to a reasonable number, except that each established or new political party shall be permitted to have at least one pollwatcher present.

Representatives of an election authority, with regard to an election under its jurisdiction, the State Board of Elections, and law enforcement agencies, including but not limited to a United States Attorney, a State's attorney, the Attorney General, and a State, county, or local police department, in the performance of their official election duties, shall be permitted at all times to enter and remain in the polling place. Upon entering the polling place, such representatives shall display their official credentials or other identification to the judges of election.

Uniformed police officers assigned to polling place duty shall follow all lawful instructions of the judges of election.

The provisions of this Section shall also apply to supervised casting of absentee ballots as provided in Section 19-12.2 of this Act.

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

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Cullerton, **Senate Bill No. 2445** was recalled from the order of third reading to the order of second reading.

Senator Cullerton offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2445

AMENDMENT NO. 2. Amend Senate Bill 2445, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 5, line 29, by replacing "principal of the school" with "general superintendent of schools of the school district organized under Article 34 of the School Code"; and

on page 5, line 32, by replacing "principal" with "general superintendent of schools".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING OF BILLS OF THE SENATE A THIRD TIME

On motion of Senator Hunter, **Senate Bill No. 2483**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

Yeas 50; Nays None.

The following voted in the affirmative:

Axley	Garrett	Meeks	Schoenberg
Bomke	Geo-Karis	Millner	Shadid
Burzynski	Haine	Munoz	Sieben
Clayborne	Halvorson	Pankau	Sullivan, J.
Collins	Harmon	Peterson	Syverson
Crotty	Hunter	Radogno	Trotter
Cullerton	Jacobs	Raoul	Viverito
Dahl	Jones, J.	Righter	Watson
del Valle	Jones, W.	Risinger	Wilhelmi
DeLeo	Lauzen	Ronen	Winkel
Demuzio	Lightford	Roskam	Mr. President
Dillard	Link	Rutherford	
Forby	Maloney	Sandoval	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

On motion of Senator Lightford, **Senate Bill No. 2626**, having been transcribed and typed and all amendments adopted thereto having been printed, was taken up and read by title a third time.

And the question being, “Shall this bill pass?” it was decided in the affirmative by the following vote:

Yeas 52; Nays None.

The following voted in the affirmative:

Axley	Garrett	Meeks	Shadid
Bomke	Geo-Karis	Millner	Sieben
Burzynski	Haine	Munoz	Sullivan, J.
Clayborne	Halvorson	Pankau	Syverson
Collins	Harmon	Peterson	Trotter
Cronin	Hunter	Radogno	Viverito
Crotty	Jacobs	Raoul	Watson
Cullerton	Jones, J.	Righter	Wilhelmi
Dahl	Jones, W.	Risinger	Winkel
del Valle	Lauzen	Ronen	Mr. President
DeLeo	Lightford	Roskam	
Demuzio	Link	Rutherford	
Dillard	Luechtefeld	Sandoval	
Forby	Maloney	Schoenberg	

This bill, having received the vote of a constitutional majority of the members elected, was declared passed, and all amendments not adopted were tabled pursuant to Senate Rule No. 5-4(a).

Ordered that the Secretary inform the House of Representatives thereof and ask their concurrence therein.

At the hour of 1:00 o'clock p.m., Senator Halvorson presiding.

SENATE BILLS RECALLED

On motion of Senator Crotty, **Senate Bill No. 2664** was recalled from the order of third reading to the order of second reading.

Senator Crotty offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2664

AMENDMENT NO. 1. Amend Senate Bill 2664 by replacing everything after the enacting clause with the following:

"Section 5. The Sanitary District Act of 1917 is amended by changing Sections 8, 23.5, and 23.7 as follows:

(70 ILCS 2405/8) (from Ch. 42, par. 307)

Sec. 8. The sanitary district may acquire by purchase, condemnation, or otherwise all real and personal property, right of way and privilege, either within or without its corporate limits that may be required for its corporate purposes. If real property is acquired by condemnation, the sanitary district may not sell or lease any portion of the property for a period of 10 years after acquisition by condemnation is completed. If, after such 10-year period, the sanitary district decides to sell or lease the property, it must first offer the property for sale or lease to the previous owner of the land from whom the sanitary district acquired the property. If the sanitary district and such previous owner do not execute a contract for purchase or lease of the property within 60 days from the initial offer, the sanitary district then may offer the property for sale or lease to any other person. For the purposes of this Section no prior approval of the Illinois Commerce Commission shall be required for condemnation of sewage collection or treatment works owned by a public utility and located within the boundaries of the sanitary district if the works are to be used by the sanitary district either by operating the works as a separate system or incorporating it into the sewage collection or treatment system of the sanitary district. If any district formed under this Act is unable to agree with any other sanitary district upon the terms whereby it shall be permitted to use the drains, channels or ditches of such other sanitary district, the right to such use may be acquired by condemnation in any circuit court by proceedings as provided in Section 4-17 of

the Illinois Drainage Code. The compensation to be paid for such use may be a gross sum, or it may be in the form of an annual rental, to be paid in yearly installments as provided by the judgment of the court wherein such proceedings may be had. However, when such compensation is fixed at a gross sum all moneys for the purchase and condemnation of any property shall be paid before possession is taken or any work done on the premises damaged by the construction of such channel or outlet, and in case of an appeal from the circuit court taken by either party whereby the amount of damages is not finally determined, then possession may be taken, if the amount of judgment in such court is deposited at some bank or savings and loan association to be designated by the court, subject to the payment of such damages on orders signed by the circuit court, whenever the amount of damages is finally determined. The sanitary district may sell, convey, vacate and release the real or personal property, right of way and privileges acquired by it when no longer required for the purposes of the district.
(Source: P.A. 90-558, eff. 12-12-97.)

(70 ILCS 2405/23.5) (from Ch. 42, par. 317e.5)

Sec. 23.5. Any sanitary district may annex any territory which is not within the corporate limits of the sanitary district but which is contiguous to it and is served by the sanitary district or by a municipality with sanitary sewers that are connected and served by the sanitary district by the passage of an ordinance to that effect by the board of trustees, describing the territory to be annexed. A copy of the ordinance with an accurate map of the annexed territory, certified as correct by the clerk of the district shall be filed with the county clerk of the county in which the annexed territory is located. For purposes of this Act, a property is served by a sanitary district if a sewer that is part of the sanitary district's sewer system, part of the sewer system of a municipality that is connected to the sanitary district, or part of any other sewer system that connects to and is served by the sanitary district has been extended to, across, or along the property, whether or not the buildings on the property are physically connected to the sewer.

~~Territory that is not contiguous to a sanitary district but is separated from the sanitary district by only a forest preserve district may be annexed to the sanitary district under this Section. The territory included within the forest preserve district shall not be annexed to the sanitary district and shall not be subject to rights of way for access or services between the parts of the sanitary district separated by the forest preserve district without the approval of the governing body of the forest preserve district.~~
(Source: P.A. 90-697, eff. 8-7-98.)

(70 ILCS 2405/23.7) (from Ch. 42, par. 317e.7)

Sec. 23.7. For purposes of this Act, territory to be organized as a sanitary district shall be considered to be contiguous territory, and territory to be annexed to a sanitary district shall be considered to be contiguous to the sanitary district notwithstanding that the territory to be so organized is divided by, ~~one or more railroad rights of ways, public easements, or property owned by a public utility~~ or that the territory to be so annexed is separated from the sanitary district by , one or more railroad rights-of-ways, public easements, ~~or~~ property owned by a public utility , or property owned by a forest preserve district or any public agency or not-for-profit corporation, provided that the property does not require sanitary sewer service. However, upon such organization or annexation, the area included within any such right-of-way, public easement, ~~or~~ property owned by a public utility , or property owned by a forest preserve district or any public agency or not-for-profit corporation shall not be considered a part of or annexed to the sanitary district and shall not be subject to rights-of-way for access or services without the approval of the legal owner of the property.
(Source: P.A. 89-558, eff. 7-26-96.)

Section 10. The Code of Civil Procedure is amended by changing Section 7-102 as follows:

(735 ILCS 5/7-102) (from Ch. 110, par. 7-102)

Sec. 7-102. Parties. Where the right to take private property for public use, without the owner's consent or the right to construct or maintain any public road, railroad, plankroad, turnpike road, canal or other public work or improvement, or which may damage property not actually taken has been heretofore or shall hereafter be conferred by general law or special charter upon any corporate or municipal authority, public body, officer or agent, person, commissioner or corporation and the compensation to be paid for or in respect of the property sought to be appropriated or damaged for the purposes mentioned cannot be agreed upon by the parties interested, or in case the owner of the property is incapable of consenting, or the owner's name or residence is unknown, or the owner is a nonresident of the state, the party authorized to take or damage the property so required, or to construct, operate and maintain any public road, railroad, plankroad, turnpike road, canal or other public work or improvement, may apply to the circuit court of the county where the property or any part thereof is situated, by filing with the clerk a complaint, setting forth, by reference, his, her or their authority in the premises, the purpose for which the property is sought to be taken or damaged, a description of the property, the

