SENATE JOURNAL

STATE OF ILLINOIS

NINETY-FOURTH GENERAL ASSEMBLY

82ND LEGISLATIVE DAY

WEDNESDAY, MARCH 1, 2006

1:58 O'CLOCK P.M.

NO. 82
[March 1, 2006]

SENATE
Daily Journal Index
82nd Legislative Day

The Senate met pursuant to adjournment.
Senator James A. DeLeo, Chicago, Illinois, presiding.
Prayer by Reverend Charles Straight, Wesley United Methodist Church, Chicago, Illinois.
Senator Maloney led the Senate in the Pledge of Allegiance.

Senator Hunter moved that reading and approval of the Journal of Tuesday, February 28, 2006, be postponed, pending arrival of the printed Journal.
The motion prevailed.

REPORT RECEIVED

The Secretary placed before the Senate the following report:

House Resolution 220 Report to the General Assembly on Social Worker Medicaid Reimbursement, submitted by the Department of Healthcare and Family Services and the Department of Human Services.

The foregoing report was ordered received and placed on file in the Secretary's Office.

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. 3 to Senate Bill 2180
Senate Floor Amendment No. 3 to Senate Bill 2796
Senate Floor Amendment N. 2 to Senate Bill 2884

REPORTS FROM STANDING COMMITTEES

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

Senate Amendment No. 1 to Senate Bill 918

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

Senator Martinez, Chairperson of the Committee on Pensions & Investments, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 789

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

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

Senate Amendment No. 1 to Senate Bill 701
Senate Amendment No. 2 to Senate Bill 821
Senate Amendment No. 3 to Senate Bill 835
Senate Amendment No. 1 to Senate Bill 841
Senate Amendment No. 1 to Senate Bill 843
Senate Amendment No. 2 to Senate Bill 2798
Senate Amendment No. 1 to Senate Bill 3046
Senate Amendment No. 2 to Senate Bill 3046

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

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

Senate Amendment No. 1 to Senate Bill 855
Senate Amendment No. 1 to Senate Bill 860
Senate Amendment No. 2 to Senate Bill 2257
Senate Amendment No. 1 to Senate Bill 2670
Senate Amendment No. 1 to Senate Bill 2795
Senate Amendment No. 3 to Senate Bill 2795
Senate Amendment No. 4 to Senate Bill 2795
Senate Amendment No. 2 to Senate Bill 2796

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

PRESENTATION OF RESOLUTION

SENATE RESOLUTION 663

Offered by Senator Wilhelmi and all Senators:
Mourns the death of John H. Allen of Joliet.

By unanimous consent, the foregoing resolution was referred to the Resolutions Consent Calendar.

Report Received

M E M O R A N D U M

TO: The Honorable Emil Jones, Jr., Senate President
The Honorable Frank C. Watson, Senate Minority Leader
The Honorable Michael J. Madigan, Speaker of the House
The Honorable Tom Cross, House Republican Leader

FROM: Randy J. Dunn
State Superintendent of Education

DATE: February 28, 2006

RE: Waivers of School Code Mandates: Spring 2006 Waiver Summary Report

As required by Section 2-3.25g of the School Code (105 ILCS 5/2-3.25g), the following report provides summaries of requests for waivers of School Code mandates being transmitted to the Illinois General Assembly for its consideration. Also included are summaries of requests for waivers and modifications acted on by the State Board of Education and of applications that have been returned to school districts or other eligible applicants.

If you have any questions or comments, please contact Jonathan Furr, General Counsel, at 217/782-8535.

cc: The Honorable Rod R. Blagojevich, Governor
Mark Mahoney, Clerk of the House
Linda Hawker, Secretary of the Senate
Legislative Research Unit
State Government Report Center

Executive Summary

The following report outlines waivers of School Code mandates that school districts, regional offices of education, or special education or vocational education cooperatives have requested since the last report, which was transmitted in October 2005. Pursuant to Section 2-3.25g of the School Code (105 ILCS 5/2-3.25g), these requests must be sent to the General Assembly for its consideration before March 1, 2006.

The report is organized by subject area and by school district, regional office, or special education or vocational education cooperative. The General Assembly may disapprove the report in whole or in part within 60 calendar days after each chamber next convenes once the report is filed. This is done by a joint resolution. If either chamber fails to reject a waiver request, then that request is deemed granted.

Section I summarizes the 78 requests received for waivers of School Code mandates for consideration by the General Assembly, which are presented alphabetically by topic area. The largest number of applications received seeks waivers from Section 27-6 of the School Code regarding physical education (23 requests), followed by 15 petitions regarding parent-teacher conference days, 12 addressing administrative cost limitations, eight petitions pertaining to driver education, six addressing nonresident tuition and five addressing inservice training. Two petitions each address evaluation plans, use of funds, and publication of a "statement of affairs", while one petition each concerns general state aid, substitute teachers (see page 12), and tax levies.

This document also contains three other sections beyond what is required under Section 2-3.25g of the School Code. Section II lists the modifications or waivers of State Board of Education rules and modifications of School Code mandates upon which the State Board has acted. Of the 102 approvals, 101 address legal school holidays and one addressed vocational education.

Section III describes the 13 requests that have been returned to or withdrawn by the petitioning entities. Section IV shows all the requests submitted, organized by Senate and House district.

In addition, the requests received are summarized by subject area in a table following this Executive Summary. Complete copies of the waiver requests for the General Assembly's consideration have been provided to legislative staff.

This is the twenty-second report submitted pursuant to Section 2-3.25g of the School Code, which requires that the State Board of Education compile and submit requests for waivers of School Code mandates to the General Assembly before March 1 and October 1 of each year.

Summary of Applications for Waivers and Modifications
Volume 22 – Spring 2006

Topic	Approved	Denied by SBE	Transmitted to GA	Withdrawn or Returned
Content of Evaluation Plans	0	0	2	0
Driver Education	0	0	8	2
Funds	0	0	2	0
General State Aid	0	0	1	0
Legal School Holidays	101	0	0	6
Limitation of Administrative Costs	0	0	12	1
Nonresident Tuition	0	0	6	1

[March 1, 2006]

Parent-Teacher Conferences	0	0	15	1
Physical Education	0	0	23	1
School Improvement/ Inservice Training	0	0	5	1
Statement of Affairs	0	0	2	0
Substitute Teachers	0	0	1	0
Tax Levies	0	0	1	0
Vocational Education	1	0	0	0
Petition Summary	**102**	**0**	**78**	**13**

TOTAL NUMBER OF APPLICATIONS: 193

SECTION I

Applications Transmitted to the General Assembly

Content of Evaluation Plans

Keeneyville ESD 20 – DuPage (SD 28/HD 56) / **Expiration: 2010-11 school year**
WM100-3696 (renewal) – Waiver of School Code (Section 24A-5) request to allow the district to replace the current rating scale of "excellent, satisfactory, and unsatisfactory" for a teacher evaluation process with ratings of "professional growth track – no rating" and "professional support track – satisfactory or unsatisfactory."

LaGrange Area Department of Special Education – Cook (SD 41/HD 82) / **Expiration: 2010-11 school year**
WM100-3773 – Waiver of School Code (Section 24A-5) request to allow the district to replace the current rating scale of "excellent, satisfactory, and unsatisfactory" for a teacher evaluation process with ratings of "meets expectations" and "does not meet expectations."

Driver Education

Peotone CUSD 207U – Will (SD 40/HD 79) / **Expiration: 2010-11 school year**
WM100-3703-2 – Waiver of School Code (Section 27-23) request to allow the district to charge a fee not to exceed $100 of students who participate in driver education courses.
Plano CUSD 88 – Kendall (SD 25/HD 50) / **Expiration: 2010-11 school year**
WM100-3704 – Waiver of School Code (Section 27-23) request to allow the district to charge a fee not to exceed $300 of students who participate in driver education courses.

Zion-Benton THSD 126 – Lake (SD 31/HD 61) / **Expiration: 2010-11 school year**
WM100-3710-2 (renewal) – Waiver of School Code (Section 27-23) request to allow the district to charge a fee not to exceed $300 of students who participate in driver education courses.

Maine THSD 207 – Cook (SD 33/HD 65) / **Expiration: 2010-11 school year**
WM100-3732-1 (renewal) – Waiver of School Code (Section 27-23) request to allow the district to charge a fee not to exceed $250 of students who participate in driver education courses.

Yorkville CUSD 115 – Kane, Kendall (SD 25/HD 50) / **Expiration: 2010-11 school year**
WM100-3757-1 – Waiver of School Code (Section 27-23) request to allow the district to charge a fee

not to exceed $350 of students who participate in driver education courses.

Warren THSD 121 – Lake (SD 31/HD 62) / **Expiration: 2010-11 school year**
WM100-3762 (renewal) – Waiver of School Code (Section 27-23) request to allow the district to charge a fee not to exceed $700 of students who participate in driver education courses. The district states that its intent is not to charge more than $300 for the 2006-2007 school year.

Lockport THSD 205 – Will (SD 43/HD 85) / **Expiration: 2007-08 school year**
WM100-3786-1 (renewal) – Waiver of School Code (Section 27-23) request to allow the district to charge a fee not to exceed $110 of students who participate in driver education courses.

Downers Grove CHSD 99 – DuPage (SD 24/HD 47) / **Expiration: 2010-11 school year**
WM100-3789 (renewal) – Waiver of School Code (Section 27-23) request to allow the district to charge a fee not to exceed $350 of students who participate in driver education courses.

Funds

Norridge SD 80 – Cook (SD 10/HD 20) / **Expiration: 2010-11 school year**
WM100-3764-1 (renewal) – Waiver of School Code (Section 17-2) request to allow the district to collect revenue generated from the tax rates established for the Education Fund, the Operations and Maintenance Fund, and the Transportation Fund and to use the revenue in the method and in the fund that best meets the needs of the district and its students.

Glen Ellyn SD 41 – DuPage (SD 21/HD 42) / **Expiration: 2010-11 school year**
WM100-3768-1 – Waiver of School Code (Section 17-2) request to allow the district to collect revenue generated from the tax rates established for the Education Fund, the Operations and Maintenance Fund, and the Transportation Fund and to use the revenue in the method and in the fund that best meets the needs of the district and its students.

General State Aid

Regional Office of Education #8 – Carroll, Jo Daviess, Stephenson (SD 45/HD 89) / **Expiration: 2010-11 school year**
WM100-3750 – Waiver of School Code (Section 18-8.05(F)(1)) request to allow the regional office of education to receive General State Aid reimbursement for a full day when students in its alternative schools participate in three and a half hours of school work each day. The shorter day is necessary due to the learning styles of the students, who the district indicates have been able to make "significant academic progress" by participating in concentrated computer-assisted instruction. In addition, the cost of providing instructional and support services to these students is higher than in the regular school setting. Without full reimbursement, the program would be cost-prohibitive for many districts that send students to the alternative schools.

Limitation of Administrative Cost

Ogden CCSD 212 – Champaign (SD 52/HD 104) / **Expiration: 2005-06 school year**
WM100-3653 – Waiver of School Code (Section 17-1.5) request to allow the district to waive the limitation of administrative costs due to circumstances beyond its control. The district previously employed a superintendent on an interim basis on a reduced salary. For the 2005-06 school year, the district will share a superintendent with Prairieview CCSD 192, causing it to exceed the 5 percent limitation.
Villa Grove CUSD 302 – Douglas (SD 51/HD 101) / **Expiration: 2005-06 school year**
WM100-3661 – Waiver of School Code (Section 17-1.5) request to allow the district to waive the limitation of administrative costs due to circumstances beyond its control. The district previously employed two part-time superintendents on an interim basis. A permanent superintendent has been hired. The salary for the new superintendent caused the district to exceed the 5 percent limitation.

Fisher CUSD 1 – Champaign (SD 53/HD 105) / **Expiration: 2005-06 school year**
WM100-3666-1 – Waiver of School Code (Section 17-1.5) request to allow the district to waive the limitation of administrative costs due to circumstances beyond its control. The district's superintendent

resigned in summer 2004; an interim superintendent was hired for the 2004-05 school year. Since the interim superintendent was a retired superintendent, the district did not pay retirement or health insurance. A full-time superintendent was hired for the 2005-06 school year, with the cost of the salary and benefit package causing the district to exceed the 5 percent limitation.

East Richland CUSD 1 – Richland (SD 54/HD 108) / **Expiration: 2005-06 school year**
WM100-3674-1 – Waiver of School Code (Section 17-1.5) request to allow the district to waive the limitation of administrative costs due to circumstances beyond its control. The district exceeded the 5 percent limitation due to an 8 percent merit raise given to the superintendent, the hiring of a special education administrator, and an increase in the salary and benefit package for the district's bookkeeper and treasurer.

Richmond-Burton CHSD 157 – McHenry (SD 32/HD 63) / **Expiration: 2005-06 school year**
WM100-3692 – Waiver of School Code (Section 17-1.5) request to allow the district to waive the limitation of administrative costs due to circumstances beyond its control. The district exceeded the 5 percent limitation due to a change in the way in which the salaries of the bookkeeper/business manager and the technology director were recorded, changes made at the suggestion of the district's auditor. No new administrative positions were added.

Morrison CUD 6 – Whiteside (SD 36/HD 71) / **Expiration: 2005-06 school year**
WM100-3700 – Waiver of School Code (Section 17-1.5) request to allow the district to waive the limitation of administrative costs due to circumstances beyond its control. The district had several categories of expenses that increased: insurance; contributions to the Teachers Retirement System; slight increases for travel, equipment and the contingency fund; and anticipated increase in the utility contractor's contract. Taken together, these increases caused the district to exceed the 5 percent limitation.

Carterville CUSD 5 – Williamson (SD 59/HD 117) / **Expiration: 2005-06 school year**
WM100-3707 – Waiver of School Code (Section 17-1.5) request to allow the district to waive the limitation of administrative costs due to circumstances beyond its control. The district serves as the administrative agent for the Williamson County Early Childhood Cooperative. As such, the district hired an administrator to oversee the program, causing the district to exceed the 5 percent limitation.

Marengo-Union ECSD 165 – McHenry (SD 32/HD 63) / **Expiration: 2005-06 school year**
WM100-3724-1 – Waiver of School Code (Section 17-1.5) request to allow the district to waive the limitation of administrative costs due to circumstances beyond its control. The district agreed to pay for the health insurance of the retiring superintendent for one year and for moving expenses incurred by the new superintendent, causing it to exceed the 5 percent limitation.

Blue Ridge CUSD 18 – DeWitt (SD 44/HD 87) / **Expiration: 2005-06 school year**
WM100-3726 – Waiver of School Code (Section 17-1.5) request to allow the district to waive the limitation of administrative costs due to circumstances beyond its control. The district's superintendent resigned in May 2004; an interim superintendent was hired for the 2004-05 school year. A full-time superintendent was hired for the 2005-06 school year, with the cost of the salary and benefit package causing the district to exceed the 5 percent limitation.

Donovan CUSD 3 – Iroquois (SD 40/HD 79) / **Expiration: 2005-06 school year**
WM100-3731 – Waiver of School Code (Section 17-1.5) request to allow the district to waive the limitation of administrative costs due to circumstances beyond its control. The superintendent served as an interim superintendent for the 2004-05 school year at a reduced salary. The position became full time for the current school year, causing the district to exceed the 5 percent limitation.

Robinson CUSD 2 – Crawford (SD 55/HD 109) / **Expiration: 2005-06 school year**
WM100-3739 – Waiver of School Code (Section 17-1.5) request to allow the district to waive the limitation of administrative costs due to circumstances beyond its control. The district employed a part-time superintendent during the 2004-05 school year. The position became full time for the current school year, causing the district to exceed the 5 percent limitation.

Palestine CUSD 3 – Crawford (SD 55/HD 109) / **Expiration: 2005-06 school year**

WM100-3790-1 – Waiver of School Code (Section 17-1.5) request to allow the district to waive the limitation of administrative costs due to circumstances beyond its control. The superintendent had been serving as the principal of the district's high school; however, the district found that standards decreased and a principal was hired, who, in part, will work with teachers to improve instruction and increase student achievement.

Nonresident Tuition

Crab Orchard CUSD 3 – Williamson (SD 59/HD 117) / **Expiration: 2010-11 school year**
WM100-3697 (renewal) – Waiver of School Code (Section 10-20.12a) request to allow the district to waive the payment of tuition for nonresident students whose parents are employed by the district on a full-time basis.

Joppa-Maple Grove CUSD 38 – Massac (SD 59/HD 118) / **Expiration: 2010-11 school year**
WM100-3698 (renewal) – Waiver of School Code (Section 10-20.12a) request to allow the district to waive the payment of tuition for nonresident students whose parents are employed by the district on a full-time basis.

Cobden USD 17 – Union (SD 58/HD 115) / **Expiration: 2010-11 school year**
WM100-3723 – Waiver of School Code (Section 10-20.12a) request to allow the district to waive the payment of tuition for nonresident students whose parents are employed by the district on a full-time basis.

Tamaroa GSD 5 – Perry (SD 58/HD 115) / **Expiration: 2010-11 school year**
WM100-3737 – Waiver of School Code (Section 10-20.12a) request to allow the district to waive the payment of tuition for nonresident students whose parents are employed by the district on a full-time basis.

Anna CCSD 37 – Union (SD 59/HD 118) / **Expiration: 2010-11 school year**
WM100-3745 – Waiver of School Code (Section 10-20.12a) request to allow the district to waive the payment of tuition for nonresident students whose parents are employed by the district on a full-time basis.

Hollis CSD 328 – Peoria (SD 46/HD 91) / **Expiration: 2011-12 school year**
WM100-3777 (renewal) – Waiver of School Code (Section 10-20.12a) request to allow the district to charge less than 110 percent of the per capita tuition charge for nonresident students. In order to increase its enrollment, the district plans to continue to charge between $2,100 and $2,600 rather than a per capita tuition charge of approximately $12,000 that would be needed without a waiver.

Parent-Teacher Conferences

Elmhurst SD 205 – DuPage (SD 21/HD 41) / **Expiration: 2010-11 school year**
WM100-3650-1 (renewal) – Waiver of School Code (Section 18-8.05(F)(2)(d)(1)) request to allow the district the option of scheduling parent-teacher conferences in the morning following a half of day of student attendance and then in the evening following a full day of student attendance. Another morning session will be held on a day without student attendance. The morning and evening sessions will be counted as one of the 176 days of pupil attendance required by Section 10-19.

Dixon USD 170 – Lee (SD 45/HD 90) / **Expiration: 2010-11 school year**
WM100-3663 – Waiver of School Code (Section 18-8.05(F)(2)(d)(1)) request to allow the district the option of scheduling parent-teacher conferences in the evening following a full day of student attendance four times during a given month. One day during the school year would be a nonattendance day for students and staff. The evening sessions will be counted among the 176 days of actual pupil attendance required by Section 10-19.

Fisher CUSD 1 – Champaign (SD 53/HD 105) / **Expiration: 2010-11 school year**
WM100-3666-2 (renewal) – Waiver of School Code (Section 18-8.05(F)(2)(d)(1)) request to allow the district the option two times a year of scheduling parent-teacher conferences in the evening following a full day of student attendance twice during a given week. One day during that week would be a

nonattendance day for students and staff. The evening sessions will be counted among the 176 days of actual pupil attendance required by Section 10-19.

Iroquois County CUSD 9 – Iroquois (SD 53/HD 105) / **Expiration: 2010-11 school year**
WM100-3679-1 (renewal) – Waiver of School Code (Section 18-8.05(F)(2)(d)(1)) request to allow the district the option of two times a year scheduling parent-teacher conferences in the evening following at least five clock-hours of attendance and to use the following day for at least four hours of parent-teacher conferences. The district will count the first day for the purpose of determining average daily attendance, and both days will be counted among the 176 days of actual pupil attendance required by Section 10-19.

Bloomington SD 87 – McLean (SD 44/HD 88) / **Expiration: 2010-11 school year**
WM100-3694-1 – Waiver of School Code (Section 18-8.05(F)(2)(d)(1)) request to allow the district the option two times each school year of scheduling parent-teacher conferences in the afternoon and evening following a full day of student attendance twice during a given week. A day following the conferences will be a nonattendance day for students and staff. The evening sessions will be counted as one of the 176 days of pupil attendance required by Section 10-19.

West Chicago ESD 33 – DuPage (SD 48/HD 95) / **Expiration: 2010-11 school year**
WM100-3709 – Waiver of School Code (Section 18-8.05(F)(2)(d)(1)) request to allow the district the option of scheduling parent-teacher conferences in the evening following a full day of student attendance, followed by all-day conferences that will extend into the evening. One day following the conferences will be a nonattendance day for students, and for staff, if they have completed their conferences. The evening sessions will be counted as one of the 176 days of pupil attendance required by Section 10-19.

Rock Falls THSD 301 – Whiteside (SD 45/HD 90) / **Expiration: 2010-11 school year**
WM100-3712 – Waiver of School Code (Section 18-8.05(F)(2)(d)(1)) request to allow the district the option of scheduling parent-teacher conferences in the evening following a full day of student attendance twice during a given week. A day following the conferences will be a nonattendance day for students and staff. The evening sessions will be counted as one of the 176 days of pupil attendance required by Section 10-19.

Arcola CUSD 306 – Douglas (SD 55/HD 110) / **Expiration: 2010-11 school year**
WM100-3721-1 (renewal) – Waiver of School Code (Section 18-8.05(F)(2)(d)(1)) request to allow the district the option of scheduling parent-teacher conferences in the evening following a school day of at least five clock-hours and in the morning of the following day for at least three clock-hours. The evening and the morning sessions will be counted as one of the 176 days of pupil attendance required by Section 10-19.

Indian Prairie SD 204 – DuPage (SD 48/HD 96) / **Expiration: 2010-11 school year**
WM100-3733-1 (renewal) – Waiver of School Code (Section 18-8.05(F)(2)(d)(1)) request to allow the district the option of scheduling parent-teacher conferences in the evening following a full day of student attendance twice during a two-week period. A day following the conferences will be a nonattendance day for students and staff. The evening sessions will be counted as one of the 176 days of pupil attendance required by Section 10-19.

Freeburg CCSD 70 – St. Clair (SD 58/HD 116) / **Expiration: 2010-11 school year**
WM100-3754 – Waiver of School Code (Section 18-8.05(F)(2)(d)(1)) request to allow the district the option of scheduling parent-teacher conferences in the evening following a full day of student attendance twice during a one-week period. A day following the conferences will be a nonattendance day for students and staff. The evening sessions will be counted as one of the 176 days of pupil attendance required by Section 10-19.

Prophetstown-Lyndon-Tampico CUSD 3 – Whiteside (SD 45/HD 90) / **Expiration: 2010-11 school year**
WM100-3769 – Waiver of School Code (Section 18-8.05(F)(2)(d)(1)) request to allow the district the option of scheduling parent-teacher conferences in the evening following a school day where students are dismissed an hour early twice during a given week. A day following the conferences will be a

nonattendance day for students and staff. The evening sessions will be counted as one of the 176 days of pupil attendance required by Section 10-19.

Altamont CUSD 10 – Effingham (SD 51/HD 102) / **Expiration: 2010-11 school year**
WM100-3765 – Waiver of School Code (Section 18-8.05(F)(2)(d)(1)) request to allow the district the option two times a year of scheduling parent-teacher conferences in the evening following a full day of student attendance and in the morning of the following day for at least three clock-hours. Students would not be in attendance for the second day of conferences. The evening and the morning sessions will be counted among the 176 days of actual pupil attendance required by Section 10-19.

Farmington Central CUSD 265 – Peoria (SD 37/HD 73) / **Expiration: 2010-11 school year**
WM100-3772 (renewal) – Waiver of School Code (Section 18-8.05(F)(2)(d)(1)) request to allow the district the option of scheduling parent-teacher conferences in the evening following a full day of student attendance twice during a given week. One day during that week would be a nonattendance day for students and staff. The evening sessions will be counted among the 176 days of actual pupil attendance required by Section 10-19.

Streator ESD 44 – LaSalle (SD 38/HD 76) / **Expiration: 2010-11 school year**
WM100-3780 – Waiver of School Code (Section 18-8.05(F)(2)(d)(1)) request to allow the district the option of scheduling parent-teacher conferences in the evening following a school day of at least five clock-hours and in the morning of the following day for at least three clock-hours. The evening and the morning sessions will be counted as one of the 176 days of pupil attendance required by Section 10-19.

Chaney-Monge SD 88 – Will (SD 43/HD 85) / **Expiration: 2010-11 school year**
WM100-3788 – Waiver of School Code (Section 18-8.05(F)(2)(d)(1)) request to allow the district the option of scheduling parent-teacher conferences in the evening following a full day of student attendance twice during a given week. One day during that week would be a nonattendance day for students and staff. The evening sessions will be counted among the 176 days of actual pupil attendance required by Section 10-19.

Physical Education

Sparta CUSD 140 – Randolph (SD 58/HD 116) / **Expiration: 2007-08 school year**
WM100-3648-1 – Waiver of School Code (Section 27-6) request to allow the district to permit students in grades 4 through 6 to participate in physical education three times a week rather than daily for the full school year. Students in grade 4 will participate for 90 minutes in physical education, while those in grades 5 and 6 will have 135 minutes of instruction. In addition, students also will participate in 100 minutes of "outside activity" each week.

Taylorville CUSD 3 – Christian (SD 49/HD 98) / **Expiration: 2010-11 school year**
WM100-3659-1 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to permit students in grades 9 through 12 to participate in physical education every other day for 44 minutes each session due to inadequate facilities. On the days in which the students are not in physical education, they will be participating in laboratory science courses.

Taylorville CUSD 3 – Christian (SD 49/HD 98) / **Expiration: 2010-11 school year**
WM100-3659-2 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to excuse students in grade 8 from the daily physical education requirement if they are enrolled in band or orchestra and also elect to participate in choir. Such students would participate in physical education twice a week for 42 minutes each session.

Community High School District 117 – Lake (SD 31/HD 61) / **Expiration: 2010-11 school year**
WM100-3672 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to excuse students in grades 9 through 12 from the daily physical education requirement for ongoing participation in cheerleading, pom-pons and marching band. In addition, the district would like to excuse students in grades 9 and 10 for ongoing participation in interscholastic athletics. Students will return to physical education classes at the conclusion of the sport or marching band season.

East Richland CUSD 1 – Richland (SD 54/HD 108) / **Expiration: 2010-11 school year**
WM100-3674-2 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to

permit students in kindergarten through grade 5 to participate in physical education three to four times a week for 30 minutes each session. Students also will have supervised play on a daily basis and participate in a wellness program.

Peotone CUSD 207U – Will (SD 40/HD 79) / **Expiration: 2010-11 school year**
WM100-3703-1 – Waiver of School Code (Section 27-6) request to allow the district to excuse students in grades 11 and 12 from the daily physical education requirement for ongoing participation in cheerleading and pom-pons. The waiver, if approved, will allow these students to participate in additional academic classes or schedule more study time.

Zion-Benton THSD 126 – Lake (SD 31/HD 61) / **Expiration: 2010-11 school year**
WM100-3710-1 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to excuse students in grades 11 and 12 from the daily physical education requirement if they enroll in two or more Advanced Placement classes. Students will use the additional time for study and laboratory/computer work.

Orion CUD 223 – Henry (SD 36/HD 71) / **Expiration: 2010-11 school year**
WM100-3715-1 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to excuse students in grade 12 from the daily physical education requirement if they are enrolled in the cooperative education program. Without the waiver, the students would be unable to enroll in both the cooperative program and other academic coursework related to postsecondary education and training.

Indian Prairie SD 204 – DuPage (SD 48/HD 96) / **Expiration: 2010-11 school year**
WM100-3733-3 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to permit students in grades 1 through 5 to participate in physical education three times a week for 30 minutes each session due to inadequate facilities.

Huntley CSD 158 – Kane, McHenry (SD 32/HD 64) / **Expiration: 2010-11 school year**
WM100-3734-2 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to permit students in kindergarten through grade 5 to participate in daily physical education four times a week for 30 minutes each session due to inadequate facilities. The district has experienced a 20 percent increase in its enrollment in the last nine years and is anticipating 900 more students to be enrolled for the 2006-07 school year.

Evanston CCSD 65 – Cook (SD 9/HD 18) / **Expiration: 2010-11 school year**
WM100-3735-1 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to excuse those students in kindergarten through grade 8 from the daily physical education requirement to enroll in courses designed to "accelerate" their progress in mathematics and reading. Approximately 125-150 students out of 6,900 will be affected by the request, provided their parents give permission for their students to be excused.

Adlai Stevenson HSD 125 – Lake (SD 30/HD 59) / **Expiration: 2010-11 school year**
WM100-3741 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to excuse those students in grades 11 and 12 from the daily physical education requirement for ongoing participation in cheerleading or pom-pons. These students receive up to 12 hours of exercise each week during practice, in addition to performances, summer practice schedules and competitions.

Mendon CUSD 4 – Adams (SD 47/HD 93) / **Expiration: 2010-11 school year**
WM100-3742-1 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to excuse those students in grades 9 through 12 from the daily physical education requirement when they are enrolled in driver's education courses. This will allow those students to be enrolled in an academic class rather than scheduling a study hall on the days in which they are participating in behind-the-wheel instruction.

Westville CUSD 2 – Vermilion (SD 52/HD 104) / **Expiration: 2010-11 school year**
WM100-3743 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to excuse

those students in grades 9 through 12 from the daily physical education requirement when they are participating in marching band or to enroll in advanced coursework. In addition, the district would excuse students in grades 9 and 10 for ongoing participation in an interscholastic athletic program.

Freeport SD 145 – Stephenson (SD 45/HD 89) / **Expiration: 2010-11 school year**
WM100-3746 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to excuse those students in grades 11 and 12 from the daily physical education requirement when they are participating in show choir, cheerleading or pom-pons. The waiver would allow these students to enroll in courses in the fine arts, career preparation and/or other areas.

Herscher CUSD 2 – Kankakee (SD 38/HD 75) / **Expiration: 2010-11 school year**
WM100-3749-2 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to excuse those students in grades 7 and 8 from the daily physical education requirement when they are participating in two of three elective fine arts courses (i.e., band, orchestra, chorus).

Pontiac THSD 90 – Livingston (SD 53/HD 105) / **Expiration: 2010-11 school year**
WM100-3758 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to excuse those students in grades 11 and 12 from the daily physical education requirement when they are participating in cheerleading.

Laraway CCSD 70-C – Will (SD 43/HD 86) / **Expiration: 2010-11 school year**
WM100-3759 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to permit students in kindergarten through grade 5 to participate in physical education two times a week and those students in grades 6 through 8 to participate three times a week. Each session will be 45 minutes in length. On the days when students are not in physical education courses, they will spend more time on other academic subject areas where improvement is needed to ensure that the district continues to make Adequate Yearly Progress under the No Child Left Behind Act of 2001.

Matteson ESD 162 – Cook (SD 19/HD 38) / **Expiration: 2010-11 school year**
WM100-3760 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to permit students in grades 1 through 6 to participate in physical education two times a week for 40 minutes each session due to inadequate facilities. In addition, students will participate in 120 minutes of organized physical activity each week.

Woodland CCSD 50 – Lake (SD 31/HD 62) / **Expiration: 2006-07 school year**
WM100-3763-1 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to permit students in kindergarten to participate in physical education two times a week for 20 minutes each session due to inadequate facilities. Currently, 700 part-time kindergarten students share a single gymnasium. Providing less than daily physical education will improve classroom safety and increase instructional time from the eight minutes students would receive under a daily schedule.

Woodland CCSD 50 – Lake (SD 31/HD 62) / **Expiration: 2006-07 school year**
WM100-3763-2 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to permit students in grades 1 through 3 to participate in physical education three times a week for 30 minutes each session due to inadequate facilities. Currently, 2,400 students share four gymnasiums. Providing less than daily physical education will improve classroom safety and increase instructional time from the 15 minutes students would receive under a daily schedule.

Canton Union SD 66 – Fulton (SD 46/HD 91) / **Expiration: 2010-11 school year**
WM100-3784-1 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to excuse those students in grades 7 and 8 from the daily physical education requirement when they are participating in both vocal and instrumental music courses, which includes marching band.

Brimfield CUSD 309 – Peoria (SD 37/HD 73) / **Expiration: 2010-11 school year**
WM100-3785-1 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to excuse those students in grades 9 through 12 from the daily physical education requirement when they are participating in interscholastic athletics, marching band, cheerleading or pom-pons, and they are enrolled in an additional academic class.

School Improvement/Inservice Training

Queen Bee SD 16 – DuPage (SD 23/HD 45) / **Expiration: 2010-11 school year**
WM100-3683 (renewal) – Waiver of School Code (Section 18-8.05(F)(2)(d)(2)) request to allow the district to hold two full-day teacher inservice sessions instead of four half days, and to count the days among the 176 days of actual pupil attendance required by Section 10-19. The district will accumulate sufficient time beyond the five-clock-hour requirement to apply towards these days.

Eureka CUSD 140 – Woodford (SD 53/HD 106) / **Expiration: 2010-11 school year**
WM100-3685-1 (renewal) – Waiver of School Code (Section 18-8.05(F)(2)(d)(2)) request to allow the district to schedule either a full-day or half-day school improvement day at the beginning of the school year. The district would like the option to also consider holding up to two half days of school improvement activities following the full-day program. The district would accumulate sufficient time beyond the five-clock-hour requirement during the remainder of the school year to apply towards these days in order to count them among the 176 days of actual pupil attendance required by Section 10-19.

Bloomington SD 87 – McLean (SD 44/HD 88) / **Expiration: 2010-11 school year**
WM100-3694-2 (renewal) – Waiver of School Code (Section 18-8.05(F)(2)(d)(2)) request to allow the district to hold two full-day teacher inservice sessions instead of four half days, and to count the days among the 176 days of actual pupil attendance required by Section 10-19. The district will accumulate sufficient time beyond the five-clock-hour requirement to apply towards these days.

Indian Prairie SD 204 – DuPage (SD 48/HD 96) / **Expiration: 2010-11 school year**
WM100-3733-2 – Waiver of School Code (Section 18-8.05(F)(2)(d)(2)) request to allow the district to hold two full-day teacher inservice sessions instead of four half days, and to count the days among the 176 days of actual pupil attendance required by Section 10-19. The district will accumulate sufficient time beyond the five-clock-hour requirement to apply towards these days.

Morton CUSD 709 – Tazewell (SD 53/HD 106) / **Expiration: 2010-11 school year**
WM100-3761 (renewal) – Waiver of School Code (Section 18-8.05(F)(2)(d)(2)) request to allow the district to hold three full-day teacher inservice sessions instead of six half days, and to count the days among the 176 days of actual pupil attendance required by Section 10-19. The district will accumulate sufficient time beyond the five-clock-hour requirement to apply towards these days.

Statement of Affairs

Huntley CSD 158 – Kane, McHenry (SD 32/HD 64) / **Expiration: 2010-11 school year**
WM100-3734-1 (renewal) – Waiver of School Code (Section 10-17) request to allow the district to not prepare and publish in the newspaper a "statement of affairs," thus saving the district $8,000 for each year the waiver is in effect. The district indicates that the information required to be published is available in other publications (e.g., comprehensive annual financial report, school report card, annual audit of financial records), in other formats and through the Freedom of Information Act.

Aurora West USD 129 – Kane (SD 42/HD 83) / **Expiration: 2010-11 school year**
WM100-3748 – Waiver of School Code (Section 10-17) request to allow the district to not prepare and publish in the newspaper a "statement of affairs," thus saving the district $8,000 for each year the waiver is in effect. The district will make copies of the report available in all of its schools and publish the report on the district's website. The report's availability will be publicized in area newspapers and in the district's newsletter.

Substitute Teachers

Waukegan SD 60 – Lake (SD 30/HD 60) / **Expiration: 2006-07 school year**
WM100-3738 (renewal) – Waiver of School Code (Section 21-9) request to allow the district to employ substitute teachers for more than 90 days in any one school year. No substitute will be used for more than 90 consecutive days in a single classroom. Using substitutes for longer than 90 days will enable teachers to attend staff development opportunities; prevent classes from being combined or canceled; and eliminate the need to use administrators to cover teachers' classrooms.

Tax Levies

Glen Ellyn SD 41 – DuPage (SD 21/HD 42) / **Expiration: 2010-11 school year**
WM100-3768-2 – Waiver of School Code (Section 17-2) request to allow the district to combine its levies for the Education Fund, the Operations and Maintenance Fund, and the Transportation Fund. The levy to be charged will meet the requirements of each individual fund, as provided in Section 17-2 of the School Code. If the request is approved, then the district would create one general, multi-purpose fund.

SECTION II

Applications Approved by the State Board of Education

Holidays

Summersville SD 79 – Jefferson (SD 54/HD 107) / **Expiration: 2010-11 school year**
WM300-3634 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor.

Wauconda CUSD 118 – Lake (SD 30/HD 59) / **Expiration: 2010-11 school year**
WM300-3635 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Casimir Pulaski, and Christopher Columbus through instructional activities rather than observing school holidays in their honor.

Villa Park SD 45 – DuPage (SD 23/HD 46) / **Expiration: 2010-11 school year**
WM300-3636 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Abingdon CUSD 217 – Knox, Warren (SD 37/HD 74) / **Expiration: 2008-09 school year**
WM300-3637 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

Harlem CSD 122 – Winnebago (SD 34/HD 68) / **Expiration: 2008-09 school year**
WM300-3638 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

Montmorency CCSD 145 – Whiteside (SD 45/HD 90) / **Expiration: 2010-11 school year**
WM300-3639 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Raccoon CSD 1 – Marion (SD 54/HD 107) / **Expiration: 2010-11 school year**
WM300-3640 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

Southwestern CUSD 9 – Macoupin (SD 49/HD 97) / **Expiration: 2010-11 school year**
WM300-3641 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Carthage CUSD 338 – Hancock (SD 47/HD 94) / **Expiration: 2010-11 school year**
WM300-3642 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

Genoa-Kingston CUSD 424 – DeKalb (SD 35/HD 69) / **Expiration: 2010-11 school year**
WM300-3643 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Centralia SD 135 – Marion (SD 54/HD 107) / **Expiration: 2010-11 school year**
WM300-3644 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

Mount Prospect SD 57 – Cook (SD 33/HD 66) / **Expiration: 2010-11 school year**
WM300-3645 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Christopher Columbus through instructional activities rather than observing school holidays in their honor.

Quincy SD 172 – Adams (SD 47/HD 93) / **Expiration: 2009-10 school year**
WM300-3646 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln, Casimir Pulaski, and Christopher Columbus through instructional activities rather than observing school holidays in their honor.

Ashley CCSD 15 – Washington (SD 58/HD 115) / **Expiration: 2008-09 school year**
WM300-3647 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Sparta CUSD 140 – Randolph (SD 58/HD 116) / **Expiration: 2010-11 school year**
WM300-3648-2 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Region III Special Education Cooperative – Madison (SD 56/HD 111) / **Expiration: 2010-11 school year**
WM300-3649 (renewal) – Modification of School Code (Section 24-2) allows the cooperative to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Elmhurst SD 205 – DuPage (SD 21/HD 41) / **Expiration: 2010-11 school year**
WM300-3650-2 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

Regional Office of Education 8 – Freeport Alternative High School – Carroll, Jo Daviess, Stephenson (SD 45/HD 89) / **Expiration: 2009-10 school year**
WM300-3651 (renewal) – Modification of School Code (Section 24-2) allows the regional office to recognize the contributions of Abraham Lincoln, Casimir Pulaski and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor for students who attend the alternative school.

Waterloo CUSD 5 – Monroe, St. Clair (SD 58/HD 116) / **Expiration: 2010-11 school year**
WM300-3652 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Salem CHSD 600 – Marion (SD 54/HD 107) / **Expiration: 2010-11 school year**
WM300-3654 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

Illinois Valley Central USD 321 – Peoria (SD 37/HD 73) / **Expiration: 2010-11 school year**
WM300-3655 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

East Prairie SD 73 – Cook (SD 8/HD 16) / **Expiration: 2010-11 school year**
WM300-3657 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

West Washington County CUD 10 – Washington (SD 58/HD 115) / **Expiration: 2010-11 school year**
WM300-3660 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

Charleston USD 1 – Coles, Cumberland (SD 55/HD 110) / **Expiration: 2010-11 school year**
WM300-3664 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Windsor CUSD 1 – Shelby (SD 55/HD 109) / **Expiration: 2010-11 school year**
WM300-3667 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Homer CCSD 33C – Will (SD 41/HD 81) / **Expiration: 2010-11 school year**
WM300-3668 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Dallas CUSD 336 – Hancock (SD 47/HD 94) / **Expiration: 2010-11 school year**
WM300-3669 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor.

Waltham CCSD 185 – LaSalle (SD 38/HD 76) / **Expiration: 2010-11 school year**
WM300-3670 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Unity Point SD 140 – Jackson (SD 58/HD 115) / **Expiration: 2010-11 school year**
WM300-3671 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor.

East Maine SD 63 – Cook (SD 29/HD 57) / **Expiration: 2009-10 school year**
WM300-3673 (renewal) – Modification of School Code (Section 24-2) allows the district to schedule student attendance, an inservice training session or a teachers' institute day on the legal holidays honoring Abraham Lincoln, Casimir Pulaski, and all veterans of foreign wars. The institute program is subject to prior approval from the Regional Office of Education. Instruction pertaining to the contributions of the honored individuals will be provided rather than observing the legal school holidays.

Sunset Ridge SD 29 – Cook (SD 9/HD 17) / **Expiration: 2010-11 school year**
WM300-3675 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than

observing school holidays in their honor and to schedule a teacher institute day on the holiday honoring all veterans of foreign wars, provided that instruction pertaining to their contributions is provided. The institute program is subject to prior approval from the Regional Office of Education.

High Mount SD 116 – St. Clair (SD 57/HD 113) / **Expiration: 2009-10 school year**
WM300-3676 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor.

Morton Grove SD 70 – Cook (SD 9/HD 17) / **Expiration: 2010-11 school year**
WM300-3677 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Northbrook SD 28 – Cook (SD 29/HD 58) / **Expiration: 2010-11 school year**
WM300-3678 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor and to schedule an inservice training session or a teachers' institute day on the legal holiday honoring Casimir Pulaski, provided that instruction pertaining to his contributions is provided. The institute program is subject to prior approval from the Regional Office of Education.

Iroquois County CUSD 9 – Iroquois (SD 53/HD 105) / **Expiration: 2010-11 school year**
WM300-3679-2 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing a school holiday in his honor.

Macomb CUSD 185 – McDonough (SD 47/HD 94) / **Expiration: 2010-11 school year**
WM300-3680 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor.

Edwards County CUSD 1 – Edwards (SD 54/HD 108) / **Expiration: 2010-11 school year**
WM300-3681 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor.

Northbrook/Glenview SD 30 – Cook (SD 9/HD 17) / **Expiration: 2010-11 school year**
WM300-3682 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor and to schedule an inservice training session or a teachers' institute day on the legal holiday honoring Casimir Pulaski, provided that instruction pertaining to his contributions is provided. The institute program is subject to prior approval from the Regional Office of Education.

West Northfield SD 31 – Cook (SD 29/HD 57) / **Expiration: 2010-11 school year**
WM300-3684 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor and to schedule an inservice training session or teachers' institute day on the legal holiday honoring Casimir Pulaski, provided that instruction pertaining to his contributions is provided. The institute program is subject to prior approval from the Regional Office of Education.

Eureka CUSD 140 – Woodford (SD 53/HD 106) / **Expiration: 2010-11 school year**
WM300-3685-2 (renewal) – Modification of School Code (Section 24-2) allows the district to schedule student attendance, parent-teacher conferences, an inservice training session or a teachers' institute day on the legal holidays honoring Abraham Lincoln, Casimir Pulaski, and Christopher Columbus. The institute program is subject to prior approval from the Regional Office of Education. Instruction pertaining to the contributions of the honored individuals will be provided rather than observing the legal school holidays.

Highland Park THSD 113 – Lake (SD 29/HD 58) / **Expiration: 2010-11 school year**
WM300-3686 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Niles ESD 71 – Cook (SD 8/HD 15) / **Expiration: 2010-11 school year**
WM300-3687 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, and Christopher Columbus through instructional activities rather than observing school holidays in their honor.

Calumet City SD 155 – Cook (SD 17/HD 34) / **Expiration: 2010-11 school year**
WM300-3688 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Granite City CUSD 9 – Madison (SD 57/HD 113) / **Expiration: 2010-11 school year**
WM300-3690 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Center Cass SD 66 – DuPage (SD 41/HD 82) / **Expiration: 2010-11 school year**
WM300-3691 (renewal) – Modification of School Code (Section 24-2) allows the district to schedule student attendance, parent-teacher conferences, inservice training sessions or a teachers' institute day on the legal holiday honoring Abraham Lincoln, provided that instruction pertaining to his contributions is provided.

Nashville CCSD 49 – Washington (SD 58/HD 115) / **Expiration: 2010-11 school year**
WM300-3693 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, and Christopher Columbus through instructional activities rather than observing school holidays in their honor.

Glencoe SD 35 – Cook (SD 29/HD 58) / **Expiration: 2010-11 school year**
WM300-3695 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

West Pike CUSD 2 – Pike (SD 49/HD 97) / **Expiration: 2010-11 school year**
WM300-3699 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Princeton HSD 500 – Bureau (SD 37/HD 74) / **Expiration: 2010-11 school year**
WM300-3701 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Westchester PSD 92.5 – Cook (SD 4/HD 7) / **Expiration: 2010-11 school year**
WM300-3702 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Oak Park and River Forest HSD 200 – Cook (SD 39/HD 78) / **Expiration: 2010-11 school year**
WM300-3705 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Red Hill CUSD 10 – Lawrence, Crawford (SD 55/HD 109) / **Expiration: 2010-11 school year**

WM300-3706 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Central A & M CUD 21 – Shelby (SD 49/HD 98) / **Expiration: 2010-11 school year**
WM300-3708 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing a school holiday in their honor.

Zion-Benton THSD 126 – Lake (SD 31/HD 61) / **Expiration: 2010-11 school year**
WM300-3710-3 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln, Casimir Pulaski, and Christopher Columbus through instructional activities rather than observing school holidays in their honor.

Rondout SD 72 – Lake (SD 30/HD 59) / **Expiration: 2010-11 school year**
WM300-3711 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Grant CHSD 124 – Lake (SD 31/HD 61) / **Expiration: 2010-11 school year**
WM300-3713 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Orion CUSD 223 – Henry (SD 36/HD 71) / **Expiration: 2010-11 school year**
WM300-3715-2 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor.

Crete Monee SD 201-U – Will (SD 40/HD 80) / **Expiration: 2010-11 school year**
WM300-3716 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Avoca SD 37 – Cook (SD 9/HD 17) / **Expiration: 2010-11 school year**
WM300-3717 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.
Du Quoin CUSD 300 – Perry (SD 58/HD 115) / **Expiration: 2010-11 school year**
WM300-3718 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

Regional Office of Education #8 Alternative Learning Opportunities Program (ALOP) – Carroll, Jo Daviess, Stephenson (SD 45/HD 89) / **Expiration: 2009-10 school year**
WM300-3719 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln, Casimir Pulaski, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor for students enrolled in its Alternative Learning Opportunities Program.

Palatine CCSD 15 – Cook (SD 27/HD 54) / **Expiration: 2010-11 school year**
WM300-3720 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Arcola CUSD 306 – Douglas (SD 55/HD 110) / **Expiration: 2010-11 school year**

WM300-3721-2 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, and Christopher Columbus through instructional activities rather than observing school holidays in their honor.

Princeton ESD 115 – Bureau (SD 37/HD 74) / **Expiration: 2010-11 school year**
WM300-3722 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Marengo-Union ECSD 165 – McHenry (SD 32/HD 63) / **Expiration: 2010-11 school year**
WM300-3724-2 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Pinckneyville CHSD 101 – Perry (SD 58/HD 115) / **Expiration: 2010-11 school year**
WM300-3725 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski and Christopher Columbus through instructional activities rather than observing school holidays in their honor.

Century CUSD 100 – Pulaski (SD 59/HD 118) / **Expiration: 2010-11 school year**
WM300-3727 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Ewing Northern CCSD 115 – Franklin (SD 59/HD 117) / **Expiration: 2010-11 school year**
WM300-3728 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Skokie SD 69 – Cook (SD 8/HD 16) / **Expiration: 2010-11 school year**
WM300-3729 (renewal) – Modification of School Code (Section 24-2) allows the district to schedule student attendance, inservice training sessions or a teachers' institute day on the legal holiday honoring Abraham Lincoln, provided that instruction pertaining to his contributions is given, and to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor. The institute program is subject to prior approval from the Regional Office of Education.