names of all persons interested therein as owners or otherwise as appearing of record, if known, or if not known stating that fact and praying such court to cause the compensation to be paid to the owner to be assessed. If it appears that any person not in being, upon coming into being, is, or may become or may claim to be, entitled to any interest in the property sought to be appropriated or damaged the court shall appoint some competent and disinterested person as guardian ad litem, to appear for and represent such interest in the proceeding and to defend the proceeding on behalf of the person not in being, and any judgment entered in the proceeding shall be as effectual for all purposes as though the person was in being and was a party to the proceeding. If the proceeding seeks to affect the property of persons under guardianship, the guardians shall be made parties defendant. Persons interested, whose names are unknown, may be made parties defendant by the same descriptions and in the same manner as provided in other civil cases. Where the property to be taken or damaged is a common element of property subject to a declaration of condominium ownership pursuant to the Condominium Property Act or of a common interest community, the complaint shall name the unit owners' association in lieu of naming the individual unit owners and lienholders on individual units. Unit owners, mortgagees and other lienholders may intervene as parties defendant. For the purposes of this Section "common interest community" shall have the same meaning as set forth in subsection (c) of Section 9-102 of the Code of Civil Procedure. "Unit owners' association" or "association" shall refer to both the definition contained in Section 2 of the Condominium Property Act and subsection (c) of Section 9-102 of the Code of Civil Procedure. Where the property is sought to be taken or damaged by the state for the purposes of establishing, operating or maintaining any state house or state charitable or other institutions or improvements, the complaint shall be signed by the governor or such other person as he or she shall direct, or as is provided by law. No property, except property described in ~~either~~ Section 3 of the Sports Stadium Act , ~~or~~ Article 11, Division 139, of the Illinois Municipal Code , Section 8 of the Sanitary District Act of 1917, and property described as Site B in Section 2 of the Metropolitan Pier and Exposition Authority Act, belonging to a railroad or other public utility subject to the jurisdiction of the Illinois Commerce Commission may be taken or damaged, pursuant to the provisions of Article VII of this Act, without the prior approval of the Illinois Commerce Commission. This amendatory Act of 1991 (Public Act 87-760) is declaratory of existing law and is intended to remove possible ambiguities, thereby confirming the existing meaning of the Code of Civil Procedure and of the Illinois Municipal Code in effect before January 1, 1992 (the effective date of Public Act 87-760).
(Source: P.A. 89-683, eff. 6-1-97; 90-6, eff. 6-3-97.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Munoz, **Senate Bill No. 2680** was recalled from the order of third reading to the order of second reading.

Senator Munoz offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2680

AMENDMENT NO. 1. Amend Senate Bill 2680 on page 20, by replacing lines 24 through 27 with the following:

"organization is composed of law enforcement personnel. This subsection does not apply to:

(1) any organization that is authorized to use those terms under subsection (d-2) of Section 11 of the Solicitation for Charities Act;

(2) any public or private institution of higher education that is authorized to grant degrees under Illinois law if the terms are used to describe the expertise or activities of the institution or any department, unit, or program of that institution; or

(3) any unit of local government or other public body created under Illinois law.".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Link, **Senate Bill No. 2691** was recalled from the order of third reading to the order of second reading.

Senator Link offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2691

AMENDMENT NO. 2. Amend Senate Bill 2691, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 13, by replacing lines 8 through 10 with the following:

"itself to the provisions of this Section within 6 months after the effective date of this amendatory Act of the 94th General Assembly ~~93rd General Assembly~~. In a county other than Cook County, the ordinance".

The motion prevailed.

And the amendment was adopted and ordered printed.

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 Wilhelmi, **Senate Bill No. 2713** was recalled from the order of third reading to the order of second reading.

Senator Wilhelmi offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2713

AMENDMENT NO. 1. Amend Senate Bill 2713 after the end of Section 5 by inserting the following:

"Section 10. The Waukegan Port District Act is amended by changing Sections 15, 16, and 19 as follows:

(70 ILCS 1865/15) (from Ch. 19, par. 193)

Sec. 15. The governing and administrative body of the Port District shall be a Board consisting of 7 ~~5~~ members, to be known as the Waukegan Port District Board. Members of the Board shall be residents of a county whose territory, in whole or in part, is embraced by the District and not less than 4 ~~three~~ members of the Board shall be residents of the District. The members of the Board shall serve without compensation, but shall be reimbursed for actual expenses incurred by them in the performance of their duties. However, any member of the Board who is appointed to the office of secretary or treasurer may receive compensation for his services as such officer. No member of the Board or employee of the District shall have any private financial interest, profit or benefit in any contract, work or business of the District nor in the sale or lease of any property to or from the District.

(Source: Laws 1955, p. 657.)

(70 ILCS 1865/16) (from Ch. 19, par. 194)

Sec. 16. Within 60 days after this Act becomes effective the Governor, by and with the advice and consent of the Senate, shall appoint 3 members of the Board for initial terms expiring June first of the years 1957, 1959 and 1961, respectively, and the Mayor, with advice and consent of the city council of the city of Waukegan, shall appoint 2 members of the Board for initial terms expiring June first of the years 1956 and 1958, respectively. Of the 3 members appointed by the Governor not more than 2 shall be members of the same political party at the time of appointment. Within 60 days of the effective date of this amendatory Act of the 94th General Assembly, the Mayor of the City of Waukegan shall appoint 2 additional members of the Board, whose terms shall expire on June 1, 2008 and June 1, 2010, respectively. At the expiration of the term of any member appointed by the Governor, his successor shall be appointed by the Governor in like manner, and at the expiration of the term of any member appointed by the Mayor, his successor shall be appointed by the Mayor in like manner, and with like regard as to the place of residence of the appointee, as appointments for the initial terms. All successors shall hold office for the term of 6 years from the first day of June of the year in which they are appointed, except in the case of an appointment to fill a vacancy. In case of vacancy in the office of any member appointed by the Governor during the recess of the Senate, the Governor shall make a temporary appointment until the next meeting of the Senate when he shall nominate some person to fill such office; and any person so nominated, who is confirmed by the Senate, shall hold his office during the remainder of the term and until his successor shall be appointed and qualified. If the Senate is not in session at the time this Act takes effect, the Governor shall make temporary appointments as in case of vacancies. The Governor and Mayor shall certify their respective appointments to the Secretary of State. Within 30 days after

certification of his appointment, and before entering upon the duties of his office, each member of the Board shall take and subscribe the constitutional oath of office and file it in the office of the Secretary of State.
(Source: Laws 1955, p. 657.)

(70 ILCS 1865/19) (from Ch. 19, par. 197)

Sec. 19. Regular meetings of the Board shall be held at least once in each calendar month, the time and place of such meetings to be fixed by the Board. Four ~~Three~~ members of the Board shall constitute a quorum for the transaction of business. All action of the Board shall be by ordinances or resolution and the affirmative vote of at least 4 ~~3~~ members shall be necessary for the adoption of any ordinance or resolution. All such ordinances and resolutions before taking effect shall be approved by the chairman of the Board, and if he approves thereof he shall sign the same, and such as he does not approve he shall return to the Board with his objections thereto in writing at the next regular meeting of the Board occurring after the passage thereof. But in the case the chairman fails to return any ordinance or resolution with his objections thereto by the time aforesaid, he shall be deemed to have approved the same and it shall take effect accordingly. Upon the return of any ordinance or resolution by the chairman with his objections, the vote by which the same was passed shall be reconsidered by the Board, and if upon such reconsideration said ordinance or resolution is passed by the affirmative vote of at least 5 ~~four~~ members, it shall go into effect notwithstanding the veto of the chairman. All ordinances, resolutions and all proceedings of the District and all documents and records in its possession shall be public records, and open to public inspection, except such documents and records as are kept or prepared by the Board for use in negotiations, legal actions or proceedings to which the District is a party.
(Source: Laws 1955, p. 657.)".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Link, **Senate Bill No. 2233** was recalled from the order of third reading to the order of second reading.

Senator Link offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2233

AMENDMENT NO. 1. Amend Senate Bill 2233 on page 6, by deleting lines 26 through 32.

The motion prevailed.

And the amendment was adopted and ordered printed.

Floor Amendment No. 2 was held in the Committee on Rules.

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. 2246** was recalled from the order of third reading to the order of second reading.

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

Senator Link offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2246

AMENDMENT NO. 2. Amend Senate Bill 2246 as follows:

on page 15, by replacing lines 30 through 31 with the following:

"more than 60 days may be imposed, and the actual sentence imposed included a term of incarceration; "sustained"; and

on page 29, by replacing lines 31 through 32 with the following:

"more than 60 days may be imposed, and the actual sentence imposed included a term of incarceration; "sustained"; and

on page 42, by replacing lines 16 through 17 with the following:

"more than 60 days may be imposed, and the actual sentence imposed included a term of

incarceration; "sustained"; and

on page 52, by replacing lines 31 through 32 with the following:

"more than 60 days may be imposed, and the actual sentence imposed included a term of incarceration; "sustained".

The motion prevailed.

And the amendment was adopted and ordered printed.

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 Link, **Senate Bill No. 2495** was recalled from the order of third reading to the order of second reading.

Senator Link offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2495

AMENDMENT NO. _2_. Amend Senate Bill 2495, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The State Finance Act is amended by changing Sections 6z-26, 8h, and 8j as follows:

(30 ILCS 105/6z-26)

Sec. 6z-26. The Financial Institution Fund. All moneys received by the Department of Financial and Professional Regulation under the Safety Deposit License Act, the Foreign Exchange License Act, the Pawners Societies Act, the Sale of Exchange Act, the Currency Exchange Act, the Sales Finance Agency Act, the Debt Management Service Act, the Consumer Installment Loan Act, the Illinois Development Credit Corporation Act, the Title Insurance Act, and any other Act administered by the Department of Financial and Professional Regulation as the successor of the Department of Financial Institutions now or in the future, other than the Illinois Credit Union Act, (unless an Act specifically provides otherwise) shall be deposited in the Financial Institution Fund (hereinafter "Fund"), a special fund that is hereby created in the State Treasury.

Moneys in the Fund shall be used by the Department, subject to appropriation, for expenses incurred in administering the above named and referenced Acts.

The Comptroller and the State Treasurer shall transfer from the General Revenue Fund to the Fund any monies received by the Department after June 30, 1993, under any of the above named and referenced Acts that have been deposited in the General Revenue Fund.