Sullivan CUSD 300 – Moultrie (SD 51/HD 101) / **Expiration: 2010-11 school year**
WM300-3730 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

Indian Prairie SD 204 – DuPage (SD 48/HD 96) / **Expiration: 2010-11 school year**
WM300-3733-4 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln, Casimir Pulaski, and Christopher Columbus through instructional activities rather than observing school holidays in their honor.

Huntley CSD 158 – Kane, McHenry (SD 32/HD 64) / **Expiration: 2007-08 school year**
WM300-3734-3 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski and Christopher Columbus through instructional activities rather than observing school holidays in their honor.

Evanston CCSD 65 – Cook (SD 9/HD 18) / **Expiration: 2010-11 school year**
WM300-3735-2 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Highland CUSD 5 – Madison (SD 51/HD 102) / **Expiration: 2010-11 school year**
WM300-3736 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Skokie SD 73-5 – Cook (SD 8/HD 16) / **Expiration: 2010-11 school year**
WM300-3740 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Mendon CUSD 4 – Adams (SD 47/HD 93) / **Expiration: 2010-11 school year**
WM300-3742-2 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, and Christopher Columbus through instructional activities rather than observing school holidays in their honor.

Warren CUSD 205 – Jo Daviess (SD 45/HD 89) / **Expiration: 2010-11 school year**
WM300-3744 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Herrin CUSD 4 – Williamson (SD 59/HD 117) / **Expiration: 2010-11 school year**
WM300-3747 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Lincoln ESD 156 – Cook (SD 17/HD 34) / **Expiration: 2010-11 school year**
WM300-3751 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Egyptian CUSD 5 – Alexander (SD 59/HD 118) / **Expiration: 2010-11 school year**
WM300-3752-2 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Paxton-Buckley-Loda CUSD 10 – Ford (SD 53/HD 105) / **Expiration: 2010-11 school year**
WM300-3753 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor.

Wheeling CCSD 21 – Cook (SD 27/HD 53) / **Expiration: 2010-11 school year**
WM300-3755 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

Dalzell SD 98 – Bureau (SD 38/HD 76) / **Expiration: 2010-11 school year**
WM300-3756 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Yorkville CUSD 115 – Kane, Kendall (SD 25/HD 50) / **Expiration: 2010-11 school year**
WM300-3757-2 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Norridge SD 80 – Cook (SD 10/HD 20) / **Expiration: 2010-11 school year**
WM300-3764-2 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Moline USD 40 – Rock Island (SD 36/HD 72) / **Expiration: 2010-11 school year**
WM300-3766 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Carrollton CUSD 1 – Greene (SD 49/HD 97) / **Expiration: 2010-11 school year**
WM300-3767-3 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Gurnee SD 56 – Lake (SD 31/HD 62) / **Expiration: 2010-11 school year**
WM300-3770 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Bannockburn SD 106 – Lake (SD 29/HD 58) / **Expiration: 2010-11 school year**
WM300-3771 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

New Trier THSD 203 – Cook (SD 9/HD 18) / **Expiration: 2010-11 school year**
WM300-3774 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

Orangeville CUSD 203 – Stephenson (SD 45/HD 89) / **Expiration: 2010-11 school year**
WM300-3775 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor.

Collinsville CUSD 10 – Madison (SD 56/HD 112) / **Expiration: 2010-11 school year**
WM300-3776 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Northwest Suburban Special Education Organization – Cook (SD 27/HD 53) / **Expiration: 2010-11 school year**
WM300-3779 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, and Christopher Columbus through instructional activities rather than observing school holidays in their honor.

Geneseo CUSD 228 – Henry (SD 45/HD 90) / **Expiration: 2010-11 school year**
WM300-3781 (renewal) – Modification of School Code (Section 24-2) allows the district to schedule student attendance, parent-teacher conferences, or an inservice training session on the legal holidays honoring Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars. Instruction pertaining to the contributions of the honored individuals will be provided rather than observing the legal school holidays.

Hinckley-Big Rock CUSD 429 – DeKalb (SD 35/HD 70) / **Expiration: 2010-2011 school year**
WM300-3782 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize

the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Roxana CUSD 1 – Madison (SD 56/HD 111) / **Expiration: 2010-11 school year**
WM300-3783 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

Canton Union SD 66 – Fulton (SD 46/HD 91) / **Expiration: 2010-11 school year**
WM300-3784-2 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln, Casimir Pulaski, and Christopher Columbus through instructional activities rather than observing school holidays in their honor.

Brimfield CUSD 309 – Peoria (SD 37/HD 73) / **Expiration: 2010-11 school year**
WM300-3785-2 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Lockport THSD 205 – Will (SD 43/HD 85) / **Expiration: 2007-08 school year**
WM300-3786-2 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Peru ESD 124 – LaSalle (SD 38/HD 76) / **Expiration: 2010-11 school year**
WM300-3787 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Palestine CUSD 3 – Crawford (SD 55/HD 109) / **Expiration: 2010-11 school year**
WM300-3790-2 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Vocational Education

Maine THSD 207 – Cook (SD 33/HD 65) / **Expiration: 2010-11 school year**
WM200-3732-2 – Waiver of Administrative Rules (23 Illinois Administrative Code 254.1150(b)) allows the district to employ a certified teacher for its cooperative vocational education program to supervise each student for 15 minutes per week rather than for at least 30 minutes. The district states that students receive supervision from employers while on the job and that the teachers can keep in touch with employers and students through email and cell phones. The change will enable the district to continue to meet students' demand for vocational courses.

SECTION III

Applications Returned to Applicants

Listed below are several categories of requests that have been returned to applicants. Some of these applicants sought permission for actions that were already permissible under the law or rules. Other requests were returned because they were ineligible under the law (e.g., mandates not found in the School Code, applicant is not eligible to apply, application incomplete).

NO WAIVER NEEDED

Administrative Cost Limitation

Herscher CUSD 2 – Kankakee (SD 38/HD 75) / **Expiration: 2005-06 school year**
WM300-3749-1 (renewal) – Waiver of School Code (Section 17-1.5). The district requested to be allowed to exceed the 5 percent limitation on administrative costs. The district is in the bottom quartile of administrative costs for districts of its type; therefore, it could waive the limitation locally through board action.

Nonresident Tuition

Egyptian CUSD 5 – Alexander (SD 59/HD 118) / **Expiration: 2010-11 school year**
WM300-3752-1 (renewal) – Waiver of School Code (Section 10-20.12a). The district requested to be allowed to charge tuition of nonresident students of between 100 percent and 110 percent of the per capita tuition charge. A waiver is needed only if the district charges less than 100 percent of the per capita tuition charge.

INELIGIBLE

Driver Education

Carrollton CUSD 1 – Greene (SD 49/HD 97) / **Expiration: 2010-11 school year**
WM100-3767-2 – Waiver of School Code (Section 27-23). The district requested to be allowed to increase the fee charged of students participating in driver education. The district failed to specify the subject of this waiver request in written notices provided about the hearing.

Holidays

Deer Park CCSD 82 – LaSalle (SD 38/HD 76) / **Expiration: 2010-11 school year**
WM300-3656 (renewal) – Modification of School Code (Section 24-2). The district requested to be allowed to hold school on the legal school holiday honoring Abraham Lincoln. The school district failed to hold the public hearing to consider the request on a day other than a regular board meeting day.

Nashville CCSD 49 – Washington (SD 58/HD 115) / **Expiration: 2010-11 school year**
WM300-3658 (renewal) – Modification of School Code (Section 24-2). The district requested to be allowed to hold school on the legal school holidays honoring Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, and Christopher Columbus. The school district failed to hold the public hearing to consider the request on a day other than a regular board meeting day.

Edwards County CUSD 1 – Edwards (SD 54/HD 108) / **Expiration: 2010-11 school year**
WM300-3662 (renewal) – Modification of School Code (Section 24-2). The district requested to be allowed to hold school on the legal school holiday honoring Casimir Pulaski. The school district failed to hold the public hearing to consider the request on a day other than a regular board meeting day.

Granite City CUSD 9 – Madison (SD 57/HD 113) / **Expiration: 2008-09 school year**
WM300-3665 (renewal) – Modification of School Code (Section 24-2). The district requested to be allowed to hold school on the legal school holiday honoring Abraham Lincoln. The school district failed to hold the public hearing to consider the request on a day other than a regular board meeting day.

Arcola CUSD 306 – Douglas (SD 55/HD 110) / **Expiration: 2010-11 school year**
WM100-3689-2 (renewal) – Modification of School Code (Section 24-2). The district requested to be allowed to hold school on the legal school holiday honoring Casimir Pulaski. The school district failed to hold the public hearing to consider the request on a day other than a regular board meeting day.

Arcola CUSD 306 – Douglas (SD 55/HD 110) / **Expiration: 2010-11 school year**
WM100-3689-3 (renewal) – Waiver of School Code (Section 18-8.05(F)(2)(d)(1)). The district requested to be allowed to hold school on the legal school holidays honoring Dr. Martin Luther King, Jr., Abraham Lincoln, and Christopher Columbus. The school district failed to hold the public hearing to consider the request on a day other than a regular board meeting day.

Parent-Teacher Conferences

Arcola CUSD 306 – Douglas (SD 55/HD 110) / **Expiration: 2010-11 school year**
WM100-3689-1 (renewal) – Waiver of School Code (Section 18-8.05(F)(2)(d)(1)). The district requested to be allowed to schedule parent-teacher conferences in the evening following at least five clock-hours of student attendance twice during a given week. The school district failed to hold the public hearing to consider the request on a day other than a regular board meeting day.

Physical Education

Herscher CUSD 2 – Kankakee (SD 38/HD 75) / **Expiration: 2010-11 school year**
WM100-3714 (renewal) – Waiver of School Code (Section 27-6). The district requested to be allowed to hold physical education classes on less than a daily basis. The school district failed to hold the public hearing to consider the request on a day other than a regular board meeting day.

School Improvement/Inservice Training

Carrollton CUSD 1 – Greene (SD 49/HD 97) / **Expiration: 2010-11 school year**
WM100-3767-1 – Waiver of School Code (Section 18-8.05(F)(2)(d)(2). The district requested to be allowed to hold two full day inservice training sessions instead of four half days. The district failed to specify the subject of this waiver request in written notices provided about the hearing.

WITHDRAWN

Valley View CUSD 365U – Will (SD 43/HD 85) / **Expiration: 2010-11 school year**
WM100-3778 – Waiver of School Code (Section 27-23). The district requested to be allowed to increase the fee charged of students in driver's education to an amount not to exceed $500.

SECTION IV

Applications by Senate and House Districts

All requests received during this waiver cycle are presented numerically by Senate and House district, and then alphabetically by school district or eligible applicant. The "action" to be taken or already taken for each request is noted; that is, requests for waivers upon which the General Assembly must act are noted as "waivers", modifications already acted upon by the State Board of Education are noted as "modifications", and requests that were returned for a variety of reasons are listed under their respective legislative district.

SD 4/HD 7

Westchester PSD 92.5 – Cook (SD 4/HD 7) / **Expiration: 2010-11 school year**
WM300-3702 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

SD 8/HD 15

Niles ESD 71 – Cook (SD 8/HD 15) / **Expiration: 2010-11 school year**
WM300-3687 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, and Christopher Columbus through instructional activities rather than observing school holidays in their honor.

SD 8/HD 16

East Prairie SD 73 – Cook (SD 8/HD 16) / **Expiration: 2010-11 school year**
WM300-3657 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Skokie SD 69 – Cook (SD 8/HD 16) / **Expiration: 2010-11 school year**
WM300-3729 (renewal) – Modification of School Code (Section 24-2) allows the district to schedule student attendance, inservice training sessions or a teachers' institute day on the legal holiday honoring Abraham Lincoln, provided that instruction pertaining to his contributions is given, and to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor. The institute program is subject to prior approval from the Regional Office of Education.

Skokie SD 73-5 – Cook (SD 8/HD 16) / **Expiration: 2010-11 school year**
WM300-3740 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

SD 9/HD 17

Avoca SD 37 – Cook (SD 9/HD 17) / **Expiration: 2010-11 school year**
WM300-3717 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

Morton Grove SD 70 – Cook (SD 9/HD 17) / **Expiration: 2010-11 school year**
WM300-3677 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Northbrook/Glenview SD 30 – Cook (SD 9/HD 17) / **Expiration: 2010-11 school year**
WM300-3682 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor and to schedule an inservice training session or a teachers' institute day on the legal holiday honoring Casimir Pulaski, provided that instruction pertaining to his contributions is provided. The institute program is subject to prior approval from the Regional Office of Education.

Sunset Ridge SD 29 – Cook (SD 9/HD 17) / **Expiration: 2010-11 school year**
WM300-3675 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor and to schedule a teacher institute day on the holiday honoring all veterans of foreign wars, provided that instruction pertaining to their contributions is provided. The institute program is subject to prior approval from the Regional Office of Education.

SD 9/HD 18

Evanston CCSD 65 – Cook (SD 9/HD 18) / **Expiration: 2010-11 school year**
WM100-3735-1 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to excuse those students in kindergarten through grade 8 from the daily physical education requirement to enroll in courses designed to "accelerate" their progress in mathematics and reading. Approximately 125-150 students out of 6,900 will be affected by the request, provided their parents give permission for their students to be excused.

Evanston CCSD 65 – Cook (SD 9/HD 18) / **Expiration: 2010-11 school year**
WM300-3735-2 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

New Trier THSD 203 – Cook (SD 9/HD 18) / **Expiration: 2010-11 school year**
WM300-3774 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

SD 10/HD 20

Norridge SD 80 – Cook (SD 10/HD 20) / **Expiration: 2010-11 school year**
WM100-3764-1 (renewal) – Waiver of School Code (Section 17-2) request to allow the district to collect revenue generated from the tax rates established for the Education Fund, the Operations and Maintenance Fund, and the Transportation Fund and to use the revenue in the method and in the fund that best meets the needs of the district and its students.

Norridge SD 80 – Cook (SD 10/HD 20) / **Expiration: 2010-11 school year**
WM300-3764-2 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

SD 17/HD 34

Calumet City SD 155 – Cook (SD 17/HD 34) / **Expiration: 2010-11 school year**
WM300-3688 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Lincoln ESD 156 – Cook (SD 17/HD 34) / **Expiration: 2010-11 school year**
WM300-3751 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

SD 19/HD 38

Matteson ESD 162 – Cook (SD 19/HD 38) / **Expiration: 2010-11 school year**
WM100-3760 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to permit students in grades 1 through 6 to participate in physical education two times a week for 40 minutes each session due to inadequate facilities. In addition, students will participate in 120 minutes of organized physical activity each week.

SD 21/HD 41

Elmhurst SD 205 – DuPage (SD 21/HD 41) / **Expiration: 2010-11 school year**
WM100-3650-1 (renewal) – Waiver of School Code (Section 18-8.05(F)(2)(d)(1)) request to allow the district the option of scheduling parent-teacher conferences in the morning following a half of day of student attendance and then in the evening following a full day of student attendance. Another morning session will be held on a day without student attendance. The morning and evening sessions will be counted as one of the 176 days of pupil attendance required by Section 10-19.

Elmhurst SD 205 – DuPage (SD 21/HD 41) / **Expiration: 2010-11 school year**
WM300-3650-2 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

SD 21/HD 42

Glen Ellyn SD 41 – DuPage (SD 21/HD 42) / **Expiration: 2010-11 school year**
WM100-3768-1 – Waiver of School Code (Section 17-2) request to allow the district to collect revenue generated from the tax rates established for the Education Fund, the Operations and Maintenance Fund, and the Transportation Fund and to use the revenue in the method and in the fund that best meets the needs of the district and its students.

Glen Ellyn SD 41 – DuPage (SD 21/HD 42) / **Expiration: 2010-11 school year**
WM100-3768-2 – Waiver of School Code (Section 17-2) request to allow the district to combine its

levies for the Education Fund, the Operations and Maintenance Fund, and the Transportation Fund. The levy to be charged will meet the requirements of each individual fund, as provided in Section 17-2 of the School Code. If the request is approved, then the district would create one general, multi-purpose fund.

SD 23/HD 45

Queen Bee SD 16 – DuPage (SD 23/HD 45) / **Expiration: 2010-11 school year**
WM100-3683 (renewal) – Waiver of School Code (Section 18-8.05(F)(2)(d)(2)) request to allow the district to hold two full-day teacher inservice sessions instead of four half days, and to count the days among the 176 days of actual pupil attendance required by Section 10-19. The district will accumulate sufficient time beyond the five-clock-hour requirement to apply towards these days.

SD 23/HD 46

Villa Park SD 45 – DuPage (SD 23/HD 46) / **Expiration: 2010-11 school year**
WM300-3636 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

SD 24/HD 47

Downers Grove CHSD 99 – DuPage (SD 24/HD 47) / **Expiration: 2010-11 school year**
WM100-3789 (renewal) – Waiver of School Code (Section 27-23) request to allow the district to charge a fee not to exceed $350 of students who participate in driver education courses.

SD 25/HD 50

Plano CUSD 88 – Kendall (SD 25/HD 50) / **Expiration: 2010-11 school year**
WM100-3704 – Waiver of School Code (Section 27-23) request to allow the district to charge a fee not to exceed $300 of students who participate in driver education courses.

Yorkville CUSD 115 – Kane, Kendall (SD 25/HD 50) / **Expiration: 2010-11 school year**
WM100-3757-1 – Waiver of School Code (Section 27-23) request to allow the district to charge a fee not to exceed $350 of students who participate in driver education courses.

Yorkville CUSD 115 – Kane, Kendall (SD 25/HD 50) / **Expiration: 2010-11 school year**
WM300-3757-2 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

SD 27/HD 53

Wheeling CCSD 21 – Cook (SD 27/HD 53) / **Expiration: 2010-11 school year**
WM300-3755 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

Northwest Suburban Special Education Organization – Cook (SD 27/HD 53) / **Expiration: 2010-11 school year**
WM300-3779 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, and Christopher Columbus through instructional activities rather than observing school holidays in their honor.

SD 27/HD 54

Palatine CCSD 15 – Cook (SD 27/HD 54) / **Expiration: 2010-11 school year**
WM300-3720 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

SD 28/HD 56

Keeneyville ESD 20 – DuPage (SD 28/HD 56) / **Expiration: 2010-11 school year**
WM100-3696 (renewal) – Waiver of School Code (Section 24A-5) request to allow the district to replace the current rating scale of "excellent, satisfactory, and unsatisfactory" for a teacher evaluation process with ratings of "professional growth track – no rating" and "professional support track – satisfactory or unsatisfactory."

SD 29/HD 57

East Maine SD 63 – Cook (SD 29/HD 57) / **Expiration: 2009-10 school year**
WM300-3673 (renewal) – Modification of School Code (Section 24-2) allows the district to schedule student attendance, an inservice training session or a teachers' institute day on the legal holidays honoring Abraham Lincoln, Casimir Pulaski, and all veterans of foreign wars. The institute program is subject to prior approval from the Regional Office of Education. Instruction pertaining to the contributions of the honored individuals will be provided rather than observing the legal school holidays.

West Northfield SD 31 – Cook (SD 29/HD 57) / **Expiration: 2010-11 school year**
WM300-3684 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor and to schedule an inservice training session or teachers' institute day on the legal holiday honoring Casimir Pulaski, provided that instruction pertaining to his contributions is provided. The institute program is subject to prior approval from the Regional Office of Education.

SD 29/HD 58

Bannockburn SD 106 – Lake (SD 29/HD 58) / **Expiration: 2010-11 school year**
WM300-3771 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Glencoe SD 35 – Cook (SD 29/HD 58) / **Expiration: 2010-11 school year**
WM300-3695 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Highland Park THSD 113 – Lake (SD 29/HD 58) / **Expiration: 2010-11 school year**
WM300-3686 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Northbrook SD 28 – Cook (SD 29/HD 58) / **Expiration: 2010-11 school year**
WM300-3678 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor and to schedule an inservice training session or a teachers' institute day on the legal holiday honoring Casimir Pulaski, provided that instruction pertaining to his contributions is provided. The institute program is subject to prior approval from the Regional Office of Education.

SD 30/HD 59

Rondout SD 72 – Lake (SD 30/HD 59) / **Expiration: 2010-11 school year**
WM300-3711 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Wauconda CUSD 118 – Lake (SD 30/HD 59) / **Expiration: 2010-11 school year**
WM300-3635 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize

the contributions of Dr. Martin Luther King, Jr., Casimir Pulaski, and Christopher Columbus through instructional activities rather than observing school holidays in their honor.

Adlai Stevenson HSD 125 – Lake (SD 30/HD 59) / **Expiration: 2010-11 school year**
WM100-3741 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to excuse those students in grades 11 and 12 from the daily physical education requirement for ongoing participation in cheerleading or pom-pons. These students receive up to 12 hours of exercise each week during practice, in addition to performances, summer practice schedules and competitions.

SD 30/HD 60

Waukegan SD 60 – Lake (SD 30/HD 60) / **Expiration: 2006-07 school year**
WM100-3738 (renewal) – Waiver of School Code (Section 21-9) request to allow the district to employ substitute teachers for more than 90 days in any one school year. No substitute will be used for more than 90 consecutive days in a single classroom. Using substitutes for longer than 90 days will enable teachers to attend staff development opportunities; prevent classes from being combined or canceled; and eliminate the need to use administrators to cover teachers' classrooms.

SD 31/HD 61

Grant CHSD 124 – Lake (SD 31/HD 61) / **Expiration: 2010-11 school year**
WM300-3713 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Community High School District 117 – Lake (SD 31/HD 61) / **Expiration: 2010-11 school year**
WM100-3672 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to excuse students in grades 9 through 12 from the physical education requirement for ongoing participation in cheerleading, pom-pons and marching band. In addition, the district would like to excuse students in grades 9 and 10 for ongoing participation in interscholastic athletics. Students will return to physical education classes at the conclusion of the sport or marching band season.

Zion-Benton THSD 126 – Lake (SD 31/HD 61) / **Expiration: 2010-11 school year**
WM100-3710-1 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to excuse students in grades 11 and 12 from the daily physical education requirement if they enroll in two or more Advanced Placement classes. Students will use the additional time for study and laboratory/computer work.

Zion-Benton THSD 126 – Lake (SD 31/HD 61) / **Expiration: 2010-11 school year**
WM100-3710-2 (renewal) – Waiver of School Code (Section 27-23) request to allow the district to charge a reasonable fee not to exceed $300 of students who participate in driver education courses.

Zion-Benton THSD 126 – Lake (SD 31/HD 61) / **Expiration: 2010-11 school year**
WM300-3710-3 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln, Casimir Pulaski, and Christopher Columbus through instructional activities rather than observing school holidays in their honor.

SD 31/HD 62

Gurnee SD 56 – Lake (SD 31/HD 62) / **Expiration: 2010-11 school year**
WM300-3770 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Warren THSD 121 – Lake (SD 31/HD 62) / **Expiration: 2010-11 school year**
WM100-3762 (renewal) – Waiver of School Code (Section 27-23) request to allow the district to charge a fee not to exceed $700 of students who participate in driver education courses. The district states that its intent is not to charge more than $300 for the 2006-2007 school year.

Woodland CCSD 50 – Lake (SD 31/HD 62) / **Expiration: 2006-07 school year**
WM100-3763-2 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to permit students in grades 1 through 3 to participate in physical education three times a week for 30 minutes each session due to inadequate facilities. Currently, 2,400 students share four gymnasiums. Providing less than daily physical education will improve classroom safety and increase instructional time from the 15 minutes students would receive under a daily schedule.

Woodland CCSD 50 – Lake (SD 31/HD 62) / **Expiration: 2006-07 school year**
WM100-3763-1 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to permit students in kindergarten to participate in physical education two times a week for 20 minutes each session due to inadequate facilities. Currently, 700 part-time kindergarten students share a single gymnasium. Providing less than daily physical education will improve classroom safety and increase instructional time from the eight minutes students would receive under a daily schedule.

SD 32/HD 63

Marengo-Union ECSD 165 – McHenry (SD 32/HD 63) / **Expiration: 2005-06 school year**
WM100-3724-1 – Waiver of School Code (Section 17-1.5) request to allow the district to waive the limitation of administrative costs due to circumstances beyond its control. The district agreed to pay for the health insurance of the retiring superintendent for one year and for moving expenses incurred by the new superintendent, causing it to exceed the 5 percent limitation.

Marengo-Union ECSD 165 – McHenry (SD 32/HD 63) / **Expiration: 2010-11 school year**
WM300-3724-2 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Richmond-Burton CHSD 157– McHenry (SD 32/HD 63) / **Expiration: 2005-06 school year**
WM100-3692 – Waiver of School Code (Section 17-1.5) request to allow the district to waive the limitation of administrative costs due to circumstances beyond its control. The district exceeded the 5 percent limitation due to a change in the way in which the salaries of the bookkeeper/business manager and the technology director were recorded, changes made at the suggestion of the district's auditor. No new administrative positions were added.

SD 32/HD 64

Huntley CSD 158 – Kane, McHenry (SD 32/HD 64) / **Expiration: 2010-11 school year**
WM100-3734-1 (renewal) – Waiver of School Code (Section 10-17) request to allow the district to not prepare and publish in the newspaper a "statement of affairs," thus saving the district $8,000 for each year the waiver is in effect. The district indicates that the information required to be published is available in other publications (e.g., comprehensive annual financial report, school report card, annual audit of financial records), in other formats and through the Freedom of Information Act.

Huntley CSD 158 – Kane, McHenry (SD 32/HD 64) / **Expiration: 2010-11 school year**
WM100-3734-2 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to permit students in kindergarten through grade 5 to participate in daily physical education four times a week for 30 minutes each session due to inadequate facilities. The district has experienced a 20 percent increase in its enrollment in the last nine years and is anticipating 900 more students to be enrolled for the 2006-07 school year.

Huntley CSD 158 – Kane, McHenry (SD 32/HD 64) / **Expiration: 2007-08 school year**
WM300-3734-3 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski and Christopher Columbus through instructional activities rather than observing school holidays in their honor.

SD 33/HD 65

Maine THSD 207 – Cook (SD 33/HD 65) / **Expiration: 2010-11 school year**

WM100-3732-1 (renewal) – Waiver of School Code (Section 27-23) request to allow the district to charge a reasonable fee not to exceed $250 of students who participate in driver education courses.

Maine THSD 207 – Cook (SD 33/HD 65) / **Expiration: 2010-11 school year**
WM200-3732-2 – Waiver of Administrative Rules (23 Illinois Administrative Code 254.1150(b)) allows the district to employ a certified teacher for its cooperative vocational education program to supervise each student for 15 minutes per week rather than for at least 30 minutes. The district states that students receive supervision from employers while on the job and that the teachers can keep in touch with employers and students through email and cell phones. The change will enable the district to continue to meet students' demand for vocational courses.

SD 33/HD 66

Mount Prospect SD 57 – Cook (SD 33/HD 66) / **Expiration: 2010-11 school year**
WM300-3645 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Christopher Columbus through instructional activities rather than observing school holidays in their honor.

SD 34/HD 68

Harlem CSD 122 – Winnebago (SD 34/HD 68) / **Expiration: 2008-09 school year**
WM300-3638 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

SD 35/HD 69

Genoa-Kingston CUSD 424 – DeKalb (SD 35/HD 69) / **Expiration: 2010-11 school year**
WM300-3643 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

SD 35/HD 70

Hinckley-Big Rock CUSD 429 – DeKalb (SD 35/HD 70) / **Expiration: 2010-2011 school year**
WM300-3782 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

SD 36/HD 71

Morrison CUD 6 – Whiteside (SD 36/HD 71) / **Expiration: 2005-06 school year**
WM100-3700 – Waiver of School Code (Section 17-1.5) request to allow the district to waive the limitation of administrative costs due to circumstances beyond its control. The district had several categories of expenses that increased: insurance; contributions to the Teachers Retirement System; slight increases for travel, equipment and the contingency fund; and anticipated increase in the utility contractor's contract. Taken together, these increases caused the district to exceed the 5 percent limitation.

Orion CUD 223 – Henry (SD 36/HD 71) / **Expiration: 2010-11 school year**
WM100-3715-1 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to excuse students in grade 12 from the daily physical education requirement if they are enrolled in the cooperative education program. Without the waiver, the students would be unable to enroll in both the cooperative program and other academic coursework related to postsecondary education and training.

Orion CUSD 223 – Henry (SD 36/HD 71) / **Expiration: 2010-11 school year**
WM300-3715-2 (renewal) – Modification of School Code (Section 24-2) allows the district to

recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor.

SD 36/HD 72

Moline USD 40 – Rock Island (SD 36/HD 72) / **Expiration: 2010-11 school year**
WM300-3766 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

SD 37/HD 73

Brimfield CUSD 309 – Peoria (SD 37/HD 73) / **Expiration: 2010-11 school year**
WM100-3785-1 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to excuse those students in grades 9 through 12 from the daily physical education requirement when they are participating in interscholastic athletics, marching band, cheerleading or pom-pons, and they are enrolled in an additional academic class.

Brimfield CUSD 309 – Peoria (SD 37/HD 73) / **Expiration: 2010-11 school year**
WM300-3785-2 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Farmington Central CUSD 265 – Peoria (SD 37/HD 73) / **Expiration: 2010-11 school year**
WM100-3772 (renewal) – Waiver of School Code (Section 18-8.05(F)(2)(d)(1)) request to allow the district the option of scheduling parent-teacher conferences in the evening following a full day of student attendance twice during a given week. One day during that week would be a nonattendance day for students and staff. The evening sessions will be counted among the 176 days of actual pupil attendance required by Section 10-19.

Illinois Valley Central USD 321 – Peoria (SD 37/HD 73) / **Expiration: 2010-11 school year**
WM300-3655 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

SD 37/HD 74

Abingdon CUSD 217 – Knox, Warren (SD 37/HD 74) / **Expiration: 2008-09 school year**
WM300-3637 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

Princeton ESD 115 – Bureau (SD 37/HD 74) / **Expiration: 2010-11 school year**
WM300-3722 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Princeton HSD 500 – Bureau (SD 37/HD 74) / **Expiration: 2010-11 school year**
WM300-3701 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

SD 38/HD 75

Herscher CUSD 2 – Kankakee (SD 38/HD 75) / **Expiration: 2010-11 school year**
WM100-3714 (renewal) – Waiver of School Code (Section 27-6). The district requested to be allowed to hold physical education classes on less than a daily basis. The school district failed to hold the public hearing to consider the request on a day other than a regular board meeting day.

Herscher CUSD 2 – Kankakee (SD 38/HD 75) / **Expiration: 2005-06 school year**
WM300-3749-1 (renewal) – Waiver of School Code (Section 17-1.5). The district requested to be allowed to exceed the 5 percent limitation on administrative costs. The district is in the bottom quartile of administrative costs for districts of its type; therefore, it could waive the limitation locally through board action.

Herscher CUSD 2 – Kankakee (SD 38/HD 75) / **Expiration: 2010-11 school year**
WM100-3749-2 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to excuse those students in grades 7 and 8 from the daily physical education requirement when they are participating in two of three elective fine arts courses (i.e., band, orchestra, chorus).

SD 38/HD 76

Dalzell SD 98 – Bureau (SD 38/HD 76) / **Expiration: 2010-11 school year**
WM300-3756 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Deer Park CCSD 82 – LaSalle (SD 38/HD 76) / **Expiration: 2010-11 school year**
WM300-3656 (renewal) – Modification of School Code (Section 24-2). The district requested to be allowed to hold school on the legal school holiday honoring Abraham Lincoln. The school district failed to hold the public hearing to consider the request on a day other than a regular board meeting day.

Peru ESD 124 – LaSalle (SD 38/HD 76) / **Expiration: 2010-11 school year**
WM300-3787 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Streator ESD 44 – LaSalle (SD 38/HD 76) / **Expiration: 2010-11 school year**
WM100-3780 – Waiver of School Code (Section 18-8.05(F)(2)(d)(1)) request to allow the district the option of scheduling parent-teacher conferences in the evening following a school day of at least five clock-hours and in the morning of the following day for at least three clock-hours. The evening and the morning sessions will be counted as one of the 176 days of pupil attendance required by Section 10-19.

Waltham CCSD 185 – LaSalle (SD 38/HD 76) / **Expiration: 2010-11 school year**
WM300-3670 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

SD 39/HD 78

Oak Park and River Forest HSD 200 – Cook (SD 39/HD 78) / **Expiration: 2010-11 school year**
WM300-3705 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

SD 40/HD 79

Donovan CUSD 3 – Iroquois (SD 40/HD 79) / **Expiration: 2005-06 school year**
WM100-3731 – Waiver of School Code (Section 17-1.5) request to allow the district to waive the limitation of administrative costs due to circumstances beyond its control. The superintendent served as an interim superintendent for the 2004-05 school year at a reduced salary. The position became full time

for the current school year, causing the district to exceed the 5 percent limitation.

Peotone CUSD 207U – Will (SD 40/HD 79) / **Expiration: 2010-11 school year**
WM100-3703-1 – Waiver of School Code (Section 27-6) request to allow the district to excuse students in grades 11 and 12 from the daily physical education requirement for ongoing participation in cheerleading and pom-pons. The waiver, if approved, will allow these students to participate in additional academic classes or schedule more study time.

Peotone CUSD 207U – Will (SD 40/HD 79) / **Expiration: 2010-11 school year**
WM100-3703-2 – Waiver of School Code (Section 27-23) request to allow the district to charge a reasonable fee not to exceed $100 of students who participate in driver education courses.

SD 40/HD 80

Crete Monee SD 201-U – Will (SD 40/HD 80) / **Expiration: 2010-11 school year**
WM300-3716 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

SD 41/HD 81

Homer CCSD 33C – Will (SD 41/HD 81) / **Expiration: 2010-11 school year**
WM300-3668 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

SD 41/HD 82

Center Cass SD 66 – DuPage (SD 41/HD 82) / **Expiration: 2010-11 school year**
WM300-3691 (renewal) – Modification of School Code (Section 24-2) allows the district to schedule student attendance, parent-teacher conferences, inservice training sessions or a teachers' institute day on the legal holiday honoring Abraham Lincoln, provided that instruction pertaining to his contributions is provided.

LaGrange Area Department of Special Education – Cook (SD 41/HD 82) / **Expiration: 2010-11 school year**
WM100-3773 – Waiver of School Code (Section 24A-5) request to allow the district to replace the current rating scale of "excellent, satisfactory, and unsatisfactory" for a teacher evaluation process with ratings of "meets expectations" and "does not meet expectations."

SD 42/HD 83

Aurora West USD 129 – Kane (SD 42/HD 83) / **Expiration: 2010-11 school year**
WM100-3748 – Waiver of School Code (Section 10-17) request to allow the district to not prepare and publish in the newspaper a "statement of affairs," thus saving the district $8,000 for each year the waiver is in effect. The district will make copies of the report available in all of its schools and publish the report on the district's website. The report's availability will be publicized in area newspapers and in the district's newsletter.

SD 43/HD 85

Chaney-Monge SD 88 – Will (SD 43/HD 85) / **Expiration: 2010-11 school year**
WM100-3788 – Waiver of School Code (Section 18-8.05(F)(2)(d)(1)) request to allow the district the option of scheduling parent-teacher conferences in the evening following a full day of student attendance twice during a given week. One day during that week would be a nonattendance day for students and staff. The evening sessions will be counted among the 176 days of actual pupil attendance required by Section 10-19.

Lockport THSD 205 – Will (SD 43/HD 85) / **Expiration: 2007-08 school year**
WM100-3786-1 (renewal) – Waiver of School Code (Section 27-23) request to allow the district to charge a fee not to exceed $110 of students who participate in driver education courses.

Lockport THSD 205 – Will (SD 43/HD 85) / **Expiration: 2007-08 school year**
WM300-3786-2 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Valley View CUSD 365U – Will (SD 43/HD 85) / **Expiration: 2010-11 school year**
WM100-3778 – Waiver of School Code (Section 27-23). The district requested to be allowed to increase the fee charged of students in driver's education to an amount not to exceed $500.

SD 43/HD 86

Laraway CCSD 70-C – Will (SD 43/HD 86) / **Expiration: 2010-11 school year**
WM100-3759 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to permit students in kindergarten through grade 5 to participate in physical education two times a week and those students in grades 6 through 8 to participate three times a week. Each session will be 45 minutes in length. On the days when students are not in physical education courses, they will spend more time on other academic subject areas where improvement is needed to ensure that the district continues to make Adequate Yearly Progress under the No Child Left Behind Act of 2001.

SD 44/HD 87

Blue Ridge CUSD 18 – DeWitt (SD 44/HD 87) / **Expiration: 2005-06 school year**
WM100-3726 – Waiver of School Code (Section 17-1.5) request to allow the district to waive the limitation of administrative costs due to circumstances beyond its control. The district's superintendent resigned in May 2004; an interim superintendent was hired for the 2004-05 school year. A full-time superintendent was hired for the 2005-06 school year, with the cost of the salary and benefit package causing the district to exceed the 5 percent limitation.

SD 44/HD 88

Bloomington SD 87 – McLean (SD 44/HD 88) / **Expiration: 2010-11 school year**
WM100-3694-1 – Waiver of School Code (Section 18-8.05(F)(2)(d)(1)) request to allow the district the option two times each school year of scheduling parent-teacher conferences in the afternoon and evening following a full day of student attendance twice during a given week. A day following the conferences will be a nonattendance day for students and staff. The evening sessions will be counted as one of the 176 days of pupil attendance required by Section 10-19.

Bloomington SD 87 – McLean (SD 44/HD 88) / **Expiration: 2010-11 school year**
WM100-3694-2 (renewal) – Waiver of School Code (Section 18-8.05(F)(2)(d)(2)) request to allow the district to hold two full-day teacher inservice sessions instead of four half days, and to count the days among the 176 days of actual pupil attendance required by Section 10-19. The district will accumulate sufficient time beyond the five-clock-hour requirement to apply towards these days.

SD 45/HD 89

Freeport SD 145 – Stephenson (SD 45/HD 89) / **Expiration: 2010-11 school year**
WM100-3746 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to excuse those students in grades 11 and 12 from the daily physical education requirement when they are participating in show choir, cheerleading or pom-pons. The waiver would allow these students to enroll in courses in the fine arts, career preparation and/or other areas.

Orangeville CUSD 203 – Stephenson (SD 45/HD 89) / **Expiration: 2010-11 school year**
WM300-3775 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school

holiday in his honor.

Regional Office of Education #8 – Freeport Alternative High School – Carroll, Jo Daviess, Stephenson (SD 45/HD 89) / **Expiration: 2009-10 school year**
WM300-3651 (renewal) – Modification of School Code (Section 24-2) allows the regional office to recognize the contributions of Abraham Lincoln, Casimir Pulaski and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor for students who attend the alternative school.

Regional Office of Education #8 Alternative Learning Opportunities Program (ALOP) – Carroll, Jo Daviess, Stephenson (SD 45/HD 89) / **Expiration: 2009-10 school year**
WM300-3719 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln, Casimir Pulaski, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor for students enrolled in its Alternative Learning Opportunities Program.

Regional Office of Education #8 – Carroll, Jo Daviess, Stephenson (SD 45/HD 89) / **Expiration: 2010-11 school year**
WM100-3750 – Waiver of School Code (Section 18-8.05(F)(1)) request to allow the regional office of education to receive General State Aid reimbursement for a full day when students in its alternative schools participate in three and a half hours of school work each day. The shorter day is necessary due to the learning styles of the students, who the district indicates have been able to make "significant academic progress" by participating in concentrated computer-assisted instruction. In addition, the cost of providing instructional and support services to these students is higher than in the regular school setting. Without full reimbursement, the program would be cost-prohibitive for many districts that send students to the alternative schools.

Warren CUSD 205 – Jo Daviess (SD 45/HD 89) / **Expiration: 2010-11 school year**
WM300-3744 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

SD 45/HD 90

Dixon USD 170 – Lee (SD 45/HD 90) / **Expiration: 2010-11 school year**
WM100-3663 – Waiver of School Code (Section 18-8.05(F)(2)(d)(1)) request to allow the district the option of scheduling parent-teacher conferences in the evening following a full day of student attendance four times during a given month. One day during the school year would be a nonattendance day for students and staff. The evening sessions will be counted among the 176 days of actual pupil attendance required by Section 10-19.

Geneseo CUSD 228 – Henry (SD 45/HD 90) / **Expiration: 2010-11 school year**
WM300-3781 (renewal) – Modification of School Code (Section 24-2) allows the district to schedule student attendance, parent-teacher conferences, or an inservice training session on the legal holidays honoring Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars. Instruction pertaining to the contributions of the honored individuals will be provided rather than observing the legal school holidays.

Montmorency CCSD 145 – Whiteside (SD 45/HD 90) / **Expiration: 2010-11 school year**
WM300-3639 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Prophetstown-Lyndon-Tampico CUSD 3 – Whiteside (SD 45/HD 90) / **Expiration: 2010-11 school year**
WM100-3769 – Waiver of School Code (Section 18-8.05(F)(2)(d)(1)) request to allow the district the option of scheduling parent-teacher conferences in the evening following a school day where students are dismissed an hour early twice during a given week. A day following the conferences will be a

nonattendance day for students and staff. The evening sessions will be counted as one of the 176 days of pupil attendance required by Section 10-19.

Rock Falls THSD 301 – Whiteside (SD 45/HD 90) / **Expiration: 2010-11 school year**
WM100-3712 – Waiver of School Code (Section 18-8.05(F)(2)(d)(1)) request to allow the district the option of scheduling parent-teacher conferences in the evening following a full day of student attendance twice during a given week. A day following the conferences will be a nonattendance day for students and staff. The evening sessions will be counted as one of the 176 days of pupil attendance required by Section 10-19.

SD 46/HD 91

Canton Union SD 66 – Fulton (SD 46/HD 91) / **Expiration: 2010-11 school year**
WM100-3784-1 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to excuse those students in grades 7 and 8 from the daily physical education requirement when they are participating in both vocal and instrumental music courses, which includes marching band.

Canton Union SD 66 – Fulton (SD 46/HD 91) / **Expiration: 2010-11 school year**
WM300-3784-2 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln, Casimir Pulaski, and Christopher Columbus through instructional activities rather than observing school holidays in their honor.

Hollis CSD 328 – Peoria (SD 46/HD 91) / **Expiration: 2011-12 school year**
WM100-3777 (renewal) – Waiver of School Code (Section 10-20.12a) request to allow the district to charge less than 110 percent of the per capita tuition charge for nonresident students. In order to increase its enrollment, the district plans to continue to charge between $2,100 and $2,600 rather than a per capita tuition charge of approximately $12,000 that would be needed without a waiver.

SD 47/HD 93

Mendon CUSD 4 – Adams (SD 47/HD 93) / **Expiration: 2010-11 school year**
WM100-3742-1 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to excuse those students in grades 9 through 12 from the daily physical education requirement when they are enrolled in driver's education courses. This will allow those students to be enrolled in an academic class rather than scheduling a study hall on the days in which they are participating in behind-the-wheel instruction.

Mendon CUSD 4 – Adams (SD 47/HD 93) / **Expiration: 2010-11 school year**
WM300-3742-2 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, and Christopher Columbus through instructional activities rather than observing school holidays in their honor.

Quincy SD 172 – Adams (SD 47/HD 93) / **Expiration: 2009-10 school year**
WM300-3646 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln, Casimir Pulaski, and Christopher Columbus through instructional activities rather than observing school holidays in their honor.

SD 47/HD 94

Carthage CUSD 338 – Hancock (SD 47/HD 94) / **Expiration: 2010-11 school year**
WM300-3642 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

Dallas CUSD 336 – Hancock (SD 47/HD 94) / **Expiration: 2010-11 school year**
WM300-3669 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor.

Macomb CUSD 185 – McDonough (SD 47/HD 94) / **Expiration: 2010-11 school year**
WM300-3680 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor.

SD 48/HD 95

West Chicago ESD 33 – DuPage (SD 48/HD 95) / **Expiration: 2010-11 school year**
WM100-3709 – Waiver of School Code (Section 18-8.05(F)(2)(d)(1)) request to allow the district the option of scheduling parent-teacher conferences in the evening following a full day of student attendance, followed by all-day conferences that will extend into the evening. One day following the conferences will be a nonattendance day for students, and for staff, if they have completed their conferences. The evening sessions will be counted as one of the 176 days of pupil attendance required by Section 10-19.

SD 48/HD 96

Indian Prairie SD 204 – DuPage (SD 48/HD 96) / **Expiration: 2010-11 school year**
WM100-3733-1 (renewal) – Waiver of School Code (Section 18-8.05(F)(2)(d)(1)) request to allow the district the option of scheduling parent-teacher conferences in the evening following a full day of student attendance twice during a two-week period. A day following the conferences will be a nonattendance day for students and staff. The evening sessions will be counted as one of the 176 days of pupil attendance required by Section 10-19.

Indian Prairie SD 204 – DuPage (SD 48/HD 96) / **Expiration: 2010-11 school year**
WM100-3733-2 – Waiver of School Code (Section 18-8.05(F)(2)(d)(2)) request to allow the district to hold two full-day teacher inservice sessions instead of four half days, and to count the days among the 176 days of actual pupil attendance required by Section 10-19. The district will accumulate sufficient time beyond the five-clock-hour requirement to apply towards these days.

Indian Prairie SD 204 – DuPage (SD 48/HD 96) / **Expiration: 2010-11 school year**
WM100-3733-3 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to permit students in grades 1 through 5 to participate in physical education three times a week for 30 minutes each session due to inadequate facilities.

Indian Prairie SD 204 – DuPage (SD 48/HD 96) / **Expiration: 2010-11 school year**
WM300-3733-4 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln, Casimir Pulaski, and Christopher Columbus through instructional activities rather than observing school holidays in their honor.

SD 49/HD 97

Carrollton CUSD 1 – Greene (SD 49/HD 97) / **Expiration: 2010-11 school year**
WM100-3767-1 – Waiver of School Code (Section 18-8.05(F)(2)(d)(2). The district requested to be allowed to hold two full day inservice training sessions instead of four half days. The district failed to specify the subject of this waiver request in written notices provided about the hearing.

Carrollton CUSD 1 – Greene (SD 49/HD 97) / **Expiration: 2010-11 school year**
WM100-3767-2 – Waiver of School Code (Section 27-23). The district requested to be allowed to increase the fee charged of students participating in driver education. The district failed to specify the subject of this waiver request in written notices provided about the hearing.

Carrollton CUSD 1 – Greene (SD 49/HD 97) / **Expiration: 2010-11 school year**
WM300-3767-3 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Southwestern CUSD 9 – Macoupin (SD 49/HD 97) / **Expiration: 2010-11 school year**
WM300-3641 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

West Pike CUSD 2 – Pike (SD 49/HD 97) / **Expiration: 2010-11 school year**
WM300-3699 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

SD 49/HD 98

Central A & M CUD 21 – Shelby (SD 49/HD 98) / **Expiration: 2010-11 school year**
WM300-3708 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing a school holiday in their honor.

Taylorville CUSD 3 – Christian (SD 49/HD 98) / **Expiration: 2010-11 school year**
WM100-3659-1 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to permit students in grades 9 through 12 to participate in physical education every other day for 44 minutes each session due to inadequate facilities. On the days in which the students are not in physical education, they will be participating in laboratory science courses.

Taylorville CUSD 3 – Christian (SD 49/HD 98) / **Expiration: 2010-11 school year**
WM100-3659-2 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to excuse students in grade 8 from the daily physical education requirement if they are enrolled in band or orchestra and also elect to participate in choir. Such students would participate in physical education twice a week for 42 minutes each session.

SD 51/HD 101

Sullivan CUSD 300 – Moultrie (SD 51/HD 101) / **Expiration: 2010-11 school year**
WM300-3730 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

Villa Grove CUSD 302 – Douglas (SD 51/HD 101) / **Expiration: 2005-06 school year**
WM100-3661 – Waiver of School Code (Section 17-1.5) request to allow the district to waive the limitation of administrative costs due to circumstances beyond its control. The district previously employed two part-time superintendents on an interim basis. A permanent superintendent has been hired. The salary for the new superintendent caused the district to exceed the 5 percent limitation.