As soon as possible after the end of each calendar year, the Comptroller shall compare the balance in the Fund at the end of the calendar year with the amount appropriated from the Fund for the fiscal year beginning on July 1 of that calendar year. If the balance in the Fund exceeds the amount appropriated, the Comptroller and the State Treasurer shall transfer from the Fund to the General Revenue Fund an amount equal to the difference between the balance in the Fund and the amount appropriated.

Nothing in this Section shall be construed to prohibit appropriations from the General Revenue Fund for expenses incurred in the administration of the above named and referenced Acts.

Moneys in the Fund may be transferred to the Professions Indirect Cost Fund, as authorized under Section 2105-300 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(Source: P.A. 94-91, eff. 7-1-05.)

(30 ILCS 105/8h)

Sec. 8h. Transfers to General Revenue Fund.

(a) Except as provided in subsection (b), notwithstanding any other State law to the contrary, the Governor may, through June 30, 2007, from time to time direct the State Treasurer and Comptroller to transfer a specified sum from any fund held by the State Treasurer to the General Revenue Fund in order to help defray the State's operating costs for the fiscal year. The total transfer under this Section from any fund in any fiscal year shall not exceed the lesser of (i) 8% of the revenues to be deposited into the fund during that fiscal year or (ii) an amount that leaves a remaining fund balance of 25% of the July 1 fund balance of that fiscal year. In fiscal year 2005 only, prior to calculating the July 1, 2004 final balances, the Governor may calculate and direct the State Treasurer with the Comptroller to transfer additional amounts determined by applying the formula authorized in Public Act 93-839 to the funds balances on July 1, 2003. No transfer may be made from a fund under this Section that would have the effect of reducing the available balance in the fund to an amount less than the amount remaining

unexpended and unreserved from the total appropriation from that fund estimated to be expended for that fiscal year. This Section does not apply to any funds that are restricted by federal law to a specific use, to any funds in the Motor Fuel Tax Fund, the Intercity Passenger Rail Fund, the Hospital Provider Fund, the Medicaid Provider Relief Fund, the Teacher Health Insurance Security Fund, the Reviewing Court Alternative Dispute Resolution Fund, ~~or~~ the Voters' Guide Fund, the Foreign Language Interpreter Fund, the Lawyers' Assistance Program Fund, the Supreme Court Federal Projects Fund, the Supreme Court Special State Projects Fund, ~~or~~ the Low-Level Radioactive Waste Facility Development and Operation Fund, or the Hospital Basic Services Preservation Fund, or to any funds to which subsection (f) of Section 20-40 of the Nursing and Advanced Practice Nursing Act applies. No transfers may be made under this Section from the Pet Population Control Fund. Notwithstanding any other provision of this Section, for fiscal year 2004, the total transfer under this Section from the Road Fund or the State Construction Account Fund shall not exceed the lesser of (i) 5% of the revenues to be deposited into the fund during that fiscal year or (ii) 25% of the beginning balance in the fund. For fiscal year 2005 through fiscal year 2007, no amounts may be transferred under this Section from the Road Fund, the State Construction Account Fund, the Criminal Justice Information Systems Trust Fund, the Wireless Service Emergency Fund, or the Mandatory Arbitration Fund.

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

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

(b) This Section does not apply to: (i) the Ticket For The Cure Fund; (ii) ~~or to~~ any fund established under the Community Senior Services and Resources Act; (iii) ~~or (ii)~~ on or after January 1, 2006 (the effective date of Public Act 94-511) ~~this amendatory Act of the 94th General Assembly~~, the Child Labor and Day and Temporary Labor Enforcement Fund ; or (iv) any fund established under the Illinois Credit Union Act, the Illinois Banking Act, the Illinois Savings and Loan Act of 1985, or the Savings Bank Act, or the Professions Indirect Cost Fund established under the Department of Professional Regulation Law of the Civil Administrative Code of Illinois, the transfers from and expenditures of such funds being at all times limited to the purposes specified in those Acts.

(c) This Section does not apply to the Demutualization Trust Fund established under the Uniform Disposition of Unclaimed Property Act.

(d) ~~(c)~~ This Section does not apply to moneys set aside in the Illinois State Podiatric Disciplinary Fund for podiatric scholarships and residency programs under the Podiatric Scholarship and Residency Act.

(Source: P.A. 93-32, eff. 6-20-03; 93-659, eff. 2-3-04; 93-674, eff. 6-10-04; 93-714, eff. 7-12-04; 93-801, eff. 7-22-04; 93-839, eff. 7-30-04; 93-1054, eff. 11-18-04; 93-1067, eff. 1-15-05; 94-91, eff. 7-1-05; 94-120, eff. 7-6-05; 94-511, eff. 1-1-06; 94-535, eff. 8-10-05; 94-639, eff. 8-22-05; 94-645, eff. 8-22-05; 94-648, eff. 1-1-06; 94-686, eff. 11-2-05; 94-691, eff. 11-2-05; 94-726, eff. 1-20-06; revised 1-23-06.)

(30 ILCS 105/8j)

Sec. 8j. Allocation and transfer of fee receipts to General Revenue Fund. Notwithstanding any other law to the contrary, additional amounts generated by the new and increased fees created or authorized by Public Acts 93-22, 93-23, 93-24, and 93-32 shall be allocated between the fund otherwise entitled to receive the fee and the General Revenue Fund by the Governor's Office of Management and Budget, except that no allocation and transfer shall be made with respect to or from the Credit Union Fund. In determining the amount of the allocation to the General Revenue Fund, the Director of the Governor's Office of Management and Budget shall calculate whether the available resources in the fund are sufficient to satisfy the unexpended and unreserved appropriations from the fund for the fiscal year.

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

Upon determining the amount of an allocation to the General Revenue Fund under this Section, the Director of the Governor's Office of Management and Budget may direct the State Treasurer and Comptroller to transfer the amount of that allocation from the fund in which the fee amounts have been deposited to the General Revenue Fund; provided, however, that the Director shall not direct the transfer of any amount that would have the effect of reducing the available resources in the fund to an amount less than the amount remaining unexpended and unreserved from the total appropriation from that fund for that fiscal year.

The State Treasurer and Comptroller shall transfer the amounts designated under this Section as soon as may be practicable after receiving the direction to transfer from the Director of the Governor's Office

of Management and Budget.

This Section does not apply to the Demutualization Trust Fund established under the Uniform Disposition of Unclaimed Property Act.

(Source: P.A. 93-25, eff. 6-20-03; 93-32, eff. 6-20-03; 94-686, eff. 11-2-05.)

Section 10. The Illinois Banking Act is amended by changing Section 48 as follows:

(205 ILCS 5/48) (from Ch. 17, par. 359)

Sec. 48. Commissioner's powers; duties. The Commissioner shall have the powers and authority, and is charged with the duties and responsibilities designated in this Act, and a State bank shall not be subject to any other visitorial power other than as authorized by this Act, except those vested in the courts, or upon prior consultation with the Commissioner, a foreign bank regulator with an appropriate supervisory interest in the parent or affiliate of a state bank. In the performance of the Commissioner's duties:

(1) The Commissioner shall call for statements from all State banks as provided in Section 47 at least one time during each calendar quarter.

(2) (a) The Commissioner, as often as the Commissioner shall deem necessary or proper, and no less frequently than 18 months following the preceding examination, shall appoint a suitable person or persons to make an examination of the affairs of every State bank, except that for every eligible State bank, as defined by regulation, the Commissioner in lieu of the examination may accept on an alternating basis the examination made by the eligible State bank's appropriate federal banking agency pursuant to Section 111 of the Federal Deposit Insurance Corporation Improvement Act of 1991, provided the appropriate federal banking agency has made such an examination. A person so appointed shall not be a stockholder or officer or employee of any bank which that person may be directed to examine, and shall have powers to make a thorough examination into all the affairs of the bank and in so doing to examine any of the officers or agents or employees thereof on oath and shall make a full and detailed report of the condition of the bank to the Commissioner. In making the examination the examiners shall include an examination of the affairs of all the affiliates of the bank, as defined in subsection (b) of Section 35.2 of this Act, or subsidiaries of the bank as shall be necessary to disclose fully the conditions of the subsidiaries or affiliates, the relations between the bank and the subsidiaries or affiliates and the effect of those relations upon the affairs of the bank, and in connection therewith shall have power to examine any of the officers, directors, agents, or employees of the subsidiaries or affiliates on oath. After May 31, 1997, the Commissioner may enter into cooperative agreements with state regulatory authorities of other states to provide for examination of State bank branches in those states, and the Commissioner may accept reports of examinations of State bank branches from those state regulatory authorities. These cooperative agreements may set forth the manner in which the other state regulatory authorities may be compensated for examinations prepared for and submitted to the Commissioner.

(b) After May 31, 1997, the Commissioner is authorized to examine, as often as the Commissioner shall deem necessary or proper, branches of out-of-state banks. The Commissioner may establish and may assess fees to be paid to the Commissioner for examinations under this subsection (b). The fees shall be borne by the out-of-state bank, unless the fees are borne by the state regulatory authority that chartered the out-of-state bank, as determined by a cooperative agreement between the Commissioner and the state regulatory authority that chartered the out-of-state bank.

(2.5) Whenever any State bank, any subsidiary or affiliate of a State bank, or after May 31, 1997, any branch of an out-of-state bank causes to be performed, by contract or otherwise, any bank services for itself, whether on or off its premises:

(a) that performance shall be subject to examination by the Commissioner to the same extent as if services were being performed by the bank or, after May 31, 1997, branch of the out-of-state bank itself on its own premises; and

(b) the bank or, after May 31, 1997, branch of the out-of-state bank shall notify the Commissioner of the existence of a service relationship. The notification shall be submitted with the first statement of condition (as required by Section 47 of this Act) due after the making of the service contract or the performance of the service, whichever occurs first. The Commissioner shall be notified of each subsequent contract in the same manner.