SD 51/HD 102

Highland CUSD 5 – Madison (SD 51/HD 102) / **Expiration: 2010-11 school year**
WM300-3736 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Altamont CUSD 10 – Effingham (SD 51/HD 102) / **Expiration: 2010-11 school year**
WM100-3765 – Waiver of School Code (Section 18-8.05(F)(2)(d)(1)) request to allow the district the option two times a year of scheduling parent-teacher conferences in the evening following a full day of student attendance and in the morning of the following day for at least three clock-hours. Students would not be in attendance for the second day of conferences. The evening and the morning sessions will be counted among the 176 days of actual pupil attendance required by Section 10-19.

SD 52/HD 104

Ogden CCSD 212 – Champaign (SD 52/HD 104) / **Expiration: 2005-06 school year**
WM100-3653 – Waiver of School Code (Section 17-1.5) request to allow the district to waive the limitation of administrative costs due to circumstances beyond its control. The district previously employed a superintendent on an interim basis on a reduced salary. For the 2005-06 school year, the district will share a superintendent with Prairieview CCSD 192, causing it to exceed the 5 percent limitation.

Westville CUSD 2 – Vermilion (SD 52/HD 104) / **Expiration: 2010-11 school year**
WM100-3743 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to excuse those students in grades 9 through 12 from the daily physical education requirement when they are participating in marching band or to enroll in advanced coursework. In addition, the district would excuse students in grades 9 and 10 for ongoing participation in an interscholastic athletic program.

SD 53/HD 105

Fisher CUSD 1 – Champaign (SD 53/HD 105) / **Expiration: 2005-06 school year**
WM100-3666-1 – Waiver of School Code (Section 17-1.5) request to allow the district to waive the limitation of administrative costs due to circumstances beyond its control. The district's superintendent resigned in summer 2004; an interim superintendent was hired for the 2004-05 school year. Since the interim superintendent was a retired superintendent, the district did not pay retirement or health insurance. A full-time superintendent was hired for the 2005-06 school year, with the cost of the salary and benefit package causing the district to exceed the 5 percent limitation.

Fisher CUSD 1 – Champaign (SD 53/HD 105) / **Expiration: 2010-11 school year**
WM100-3666-2 (renewal) – Waiver of School Code (Section 18-8.05(F)(2)(d)(1)) request to allow the district the option two times a year of scheduling parent-teacher conferences in the evening following a full day of student attendance twice during a given week. One day during that week would be a nonattendance day for students and staff. The evening sessions will be counted among the 176 days of actual pupil attendance required by Section 10-19.

Iroquois County CUSD 9 – Iroquois (SD 53/HD 105) / **Expiration: 2010-11 school year**
WM100-3679-1 (renewal) – Waiver of School Code (Section 18-8.05(F)(2)(d)(1)) request to allow the district the option of two times a year scheduling parent-teacher conferences in the evening following at least five clock-hours of attendance and to use the following day for at least four hours of parent-teacher conferences. The district will count the first day for the purpose of determining average daily attendance, and both days will be counted among the 176 days of actual pupil attendance required by Section 10-19.

Iroquois County CUSD 9 – Iroquois (SD 53/HD 105) / **Expiration: 2010-11 school year**
WM300-3679-2 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing a school holiday in his honor.

Paxton-Buckley-Loda CUSD 10 – Ford (SD 53/HD 105) / **Expiration: 2010-11 school year**
WM300-3753 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor.

Pontiac THSD 90 – Livingston (SD 53/HD 105) / **Expiration: 2010-11 school year**
WM100-3758 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to excuse those students in grades 11 and 12 from the daily physical education requirement when they are participating in cheerleading.

SD 53/HD 106

Eureka CUSD 140 – Woodford (SD 53/HD 106) / **Expiration: 2010-11 school year**
WM100-3685-1 (renewal) – Waiver of School Code (Section 18-8.05(F)(2)(d)(2)) request to allow the district to schedule either a full-day or half-day school improvement day at the beginning of the school

year. The district would like the option to also consider holding up to two half days of school improvement activities following the full-day program. The district would accumulate sufficient time beyond the five-clock-hour requirement during the remainder of the school year to apply towards these days in order to count them among the 176 days of actual pupil attendance required by Section 10-19.

Eureka CUSD 140 – Woodford (SD 53/HD 106) / **Expiration: 2010-11 school year**
WM300-3685-2 (renewal) – Modification of School Code (Section 24-2) allows the district to schedule student attendance, parent-teacher conferences, an inservice training session or a teachers' institute day on the legal holidays honoring Abraham Lincoln, Casimir Pulaski, and Christopher Columbus. The institute program is subject to prior approval from the Regional Office of Education. Instruction pertaining to the contributions of the honored individuals will be provided rather than observing the legal school holidays.

Morton CUSD 709 – Tazewell (SD 53/HD 106) / **Expiration: 2010-11 school year**
WM100-3761 (renewal) – Waiver of School Code (Section 18-8.05(F)(2)(d)(2)) request to allow the district to hold three full-day teacher inservice sessions instead of six half days, and to count the days among the 176 days of actual pupil attendance required by Section 10-19. The district will accumulate sufficient time beyond the five-clock-hour requirement to apply towards these days.

SD 54/HD 107

Centralia SD 135 – Marion (SD 54/HD 107) / **Expiration: 2010-11 school year**
WM300-3644 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

Raccoon CSD 1 – Marion (SD 54/HD 107) / **Expiration: 2010-11 school year**
WM300-3640 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

Salem CHSD 600 – Marion (SD 54/HD 107) / **Expiration: 2010-11 school year**
WM300-3654 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

Summersville SD 79 – Jefferson (SD 54/HD 107) / **Expiration: 2010-11 school year**
WM300-3634 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor.

SD 54/HD 108

East Richland CUSD 1 – Richland (SD 54/HD 108) / **Expiration: 2005-06 school year**
WM100-3674-1 – Waiver of School Code (Section 17-1.5) request to allow the district to waive the limitation of administrative costs due to circumstances beyond its control. The district exceeded the 5 percent limitation due to an 8 percent merit raise given to the superintendent, the hiring of a special education administrator, and an increase in the salary and benefit package for the district's bookkeeper and treasurer.

East Richland CUSD 1 – Richland (SD 54/HD 108) / **Expiration: 2010-11 school year**
WM100-3674-2 (renewal) – Waiver of School Code (Section 27-6) request to allow the district to permit students in kindergarten through grade 5 to participate in physical education three to four times a week for 30 minutes each session. Students also will have supervised play on a daily basis and participate in a wellness program.

Edwards County CUSD 1 – Edwards (SD 54/HD 108) / **Expiration: 2010-11 school year**
WM300-3662 (renewal) – Modification of School Code (Section 24-2). The district requested to be allowed to hold school on the legal school holiday honoring Casimir Pulaski. The school district failed

to hold the public hearing to consider the request on a day other than a regular board meeting day.

Edwards County CUSD 1 – Edwards (SD 54/HD 108) / **Expiration: 2010-11 school year**
WM300-3681 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor.

SD 55/HD 109

Palestine CUSD 3 – Crawford (SD 55/HD 109) / **Expiration: 2005-06 school year**
WM100-3790-1 – Waiver of School Code (Section 17-1.5) request to allow the district to waive the limitation of administrative costs due to circumstances beyond its control. The superintendent had been serving as the principal of the district's high school; however, the district found that standards decreased and a principal was hired, who, in part, will work with teachers to improve instruction and increase student achievement.

Palestine CUSD 3 – Crawford (SD 55/HD 109) / **Expiration: 2010-11 school year**
WM300-3790-2 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Red Hill CUSD 10 – Lawrence, Crawford (SD 55/HD 109) / **Expiration: 2010-11 school year**
WM300-3706 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

Robinson CUSD 2 – Crawford (SD 55/HD 109) / **Expiration: 2005-06 school year**
WM100-3739 – Waiver of School Code (Section 17-1.5) request to allow the district to waive the limitation of administrative costs due to circumstances beyond its control. The district employed a part-time superintendent during the 2004-05 school year. The position became full time for the current school year, causing the district to exceed the 5 percent limitation.

Windsor CUSD 1 – Shelby (SD 55/HD 109) / **Expiration: 2010-11 school year**
WM300-3667 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

SD 55/HD 110

Arcola CUSD 306 – Douglas (SD 55/HD 110) / **Expiration: 2010-11 school year**
WM100-3689-1 (renewal) – Waiver of School Code (Section 18-8.05(F)(2)(d)(1)). The district requested to be allowed to schedule parent-teacher conferences in the evening following at least five clock-hours of student attendance twice during a given week. The school district failed to hold the public hearing to consider the request on a day other than a regular board meeting day.

Arcola CUSD 306 – Douglas (SD 55/HD 110) / **Expiration: 2010-11 school year**
WM100-3689-2 (renewal) – Modification of School Code (Section 24-2). The district requested to be allowed to hold school on the legal school holiday honoring Casimir Pulaski. The school district failed to hold the public hearing to consider the request on a day other than a regular board meeting day.

Arcola CUSD 306 – Douglas (SD 55/HD 110) / **Expiration: 2010-11 school year**
WM100-3689-3 (renewal) – Waiver of School Code (Section 18-8.05(F)(2)(d)(1)). The district requested to be allowed to hold school on the legal school holidays honoring Dr. Martin Luther King, Jr., Abraham Lincoln, and Christopher Columbus. The school district failed to hold the public hearing to consider the request on a day other than a regular board meeting day.

Arcola CUSD 306 – Douglas (SD 55/HD 110) / **Expiration: 2010-11 school year**
WM100-3721-1 (renewal) – Waiver of School Code (Section 18-8.05(F)(2)(d)(1)) request to allow the

district the option of scheduling parent-teacher conferences in the evening following a school day of at least five clock-hours and in the morning of the following day for at least three clock-hours. The evening and the morning sessions will be counted as one of the 176 days of pupil attendance required by Section 10-19.

Arcola CUSD 306 – Douglas (SD 55/HD 110) / **Expiration: 2010-11 school year**
WM300-3721-2 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, and Christopher Columbus through instructional activities rather than observing school holidays in their honor.

Charleston USD 1 – Coles, Cumberland (SD 55/HD 110) / **Expiration: 2010-11 school year**
WM300-3664 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

SD 56/HD 111

Region III Special Education Cooperative – Madison (SD 56/HD 111) / **Expiration: 2010-11 school year**
WM300-3649 (renewal) – Modification of School Code (Section 24-2) allows the cooperative to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Roxana CUSD 1 – Madison (SD 56/HD 111) / **Expiration: 2010-11 school year**
WM300-3783 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

SD 56/HD 112

Collinsville CUSD 10 – Madison (SD 56/HD 112) / **Expiration: 2010-11 school year**
WM300-3776 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

SD 57/HD 113

Granite City CUSD 9 – Madison (SD 57/HD 113) / **Expiration: 2008-09 school year**
WM300-3665 (renewal) – Modification of School Code (Section 24-2). The district requested to be allowed to hold school on the legal school holiday honoring Abraham Lincoln. The school district failed to hold the public hearing to consider the request on a day other than a regular board meeting day.

Granite City CUSD 9 – Madison (SD 57/HD 113) / **Expiration: 2010-11 school year**
WM300-3690 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

High Mount SD 116 – St. Clair (SD 57/HD 113) / **Expiration: 2009-10 school year**
WM300-3676 – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor.

SD 58/HD 115

Ashley CCSD 15 – Washington (SD 58/HD 115) / **Expiration: 2008-09 school year**
WM300-3647 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school

holiday in his honor.

Cobden USD 17 – Union (SD 58/HD 115) / **Expiration: 2010-11 school year**
WM100-3723 – Waiver of School Code (Section 10-20.12a) request to allow the district to waive the payment of tuition for nonresident students whose parents are employed by the district on a full-time basis.

Du Quoin CUSD 300 – Perry (SD 58/HD 115) / **Expiration: 2010-11 school year**
WM300-3718 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

Nashville CCSD 49 – Washington (SD 58/HD 115) / **Expiration: 2010-11 school year**
WM300-3658 (renewal) – Modification of School Code (Section 24-2). The district requested to be allowed to hold school on the legal school holidays honoring Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, and Christopher Columbus. The school district failed to hold the public hearing to consider the request on a day other than a regular board meeting day.

Nashville CCSD 49 – Washington (SD 58/HD 115) / **Expiration: 2010-11 school year**
WM300-3693 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski, and Christopher Columbus through instructional activities rather than observing school holidays in their honor.

Pinckneyville CHSD 101 – Perry (SD 58/HD 115) / **Expiration: 2010-11 school year**
WM300-3725 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, Casimir Pulaski and Christopher Columbus through instructional activities rather than observing school holidays in their honor.

Tamaroa GSD 5 – Perry (SD 58/HD 115) / **Expiration: 2010-11 school year**
WM100-3737 – Waiver of School Code (Section 10-20.12a) request to allow the district to charge less than 110 percent of the per-capita tuition rate for nonresident students whose parents are employed by the district on a full-time basis.

Unity Point SD 140 – Jackson (SD 58/HD 115) / **Expiration: 2010-11 school year**
WM300-3671 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Casimir Pulaski through instructional activities rather than observing a school holiday in his honor.

West Washington County CUD 10 – Washington (SD 58/HD 115) / **Expiration: 2010-11 school year**
WM300-3660 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Dr. Martin Luther King, Jr., Abraham Lincoln, and Casimir Pulaski through instructional activities rather than observing school holidays in their honor.

SD 58/HD 116

Freeburg CCSD 70 – St. Clair (SD 58/HD 116) / **Expiration: 2010-11 school year**
WM100-3754 – Waiver of School Code (Section 18-8.05(F)(2)(d)(1)) request to allow the district the option of scheduling parent-teacher conferences in the evening following a full day of student attendance twice during a one-week period. A day following the conferences will be a nonattendance day for students and staff. The evening sessions will be counted as one of the 176 days of pupil attendance required by Section 10-19.

Sparta CUSD 140 – Randolph (SD 58/HD 116) / **Expiration: 2007-08 school year**
WM100-3648-1 – Waiver of School Code (Section 27-6) request to allow the district to permit students in grades 4 through 6 to participate in physical education three times a week rather than daily for the full school year. Students in grade 4 will participate for 90 minutes in physical education, while those in grades 5 and 6 will have 135 minutes of instruction. In addition, students also will participate in 100 minutes of "outside activity" each week.

Sparta CUSD 140 – Randolph (SD 58/HD 116) / **Expiration: 2010-11 school year**
WM300-3648-2 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.
Waterloo CUSD 5 – Monroe, St. Clair (SD 58/HD 116) / **Expiration: 2010-11 school year**
WM300-3652 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln, Casimir Pulaski, Christopher Columbus, and all veterans of foreign wars through instructional activities rather than observing school holidays in their honor.

SD 59/HD 117

Carterville CUSD 5 – Williamson (SD 59/HD 117) / **Expiration: 2005-06 school year**
WM100-3707 – Waiver of School Code (Section 17-1.5) request to allow the district to waive the limitation of administrative costs due to circumstances beyond its control. The district serves as the administrative agent for the Williamson County Early Childhood Cooperative. As such, the district hired an administrator to oversee the program, causing the district to exceed the 5 percent limitation.

Crab Orchard CUSD 3 – Williamson (SD 59/HD 117) / **Expiration: 2010-11 school year**
WM100-3697 (renewal) – Waiver of School Code (Section 10-20.12a) request to allow the district to waive the payment of tuition for nonresident students whose parents are employed by the district on a full-time basis.

Ewing Northern CCSD 115 – Franklin (SD 59/HD 117) / **Expiration: 2010-11 school year**
WM300-3728 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Herrin CUSD 4 – Williamson (SD 59/HD 117) / **Expiration: 2010-11 school year**
WM300-3747 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

SD 59/HD 118

Anna CCSD 37 – Union (SD 59/HD 118) / **Expiration: 2010-11 school year**
WM100-3745 – Waiver of School Code (Section 10-20.12a) request to allow the district to waive the payment of tuition for nonresident students whose parents are employed by the district on a full-time basis.

Century CUSD 100 – Pulaski (SD 59/HD 118) / **Expiration: 2010-11 school year**
WM300-3727 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Egyptian CUSD 5 – Alexander (SD 59/HD 118) / **Expiration: 2010-11 school year**
WM300-3752-1 (renewal) – Waiver of School Code (Section 10-20.12a). The district requested to be allowed to charge tuition of nonresident students of between 100 percent and 110 percent of the per capita tuition charge. A waiver is needed only if the district charges less than 100 percent of the per capita tuition charge.

Egyptian CUSD 5 – Alexander (SD 59/HD 118) / **Expiration: 2010-11 school year**
WM300-3752-2 (renewal) – Modification of School Code (Section 24-2) allows the district to recognize the contributions of Abraham Lincoln through instructional activities rather than observing a school holiday in his honor.

Joppa-Maple Grove CUSD 38 – Massac (SD 59/HD 118) / **Expiration: 2010-11 school year**
WM100-3698 (renewal) – Waiver of School Code (Section 10-20.12a) request to allow the district to waive the payment of tuition for nonresident students whose parents are employed by the district on a full-time basis.

The foregoing report was placed before th e Senate, ordered received and placed on file in the Secretary's Office.

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 a bill of the following title, in the passage of which I am instructed to ask the concurrence of the Senate, to-wit:

HOUSE BILL NO. 4370

A bill for AN ACT concerning regulation.
Passed the House, February 28, 2006.

MARK MAHONEY, Clerk of the House

The foregoing **House Bill No. 4370** was 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. 4314

A bill for AN ACT concerning transportation.

HOUSE BILL NO. 4404

A bill for AN ACT concerning State government.

HOUSE BILL NO. 4451

A bill for AN ACT concerning litter control.

HOUSE BILL NO. 4463

A bill for AN ACT concerning public employee benefits.

HOUSE BILL NO. 4546

A bill for AN ACT concerning local government.

HOUSE BILL NO. 4845

A bill for AN ACT concerning revenue.

HOUSE BILL NO. 5256

A bill for AN ACT concerning criminal law.

HOUSE BILL NO. 5295

A bill for AN ACT concerning finance.

HOUSE BILL NO. 5382

A bill for AN ACT concerning State government.
Passed the House, March 1, 2006.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 4314, 4404, 4451, 4463, 4546, 4845, 5256, 5295 and 5382** 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. 4079

A bill for AN ACT concerning government.

HOUSE BILL NO. 4649

A bill for AN ACT concerning criminal law.

HOUSE BILL NO. 5340

A bill for AN ACT concerning schools.

Passed the House, February 28, 2006.

MARK MAHONEY, Clerk of the House

The foregoing **House Bills Numbered 4079, 4649 and 5340** 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. 55

WHEREAS, Andrew H. Melczer, Ph.D., who passed away on February 7, 2005, served the Illinois State Medical Society (ISMS), its member physicians, and all the citizens of the State of Illinois for more than 20 years; and

WHEREAS, Dr. Melczer monitored the evolving health care system of Illinois and the United States, developed ISMS legislative responses to ensure that physicians could practice quality medical care, and analyzed proposed legislation related to the health care system; and

WHEREAS, Dr. Melczer provided support to physicians seeking to understand and respond to the evolving health care marketplace; and

WHEREAS, Dr. Melczer was a developer of the Illinois Managed Care Reform and Patients Rights Act to protect physicians and patients from managed care interference in the delivery of health care; and

WHEREAS, Dr. Melczer authored instructional brochures and model policy documents and developed seminars to assist Illinois physicians with the understanding and implementation of the federal Health Insurance Portability and Accountability Act; and

WHEREAS, These HIPAA model policies and procedures have been adapted and used by physicians across the country; and

WHEREAS, Dr. Melczer served in leadership roles as the ISMS representative to the Workgroup for Electronic Data Interchange and guided Illinois physicians with the implementation and use of electronic health records; and

WHEREAS, Dr. Melczer gave generously of his time and expertise to serve on boards and commissions, including the Illinois Health Care Cost Containment Council, the Hospital Report Care Advisory Council, and the Illinois Health Care Credentials Council; and

WHEREAS, Dr. Melczer analyzed and recommended ISMS responses to federal legislative and regulatory Medicare and Medicaid proposals to determine impact on Illinois physicians; and

WHEREAS, Dr. Melczer encouraged all to "Find work that you love and do it well, but don't take it so seriously that you forget what really matters in life. Show your family you love them every day. Make this world a better place by sharing your time and talents. Teach yourself something new. Laugh. Be a good person, and thank God daily for all of our blessings."; 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 honor the memory of Andrew H. Melczer, Ph.D., for his valuable and numerous contributions to the quality of

health care in Illinois and for his many years of outstanding public service; and be it further

RESOLVED, That a suitable copy of this resolution be presented to Dr. Melczer's family with our heartfelt thanks and as an expression of our deepest sympathy, respect, and esteem.

Adopted by the House, May 3, 2005.

MARK MAHONEY, Clerk of the House

The foregoing message from the House of Representatives reporting House Joint Resolution No. 55 was referred to the Resolution Consent Calendar.

REPORTS FROM STANDING COMMITTEES

Senator Sullivan, Chairperson of the Committee on Agriculture and Conservation, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 621
Senate Amendment No. 3 to Senate Bill 2716
Senate Amendment No. 2 to Senate Bill 2810

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

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

Senate Amendment No. 1 to Senate Bill 619
Senate Amendment No. 1 to Senate Bill 2285
Senate Amendment No. 1 to Senate Bill 2580
Senate Amendment No. 2 to Senate Bill 2807
Senate Amendment No. 1 to Senate Bill 2845
Senate Amendment No. 1 to Senate Bill 2884

Under the rules, the foregoing floor amendments are 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 951
Senate Amendment No. 2 to Senate Bill 951
Senate Amendment No. 2 to Senate Bill 2326
Senate Amendment No. 1 to Senate Bill 2328
Senate Amendment No. 2 to Senate Bill 2436
Senate Amendment No. 1 to Senate Bill 2465
Senate Amendment No. 2 to Senate Bill 2568
Senate Amendment No. 1 to Senate Bill 2654
Senate Amendment No. 1 to Senate Bill 2695
Senate Amendment No. 1 to Senate Bill 2967

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 amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 893
Senate Amendment No. 1 to Senate Bill 2325
Senate Amendment No. 3 to Senate Bill 2349

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

Senator Meeks, Chairperson of the Committee on Housing & Community Affairs, to which was referred the following Senate floor amendment, reported that the Committee recommends do adopt:

Senate Amendment No. 2 to Senate Bill 2290

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

Senator Cullerton and Senator Dillard, Co-Chairpersons of the Committee on Judiciary, to which was referred the following Senate floor amendments, reported that the Committee recommends do adopt:

Senate Amendment No. 1 to Senate Bill 1183
Senate Amendment No. 5 to Senate Bill 2137
Senate Amendment No. 2 to Senate Bill 2243
Senate Amendment No. 3 to Senate Bill 2284
Senate Amendment No. 1 to Senate Bill 2303
Senate Amendment No. 1 to Senate Bill 2368
Senate Amendment No. 1 to Senate Bill 2374
Senate Amendment No. 2 to Senate Bill 2676
Senate Amendment No. 1 to Senate Bill 2684
Senate Amendment No. 2 to Senate Bill 2737
Senate Amendment No. 4 to Senate Bill 2869
Senate Amendment No. 2 to Senate Bill 2962
Senate Amendment No. 2 to Senate Bill 2968
Senate Amendment No. 1 to Senate Bill 3016

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

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

Senate Amendment No. 1 to Senate Bill 1085
Senate Amendment No. 1 to Senate Bill 1086
Senate Amendment No. 1 to Senate Bill 1087
Senate Amendment No. 2 to Senate Bill 2233
Senate Amendment No. 2 to Senate Bill 2405
Senate Amendment No. 3 to Senate Bill 2489
Senate Amendment No. 2 to Senate Bill 2650
Senate Amendment No. 2 to Senate Bill 2808

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. 1 to Senate Bill 820
Senate Amendment No. 2 to Senate Bill 1214
Senate Amendment No. 1 to Senate Bill 1991
Senate Amendment No. 2 to Senate Bill 2180
Senate Amendment No. 3 to Senate Bill 2277
Senate Amendment No. 1 to Senate Bill 2302
Senate Amendment No. 2 to Senate Bill 2302
Senate Amendment No. 3 to Senate Bill 2558
Senate Amendment No. 1 to Senate Bill 2981
Senate Amendment No. 2 to Senate Bill 3086

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. 1 to Senate Bill 702
Senate Amendment No. 1 to Senate Bill 819
Senate Amendment No. 1 to Senate Bill 2369
Senate Amendment No. 1 to Senate Bill 2872
Senate Amendment No. 2 to Senate Bill 2872

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

Senator Demuzio, Vice-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. 5 to Senate Bill 2330
Senate Amendment No. 6 to Senate Bill 2330
Senate Amendment No. 2 to Senate Bill 2921

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

EXCUSED FROM ATTENDANCE

On motion of Senator Burzynski, Senator Rauschenberger was excused from attendance due to legislative business, and Senator Winkel was excused from attendance due to personal business.