For purposes of this subsection (2.5), the term "bank services" means services such as sorting and posting of checks and deposits, computation and posting of interest and other credits and charges, preparation and mailing of checks, statements, notices, and similar items, or any other clerical, bookkeeping, accounting, statistical, or similar functions performed for a State bank, including but not limited to electronic data processing related to those bank services.

(3) The expense of administering this Act, including the expense of the examinations of State banks as provided in this Act, shall to the extent of the amounts resulting from the fees provided for in paragraphs (a), (a-2), and (b) of this subsection (3) be assessed against and borne by the State banks:

(a) Each bank shall pay to the Commissioner a Call Report Fee which shall be paid in quarterly installments equal to one-fourth of the sum of the annual fixed fee of $800, plus a variable fee based on the assets shown on the quarterly statement of condition delivered to the Commissioner in accordance with Section 47 for the preceding quarter according to the following schedule: 16¢ per $1,000 of the first $5,000,000 of total assets, 15¢ per $1,000 of the next $20,000,000 of total assets, 13¢ per $1,000 of the next $75,000,000 of total assets, 9¢ per $1,000 of the next $400,000,000 of total assets, 7¢ per $1,000 of the next $500,000,000 of total assets, and 5¢ per $1,000 of all assets in excess of $1,000,000,000, of the State bank. The Call Report Fee shall be calculated by the Commissioner and billed to the banks for remittance at the time of the quarterly statements of condition provided for in Section 47. The Commissioner may require payment of the fees provided in this Section by an electronic transfer of funds or an automatic debit of an account of each of the State banks. In case more than one examination of any bank is deemed by the Commissioner to be necessary in any examination frequency cycle specified in subsection 2(a) of this Section, and is performed at his direction, the Commissioner may assess a reasonable additional fee to recover the cost of the additional examination; provided, however, that an examination conducted at the request of the State Treasurer pursuant to the Uniform Disposition of Unclaimed Property Act shall not be deemed to be an additional examination under this Section. In lieu of the method and amounts set forth in this paragraph (a) for the calculation of the Call Report Fee, the Commissioner may specify by rule that the Call Report Fees provided by this Section may be assessed semiannually or some other period and may provide in the rule the formula to be used for calculating and assessing the periodic Call Report Fees to be paid by State banks.

(a-1) If in the opinion of the Commissioner an emergency exists or appears likely, the Commissioner may assign an examiner or examiners to monitor the affairs of a State bank with whatever frequency he deems appropriate, including but not limited to a daily basis. The reasonable and necessary expenses of the Commissioner during the period of the monitoring shall be borne by the subject bank. The Commissioner shall furnish the State bank a statement of time and expenses if requested to do so within 30 days of the conclusion of the monitoring period.

(a-2) On and after January 1, 1990, the reasonable and necessary expenses of the Commissioner during examination of the performance of electronic data processing services under subsection (2.5) shall be borne by the banks for which the services are provided. An amount, based upon a fee structure prescribed by the Commissioner, shall be paid by the banks or, after May 31, 1997, branches of out-of-state banks receiving the electronic data processing services along with the Call Report Fee assessed under paragraph (a) of this subsection (3).

(a-3) After May 31, 1997, the reasonable and necessary expenses of the Commissioner during examination of the performance of electronic data processing services under subsection (2.5) at or on behalf of branches of out-of-state banks shall be borne by the out-of-state banks, unless those expenses are borne by the state regulatory authorities that chartered the out-of-state banks, as determined by cooperative agreements between the Commissioner and the state regulatory authorities that chartered the out-of-state banks.

(b) "Fiscal year" for purposes of this Section 48 is defined as a period beginning July 1 of any year and ending June 30 of the next year. The Commissioner shall receive for each fiscal year, commencing with the fiscal year ending June 30, 1987, a contingent fee equal to the lesser of the aggregate of the fees paid by all State banks under paragraph (a) of subsection (3) for that year, or the amount, if any, whereby the aggregate of the administration expenses, as defined in paragraph (c), for that fiscal year exceeds the sum of the aggregate of the fees payable by all State banks for that year under paragraph (a) of subsection (3), plus any amounts transferred into the Bank and Trust Company Fund from the State Pensions Fund for that year, plus all other amounts collected by the Commissioner for that year under any other provision of this Act, plus the aggregate of all fees collected for that year by the Commissioner under the Corporate Fiduciary Act, excluding the receivership fees provided for in Section 5-10 of the Corporate Fiduciary Act, and the Foreign Banking Office Act. The aggregate amount of the contingent fee thus arrived at for any fiscal year shall be apportioned amongst, assessed upon, and paid by the State banks and foreign banking corporations, respectively, in the same proportion that the fee of each under paragraph (a) of subsection (3), respectively, for that year bears to the aggregate for that year of the fees collected under paragraph (a) of subsection (3). The aggregate amount of the contingent fee, and the portion thereof to be assessed upon each State bank and foreign banking corporation, respectively, shall be

determined by the Commissioner and shall be paid by each, respectively, within 120 days of the close of the period for which the contingent fee is computed and is payable, and the Commissioner shall give 20 days advance notice of the amount of the contingent fee payable by the State bank and of the date fixed by the Commissioner for payment of the fee.

(c) The "administration expenses" for any fiscal year shall mean the ordinary and contingent expenses for that year incident to making the examinations provided for by, and for otherwise administering, this Act, the Corporate Fiduciary Act, excluding the expenses paid from the Corporate Fiduciary Receivership account in the Bank and Trust Company Fund, the Foreign Banking Office Act, the Electronic Fund Transfer Act, and the Illinois Bank Examiners' Education Foundation Act, including all salaries and other compensation paid for personal services rendered for the State by officers or employees of the State, including the Commissioner and the Deputy Commissioners, all expenditures for telephone and telegraph charges, postage and postal charges, office stationery, supplies and services, and office furniture and equipment, including typewriters and copying and duplicating machines and filing equipment, surety bond premiums, and travel expenses of those officers and employees, employees, expenditures or charges for the acquisition, enlargement or improvement of, or for the use of, any office space, building, or structure, or expenditures for the maintenance thereof or for furnishing heat, light, or power with respect thereto, all to the extent that those expenditures are directly incidental to such examinations or administration. The Commissioner shall not be required by paragraphs (c) or (d-1) of this subsection (3) to maintain in any fiscal year's budget appropriated reserves for accrued vacation and accrued sick leave that is required to be paid to employees of the Commissioner upon termination of their service with the Commissioner in an amount that is more than is reasonably anticipated to be necessary for any anticipated turnover in employees, whether due to normal attrition or due to layoffs, terminations, or resignations.

(d) The aggregate of all fees collected by the Commissioner under this Act, the Corporate Fiduciary Act, or the Foreign Banking Office Act on and after July 1, 1979, shall be paid promptly after receipt of the same, accompanied by a detailed statement thereof, into the State treasury and shall be set apart in a special fund to be known as the "Bank and Trust Company Fund", except as provided in paragraph (c) of subsection (11) of this Section. All earnings received from investments of funds in the Bank and Trust Company Fund shall be deposited in the Bank and Trust Company Fund and may only be used for the same purposes as fees deposited in that Fund. The amount from time to time deposited into the Bank and Trust Company Fund shall be used exclusively for the following purposes: (i) to offset the ordinary administrative expenses of the Commissioner of Banks and Real Estate as defined in this Section or (ii) as a credit against fees under paragraph (d-1) of this subsection. No other appropriations shall be made from the Bank and Trust Company Fund. All moneys in the Bank and Trust Company Fund are exempt from assignment or transfer under any other law or executive order, other than for the purposes authorized by the Illinois State Auditing Act. Nothing in this amendatory Act of 1979 shall prevent continuing the practice of paying expenses involving salaries, retirement, social security, and State-paid insurance premiums of State officers by appropriations from the General Revenue Fund. However, the General Revenue Fund shall be reimbursed for those payments made on and after July 1, 1979, by an annual transfer of funds from the Bank and Trust Company Fund. Moneys in the Bank and Trust Company Fund may be transferred to the Professions Indirect Cost Fund, as authorized under Section 2105-300 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois. Any fees assessed upon and paid by State banks pursuant to this Act must be held in trust to be used exclusively to pay the expenses of administering this Act. The credit to State banks of unexpended funds provided for under paragraph (d-1) of this subsection (3) constitutes a continuing property interest of the State banks in those unexpended funds.

(d-1) Adequate funds shall be available in the Bank and Trust Company Fund to permit the timely payment of administration expenses. In each fiscal year the total administration expenses shall be deducted from the total fees collected by the Commissioner and the remainder transferred into the Cash Flow Reserve Account, unless the balance of the Cash Flow Reserve Account prior to the transfer equals or exceeds one-fourth of the total initial appropriations from the Bank and Trust Company Fund for the subsequent year, in which case the remainder shall be credited to State banks and foreign banking corporations and applied against their fees for the subsequent year. The amount credited to each State bank and foreign banking corporation shall be in the same proportion as the Call Report Fees paid by each for the year bear to the total Call Report Fees collected for the year. For the fiscal year beginning July 1, 2007, the Commissioner must adopt rules to adjust regulatory fee rates to those in effect prior to the escalation in rates published in 27 Ill.Reg. 16024, Oct. 10, 2003, and as amended at 27 Ill.Reg. 16326, Oct. 24, 2003, unless an audit by the Auditor General of banking

regulatory oversight activities requires a different rate to be set to cover the costs of regulatory oversight. Any adjustments made pursuant to an Auditor General's audit must be set forth in the form of a notice to each affected entity 45 days prior to making those adjustments. The notice must contain an explanation that includes a description of the audit results pertaining to the banking industry and a description of each reason why adjustments to the regulatory fee rates are required. If, after a transfer to the Cash Flow Reserve Account is made or if no remainder is available for transfer, the balance of the Cash Flow Reserve Account is less than one-fourth of the total initial appropriations for the subsequent year and the amount transferred is less than 5% of the total Call Report Fees for the year, additional amounts needed to make the transfer equal to 5% of the total Call Report Fees for the year shall be apportioned amongst, assessed upon, and paid by the State banks and foreign banking corporations in the same proportion that the Call Report Fees of each, respectively, for the year bear to the total Call Report Fees collected for the year. The additional amounts assessed shall be transferred into the Cash Flow Reserve Account. For purposes of this paragraph (d-1), the calculation of the fees collected by the Commissioner shall exclude the receivership fees provided for in Section 5-10 of the Corporate Fiduciary Act.