READING BILLS OF THE SENATE A SECOND TIME

On motion of Senator Silverstein, **Senate Bill No. 2180** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 2180

AMENDMENT NO. 1. Amend Senate Bill 2180 by replacing everything after the enacting clause with the following:

"Section 5. The Liquor Control Act of 1934 is amended by changing Section 1-1 as follows:
(235 ILCS 5/1-1) (from Ch. 43, par. 93.9)
Sec. 1-1. This Act may be cited as the ~~the~~ Liquor Control Act of 1934.
(Source: P.A. 86-1475.)".

Senator Silverstein offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2180

AMENDMENT NO. 2. Amend Senate Bill 2180, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Liquor Control Act of 1934 is amended by changing Sections 1-3.28, 3-12, 5-1, 5-3, 6-4, 6-29, and 6-29.1 as follows:
(235 ILCS 5/1-3.28) (from Ch. 43, par. 95.28)
Sec. 1-3.28. "Broker" means (i) a person who solicits orders for or offers to sell or supply alcoholic liquors to retailers for a fee or commission, for or on behalf of a person authorized to manufacture or sell at wholesale alcoholic liquors within or without the State or (ii) a person within this State, other than a retail licensee, who, for a fee or commission, promotes, solicits, or accepts orders for alcoholic liquor, for use or consumption and not for resale, to be shipped from this State and delivered to residents outside of this State by an express company, common carrier, or contract carrier. ~~This Section does not apply to~~

~~any person who promotes, solicits, or accepts orders for wine as specifically authorized in Section 6-29 of this Act.~~

(Source: P.A. 90-739, eff. 8-13-98.)

(235 ILCS 5/3-12) (from Ch. 43, par. 108)

Sec. 3-12. Powers and duties of State Commission.

(a) The State commission shall have the following powers, functions and duties:

(1) To receive applications and to issue licenses to manufacturers, foreign importers, importing distributors, distributors, non-resident dealers, on premise consumption retailers, off premise sale retailers, special event retailer licensees, special use permit licenses, auction liquor licenses, brew pubs, caterer retailers, non-beverage users, railroads, including owners and lessees of sleeping, dining and cafe cars, airplanes, boats, brokers, and wine maker's premises licensees in accordance with the provisions of this Act, and to suspend or revoke such licenses upon the State commission's determination, upon notice after hearing, that a licensee has violated any provision of this Act or any rule or regulation issued pursuant thereto and in effect for 30 days prior to such violation. Except in the case of an action taken pursuant to a violation of Section 6-3, 6-5, or 6-9, any action by the State Commission to suspend or revoke a licensee's license may be limited to the license for the specific premises where the violation occurred.

In lieu of suspending or revoking a license, the commission may impose a fine, upon the State commission's determination and notice after hearing, that a licensee has violated any provision of this Act or any rule or regulation issued pursuant thereto and in effect for 30 days prior to such violation. The fine imposed under this paragraph may not exceed $500 for each violation. Each day that the activity, which gave rise to the original fine, continues is a separate violation. The maximum fine that may be levied against any licensee, for the period of the license, shall not exceed $20,000. The maximum penalty that may be imposed on a licensee for selling a bottle of alcoholic liquor with a foreign object in it or serving from a bottle of alcoholic liquor with a foreign object in it shall be the destruction of that bottle of alcoholic liquor for the first 10 bottles so sold or served from by the licensee. For the eleventh bottle of alcoholic liquor and for each third bottle thereafter sold or served from by the licensee with a foreign object in it, the maximum penalty that may be imposed on the licensee is the destruction of the bottle of alcoholic liquor and a fine of up to $50.

(2) To adopt such rules and regulations consistent with the provisions of this Act which shall be necessary to carry on its functions and duties to the end that the health, safety and welfare of the People of the State of Illinois shall be protected and temperance in the consumption of alcoholic liquors shall be fostered and promoted and to distribute copies of such rules and regulations to all licensees affected thereby.

(3) To call upon other administrative departments of the State, county and municipal governments, county and city police departments and upon prosecuting officers for such information and assistance as it deems necessary in the performance of its duties.

(4) To recommend to local commissioners rules and regulations, not inconsistent with the law, for the distribution and sale of alcoholic liquors throughout the State.

(5) To inspect, or cause to be inspected, any premises in this State where alcoholic liquors are manufactured, distributed, warehoused, or sold.

(5.1) Upon receipt of a complaint or upon having knowledge that any person is engaged in business as a manufacturer, importing distributor, distributor, or retailer without a license or valid license, to notify the local liquor authority, file a complaint with the State's Attorney's Office of the county where the incident occurred, or initiate an investigation with the appropriate law enforcement officials.

(5.2) To issue a cease and desist notice to persons shipping alcoholic liquor into this State from a point outside of this State if the shipment is in violation of this Act.

(5.3) To receive complaints from licensees, local officials, law enforcement agencies, organizations, and persons stating that any licensee has been or is violating any provision of this Act or the rules and regulations issued pursuant to this Act. Such complaints shall be in writing, signed and sworn to by the person making the complaint, and shall state with specificity the facts in relation to the alleged violation. If the Commission has reasonable grounds to believe that the complaint substantially alleges a violation of this Act or rules and regulations adopted pursuant to this Act, it shall conduct an investigation. If, after conducting an investigation, the Commission is satisfied that the alleged violation did occur, it shall proceed with disciplinary action against the licensee as provided in this Act.

(6) To hear and determine appeals from orders of a local commission in accordance with the provisions of this Act, as hereinafter set forth. Hearings under this subsection shall be held in

Springfield or Chicago, at whichever location is the more convenient for the majority of persons who are parties to the hearing.

(7) The commission shall establish uniform systems of accounts to be kept by all retail licensees having more than 4 employees, and for this purpose the commission may classify all retail licensees having more than 4 employees and establish a uniform system of accounts for each class and prescribe the manner in which such accounts shall be kept. The commission may also prescribe the forms of accounts to be kept by all retail licensees having more than 4 employees, including but not limited to accounts of earnings and expenses and any distribution, payment, or other distribution of earnings or assets, and any other forms, records and memoranda which in the judgment of the commission may be necessary or appropriate to carry out any of the provisions of this Act, including but not limited to such forms, records and memoranda as will readily and accurately disclose at all times the beneficial ownership of such retail licensed business. The accounts, forms, records and memoranda shall be available at all reasonable times for inspection by authorized representatives of the State commission or by any local liquor control commissioner or his or her authorized representative. The commission, may, from time to time, alter, amend or repeal, in whole or in part, any uniform system of accounts, or the form and manner of keeping accounts.

(8) In the conduct of any hearing authorized to be held by the commission, to appoint, at the commission's discretion, hearing officers to conduct hearings involving complex issues or issues that will require a protracted period of time to resolve, to examine, or cause to be examined, under oath, any licensee, and to examine or cause to be examined the books and records of such licensee; to hear testimony and take proof material for its information in the discharge of its duties hereunder; to administer or cause to be administered oaths; for any such purpose to issue subpoena or subpoenas to require the attendance of witnesses and the production of books, which shall be effective in any part of this State, and to adopt rules to implement its powers under this paragraph (8).

Any Circuit Court may by order duly entered, require the attendance of witnesses and the production of relevant books subpoenaed by the State commission and the court may compel obedience to its order by proceedings for contempt.

(9) To investigate the administration of laws in relation to alcoholic liquors in this and other states and any foreign countries, and to recommend from time to time to the Governor and through him or her to the legislature of this State, such amendments to this Act, if any, as it may think desirable and as will serve to further the general broad purposes contained in Section 1-2 hereof.

(10) To adopt such rules and regulations consistent with the provisions of this Act which shall be necessary for the control, sale or disposition of alcoholic liquor damaged as a result of an accident, wreck, flood, fire or other similar occurrence.

(11) To develop industry educational programs related to responsible serving and selling, particularly in the areas of overserving consumers and illegal underage purchasing and consumption of alcoholic beverages.

(11.1) To license persons providing education and training to alcohol beverage sellers and servers under the Beverage Alcohol Sellers and Servers Education and Training (BASSET) programs and to develop and administer a public awareness program in Illinois to reduce or eliminate the illegal purchase and consumption of alcoholic beverage products by persons under the age of 21. Application for a license shall be made on forms provided by the State Commission.

(12) To develop and maintain a repository of license and regulatory information.

(13) On or before January 15, 1994, the Commission shall issue a written report to the Governor and General Assembly that is to be based on a comprehensive study of the impact on and implications for the State of Illinois of Section 1926 of the Federal ADAMHA Reorganization Act of 1992 (Public Law 102-321). This study shall address the extent to which Illinois currently complies with the provisions of P.L. 102-321 and the rules promulgated pursuant thereto.

As part of its report, the Commission shall provide the following essential information:

(i) the number of retail distributors of tobacco products, by type and geographic area, in the State;

(ii) the number of reported citations and successful convictions, categorized by type and location of retail distributor, for violation of the Sale of Tobacco to Minors Act and the Smokeless Tobacco Limitation Act;

(iii) the extent and nature of organized educational and governmental activities that are intended to promote, encourage or otherwise secure compliance with any Illinois laws that prohibit the sale or distribution of tobacco products to minors; and

(iv) the level of access and availability of tobacco products to individuals under the age of 18.

To obtain the data necessary to comply with the provisions of P.L. 102-321 and the requirements of this report, the Commission shall conduct random, unannounced inspections of a geographically and scientifically representative sample of the State's retail tobacco distributors.

The Commission shall consult with the Department of Public Health, the Department of Human Services, the Illinois State Police and any other executive branch agency, and private organizations that may have information relevant to this report.

The Commission may contract with the Food and Drug Administration of the U.S. Department of Health and Human Services to conduct unannounced investigations of Illinois tobacco vendors to determine compliance with federal laws relating to the illegal sale of cigarettes and smokeless tobacco products to persons under the age of 18.

(14) On or before April 30, 2007 and each year thereafter, the State Commission shall present a written report to the Governor and the General Assembly that shall be based on a study of the impact of this amendatory Act of the 94th General Assembly on the business of soliciting, selling, and shipping wine from inside and outside of this State directly to residents of this State. As part of its report, the State Commission shall provide all of the following information:

(A) The amount of State excise and sales tax revenues generated.

(B) The amount of licensing fees received.

(C) The number of cases of wine shipped from inside and outside of this State directly to residents of this State.

(D) The number of alcohol compliance operations conducted.

(E) The number of each of the following: reported violations; cease and desist notices issued by the State Commission; and notices of violations issued to the Department of Revenue and notices and complaints of violations to law enforcement officials, including, without limitation, the Illinois Attorney General and the U.S. Department of Treasury's Alcohol and Tobacco Tax and Trade Bureau.

(15) The State Commission shall have primary responsibility for enforcing laws preventing underage consumption of alcoholic liquors, as local jurisdictions have no licensing authority over interstate direct wine shipments. As a means to reduce the underage consumption of alcoholic liquors, the State Commission shall conduct alcohol compliance operations to investigate whether businesses that are soliciting, selling, and shipping wine from inside or outside of this State directly to residents of this State are licensed by this State or are selling or attempting to sell wine to persons under 21 years of age in violation of this Act.

(16) The State Commission shall, in addition to notifying any appropriate law enforcement agency, submit notices of complaints of violations of Sections 6-29 and 6-29.1 by persons who do not hold a direct wine shipper's license under this Act to the Illinois Attorney General and to the U.S. Department of Treasury's Alcohol and Tobacco Tax and Trade Bureau.

(b) On or before April 30, 1999, the Commission shall present a written report to the Governor and the General Assembly that shall be based on a study of the impact of this amendatory Act of 1998 on the business of soliciting, selling, and shipping alcoholic liquor from outside of this State directly to residents of this State.

As part of its report, the Commission shall provide the following information:

(i) the amount of State excise and sales tax revenues generated as a result of this amendatory Act of 1998;

(ii) the amount of licensing fees received as a result of this amendatory Act of 1998;

(iii) the number of reported violations, the number of cease and desist notices issued by the Commission, the number of notices of violations issued to the Department of Revenue, and the number of notices and complaints of violations to law enforcement officials.

(Source: P.A. 92-378, eff. 8-16-01; 92-813, eff. 8-21-02; 93-1057, eff. 12-2-04.)

(235 ILCS 5/5-1) (from Ch. 43, par. 115)

Sec. 5-1. Licenses issued by the Illinois Liquor Control Commission shall be of the following classes:

(a) Manufacturer's license - Class 1. Distiller, Class 2. Rectifier, Class 3. Brewer, Class 4. First Class Wine Manufacturer, Class 5. Second Class Wine Manufacturer, Class 6. First Class Winemaker, Class 7. Second Class Winemaker, Class 8. Limited Wine Manufacturer,

(b) Distributor's license,

(c) Importing Distributor's license,

(d) Retailer's license,

(e) Special Event Retailer's license (not-for-profit),

(f) Railroad license,

(g) Boat license,

(h) Non-Beverage User's license,

(i) Wine-maker's premises license,
(j) Airplane license,
(k) Foreign importer's license,
(l) Broker's license,
(m) Non-resident dealer's license,
(n) Brew Pub license,
(o) Auction liquor license,
(p) Caterer retailer license,
(q) Special use permit license, ~~-~~
(r) Direct wine shipper's license.

No person, firm, partnership, corporation, or other legal business entity that is engaged in the manufacturing of wine may concurrently obtain and hold a wine-maker's license and a wine manufacturer's license.

(a) A manufacturer's license shall allow the manufacture, importation in bulk, storage, distribution and sale of alcoholic liquor to persons without the State, as may be permitted by law and to licensees in this State as follows:

Class 1. A Distiller may make sales and deliveries of alcoholic liquor to distillers, rectifiers, importing distributors, distributors and non-beverage users and to no other licensees.

Class 2. A Rectifier, who is not a distiller, as defined herein, may make sales and deliveries of alcoholic liquor to rectifiers, importing distributors, distributors, retailers and non-beverage users and to no other licensees.

Class 3. A Brewer may make sales and deliveries of beer to importing distributors, distributors, and to non-licensees, and to retailers provided the brewer obtains an importing distributor's license or distributor's license in accordance with the provisions of this Act.

Class 4. A first class wine-manufacturer may make sales and deliveries of up to 50,000 gallons of wine to manufacturers, importing distributors and distributors, and to no other licensees.

Class 5. A second class Wine manufacturer may make sales and deliveries of more than 50,000 gallons of wine to manufacturers, importing distributors and distributors and to no other licensees.

Class 6. A first-class wine-maker's license shall allow the manufacture of up to 50,000 gallons of wine per year, and the storage and sale of such wine to distributors in the State and to persons without the State, as may be permitted by law. ~~A first class wine maker's license shall allow the sale of no more than 5,000 gallons of the licensee's wine to retailers. The State Commission shall issue only one first class wine maker's license to any person, firm, partnership, corporation, or other legal business entity that is engaged in the making of less than 50,000 gallons of wine annually that applies for a first class wine maker's license. No subsidiary or affiliate thereof, nor any officer, associate, member, partner, representative, employee, agent, or shareholder may be issued an additional wine maker's license by the State Commission.~~

Class 7. A second-class wine-maker's license shall allow the manufacture of between 50,000 and 150,000 ~~100,000~~ gallons of wine per year, and the storage and sale of such wine to distributors in this State and to persons without the State, as may be permitted by law. ~~A second class wine maker's license shall allow the sale of no more than 10,000 gallons of the licensee's wine directly to retailers. The State Commission shall issue only one second class wine maker's license to any person, firm, partnership, corporation, or other legal business entity that is engaged in the making of less than 100,000 gallons of wine annually that applies for a second class wine maker's license. No subsidiary or affiliate thereof, or any officer, associate, member, partner, representative, employee, agent, or shareholder may be issued an additional wine maker's license by the State Commission.~~

Class 8. A limited wine-manufacturer may make sales and deliveries not to exceed 40,000 gallons of wine per year to distributors, and to non-licensees in accordance with the provisions of this Act.

(a-1) A manufacturer which is licensed in this State to make sales or deliveries of alcoholic liquor and which enlists agents, representatives, or individuals acting on its behalf who contact licensed retailers on a regular and continual basis in this State must register those agents, representatives, or persons acting on its behalf with the State Commission.

Registration of agents, representatives, or persons acting on behalf of a manufacturer is fulfilled by submitting a form to the Commission. The form shall be developed by the Commission and shall include the name and address of the applicant, the name and address of the manufacturer he or she represents, the territory or areas assigned to sell to or discuss pricing terms of alcoholic liquor, and any other questions deemed appropriate and necessary. All statements in the forms required to be made by law or by rule shall be deemed material, and any person who knowingly misstates any material fact under oath in an application is guilty of a Class B misdemeanor. Fraud, misrepresentation, false statements,

misleading statements, evasions, or suppression of material facts in the securing of a registration are grounds for suspension or revocation of the registration.

(b) A distributor's license shall allow the wholesale purchase and storage of alcoholic liquors and sale of alcoholic liquors to licensees in this State and to persons without the State, as may be permitted by law.

(c) An importing distributor's license may be issued to and held by those only who are duly licensed distributors, upon the filing of an application by a duly licensed distributor, with the Commission and the Commission shall, without the payment of any fee, immediately issue such importing distributor's license to the applicant, which shall allow the importation of alcoholic liquor by the licensee into this State from any point in the United States outside this State, and the purchase of alcoholic liquor in barrels, casks or other bulk containers and the bottling of such alcoholic liquors before resale thereof, but all bottles or containers so filled shall be sealed, labeled, stamped and otherwise made to comply with all provisions, rules and regulations governing manufacturers in the preparation and bottling of alcoholic liquors. The importing distributor's license shall permit such licensee to purchase alcoholic liquor from Illinois licensed non-resident dealers and foreign importers only.

(d) A retailer's license shall allow the licensee to sell and offer for sale at retail, only in the premises specified in the license, alcoholic liquor for use or consumption, but not for resale in any form: Provided that any retail license issued to a manufacturer shall only permit the manufacturer to sell beer at retail on the premises actually occupied by the manufacturer. For the purpose of further describing the type of business conducted at a retail licensed premises, a retailer's licensee may be designated by the State Commission as (i) an on premise consumption retailer, (ii) an off premise sale retailer, or (iii) a combined on premise consumption and off premise sale retailer.

Notwithstanding any other provision of this subsection (d), a retail licensee may sell alcoholic liquors to a special event retailer licensee for resale to the extent permitted under subsection (e).

(e) A special event retailer's license (not-for-profit) shall permit the licensee to purchase alcoholic liquors from an Illinois licensed distributor (unless the licensee purchases less than $500 of alcoholic liquors for the special event, in which case the licensee may purchase the alcoholic liquors from a licensed retailer) and shall allow the licensee to sell and offer for sale, at retail, alcoholic liquors for use or consumption, but not for resale in any form and only at the location and on the specific dates designated for the special event in the license. An applicant for a special event retailer license must (i) furnish with the application: (A) a resale number issued under Section 2c of the Retailers' Occupation Tax Act or evidence that the applicant is registered under Section 2a of the Retailers' Occupation Tax Act, (B) a current, valid exemption identification number issued under Section 1g of the Retailers' Occupation Tax Act, and a certification to the Commission that the purchase of alcoholic liquors will be a tax-exempt purchase, or (C) a statement that the applicant is not registered under Section 2a of the Retailers' Occupation Tax Act, does not hold a resale number under Section 2c of the Retailers' Occupation Tax Act, and does not hold an exemption number under Section 1g of the Retailers' Occupation Tax Act, in which event the Commission shall set forth on the special event retailer's license a statement to that effect; (ii) submit with the application proof satisfactory to the State Commission that the applicant will provide dram shop liability insurance in the maximum limits; and (iii) show proof satisfactory to the State Commission that the applicant has obtained local authority approval.

(f) A railroad license shall permit the licensee to import alcoholic liquors into this State from any point in the United States outside this State and to store such alcoholic liquors in this State; to make wholesale purchases of alcoholic liquors directly from manufacturers, foreign importers, distributors and importing distributors from within or outside this State; and to store such alcoholic liquors in this State; provided that the above powers may be exercised only in connection with the importation, purchase or storage of alcoholic liquors to be sold or dispensed on a club, buffet, lounge or dining car operated on an electric, gas or steam railway in this State; and provided further, that railroad licensees exercising the above powers shall be subject to all provisions of Article VIII of this Act as applied to importing distributors. A railroad license shall also permit the licensee to sell or dispense alcoholic liquors on any club, buffet, lounge or dining car operated on an electric, gas or steam railway regularly operated by a common carrier in this State, but shall not permit the sale for resale of any alcoholic liquors to any licensee within this State. A license shall be obtained for each car in which such sales are made.

(g) A boat license shall allow the sale of alcoholic liquor in individual drinks, on any passenger boat regularly operated as a common carrier on navigable waters in this State or on any riverboat operated under the Riverboat Gambling Act, which boat or riverboat maintains a public dining room or restaurant thereon.

(h) A non-beverage user's license shall allow the licensee to purchase alcoholic liquor from a licensed manufacturer or importing distributor, without the imposition of any tax upon the business of such

licensed manufacturer or importing distributor as to such alcoholic liquor to be used by such licensee solely for the non-beverage purposes set forth in subsection (a) of Section 8-1 of this Act, and such licenses shall be divided and classified and shall permit the purchase, possession and use of limited and stated quantities of alcoholic liquor as follows:

Class 1, not to exceed ..... 500 gallons
Class 2, not to exceed ..... 1,000 gallons
Class 3, not to exceed ..... 5,000 gallons
Class 4, not to exceed ..... 10,000 gallons
Class 5, not to exceed ..... 50,000 gallons

(i) A wine-maker's premises license shall allow a licensee that concurrently holds a first-class wine-maker's license to sell and offer for sale at retail in the premises specified in such license not more than 50,000 gallons of the first-class wine-maker's wine that is made at the first-class wine-maker's licensed premises per year for use or consumption, but not for resale in any form. A wine-maker's premises license shall allow a licensee who concurrently holds a second-class wine-maker's license to sell and offer for sale at retail in the premises specified in such license up to 150,000 ~~100,000~~ gallons of the second-class wine-maker's wine that is made at the second-class wine-maker's licensed premises per year for use or consumption but not for resale in any form. A wine-maker's premises license shall allow a licensee that concurrently holds a first-class wine-maker's license or a second-class wine-maker's license to sell and offer for sale at retail at the premises specified in the wine-maker's premises license, for use or consumption but not for resale in any form, any beer, wine, and spirits purchased from a licensed distributor. Upon approval from the State Commission, a wine-maker's premises license shall allow the licensee to sell and offer for sale at (i) the wine-maker's licensed premises and (ii) at up to 2 additional locations for use and consumption and not for resale. Each location shall require additional licensing per location as specified in Section 5-3 of this Act. A wine-maker's premises licensee shall secure liquor liability insurance coverage in an amount at least equal to the maximum liability amounts set forth in subsection (a) of Section 6-21 of this Act.

(j) An airplane license shall permit the licensee to import alcoholic liquors into this State from any point in the United States outside this State and to store such alcoholic liquors in this State; to make wholesale purchases of alcoholic liquors directly from manufacturers, foreign importers, distributors and importing distributors from within or outside this State; and to store such alcoholic liquors in this State; provided that the above powers may be exercised only in connection with the importation, purchase or storage of alcoholic liquors to be sold or dispensed on an airplane; and provided further, that airplane licensees exercising the above powers shall be subject to all provisions of Article VIII of this Act as applied to importing distributors. An airplane licensee shall also permit the sale or dispensing of alcoholic liquors on any passenger airplane regularly operated by a common carrier in this State, but shall not permit the sale for resale of any alcoholic liquors to any licensee within this State. A single airplane license shall be required of an airline company if liquor service is provided on board aircraft in this State. The annual fee for such license shall be as determined in Section 5-3.