(e) The Commissioner may upon request certify to any public record in his keeping and shall have authority to levy a reasonable charge for issuing certifications of any public record in his keeping.

(f) In addition to fees authorized elsewhere in this Act, the Commissioner may, in connection with a review, approval, or provision of a service, levy a reasonable charge to recover the cost of the review, approval, or service.

(4) Nothing contained in this Act shall be construed to limit the obligation relative to examinations and reports of any State bank, deposits in which are to any extent insured by the United States or any agency thereof, nor to limit in any way the powers of the Commissioner with reference to examinations and reports of that bank.

(5) The nature and condition of the assets in or investment of any bonus, pension, or profit sharing plan for officers or employees of every State bank or, after May 31, 1997, branch of an out-of-state bank shall be deemed to be included in the affairs of that State bank or branch of an out-of-state bank subject to examination by the Commissioner under the provisions of subsection (2) of this Section, and if the Commissioner shall find from an examination that the condition of or operation of the investments or assets of the plan is unlawful, fraudulent, or unsafe, or that any trustee has abused his trust, the Commissioner shall, if the situation so found by the Commissioner shall not be corrected to his satisfaction within 60 days after the Commissioner has given notice to the board of directors of the State bank or out-of-state bank of his findings, report the facts to the Attorney General who shall thereupon institute proceedings against the State bank or out-of-state bank, the board of directors thereof, or the trustees under such plan as the nature of the case may require.

(6) The Commissioner shall have the power:

(a) To promulgate reasonable rules for the purpose of administering the provisions of this Act.

(a-5) To impose conditions on any approval issued by the Commissioner if he determines that the conditions are necessary or appropriate. These conditions shall be imposed in writing and shall continue in effect for the period prescribed by the Commissioner.

(b) To issue orders against any person, if the Commissioner has reasonable cause to believe that an unsafe or unsound banking practice has occurred, is occurring, or is about to occur, if any person has violated, is violating, or is about to violate any law, rule, or written agreement with the Commissioner, or for the purpose of administering the provisions of this Act and any rule promulgated in accordance with this Act.

(b-1) To enter into agreements with a bank establishing a program to correct the condition of the bank or its practices.

(c) To appoint hearing officers to execute any of the powers granted to the Commissioner under this Section for the purpose of administering this Act and any rule promulgated in accordance with this Act and otherwise to authorize, in writing, an officer or employee of the Office of Banks and Real Estate to exercise his powers under this Act.

(d) To subpoena witnesses, to compel their attendance, to administer an oath, to examine any person under oath, and to require the production of any relevant books, papers, accounts, and documents in the course of and pursuant to any investigation being conducted, or any action being taken, by the Commissioner in respect of any matter relating to the duties imposed upon, or the powers vested in, the Commissioner under the provisions of this Act or any rule promulgated in accordance with this Act.

(e) To conduct hearings.

(7) Whenever, in the opinion of the Commissioner, any director, officer, employee, or agent of a State bank or any subsidiary or bank holding company of the bank or, after May 31, 1997, of any branch of an out-of-state bank or any subsidiary or bank holding company of the bank shall have violated any law, rule, or order relating to that bank or any subsidiary or bank holding company of the bank, shall have obstructed or impeded any examination or investigation by the Commissioner, shall have engaged in an unsafe or unsound practice in conducting the business of that bank or any subsidiary or bank holding company of the bank, or shall have violated any law or engaged or participated in any unsafe or unsound practice in connection with any financial institution or other business entity such that the character and fitness of the director, officer, employee, or agent does not assure reasonable promise of safe and sound operation of the State bank, the Commissioner may issue an order of removal. If, in the opinion of the Commissioner, any former director, officer, employee, or agent of a State bank or any subsidiary or bank holding company of the bank, prior to the termination of his or her service with that bank or any subsidiary or bank holding company of the bank, violated any law, rule, or order relating to that State bank or any subsidiary or bank holding company of the bank, obstructed or impeded any examination or investigation by the Commissioner, engaged in an unsafe or unsound practice in conducting the business of that bank or any subsidiary or bank holding company of the bank, or violated any law or engaged or participated in any unsafe or unsound practice in connection with any financial institution or other business entity such that the character and fitness of the director, officer, employee, or agent would not have assured reasonable promise of safe and sound operation of the State bank, the Commissioner may issue an order prohibiting that person from further service with a bank or any subsidiary or bank holding company of the bank as a director, officer, employee, or agent. An order issued pursuant to this subsection shall be served upon the director, officer, employee, or agent. A copy of the order shall be sent to each director of the bank affected by registered mail. The person affected by the action may request a hearing before the State Banking Board within 10 days after receipt of the order. The hearing shall be held by the Board within 30 days after the request has been received by the Board. The Board shall make a determination approving, modifying, or disapproving the order of the Commissioner as its final administrative decision. If a hearing is held by the Board, the Board shall make its determination within 60 days from the conclusion of the hearing. Any person affected by a decision of the Board under this subsection (7) of Section 48 of this Act may have the decision reviewed only under and in accordance with the Administrative Review Law and the rules adopted pursuant thereto. A copy of the order shall also be served upon the bank of which he is a director, officer, employee, or agent, whereupon he shall cease to be a director, officer, employee, or agent of that bank. The Commissioner may institute a civil action against the director, officer, or agent of the State bank or, after May 31, 1997, of the branch of the out-of-state bank against whom any order provided for by this subsection (7) of this Section 48 has been issued, and against the State bank or, after May 31, 1997, out-of-state bank, to enforce compliance with or to enjoin any violation of the terms of the order. Any person who has been the subject of an order of removal or an order of prohibition issued by the Commissioner under this subsection or Section 5-6 of the Corporate Fiduciary Act may not thereafter serve as director, officer, employee, or agent of any State bank or of any branch of any out-of-state bank, or of any corporate fiduciary, as defined in Section 1-5.05 of the Corporate Fiduciary Act, or of any other entity that is subject to licensure or regulation by the Commissioner or the Office of Banks and Real Estate unless the Commissioner has granted prior approval in writing.

For purposes of this paragraph (7), "bank holding company" has the meaning prescribed in Section 2 of the Illinois Bank Holding Company Act of 1957.

(8) The Commissioner may impose civil penalties of up to $10,000 against any person for each violation of any provision of this Act, any rule promulgated in accordance with this Act, any order of the Commissioner, or any other action which in the Commissioner's discretion is an unsafe or unsound banking practice.

(9) The Commissioner may impose civil penalties of up to $100 against any person for the first failure to comply with reporting requirements set forth in the report of examination of the bank and up to $200 for the second and subsequent failures to comply with those reporting requirements.

(10) All final administrative decisions of the Commissioner hereunder shall be subject to judicial review pursuant to the provisions of the Administrative Review Law. For matters involving administrative review, venue shall be in either Sangamon County or Cook County.

(11) The endowment fund for the Illinois Bank Examiners' Education Foundation shall be administered as follows:

(a) (Blank).

(b) The Foundation is empowered to receive voluntary contributions, gifts, grants,

bequests, and donations on behalf of the Illinois Bank Examiners' Education Foundation from national banks and other persons for the purpose of funding the endowment of the Illinois Bank Examiners' Education Foundation.

(c) The aggregate of all special educational fees collected by the Commissioner and property received by the Commissioner on behalf of the Illinois Bank Examiners' Education Foundation under this subsection (11) on or after June 30, 1986, shall be either (i) promptly paid after receipt of the same, accompanied by a detailed statement thereof, into the State Treasury and shall be set apart in a special fund to be known as "The Illinois Bank Examiners' Education Fund" to be invested by either the Treasurer of the State of Illinois in the Public Treasurers' Investment Pool or in any other investment he is authorized to make or by the Illinois State Board of Investment as the board of trustees of the Illinois Bank Examiners' Education Foundation may direct or (ii) deposited into an account maintained in a commercial bank or corporate fiduciary in the name of the Illinois Bank Examiners' Education Foundation pursuant to the order and direction of the Board of Trustees of the Illinois Bank Examiners' Education Foundation.

(12) (Blank).

(Source: P.A. 94-91, eff. 7-1-05.)

Section 15. The Illinois Savings and Loan Act of 1985 is amended by changing Sections 7-3 and 7-19.1 as follows:

(205 ILCS 105/7-3) (from Ch. 17, par. 3307-3)

Sec. 7-3. Personnel, records, files, actions and duties, etc.

(a) The Commissioner shall appoint, subject to applicable provisions of the Personnel Code, a supervisor, such examiners, employees, experts and special assistants as may be necessary to carry out effectively this Act. The Commissioner shall require each supervisor, examiner, expert and special assistant employed or appointed by him to give bond, with security to be approved by the Commissioner, not less in any case than $15,000, conditioned for the faithful discharge of his duties. The premium on such bond shall be paid by the Commissioner from funds appropriated for that purpose. The bond, along with verification of payment of the premium on such bond, shall be filed in the office of the Secretary of State.

(b) The Commissioner shall have the following duties and powers:

(1) To exercise the rights, powers and duties set forth in this Act or in any other related Act;

(2) To establish such regulations as may be reasonable or necessary to accomplish the purposes of this Act;

(3) To direct and supervise all the administrative and technical activities of this office and create an Advisory Committee which upon request will make recommendations to him;

(4) To make an annual report regarding the work of his office as he may consider desirable to the Governor, or as the Governor may request;

(5) To cause a suit to be filed in his name to enforce any law of this State that applies to an association, subsidiary of an association, or holding company operating under this Act and shall include the enforcement of any obligation of the officers, directors or employees of any association;

(6) To prescribe a uniform manner in which the books and records of every association are to be maintained; and

(7) To establish reasonable and rationally based fee structures for each association and holding company operating under this Act and for their service corporations and subsidiaries, which fees shall include but not be limited to annual fees, application fees, regular and special examination fees, and such other fees as the Commissioner establishes and demonstrates to be directly resultant from his responsibilities under this Act and as are directly attributable to individual entities operating under this Act. For the fiscal year beginning on July 1, 2007, the Commissioner must adopt rules to adjust regulatory fee rates to those in effect prior to the escalation in rates published in 27 Ill.Reg. 16024, Oct. 10, 2003, and as amended at 27 Ill.Reg. 16326, Oct. 24, 2003, unless an audit by the Auditor General of banking regulatory oversight activities requires a different rate to be set to cover the costs of regulatory oversight. Any adjustments made pursuant to an Auditor General's audit must be set forth in the form of a notice to each affected entity 45 days prior to making those adjustments. The notice must contain an explanation that includes a description of the audit results pertaining to the banking industry and a description of each reason why adjustments to the regulatory fee rates are required.

(Source: P.A. 85-313.)

(205 ILCS 105/7-19.1) (from Ch. 17, par. 3307-19.1)

Sec. 7-19.1. Savings and Residential Finance Regulatory Fund.

(a) The aggregate of all fees collected by the Commissioner under this Act shall be paid promptly

after receipt of the same, accompanied by a detailed statement thereof, into the State treasury and shall be set apart in the Savings and Residential Finance Regulatory Fund, a special fund hereby created in the State treasury. The amounts deposited into the Fund shall be solely and exclusively used for the ordinary and contingent expenses of the Commissioner in administering the Illinois Savings and Loan Act of 1985, the Savings Bank Act, and the Residential Mortgage License Act of 1987 ~~Office of Banks and Real Estate~~. Nothing in this Act shall prevent continuing the practice of paying expenses involving salaries, retirement, social security, and State-paid insurance of State officers by appropriation from the General Revenue Fund.

(b) Except as otherwise provided in subsection (b-5), no moneys in the Savings and Residential Finance Regulatory Fund shall ~~may not~~ be appropriated, assigned, or transferred to another State fund. All moneys in the Fund shall be exempt from assignment or transfer under any other law or executive order, other than for the purposes authorized by the Illinois State Auditing Act. All ~~The~~ moneys in the Fund shall remain the property of and shall be held in trust for the sole benefit and exclusive regulation of ~~be for the sole benefit of~~ the institutions and entities assessed.

(b-5) Moneys in the Savings and Residential Finance Regulatory Fund may be transferred to the Professions Indirect Cost Fund, as authorized under Section 2105-300 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(c) All earnings received from investments of funds in the Savings and Residential Finance Regulatory Fund shall be deposited into the Savings and Residential Finance Regulatory Fund and may be used for the same purposes as fees deposited into that Fund.

(d) When the amount remaining in the Savings and Residential Finance Regulatory Fund at the end of a fiscal year exceeds 25% of the total actual administrative and operational expenses incurred under the Illinois Savings and Loan Act of 1985, the Savings Bank Act, and the Residential Mortgage License Act of 1987 for that fiscal year, the excess must be credited to the appropriate institutions and entities and applied against their regulatory fees for the subsequent fiscal year. The amount credited to the institution or entity must be in the same proportion that the fees paid by the institution or entity for the fiscal year in which the excess is produced bears to the aggregate of the fees collected by the Commissioner under the Illinois Savings and Loan Act of 1985, the Savings Bank Act, and the Residential Mortgage License Act of 1987 for the same fiscal year. For the purpose of this Section, "fiscal year" means the period beginning July 1 of any calendar year and ending June 30 of the next calendar year.

(Source: P.A. 94-91, eff. 7-1-05.)

Section 20. The Savings Bank Act is amended by changing Section 9002 as follows:

(205 ILCS 205/9002) (from Ch. 17, par. 7309-2)

Sec. 9002. Powers of Commissioner. The Commissioner shall have the following powers and duties:

(1) To exercise the rights, powers, and duties set forth in this Act or in any related Act.

(2) To establish regulations as may be reasonable or necessary to accomplish the purposes of this Act.

(3) To make an annual report regarding the work of his office under this Act as he may consider desirable to the Governor, or as the Governor may request.

(4) To cause a suit to be filed in his name to enforce any law of this State that applies to savings banks, their service corporations, subsidiaries, affiliates, or holding companies operating under this Act, including the enforcement of any obligation of the officers, directors, agents, or employees of any savings bank.

(5) To prescribe a uniform manner in which the books and records of every savings bank are to be maintained.

(6) To establish a reasonable fee structure for savings banks and holding companies operating under this Act and for their service corporations and subsidiaries. The fees shall include, but not be limited to, annual fees, application fees, regular and special examination fees, and other fees as the Commissioner establishes and demonstrates to be directly resultant from the Commissioner's responsibilities under this Act and as are directly attributable to individual entities operating under this Act. The aggregate of all fees collected by the Commissioner on and after the effective date of this Act shall be paid promptly after receipt of the same, accompanied by a detailed statement thereof, into the Savings and Residential Finance Regulatory Fund. The amounts deposited into the Fund shall be used for the ordinary and contingent expenses of the Office of Banks and Real Estate. Nothing in this Act shall prevent continuing the practice of paying expenses involving salaries, retirement, social security, and State-paid insurance of State officers by appropriation from the General Revenue Fund. For the fiscal year beginning July 1, 2007, the Commissioner must adopt rules to adjust regulatory fee rates to those in effect prior to the escalation in rates published in 27 Ill.Reg. 16024, Oct. 10, 2003, and as amended at 27 Ill.Reg. 16326, Oct. 24, 2003, unless an audit by the Auditor General of banking regulatory oversight activities requires

a different rate to be set to cover the costs of regulatory oversight. Any adjustments made pursuant to an Auditor General's audit must be set forth in the form of a notice to each affected entity 45 days prior to making those adjustments. The notice must contain an explanation that includes a description of the audit results pertaining to the banking industry and a description of each reason why adjustments to the regulatory fee rates are required.
(Source: P.A. 89-508, eff. 7-3-96.)

Section 25. The Illinois Credit Union Act is amended by changing Section 12 as follows:
(205 ILCS 305/12) (from Ch. 17, par. 4413)
Sec. 12. Regulatory fees.
(1) A credit union regulated by the Department shall pay a regulatory fee to the Department pursuant to a regulatory fee schedule based upon the credit union's ~~its~~ total assets as shown by its Year-end Call Report at the following rates or at a lesser rate established in a manner proportionately consistent with the following rates and that would fund the actual administrative and operational expenses of the Credit Union Section pursuant to subsection (5):

TOTAL ASSETS	REGULATORY FEE
$25,000 or less	$100
Over $25,000 and not over $100,000	$100 plus $4 per $1,000 of assets in excess of $25,000
Over $100,000 and not over $200,000	$400 plus $3 per $1,000 of assets in excess of $100,000
Over $200,000 and not over $500,000	$700 plus $2 per $1,000 of assets in excess of $200,000
Over $500,000 and not over $1,000,000	$1,300 plus $1.40 per $1,000 of assets in excess of $500,000
Over $1,000,000 and not over $5,000,000.....	$2,000 plus $0.50 per $1,000 of assets in excess of $1,000,000
Over $5,000,000 and not over $30,000,000	$4,000 ~~$5,080~~ plus $0.35 ~~$0.44~~ per $1,000 assets in excess of $5,000,000
Over $30,000,000 and not over $100,000,000	$12,750 ~~$16,192~~ plus $0.30 ~~$0.38~~ per $1,000 of assets in excess of $30,000,000
Over $100,000,000 and not over $500,000,000	$33,750 ~~$42,862~~ plus $0.15 ~~$0.19~~ per $1,000 of assets in excess of $100,000,000
Over $500,000,000	$93,750 ~~$140,625~~ plus $0.05 ~~$0.075~~ per $1,000 of assets in excess of $500,000,000

(2) The Director shall review the regulatory fee schedule ~~in subsection (1)~~ and the projected earnings on those fees on an annual basis and adjust the fee schedule for the next fiscal year. The fee schedule may be increased by no more than 5% annually if necessary to defray the actual ~~estimated~~ administrative and operational expenses of the Credit Union Section, ~~Department~~ as defined in subsection (5) . However, the fee schedule shall not be increased if the amount remaining in the Credit Union Fund at the end of the fiscal year is equal to or greater than 25% of the actual administrative and operational expenses for the preceding fiscal year. The regulatory fee for the next fiscal year shall be calculated by

the Director based on the credit union's total assets as of December 31 of the preceding calendar year. The Director shall provide credit unions with written notice of any adjustment made in the regulatory fee schedule.

(3) Beginning on July 1, 2007, each fiscal year ~~Not later than March 1 of each calendar year,~~ a credit union shall pay to the Department a regulatory fee in quarterly installments equal to one-fourth of the regulatory fee due for that fiscal year ~~for that calendar year in accordance with the regulatory fee schedule in subsection (1), on the basis of assets as of the Year-end Call Report of the preceding year~~. The total annual regulatory fee shall not be less than $100 or more than $125,000 ~~$187,500~~, provided that the regulatory fee cap of $125,000 ~~$187,500~~ shall be adjusted to incorporate the same percentage increase as the Director makes in the regulatory fee schedule from time to time under subsection (2). No regulatory fee shall be collected from a credit union until it has been in operation for one year. The regulatory fee shall be billed to credit unions on a quarterly basis and payable by credit unions on the due date for the call report for the preceding quarter.