(k) A foreign importer's license shall permit such licensee to purchase alcoholic liquor from Illinois licensed non-resident dealers only, and to import alcoholic liquor other than in bulk from any point outside the United States and to sell such alcoholic liquor to Illinois licensed importing distributors and to no one else in Illinois; provided that the foreign importer registers with the State Commission every brand of alcoholic liquor that it proposes to sell to Illinois licensees during the license period and provided further that the foreign importer complies with all of the provisions of Section 6-9 of this Act with respect to registration of such Illinois licensees as may be granted the right to sell such brands at wholesale.

(l) (i) A broker's license shall be required of all persons who solicit orders for, offer to sell or offer to supply alcoholic liquor to retailers in the State of Illinois, or who offer to retailers to ship or cause to be shipped or to make contact with distillers, rectifiers, brewers or manufacturers or any other party within or without the State of Illinois in order that alcoholic liquors be shipped to a distributor, importing distributor or foreign importer, whether such solicitation or offer is consummated within or without the State of Illinois.

No holder of a retailer's license issued by the Illinois Liquor Control Commission shall purchase or receive any alcoholic liquor, the order for which was solicited or offered for sale to such retailer by a broker unless the broker is the holder of a valid broker's license.

The broker shall, upon the acceptance by a retailer of the broker's solicitation of an order or offer to sell or supply or deliver or have delivered alcoholic liquors, promptly forward to the Illinois Liquor Control Commission a notification of said transaction in such form as the Commission may by regulations prescribe.

(ii) A broker's license shall be required of a person within this State, other than a retail licensee, who, for a fee or commission, promotes, solicits, or accepts orders for alcoholic liquor, for use or consumption and not for resale, to be shipped from this State and delivered to residents outside of this State by an express company, common carrier, or contract carrier. ~~This Section does not apply to any person who promotes, solicits, or accepts orders for wine as specifically authorized in Section 6-29 of this Act.~~

A broker's license under this subsection (l) ~~(1)~~ shall not entitle the holder to buy or sell any alcoholic liquors for his own account or to take or deliver title to such alcoholic liquors.

This subsection (l) ~~(1)~~ shall not apply to distributors, employees of distributors, or employees of a manufacturer who has registered the trademark, brand or name of the alcoholic liquor pursuant to Section 6-9 of this Act, and who regularly sells such alcoholic liquor in the State of Illinois only to its registrants thereunder.

Any agent, representative, or person subject to registration pursuant to subsection (a-1) of this Section shall not be eligible to receive a broker's license.

(m) A non-resident dealer's license shall permit such licensee to ship into and warehouse alcoholic liquor into this State from any point outside of this State, and to sell such alcoholic liquor to Illinois licensed foreign importers and importing distributors and to no one else in this State; provided that said non-resident dealer shall register with the Illinois Liquor Control Commission each and every brand of alcoholic liquor which it proposes to sell to Illinois licensees during the license period; and further provided that it shall comply with all of the provisions of Section 6-9 hereof with respect to registration of such Illinois licensees as may be granted the right to sell such brands at wholesale.

(n) A brew pub license shall allow the licensee to manufacture beer only on the premises specified in the license, to make sales of the beer manufactured on the premises to importing distributors, distributors, and to non-licensees for use and consumption, to store the beer upon the premises, and to sell and offer for sale at retail from the licensed premises, provided that a brew pub licensee shall not sell for off-premises consumption more than 50,000 gallons per year.

(o) A caterer retailer license shall allow the holder to serve alcoholic liquors as an incidental part of a food service that serves prepared meals which excludes the serving of snacks as the primary meal, either on or off-site whether licensed or unlicensed.

(p) An auction liquor license shall allow the licensee to sell and offer for sale at auction wine and spirits for use or consumption, or for resale by an Illinois liquor licensee in accordance with provisions of this Act. An auction liquor license will be issued to a person and it will permit the auction liquor licensee to hold the auction anywhere in the State. An auction liquor license must be obtained for each auction at least 14 days in advance of the auction date.

(q) A special use permit license shall allow an Illinois licensed retailer to transfer a portion of its alcoholic liquor inventory from its retail licensed premises to the premises specified in the license hereby created, and to sell or offer for sale at retail, only in the premises specified in the license hereby created, the transferred alcoholic liquor for use or consumption, but not for resale in any form. A special use permit license may be granted for the following time periods: one day or less; 2 or more days to a maximum of 15 days per location in any 12 month period. An applicant for the special use permit license must also submit with the application proof satisfactory to the State Commission that the applicant will provide dram shop liability insurance to the maximum limits and have local authority approval.

(r) A direct wine shipper's license shall allow a person with a first-class or second-class wine manufacturer's license, a first-class or second-class wine-maker's license, or a limited wine manufacturer's license or who is licensed to manufacture wine under the laws of another state to ship wine manufactured by that licensee directly to a resident of this State who is 21 years of age or older for that resident's personal use and not for resale. Prior to receiving a direct wine shipper's license, an applicant for the license must provide the State Commission with a true copy of its current license in any state in which it is licensed as a manufacturer of wine. An applicant for a direct wine shipper's license must also complete an application form that provides any other information the State Commission deems necessary. The application form shall include an acknowledgement consenting to the jurisdiction of the State Commission, the Illinois Department of Revenue, and the courts of this State concerning the enforcement of this Act and any related laws, rules, and regulations, including authorizing the Department of Revenue and the State Commission to conduct audits for the purpose of insuring compliance with this Act.

A direct wine shipper licensee must pay to the Department of Revenue the State liquor gallonage tax under Section 8-1 for all wine that is sold by the licensee and shipped to a person in this State. A licensee who is not otherwise required to register under the Retailers' Occupation Tax Act must register under the Use Tax Act to collect and remit use tax to the Department of Revenue for all gallons of wine that are sold by the licensee and shipped to persons in this State. If a licensee fails to remit the tax imposed under

this Act in accordance with the provisions of Article VIII of this Act, the direct wine shipper's license shall be revoked in accordance with the provisions of Article VII of this Act. If a licensee fails to properly register and remit tax under the Use Tax Act or the Retailers' Occupation Tax Act for all wine that is sold by the direct wine shipper and shipped to persons in this State, the direct wine shipper's license shall be revoked in accordance with the provisions of Article VII of this Act.

A direct wine shipper licensee must collect, maintain, and submit to the State Commission on a semi-annual basis all of the following information:

(1) The name and birth date of each Illinois purchaser.

(2) The full mailing address of each Illinois purchaser, including the zip code.

(3) The name, total quantity, and total price of the wine purchased.

(4) The date of purchase.

(5) The name and address of the transporter or common carrier delivering the wine.

(6) The signature of the person filing the report.

(7) Any other information required by the State Commission.

A direct wine shipper licensed under this subsection (r) must comply with the requirements of Section 6-29 of this Act.

(Source: P.A. 92-105, eff. 1-1-02; 92-378, eff. 8-16-01; 92-651, eff. 7-11-02; 92-672, eff. 7-16-02; 93-923, eff. 8-12-04; 93-1057, eff. 12-2-04; revised 12-6-04.)

(235 ILCS 5/5-3) (from Ch. 43, par. 118)

Sec. 5-3. License fees. Except as otherwise provided herein, at the time application is made to the State Commission for a license of any class, the applicant shall pay to the State Commission the fee hereinafter provided for the kind of license applied for.

The fee for licenses issued by the State Commission shall be as follows:

For a manufacturer's license:	
Class 1. Distiller	$3,600
Class 2. Rectifier	3,600
Class 3. Brewer	900
Class 4. First-class Wine Manufacturer	600
Class 5. Second-class Wine Manufacturer	1,200
Class 6. First-class wine-maker	600
Class 7. Second-class wine-maker	1200
Class 8. Limited Wine Manufacturer	120
For a Brew Pub License	1,050
For a caterer retailer's license	200
For a foreign importer's license	25
For an importing distributor's license	25
For a distributor's license	270
For a non-resident dealer's license (500,000 gallons or over)	270
For a non-resident dealer's license (under 500,000 gallons)	90
For a wine-maker's premises license	100
For a direct wine shipper's license (under 250,000 gallons)	150
For a direct wine shipper's license (250,000 or over, but under 500,000 gallons)	500
For a direct wine shipper's license (500,000 gallons or over)	1,000
For a wine-maker's premises license, second location	350
For a wine-maker's premises license, third location	350
For a retailer's license	500
For a special event retailer's license, (not-for-profit)	25
For a special use permit license, one day only	50
2 days or more	100

For a railroad license 60
For a boat license 180
For an airplane license, times the licensee's maximum number of aircraft in flight, serving liquor over the State at any given time, which either originate, terminate, or make an intermediate stop in the State 60
For a non-beverage user's license:
Class 1 24
Class 2 60
Class 3 120
Class 4 240
Class 5 600
For a broker's license 600
For an auction liquor license 50

Fees collected under this Section shall be paid into the Dram Shop Fund. On and after July 1, 2003, of the funds received for a retailer's license, in addition to the first $175, an additional $75 shall be paid into the Dram Shop Fund, and $250 shall be paid into the General Revenue Fund. Beginning June 30, 1990 and on June 30 of each subsequent year through June 29, 2003, any balance over $5,000,000 remaining in the Dram Shop Fund shall be credited to State liquor licensees and applied against their fees for State liquor licenses for the following year. The amount credited to each licensee shall be a proportion of the balance in the Dram Fund that is the same as the proportion of the license fee paid by the licensee under this Section for the period in which the balance was accumulated to the aggregate fees paid by all licensees during that period.

No fee shall be paid for licenses issued by the State Commission to the following non-beverage users:

(a) Hospitals, sanitariums, or clinics when their use of alcoholic liquor is exclusively medicinal, mechanical or scientific.

(b) Universities, colleges of learning or schools when their use of alcoholic liquor is exclusively medicinal, mechanical or scientific.

(c) Laboratories when their use is exclusively for the purpose of scientific research.

(Source: P.A. 92-378, eff. 8-16-01; 93-22, eff. 6-20-03.)

(235 ILCS 5/6-4) (from Ch. 43, par. 121)

Sec. 6-4. (a) No person licensed by any licensing authority as a distiller, or a wine manufacturer, or any subsidiary or affiliate thereof, or any officer, associate, member, partner, representative, employee, agent or shareholder owning more than 5% of the outstanding shares of such person shall be issued an importing distributor's or distributor's license, nor shall any person licensed by any licensing authority as an importing distributor, distributor or retailer, or any subsidiary or affiliate thereof, or any officer or associate, member, partner, representative, employee, agent or shareholder owning more than 5% of the outstanding shares of such person be issued a distiller's license or a wine manufacturer's license; and no person or persons licensed as a distiller by any licensing authority shall have any interest, directly or indirectly, with such distributor or importing distributor.

However, an importing distributor or distributor, which on January 1, 1985 is owned by a brewer, or any subsidiary or affiliate thereof or any officer, associate, member, partner, representative, employee, agent or shareholder owning more than 5% of the outstanding shares of the importing distributor or distributor referred to in this paragraph, may own or acquire an ownership interest of more than 5% of the outstanding shares of a wine manufacturer and be issued a wine manufacturer's license by any licensing authority.

(b) The foregoing provisions shall not apply to any person licensed by any licensing authority as a distiller or wine manufacturer, or to any subsidiary or affiliate of any distiller or wine manufacturer who shall have been heretofore licensed by the State Commission as either an importing distributor or distributor during the annual licensing period expiring June 30, 1947, and shall actually have made sales regularly to retailers.

(c) Provided, however, that in such instances where a distributor's or importing distributor's license has been issued to any distiller or wine manufacturer or to any subsidiary or affiliate of any distiller or wine manufacturer who has, during the licensing period ending June 30, 1947, sold or distributed as such licensed distributor or importing distributor alcoholic liquors and wines to retailers, such distiller or wine manufacturer or any subsidiary or affiliate of any distiller or wine manufacturer holding such distributor's or importing distributor's license may continue to sell or distribute to retailers such alcoholic

liquors and wines which are manufactured, distilled, processed or marketed by distillers and wine manufacturers whose products it sold or distributed to retailers during the whole or any part of its licensing periods; and such additional brands and additional products may be added to the line of such distributor or importing distributor, provided, that such brands and such products were not sold or distributed by any distributor or importing distributor licensed by the State Commission during the licensing period ending June 30, 1947, but can not sell or distribute to retailers any other alcoholic liquors or wines.

(d) It shall be unlawful for any distiller licensed anywhere to have any stock ownership or interest in any distributor's or importing distributor's license wherein any other person has an interest therein who is not a distiller and does not own more than 5% of any stock in any distillery. Nothing herein contained shall apply to such distillers or their subsidiaries or affiliates, who had a distributor's or importing distributor's license during the licensing period ending June 30, 1947, which license was owned in whole by such distiller, or subsidiaries or affiliates of such distiller.

(e) Any person having been licensed as a manufacturer shall be permitted to receive one retailer's license for the premises in which he actually conducts such business, permitting the sale of beer only on such premises, but no such person shall be entitled to more than one retailer's license in any event, and, other than a manufacturer of beer as stated above, no manufacturer or distributor or importing distributor, excluding airplane licensees exercising powers provided in paragraph (i) of Section 5-1 of this Act, or any subsidiary or affiliate thereof, or any officer, associate, member, partner, representative, employee or agent, or shareholder shall be issued a retailer's license, nor shall any person having a retailer's license, excluding airplane licensees exercising powers provided in paragraph (i) of Section 5-1 of this Act, or any subsidiary or affiliate thereof, or any officer, associate, member, partner, representative or agent, or shareholder be issued a manufacturer's license, importing distributor's license.

(f) However, the foregoing prohibitions against any person licensed as a distiller or wine manufacturer being issued a retailer's license shall not apply:

(i) to any hotel, motel or restaurant whose principal business is not the sale of alcoholic liquors if said retailer's sales of any alcoholic liquors manufactured, sold, distributed or controlled, directly or indirectly, by any affiliate, subsidiary, officer, associate, member, partner, representative, employee, agent or shareholder owning more than 5% of the outstanding shares of such person does not exceed 10% of the total alcoholic liquor sales of said retail licensee; and

(ii) where the Commission determines, having considered the public welfare, the economic impact upon the State and the entirety of the facts and circumstances involved, that the purpose and intent of this Section would not be violated by granting an exemption.

(g) Notwithstanding any of the foregoing prohibitions, a limited wine manufacturer may sell at retail at its manufacturing site for on or off premises consumption and may sell to distributors. A limited wine manufacturer licensee shall secure liquor liability insurance coverage in an amount at least equal to the maximum liability amounts set forth in subsection (a) of Section 6-21 of this Act.

(Source: P.A. 86-858.)

(235 ILCS 5/6-29) (from Ch. 43, par. 144e)

Sec. 6-29. Interstate ~~reciprocal~~ wine shipments.

(a) The General Assembly declares that the following is the intent of this Section:

(1) To authorize direct shipment of wine by an out-of-state wine-maker on the same basis permitted in-state wine-maker pursuant to the authority of the State under the provisions of Section 2 of the Twenty-First Amendment to the United States Constitution and in conformance with the United States Supreme Court decisions decided May 16, 2005 in the cases of *Granholm v. Heald* and *Swedenburg v. Kelly*.

(2) To reaffirm that the General Assembly's findings and declarations that selling alcoholic liquor through various direct marketing means such as catalogs, newspapers, mailings, and the Internet directly to consumers of this State poses a serious threat to the State's efforts to further temperance and prevent youth from accessing alcoholic liquor and does not result in any expansion of youth accessing additional types of alcoholic liquors.

(3) To ensure that the State's broad powers granted by Section 2 of the Twenty-First Amendment to the United States Constitution to control the importation or sale of alcoholic liquor and its right to structure its alcoholic liquor distribution system are protected.

(4) To ensure that the General Assembly, by authorizing limited direct shipment of wine to meet the directives of the United States Supreme Court, does not intend to impair or modify the State's distribution of wine through distributors or importing distributors, but only to permit limited shipment of wine for personal use.

(5) To provide that, in the event that a court of competent jurisdiction declares or finds that this

Section, which is enacted to conform Illinois law to the United States Supreme Court's decisions, is invalid or unconstitutional, the Illinois General Assembly at its earliest general session shall conduct hearings, study methods, and pass legislation conforming to any directive or order of the court consistent with the temperance and revenue collection purposes of the Liquor Control Act of 1934.

(b) Notwithstanding any other provision of law, a direct wine shipper licensee may ship, for personal use and not for resale, not more than 12 cases of wine per year to any resident of this State who is 21 year of age or older. Sale and shipment by a direct wine shipper licensee pursuant to this Section shall be deemed to constitute a sale in this State.

(b-5) A direct wine shipper licensee shall affix on the shipping container a label which shall read as follows: "CONTAINS ALCOHOL. SIGNATURE OF A PERSON 21 YEARS OF AGE OR OLDER REQUIRED FOR DELIVERY. PROOF OF AGE AND IDENTITY MUST BE SHOWN BEFORE DELIVERY.". This warning language must be prominently displayed on the packaging. At the expense of the licensee, the licensee shall require the express company, common carrier, or contract carrier that delivers the wine to obtain the signature of a person 21 years of age or older at the delivery address at the time of delivery. At the expense of the licensee, the licensee shall receive a delivery confirmation from the express company, common carrier, or contract carrier indicating the location of the delivery, time of delivery, and the name and signature of the individual 21 years of age or older who accepts delivery. The State Commission shall design and create a label that must be affixed to the shipping container by the licensee. ~~Notwithstanding any other provision of law, an adult resident or holder of an alcoholic beverage license in a state which affords Illinois licensees or adult residents an equal reciprocal shipping privilege may ship, for personal use and not for resale, not more than 2 cases of wine (each case containing not more than 9 liters) per year to any adult resident of this State. Delivery of a shipment pursuant to this Section shall not be deemed to constitute a sale in this State.~~

~~(b) The shipping container of any wine sent into or out of this State under this Section shall be clearly labeled to indicate that the package cannot be delivered to a person under the age of 21 years.~~

(c) No broker within this State shall solicit consumers to engage in interstate ~~reciprocal~~ wine shipments under this Section. ~~No shipper located outside this State may advertise such interstate reciprocal wine shipments in this State.~~

(d) It is not the intent of this Section to impair the distribution of wine through distributors or importing distributors, but only to permit shipments of wine for personal use.

(Source: P.A. 86-1483.)

(235 ILCS 5/6-29.1)

Sec. 6-29.1. Direct shipments of alcoholic liquor.

(a) The General Assembly makes the following findings:

(1) The General Assembly of Illinois, having reviewed the Liquor Control Act of 1934 in light of the United States Supreme Court's 2005 decision in *Granholm v. Heald*, has determined to conform that law to the constitutional principles enunciated by the Court in a manner that best preserves the temperance, revenue, and orderly distribution values of the Act.

(2) Maximizing the availability and minimizing the price of alcoholic liquor is not the policy of the State of Illinois.

(3) Minimizing automobile accidents and fatalities, domestic violence, health problems, loss of productivity, unemployment, and other social problems associated with dependency and improvident use of alcoholic beverages remains the policy of Illinois.

(4) To the maximum extent constitutionally feasible, Illinois desires to collect sufficient revenue from excise and use taxes on alcoholic beverages for the purpose of responding to such social problems.

(5) Combined with family education and individual discipline, retail validation of age and assessment of the capacity of the consumer remains the best pre-sale social protection against the problems associated with the abuse of alcoholic liquor.

(6) Therefore, the paramount purpose of this Act is to carefully limit sales of alcoholic beverages outside the licensed retail system and to prohibit such sales for spirits and beer.

For these reasons, the shipment of any alcoholic beverage to any person in Illinois not licensed as a distributor, importing distributor, manufacturer, or non-resident dealer or not shipped pursuant to the provisions of this Act is prohibited. The State Commission shall establish a system to notify the out-of-state trade of this prohibition and to detect violations. The State Commission shall request the Governor and Attorney General to extradite any offender.

(b) Pursuant to the Twenty-First Amendment of the United States Constitution allowing states to regulate the distribution and sale of alcoholic liquor and pursuant to the federal Webb-Kenyon Act declaring that alcoholic liquor shipped in interstate commerce must comply with state laws, the General Assembly hereby finds and declares that selling alcoholic liquor from a point outside this State through

various direct marketing means, such as catalogs, newspapers, mailers, and the Internet, directly to residents of this State poses a serious threat to the State's efforts to prevent youths from accessing alcoholic liquor; to State revenue collections; and to the economy of this State.

Any person manufacturing, distributing, or selling alcoholic liquor who knowingly ships or transports or causes the shipping or transportation of any alcoholic liquor from a point outside this State to a person in this State who does not hold a manufacturer's, distributor's, importing distributor's, or non-resident dealer's license issued by the Liquor Control Commission, other than a shipment of sacramental wine to a bona fide religious organization, a shipment authorized by Section 6-29, or any other shipment authorized by this Act, is in violation of this Act.

The Commission, upon determining, after investigation, that a person has violated this Section, shall give notice to the person by certified mail to cease and desist all shipments of alcoholic liquor into this State and to withdraw from this State within 5 working days after receipt of the notice all shipments of alcoholic liquor then in transit.

Whenever the Commission has reason to believe that a person has failed to comply with the Commission notice under this Section, it shall notify the Department of Revenue and file a complaint with the State's Attorney of the county where the alcoholic liquor was delivered or with appropriate law enforcement officials.

Failure to comply with the notice issued by the Commission under this Section constitutes a business offense for which the person shall be fined not more than $1,000 for a first offense, not more than $5,000 for a second offense, and not more than $10,000 for a third or subsequent offense. Each shipment of alcoholic liquor delivered in violation of the cease and desist notice shall constitute a separate offense.
(Source: P.A. 90-739, eff. 8-13-98.)

Section 90. Severability. The General Assembly recognizes that courts established pursuant to the Constitution of the United States and the Constitution of the State of Illinois construe statutory provisions dealing with judicial interpretation, severability, and partial invalidity by determining whether the legislative intent was to enforce the remainder of the law enacted in the event of a judicial determination of partial invalidity. For the purpose of explaining such intent, if any provision, application, exemption, exception, or authorization of this amendatory Act of the 94th General Assembly, the Retailers' Occupation Tax Act, Section 3-7 of the Uniform Penalty and Interest Act, or the Liquor Control Act of 1934 is held invalid, then all other constitutional provisions, exemptions, exceptions, and authorizations of this amendatory Act of the 94th General Assembly are severable and shall be given effect.

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

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 Maloney, **Senate Bill No. 2225,** having been printed, was taken up, read by title a second time.

Floor Amendment No. 1 was held in the Committee on Higher Education.

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

On motion of Senator Burzynski, **Senate Bill No. 2303** having been printed, was taken up, read by title a second time.

Senator Burzynski offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2303

AMENDMENT NO. 1. Amend Senate Bill 2303 by replacing everything after the enacting clause with the following:

"Section 5. The Good Samaritan Act is amended by adding Section 67 as follows:
(745 ILCS 49/67 new)

Sec. 67. First aid providers; exemption for first aid. Any person who is currently certified in first aid by the American Red Cross or the American Heart Association and who in good faith provides first aid without fee to any person shall not, as a result of his or her acts or omissions, except willful and wanton

misconduct on the part of the person in providing the aid, be liable to a person to whom such aid is provided for civil damages.

The provisions of this Section shall not apply to any health care facility as defined in Section 8-2001 of the Code of Civil Procedure or to any practitioner as defined in Section 8-2003 of the Code of Civil Procedure providing services in a hospital or health care facility.

Section 99. Effective date. This Act takes effect 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 Garrett, **Senate Bill No. 2326** having been printed, was taken up, read by title a second time.

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

Senator Garrett offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2326

AMENDMENT NO. 2. Amend Senate Bill 2326 by replacing everything after the enacting clause with the following:

"Section 5. The Open Meetings Act is amended by changing Section 2 as follows:

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

Sec. 2. Open meetings.

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

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

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

(1) The appointment, employment, compensation, discipline, performance, or dismissal of specific employees of the public body or legal counsel for the public body, including hearing testimony on a complaint lodged against an employee of the public body or against legal counsel for the public body to determine its validity.

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

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

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

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

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

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

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

(9) Student disciplinary cases.