(4) The aggregate of all fees collected by the Department under this Act shall be paid promptly after they are received, accompanied by a detailed statement thereof, into the State Treasury and shall be set apart in the Credit Union Fund, a special fund hereby created in the State treasury. The amount from time to time deposited in the Credit Union Fund and shall be used solely and exclusively to offset the actual ~~ordinary~~ administrative and operational expenses of the Credit Union Section ~~Department~~ under this Act. All earnings received from investments of funds in the Credit Union Fund shall be deposited into the Credit Union Fund and may be used for the same purposes as fees deposited into that Fund. Moneys deposited into the Credit Union Fund shall remain the property of credit unions and shall be held in trust by the State for the benefit and account of credit unions unless and until such time as the moneys are expended for the purposes authorized in this Act. No other appropriations shall be made from the Credit Union Fund, and the moneys in the Credit Union Fund shall be exempt from assignment or transfer under any other law or executive order, other than for the purposes authorized by the Illinois State Auditing Act. Moneys in the Credit Union Fund may be transferred to the Professions Indirect Cost Fund, as authorized under Section 2105-300 of the Department of Professional Regulation Law of the Civil Administrative Code of Illinois.

(5) The actual administrative and operational expenses of the Credit Union Section for any fiscal ~~calendar~~ year shall mean the ordinary and contingent expenses for that year incidental to making the examinations provided for by, and for administering, this Act, including all salaries and other compensation paid for personal services rendered for the State by officers or employees of the State to enforce this Act; all expenditures for telephone and telegraph charges, postage and postal charges, office supplies and services, furniture and equipment, office space and maintenance thereof, travel expenses and other necessary expenses; all to the extent that such expenditures are directly incidental to such examination or administration.

(6) When the balance in the Credit Union Fund at the end of a fiscal year exceeds 25% ~~aggregate of all fees collected by the Department under this Act and all earnings thereon for any calendar year exceeds 150%~~ of the total actual administrative and operational expenses under this Act for that fiscal year, such excess shall be credited to credit unions and applied against their regulatory fees for the subsequent fiscal year. The amount credited to a credit union shall be in the same proportion as the fee paid by such credit union for the fiscal ~~calendar~~ year in which the excess is produced bears to the aggregate of the fees collected by the Department under this Act for the same fiscal year.

(7) Examination fees for the year 2000 statutory examinations paid pursuant to the examination fee schedule in effect at that time shall be credited toward the regulatory fee to be assessed the credit union in calendar year 2001.

(8) Nothing in this Act shall prohibit the General Assembly from appropriating funds to the Department from the General Revenue Fund for the purpose of administering this Act.

(9) For purposes of this Section, "fiscal year" means a period beginning on July 1 of any calendar year and ending on June 30 of the next calendar year.

(Source: P.A. 93-32, eff. 7-1-03; 93-652, eff. 1-8-04; 94-91, eff. 7-1-05.)

Section 30. The Residential Mortgage License Act of 1987 is amended by changing Section 2-2, 2-6, and 4-1 as follows:

(205 ILCS 635/2-2) (from Ch. 17, par. 2322-2)

Sec. 2-2. Application process; investigation; fee.

(a) The Commissioner shall issue a license upon completion of all of the following:

(1) The filing of an application for license.

(2) The filing with the Commissioner of a listing of judgments entered against, and

bankruptcy petitions by, the license applicant for the preceding 10 years.

(3) The payment, in certified funds, of investigation and application fees, the total of which shall be in an amount equal to $1,800 ~~$2,700~~ annually, however, the Commissioner may increase the investigation and application fees by rule as provided in Section 4-11.

(4) Except for a broker applying to renew a license, the filing of an audited balance sheet including all footnotes prepared by a certified public accountant in accordance with generally accepted accounting principles and generally accepted auditing principles which evidences that the applicant meets the net worth requirements of Section 3-5.

(5) The filing of proof satisfactory to the Commissioner that the applicant, the members thereof if the applicant is a partnership or association, the members or managers thereof that retain any authority or responsibility under the operating agreement if the applicant is a limited liability company, or the officers thereof if the applicant is a corporation have 3 years experience preceding application in real estate finance. Instead of this requirement, the applicant and the applicant's officers or members, as applicable, may satisfactorily complete a program of education in real estate finance and fair lending, as approved by the Commissioner, prior to receiving the initial license. The Commissioner shall promulgate rules regarding proof of experience requirements and educational requirements and the satisfactory completion of those requirements. The Commissioner may establish by rule a list of duly licensed professionals and others who may be exempt from this requirement.

(6) An investigation of the averments required by Section 2-4, which investigation must allow the Commissioner to issue positive findings stating that the financial responsibility, experience, character, and general fitness of the license applicant and of the members thereof if the license applicant is a partnership or association, of the officers and directors thereof if the license applicant is a corporation, and of the managers and members that retain any authority or responsibility under the operating agreement if the license applicant is a limited liability company are such as to command the confidence of the community and to warrant belief that the business will be operated honestly, fairly and efficiently within the purpose of this Act. If the Commissioner shall not so find, he or she shall not issue such license, and he or she shall notify the license applicant of the denial.

The Commissioner may impose conditions on a license if the Commissioner determines that the conditions are necessary or appropriate. These conditions shall be imposed in writing and shall continue in effect for the period prescribed by the Commissioner.

(b) All licenses shall be issued in duplicate with one copy being transmitted to the license applicant and the second being retained with the Commissioner.

Upon receipt of such license, a residential mortgage licensee shall be authorized to engage in the business regulated by this Act. Such license shall remain in full force and effect until it expires without renewal, is surrendered by the licensee or revoked or suspended as hereinafter provided.

(Source: P.A. 93-32, eff. 7-1-03; 93-1018, eff. 1-1-05.)

(205 ILCS 635/2-6) (from Ch. 17, par. 2322-6)

Sec. 2-6. License issuance and renewal; fee.

(a) Beginning July 1, 2003, licenses shall be renewed every year on the anniversary of the date of issuance of the original license. Properly completed renewal application forms and filing fees must be received by the Commissioner 60 days prior to the renewal date.

(b) It shall be the responsibility of each licensee to accomplish renewal of its license; failure of the licensee to receive renewal forms absent a request sent by certified mail for such forms will not waive said responsibility. Failure by a licensee to submit a properly completed renewal application form and fees in a timely fashion, absent a written extension from the Commissioner, will result in the assessment of additional fees, as follows:

(1) A fee of $500 ~~$750~~ will be assessed to the licensee 30 days after the proper renewal date and $1,000 ~~$1,500~~ each month thereafter, until the license is either renewed or expires pursuant to Section 2-6, subsections (c) and (d), of this Act.

(2) Such fee will be assessed without prior notice to the licensee, but will be assessed only in cases wherein the Commissioner has in his or her possession documentation of the licensee's continuing activity for which the unrenewed license was issued.

(c) A license which is not renewed by the date required in this Section shall automatically become inactive. No activity regulated by this Act shall be conducted by the licensee when a license becomes inactive. The Commissioner may require the licensee to provide a plan for the disposition of any residential mortgage loans not closed or funded when the license becomes inactive. The Commissioner may allow a licensee with an inactive license to conduct activities regulated by this Act for the sole purpose of assisting borrowers in the closing or funding of loans for which the loan application was

taken from a borrower while the license was active. An inactive license may be reactivated by the Commissioner upon payment of the renewal fee, and payment of a reactivation fee equal to the renewal fee.

(d) A license which is not renewed within one year of becoming inactive shall expire.

(e) A licensee ceasing an activity or activities regulated by this Act and desiring to no longer be licensed shall so inform the Commissioner in writing and, at the same time, convey the license and all other symbols or indicia of licensure. The licensee shall include a plan for the withdrawal from regulated business, including a timetable for the disposition of the business. Upon receipt of such written notice, the Commissioner shall issue a certified statement canceling the license.

(Source: P.A. 93-32, eff. 7-1-03; 93-561, eff. 1-1-04; 93-1018, eff. 1-1-05.)

(205 ILCS 635/4-1) (from Ch. 17, par. 2324-1)

Sec. 4-1. Commissioner of Banks and Real Estate; functions, powers, and duties. The functions, powers, and duties of the Commissioner of Banks and Real Estate shall include the following:

(a) To issue or refuse to issue any license as provided by this Act;

(b) To revoke or suspend for cause any license issued under this Act;

(c) To keep records of all licenses issued under this Act;

(d) To receive, consider, investigate, and act upon complaints made by any person in connection with any residential mortgage licensee in this State;

(e) To consider and act upon any recommendations from the Residential Mortgage Board;

(f) To prescribe the forms of and receive:

(1) applications for licenses; and

(2) all reports and all books and records required to be made by any licensee under this Act, including annual audited financial statements and annual reports of mortgage activity;

(g) To adopt rules and regulations necessary and proper for the administration of this Act;

(h) To subpoena documents and witnesses and compel their attendance and production, to administer oaths, and to require the production of any books, papers, or other materials relevant to any inquiry authorized by this Act;

(h-1) To issue orders against any person, if the Commissioner has reasonable cause to believe that an unsafe, unsound, or unlawful practice has occurred, is occurring, or is about to occur, if any person has violated, is violating, or is about to violate any law, rule, or written agreement with the Commissioner, or for the purpose of administering the provisions of this Act and any rule adopted in accordance with the Act;

(h-2) To address any inquiries to any licensee, or the officers thereof, in relation to its activities and conditions, or any other matter connected with its affairs, and it shall be the duty of any licensee or person so addressed, to promptly reply in writing to such inquiries. The Commissioner may also require reports from any licensee at any time the Commissioner may deem desirable;

(i) To require information with regard to any license applicant as he or she may deem desirable, with due regard to the paramount interests of the public as to the experience, background, honesty, truthfulness, integrity, and competency of the license applicant as to financial transactions involving primary or subordinate mortgage financing, and where the license applicant is an entity other than an individual, as to the honesty, truthfulness, integrity, and competency of any officer or director of the corporation, association, or other entity, or the members of a partnership;

(j) To examine the books and records of every licensee under this Act at intervals as specified in Section 4-2;

(k) To enforce provisions of this Act;

(l) To levy fees, fines, and charges for services performed in administering this Act; the aggregate of all fees collected by the Commissioner on and after the effective date of this Act shall be paid promptly after receipt of the same, accompanied by a detailed statement thereof, into the Savings and Residential Finance Regulatory Fund; the amounts deposited into that Fund shall be used for the ordinary and contingent expenses of the Office of Banks and Real Estate. Nothing in this Act shall prevent continuing the practice of paying expenses involving salaries, retirement, social security, and State-paid insurance of State officers by appropriation from the General Revenue Fund. For the fiscal year beginning on July 1, 2007, the Commissioner must adopt rules to adjust regulatory fee rates to those in effect prior to the escalation in rates published in 27 Ill.Reg. 10783, July 1, 2003, unless an audit by the Auditor General of banking regulatory oversight activities requires a different rate to be set to cover the costs of regulatory oversight. Any adjustments made pursuant to an Auditor General's audit must be set forth in the form of a notice to each affected entity 45 days prior to making those adjustments. The notice must contain an explanation that includes a description of the audit results pertaining to the banking industry and a description of each reason why adjustments to the regulatory fee rates are required.

(m) To appoint examiners, supervisors, experts, and special assistants as needed to effectively and efficiently administer this Act;

(n) To conduct hearings for the purpose of:

(1) appeals of orders of the Commissioner;

(2) suspensions or revocations of licenses, or fining of licensees;

(3) investigating:

(i) complaints against licensees; or

(ii) annual gross delinquency rates; and

(4) carrying out the purposes of this Act;

(o) To exercise exclusive visitorial power over a licensee unless otherwise authorized by this Act or as vested in the courts, or upon prior consultation with the Commissioner, a foreign residential mortgage regulator with an appropriate supervisory interest in the parent or affiliate of a licensee;

(p) To enter into cooperative agreements with state regulatory authorities of other states to provide for examination of corporate offices or branches of those states and to accept reports of such examinations;

(q) To assign an examiner or examiners to monitor the affairs of a licensee with whatever frequency the Commissioner determines appropriate and to charge the licensee for reasonable and necessary expenses of the Commissioner, if in the opinion of the Commissioner an emergency exists or appears likely to occur; and

(r) To impose civil penalties of up to $50 per day against a licensee for failing to respond to a regulatory request or reporting requirement.

(Source: P.A. 93-1018, eff. 1-1-05.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Collins, **Senate Bill No. 2579** was recalled from the order of third reading to the order of second reading.

Senator Collins offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2579

AMENDMENT NO. 2. Amend Senate Bill 2579, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 9, lines 21 and 22, by replacing "private corporate donations" with "voluntary donations from individuals, foundations, corporations, and other sources,"; and

on page 12, by replacing lines 22 and 23 with the following:

"(j) The Department of Healthcare and Family Services ~~Commerce and Community Affairs~~ may establish such rules as it deems".

The motion prevailed.

And the amendment was adopted and ordered printed.

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

MESSAGE 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. 4298

A bill for AN ACT concerning criminal law.

HOUSE BILL NO. 4301

A bill for AN ACT concerning driving offenses.
HOUSE BILL NO. 4398
A bill for AN ACT concerning criminal law.
HOUSE BILL NO. 4446
A bill for AN ACT concerning criminal law.
HOUSE BILL NO. 4832
A bill for AN ACT concerning education.
HOUSE BILL NO. 4986
A bill for AN ACT concerning education.
HOUSE BILL NO. 5220
A bill for AN ACT concerning State government.
HOUSE BILL NO. 5300
A bill for AN ACT concerning health.
HOUSE BILL NO. 5349
A bill for AN ACT concerning insurance.
HOUSE BILL NO. 5386
A bill for AN ACT concerning public aid.
Passed the House, February 24, 2006.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 4298, 4301, 4398, 4446, 4832, 4986, 5220, 5300, 5349 and 5386** were taken up, ordered printed and placed on first reading.

RESOLUTIONS CONSENT CALENDAR

SENATE RESOLUTION 632
Offered by Senator Dillard and all Senators:
Mourns the death of William A. Kleist of Clarendon Hills.

SENATE RESOLUTION 633
Offered by Senator Dillard and all Senators:
Mourns the death of Alan C. Hultman of Downers Grove.

SENATE RESOLUTION 634
Offered by Senator Dillard and all Senators:
Mourns the death of Ruth Breitwieser of Naperville.

SENATE RESOLUTION 635
Offered by Senator Dillard and all Senators:
Mourns the death of Alan J. Campbell of Tallahassee, Florida, formerly of Naperville.

SENATE RESOLUTION 636
Offered by Senator Forby and all Senators:
Mourns the death of Ashley Ann Ruzich of Herrin

SENATE RESOLUTION 637
Offered by Senator Forby and all Senators:
Mourns the death of Raymond Louis Ruzich of West Frankfort.

SENATE RESOLUTION 638
Offered by Senator Forby and all Senators:
Mourns the death of Jeseca Taylor Ruzich of Herrin.

SENATE RESOLUTION 639
Offered by Senator Lauzen and all Senators:
Mourns the death of Thaddeus Weisner of Aurora.

SENATE RESOLUTION 640
Offered by Senator Lauzen and all Senators:
Mourns the death of Arnold "Arnie" Millen.

SENATE RESOLUTION 641
Offered by Senator Lauzen and all Senators:
Mourns the death of the Reverend Paul M. Johannaber of Saint Charles.

SENATE RESOLUTION 642
Offered by Senator Forby and all Senators:
Mourns the death of Lloyd Earl Friedman of Ullin.

SENATE RESOLUTION 643
Offered by Senator Forby and all Senators:
Mourns the death of George Victor Bucher, Sr., of Evansville, Indiana, formerly of Mounds.

SENATE RESOLUTION 644
Offered by Senator Forby and all Senators:
Mourns the death of Donald Lee "John" Mowery, Sr., of Anna.

SENATE RESOLUTION 645
Offered by Senator Hunter and all Senators:
Mourns the death of Lola Marie Newman.

SENATE RESOLUTION 646
Offered by Senator Forby and all Senators:
Mourns the death of Roy S. Davis of Carterville.

SENATE RESOLUTION 647
Offered by Senator Forby and all Senators:
Mourns the death of Tom Burns, Sr., of DeMotte, Indiana and Creal Springs.

SENATE RESOLUTION 648
Offered by Senator Haine and all Senators:
Mourns the death of Miles Rex Brueckner of Alton.

SENATE RESOLUTION 649
Offered by Senator Haine and all Senators:
Mourns the death of Nancy H. DeGrand of Alton.

SENATE RESOLUTION 650
Offered by Senator Forby and all Senators:
Mourns the death of Angela Renae King of Royalton.

SENATE RESOLUTION 651
Offered by Senator Forby and all Senators:
Mourns the death of Gil B. Tope of Carterville.

SENATE RESOLUTION 652
Offered by Senator Forby and all Senators:
Mourns the death of Merle Moe Boswell of Anna.

SENATE RESOLUTION 653
Offered by Senator Forby and all Senators:
Mourns the death of Gerald William Downey of Dongola.

SENATE RESOLUTION 654
Offered by Senator Forby and all Senators:
Mourns the death of Olga Sturm of Herrin.

SENATE RESOLUTION 655
Offered by Senator Forby and all Senators:
Mourns the death of Lyman L. Benns, Sr., of Benton.

SENATE RESOLUTION 656
Offered by Senator Forby and all Senators:
Mourns the death of Terry P. Tanner of Crab Orchard.

SENATE RESOLUTION 657
Offered by Senator Forby and all Senators:
Mourns the death of Kent Alan "Mr. A" Alexander of Carterville.

SENATE RESOLUTION 658
Offered by Senator Forby and all Senators:
Mourns the death of Henry M. Tellor of Anna.

SENATE RESOLUTION 659
Offered by Senator Forby and all Senators:
Mourns the death of Gerald Leon Hall, Sr., of Tunnel Hill.

Senator Halvorson moved the adoption of the foregoing resolutions. The motion prevailed, and the resolutions were adopted.

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

HOUSE JOINT RESOLUTION NO. 106

RESOLVED, BY THE HOUSE OF REPRESENTATIVES OF THE NINETY-FOURTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, THE SENATE CONCURRING HEREIN, that when the two House's adjourn on Friday, February 24, 2006, the House of Representatives stands adjourned until Tuesday, February 28, 2006; at 2:00 o'clock p.m.; and the Senate stands adjourned until Monday, February 27, 2006, at 2:00 o'clock p.m.

Adopted by the House, February 24, 2006.

MARK MAHONEY, Clerk of the House

By unanimous consent, on motion of Senator Viverito, the foregoing message reporting House Joint Resolution No. 106 was taken up for immediate consideration.

Senator Viverito moved that the Senate concur with the House in the adoption of the resolution.

The motion prevailed.

And the Senate concurred with the House in the adoption of the resolution.

Ordered that the Secretary inform the House of Representatives thereof.

At the hour of 1:32 o'clock p.m., pursuant to **House Joint Resolution No. 106**, the Chair announced the Senate stand adjourned until Monday, February 27, 2006, at 2:00 o'clock p.m.