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

(11) Litigation, when an action against, affecting or on behalf of the particular public body has been filed and is pending before a court or administrative tribunal, or when the public body finds that an action is probable or imminent, in which case the basis for the finding shall be

recorded and entered into the minutes of the closed meeting.

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

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

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

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

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

(17) The recruitment, credentialing, discipline or formal peer review of physicians or other health care professionals for a hospital, or other institution providing medical care, that is operated by the public body.

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

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

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

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

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

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

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

(d) Definitions. For purposes of this Section:

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

"Public office" means a position created by or under the Constitution or laws of this State, the occupant of which is charged with the exercise of some portion of the sovereign power of this State. The term "public office" shall include members of the public body, but it shall not include organizational positions filled by members thereof, whether established by law or by a public body itself, that exist to assist the body in the conduct of its business.

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

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

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

Section 10. The Freedom of Information Act is amended by changing Section 7 as follows:

(5 ILCS 140/7) (from Ch. 116, par. 207)
Sec. 7. Exemptions.
(1) The following shall be exempt from inspection and copying:
(a) Information specifically prohibited from disclosure by federal or State law or rules and regulations adopted under federal or State law.
(b) Information that, if disclosed, would constitute a clearly unwarranted invasion of personal privacy, unless the disclosure is consented to in writing by the individual subjects of the information. The disclosure of information that bears on the public duties of public employees and officials shall not be considered an invasion of personal privacy. Information exempted under this subsection (b) shall include but is not limited to:
(i) files and personal information maintained with respect to clients, patients, residents, students or other individuals receiving social, medical, educational, vocational, financial, supervisory or custodial care or services directly or indirectly from federal agencies or public bodies;
(ii) personnel files and personal information maintained with respect to employees, appointees or elected officials of any public body or applicants for those positions;
(iii) files and personal information maintained with respect to any applicant, registrant or licensee by any public body cooperating with or engaged in professional or occupational registration, licensure or discipline;
(iv) information required of any taxpayer in connection with the assessment or collection of any tax unless disclosure is otherwise required by State statute;
(v) information revealing the identity of persons who file complaints with or provide information to administrative, investigative, law enforcement or penal agencies; provided, however, that identification of witnesses to traffic accidents, traffic accident reports, and rescue reports may be provided by agencies of local government, except in a case for which a criminal investigation is ongoing, without constituting a clearly unwarranted per se invasion of personal privacy under this subsection; and
(vi) the names, addresses, or other personal information of participants and registrants in park district, forest preserve district, and conservation district programs.
(c) Records compiled by any public body for administrative enforcement proceedings and any law enforcement or correctional agency for law enforcement purposes or for internal matters of a public body, but only to the extent that disclosure would:
(i) interfere with pending or actually and reasonably contemplated law enforcement proceedings conducted by any law enforcement or correctional agency;
(ii) interfere with pending administrative enforcement proceedings conducted by any public body;
(iii) deprive a person of a fair trial or an impartial hearing;
(iv) unavoidably disclose the identity of a confidential source or confidential information furnished only by the confidential source;
(v) disclose unique or specialized investigative techniques other than those generally used and known or disclose internal documents of correctional agencies related to detection, observation or investigation of incidents of crime or misconduct;
(vi) constitute an invasion of personal privacy under subsection (b) of this Section;
(vii) endanger the life or physical safety of law enforcement personnel or any other person; or
(viii) obstruct an ongoing criminal investigation.
(d) Criminal history record information maintained by State or local criminal justice agencies, except the following which shall be open for public inspection and copying:
(i) chronologically maintained arrest information, such as traditional arrest logs or blotters;
(ii) the name of a person in the custody of a law enforcement agency and the charges for which that person is being held;
(iii) court records that are public;
(iv) records that are otherwise available under State or local law; or
(v) records in which the requesting party is the individual identified, except as provided under part (vii) of paragraph (c) of subsection (1) of this Section.
"Criminal history record information" means data identifiable to an individual and consisting of descriptions or notations of arrests, detentions, indictments, informations, pre-trial

proceedings, trials, or other formal events in the criminal justice system or descriptions or notations of criminal charges (including criminal violations of local municipal ordinances) and the nature of any disposition arising therefrom, including sentencing, court or correctional supervision, rehabilitation and release. The term does not apply to statistical records and reports in which individuals are not identified and from which their identities are not ascertainable, or to information that is for criminal investigative or intelligence purposes.

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

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

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

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

(ii) All trade secrets and commercial or financial information obtained by a public body, including a public pension fund, from a private equity fund or a privately held company within the investment portfolio of a private equity fund as a result of either investing or evaluating a potential investment of public funds in a private equity fund. The exemption contained in this item does not apply to the aggregate financial performance information of a private equity fund, nor to the identity of the fund's managers or general partners. The exemption contained in this item does not apply to the identity of a privately held company within the investment portfolio of a private equity fund, unless the disclosure of the identity of a privately held company may cause competitive harm.

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

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

(i) Valuable formulae, computer geographic systems, designs, drawings and research data obtained or produced by any public body when disclosure could reasonably be expected to produce private gain or public loss. The exemption for "computer geographic systems" provided in this paragraph (i) does not extend to requests made by news media as defined in Section 2 of this Act when the requested information is not otherwise exempt and the only purpose of the request is to access and disseminate information regarding the health, safety, welfare, or legal rights of the general public.

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

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

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

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

(n) Communications between a public body and an attorney or auditor representing the public body that would not be subject to discovery in litigation, and materials prepared or compiled by or for a public body in anticipation of a criminal, civil or administrative proceeding upon the request of an attorney advising the public body, and materials prepared or compiled with respect to internal audits of public bodies.

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

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

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

(r) Drafts, notes, recommendations and memoranda pertaining to the financing and marketing transactions of the public body. The records of ownership, registration, transfer, and exchange of municipal debt obligations, and of persons to whom payment with respect to these obligations is made.

(s) The records, documents and information relating to real estate purchase negotiations until those negotiations have been completed or otherwise terminated. With regard to a parcel involved in a pending or actually and reasonably contemplated eminent domain proceeding under Article VII of the Code of Civil Procedure, records, documents and information relating to that parcel shall be exempt except as may be allowed under discovery rules adopted by the Illinois Supreme Court. The records, documents and information relating to a real estate sale shall be exempt until a sale is consummated.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) Beginning July 1, 1999, information that would disclose or might lead to the disclosure of secret or confidential information, codes, algorithms, programs, or private keys intended to be used to create electronic or digital signatures under the Electronic Commerce Security Act.

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

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

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

(mm) Maps and other records regarding the location or security of a utility's generation, transmission, distribution, storage, gathering, treatment, or switching facilities.

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

(oo) Records and information provided to a residential health care facility resident sexual assault and death review team or the ~~Residential Health Care Facility Resident Sexual Assault and Death Review Teams~~ Executive Council under the Abuse Prevention ~~Residential Health Care Facility Resident Sexual Assault and Death~~ Review Team Act.

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

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

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

(Source: P.A. 93-43, eff. 7-1-03; 93-209, eff. 7-18-03; 93-237, eff. 7-22-03; 93-325, eff. 7-23-03, 93-422, eff. 8-5-03; 93-577, eff. 8-21-03; 93-617, eff. 12-9-03; 94-280, eff. 1-1-06; 94-508, eff. 1-1-06; 94-664, eff. 1-1-06; revised 8-29-05.)

Section 15. The Abuse Prevention Review Team Act is amended by changing Sections 5, 15, 20, 25, and 40 and by adding Sections 45 and 50 as follows:

(210 ILCS 28/5)

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

Sec. 5. State policy. The following statements are the policy of this State:

(1) Every nursing home resident is entitled to live in safety and decency and to receive competent and respectful care that meets the requirements of State and federal law.

(2) Responding to sexual assaults of ~~on~~ nursing home residents and to unnecessary nursing home resident deaths is a State and a community responsibility.

(3) When a nursing home resident is sexually assaulted or dies unnecessarily, the response by the State and the community to the assault or death must include an accurate and complete determination of the cause of the assault or death and the development and implementation of measures to prevent future assaults or deaths from similar causes. The response may include court action, including prosecution of persons who may be responsible for the assault or death and proceedings to protect other residents of the facility where the resident lived, and disciplinary action against persons who failed to meet their professional responsibilities to the resident.

(4) Professionals from disparate disciplines and agencies who have responsibilities for nursing home residents and expertise that can promote resident safety and well-being should share

their expertise and knowledge so that the goals of determining the causes of sexual assaults and unnecessary resident deaths, planning and providing services to surviving residents, and preventing future assaults and unnecessary deaths can be achieved.

(5) A greater understanding of the incidence and causes of sexual assaults against nursing home residents and unnecessary nursing home resident deaths is necessary if the State is to prevent future assaults and unnecessary deaths.

(6) Multi-disciplinary and multi-agency reviews of sexual assaults against nursing home residents and unnecessary nursing home resident deaths can assist the State and counties in (i) investigating resident sexual assaults and deaths, (ii) developing a greater understanding of the incidence and causes of resident sexual assault and deaths and the methods for preventing those assaults and deaths, and (iii) identifying gaps in services to nursing home residents.

(7) Access to information regarding assaulted and deceased nursing home residents by multi-disciplinary and multi-agency nursing home resident sexual assault and death review teams is necessary for those teams to fulfill ~~achieve~~ their purposes and duties.

(Source: P.A. 93-577, eff. 8-21-03.)

(210 ILCS 28/15)

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

Sec. 15. Residential health care facility resident sexual assault and death review teams; establishment.

(a) The Director, in consultation with the Executive Council and with law enforcement agencies and other professionals who work in the field of investigating, treating, or preventing nursing home resident abuse or neglect in ~~each of the Department's administrative regions of~~ the State, shall appoint members to two ~~a~~ residential health care facility resident sexual assault and death review teams ~~team in each such region outside Cook County and to at least one review team in Cook County~~. The Director shall appoint more teams if the Director or the existing teams determine that more teams are necessary to achieve the purposes of this Act. An Executive Council shall be organized no later than when at least 4 teams are formed. The members of a team shall be appointed for 2-year staggered terms and shall be eligible for reappointment upon the expiration of their terms.

(b) Each review team shall consist of at least one member from each of the following categories:

(1) Geriatrician or other physician knowledgeable about nursing home resident abuse and neglect.

(2) Representative of the Department.

(3) State's Attorney or State's Attorney's representative.

(4) Representative of a local law enforcement agency.

(5) Representative of the Illinois Attorney General.

(6) Psychologist or psychiatrist.

(7) Representative of a local health department.

(8) Representative of a social service or health care agency that provides services to persons with mental illness, in a program whose accreditation to provide such services is recognized by the Office of Mental Health within the Department of Human Services.

(9) Representative of a social service or health care agency that provides services to persons with developmental disabilities, in a program whose accreditation to provide such services is recognized by the Office of Developmental Disabilities within the Department of Human Services.

(10) Coroner or forensic pathologist.

(11) Representative of the local sub-state ombudsman.

(12) Representative of a nursing home resident advocacy organization.

(13) Representative of a local hospital, trauma center, or provider of emergency medical services.

(14) Representative of an organization that represents nursing homes.

Each review team may make recommendations to the Director concerning additional appointments. Each review team member must have demonstrated experience and an interest in investigating, treating, or preventing nursing home resident abuse or neglect.

(c) Each review team shall select a chairperson from among its members. The chairperson shall also serve on the Illinois Residential Health Care Facility Sexual Assault and Death Review Teams Executive Council.

(Source: P.A. 93-577, eff. 8-21-03.)

(210 ILCS 28/20)

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

Sec. 20. Reviews of nursing home resident sexual assaults and deaths.

(a) Every ~~reported~~ case of sexual assault of a nursing home resident that the Department determined to

be valid ~~is confirmed~~ shall be reviewed by the review team for the region that has primary case management responsibility.

(b) Every death of a nursing home resident shall be reviewed by the review team for the region that has primary case management responsibility, if the deceased resident is one of the following:

(1) A person whose death is reviewed by the Department during any regulatory activity, whether or not there were any federal or State violations ~~care the Department found violated federal or State standards in the 6 months preceding the resident's death~~.

(2) A person about whose care the Department received a complaint alleging that the resident's care violated federal or State standards so as to contribute to the resident's death. ~~A person whose care was the subject of a complaint to the Department in the 30 days preceding the resident's death, or after the resident's death.~~

(3) A resident whose death is referred to the Department for investigation by a local coroner, medical examiner, or law enforcement agency.

A review team may, at its discretion, review other sudden, unexpected, or unexplained nursing home resident deaths. The Department shall bring such deaths to the attention of the teams when it determines that doing so will help to achieve to purposes of this Act.

(c) ~~(b)~~ A review team's purpose in conducting reviews of resident sexual assaults and deaths is to do the following:

(1) Assist in determining the cause and manner of the resident's assault or death, when requested.

(2) Evaluate means, if any, by which the assault or death might have been prevented.

(3) Report its findings to the Director ~~appropriate agencies~~ and make recommendations that may help to reduce the number of sexual assaults on and unnecessary deaths of nursing home residents.

(4) Promote continuing education for professionals involved in investigating, treating, and preventing nursing home resident abuse and neglect as a means of preventing sexual assaults and unnecessary deaths of nursing home residents.

(5) Make specific recommendations to the Director concerning the prevention of sexual assaults and unnecessary deaths of nursing home residents and the establishment of protocols for investigating resident sexual assaults and deaths.

(d) ~~(c)~~ A review team must review the ~~a~~ sexual assault or death cases submitted to it on a quarterly basis. The ~~as soon as practicable and not later than 90 days following the completion by the Department of the investigation of the assault or death under the Nursing Home Care Act. When there has been no investigation by the Department, the review team must review a sexual assault or death within 90 days after obtaining the information necessary to complete the review from the coroner, pathologist, medical examiner, or law enforcement agency, depending on the nature of the case. A~~ review team must meet at least once in each calendar quarter if there are cases to be reviewed. The Department shall forward cases pursuant to subsections (a) and (b) of this Section within 120 days after completion of the investigation.

(e) ~~(d)~~ Within 90 days after receiving recommendations made by a review team under item (5) of subsection (c) ~~(b)~~, the Director must review those recommendations and respond to the review team. The Director shall implement recommendations as feasible and appropriate and shall respond to the review team in writing to explain the implementation or nonimplementation of the recommendations.

(f) ~~(e)~~ In any instance when a review team does not operate in accordance with established protocol, the Director, in consultation and cooperation with the Executive Council, must take any necessary actions to bring the review team into compliance with the protocol.

(Source: P.A. 93-577, eff. 8-21-03.)

(210 ILCS 28/25)

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

Sec. 25. Review team access to information.

(a) The Department shall provide to a review team, on the request of the review team chairperson, all records and information in the Department's possession that are relevant to the review team's review of a sexual assault or death described in subsection (b) of Section 20, including records and information concerning previous reports or investigations of suspected abuse or neglect.

(b) A review team shall have access to all records and information that are relevant to its review of a sexual assault or death and in the possession of a State or local governmental agency. These records and information include, without limitation, death certificates, all relevant medical and mental health records, records of law enforcement agency investigations, records of coroner or medical examiner investigations, records of the Department of Corrections concerning a person's parole, records of a probation and court services department, and records of a social services agency that provided services

to the resident.
(Source: P.A. 93-577, eff. 8-21-03.)

(210 ILCS 28/40)

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

Sec. 40. Executive Council.

(a) The Illinois Residential Health Care Facility Resident Sexual Assault and Death Review Teams Executive Council, consisting of the chairperson of each review team established under Section 15, is the coordinating and oversight body for residential health care facility resident sexual assault and death review teams and activities in Illinois. The vice-chairperson of a review team, as designated by the chairperson, may serve as a back-up member or an alternate member of the Executive Council, if the chairperson of the review team is unavailable to serve on the Executive Council. The Director may appoint to the Executive Council any ex-officio members deemed necessary. Persons with expertise needed by the Executive Council may be invited to meetings. The Executive Council must select from its members a chairperson and a vice-chairperson, each to serve a 2-year, renewable term. The Executive Council must meet at least 4 times during each calendar year if there is business to discuss.

(b) The Department must provide or arrange for the staff support necessary for the review teams and Executive Council to assist them in carrying ~~carry~~ out their ~~its~~ duties.

(c) The Executive Council has, but is not limited to, the following duties:

(1) To request assistance from the Department as needed ~~serve as the voice of review teams in Illinois~~.

(2) To consult with the Director concerning the appointment, reappointment, and removal of review team members.

(3) To ~~oversee the review teams in order to~~ ensure that the teams' work is coordinated and in compliance with the statutes and the operating protocol.

(4) To ensure that the data, results, findings, and recommendations of the review teams are adequately used to make any necessary changes in the policies, procedures, and statutes in order to protect nursing home residents in a timely manner.

(5) To collaborate with ~~the General Assembly,~~ the Department~~, and others~~ in order to develop any legislation needed to prevent nursing home resident sexual assaults and unnecessary deaths and to protect nursing home residents.

(6) To assist in the development of an ~~quarterly and~~ annual report ~~reports~~ based on the work and the findings of the review teams.

(7) To ensure that the review teams' review processes are standardized in order to convey data, findings, and recommendations in a usable format.

(8) To serve as a link with other review teams throughout the country and to participate in national review team activities.

(9) To provide for training ~~develop an annual statewide symposium~~ to update the knowledge and skills of review team members and to promote the exchange of information between review teams.

(10) To provide the review teams with the most current information and practices concerning nursing home resident sexual assault and unnecessary death review and related topics.

(11) To perform any other functions necessary to enhance the capability of the review teams to reduce and prevent sexual assaults and unnecessary deaths of nursing home residents.

(d) Until an Executive Council is formed, the Department shall assist the review teams in performing the duties described in subsection (c).
(Source: P.A. 93-577, eff. 8-21-03.)

(210 ILCS 28/45 new)

Sec. 45. Department's annual report. The Department shall include in its annual Long-Term Care Report to the General Assembly a report of the activities of the review teams and Executive Council, the results of the review teams' findings, recommendations made to the Department by the review teams and the Executive Council, and, as applicable, either (i) the implementation of the recommendations or (ii) the reasons the recommendations were not implemented.

(210 ILCS 28/50 new)

Sec. 50. Funding. Notwithstanding any other provision of law, to the extent permitted by federal law, the Department shall use moneys from fines paid by facilities licensed under the Nursing Home Care Act for violating requirements for certification under Titles XVIII and XIX of the Social Security Act to

implement the provisions of this Act. The Department shall use moneys deposited in the Long Term Care Monitor/Receiver Fund to pay the costs of implementing this Act that cannot be met by the use of federal civil monetary penalties.

(210 ILCS 28/85 rep.)

Section 16. The Abuse Prevention Review Team Act is amended by repealing Section 85.

Section 20. The Nursing Home Care Act is amended by changing Section 3-103 as follows:

(210 ILCS 45/3-103) (from Ch. 111 1/2, par. 4153-103)

Sec. 3-103. The procedure for obtaining a valid license shall be as follows:

(1) Application to operate a facility shall be made to the Department on forms furnished by the Department.

(2) All license applications shall be accompanied with an application fee. The fee for an annual license shall be $995. Facilities that pay a fee or assessment pursuant to Article V-C of the Illinois Public Aid Code shall be exempt from the license fee imposed under this item (2). The fee for a 2-year license shall be double the fee for the annual license set forth in the preceding sentence. The fees collected shall be deposited with the State Treasurer into the Long Term Care Monitor/Receiver Fund, which has been created as a special fund in the State treasury. This special fund is to be used by the Department for expenses related to the appointment of monitors and receivers as contained in Sections 3-501 through 3-517 of this Act and for implementation of the Abuse Prevention Review Team Act. At the end of each fiscal year, any funds in excess of $1,000,000 held in the Long Term Care Monitor/Receiver Fund shall be deposited in the State's General Revenue Fund. The application shall be under oath and the submission of false or misleading information shall be a Class A misdemeanor. The application shall contain the following information:

(a) The name and address of the applicant if an individual, and if a firm, partnership, or association, of every member thereof, and in the case of a corporation, the name and address thereof and of its officers and its registered agent, and in the case of a unit of local government, the name and address of its chief executive officer;

(b) The name and location of the facility for which a license is sought;

(c) The name of the person or persons under whose management or supervision the facility will be conducted;

(d) The number and type of residents for which maintenance, personal care, or nursing is to be provided; and

(e) Such information relating to the number, experience, and training of the employees of the facility, any management agreements for the operation of the facility, and of the moral character of the applicant and employees as the Department may deem necessary.

(3) Each initial application shall be accompanied by a financial statement setting forth the financial condition of the applicant and by a statement from the unit of local government having zoning jurisdiction over the facility's location stating that the location of the facility is not in violation of a zoning ordinance. An initial application for a new facility shall be accompanied by a permit as required by the "Illinois Health Facilities Planning Act". After the application is approved, the applicant shall advise the Department every 6 months of any changes in the information originally provided in the application.

(4) Other information necessary to determine the identity and qualifications of an applicant to operate a facility in accordance with this Act shall be included in the application as required by the Department in regulations.

(Source: P.A. 93-32, eff. 7-1-03; 93-841, eff. 7-30-04.)

Section 25. The Health Care Worker Background Check Act is amended by changing Section 70 as follows:

(225 ILCS 46/70)

Sec. 70. Centers for Medicare and Medicaid Services (CMMS) grant.

(a) In this Section:

"Centers for Medicare and Medicaid Services (CMMS) grant" means the grant awarded to and distributed by the Department of Public Health to enhance the conduct of criminal history records checks of certain health care employees. The CMMS grant is authorized by Section 307 of the federal Medicare Prescription Drug, Improvement, and Modernization Act of 2003, which establishes the framework for a program to evaluate national and state background checks on prospective employees with direct access to patients of long-term care facilities or providers.

"Selected health care employer" means any of the following selected to participate in the CMMS

grant:

(1) a community living facility as defined in the Community Living Facility Act;

(2) a long-term care facility as defined in the Nursing Home Care Act;

(3) a home health agency as defined in the Home Health Agency Licensing Act;

(4) a full hospice as defined in the Hospice Licensing Act;

(5) an establishment licensed under the Assisted Living and Shared Housing Act;

(6) a supportive living facility as defined in the Illinois Public Aid Code;

(7) a day training program certified by the Department of Human Services; ~~or~~

(8) a community integrated living arrangement operated by a community mental health and developmental service agency as defined in the Community Integrated Living Arrangements Licensing and Certification Act; or ~~.~~

(9) a long-term care hospital or hospital with swing beds.

(b) Selected health care employers shall be phased in to participate in the CMMS grant between January 1, 2006 and January 1, 2007, as prescribed by the Department of Public Health by rule.

(c) With regards to individuals hired on or after January 1, 2006 who have direct access to residents, patients, or clients of the selected health care employer, selected health care employers must comply with Section 25 of this Act.

"Individuals who have direct access" includes, but is not limited to, (i) direct care workers as described in subsection (a) of Section 25; (ii) individuals licensed by the Department of Financial and Professional Regulation, such as nurses, social workers, physical therapists, occupational therapists, and pharmacists; (iii) individuals who provide services on site, through contract; and (iv) non-direct care workers, such as those who work in environmental services, food service, and administration.

"Individuals who have direct access" does not include physicians or volunteers.

The Department of Public Health may further define "individuals who have direct access" by rule.

(d) Each applicant seeking employment in a position described in subsection (c) of this Section with a selected health care employer shall, as a condition of employment, have his or her fingerprints submitted to the Department of State Police in an electronic format that complies with the form and manner for requesting and furnishing criminal history record information by the Department of State Police and the Federal Bureau of Investigation criminal history record databases now and hereafter filed. The Department of State Police shall forward the fingerprints to the Federal Bureau of Investigation for a national criminal history records check. The Department of State Police shall charge a fee for conducting the criminal history records check, which shall not exceed the actual cost of the records check and shall be deposited into the State Police Services Fund. The Department of State Police shall furnish, pursuant to positive identification, records of Illinois convictions to the Department of Public Health.

(e) A selected health care employer who makes a conditional offer of employment to an applicant shall:

(1) ensure that the applicant has complied with the fingerprinting requirements of this Section;

(2) complete documentation relating to any criminal history record, as revealed by the applicant, as prescribed by rule by the Department of Public Health;

(3) complete documentation of the applicant's personal identifiers as prescribed by rule by the Department of Public Health; and

(4) provide supervision, as prescribed by rule by the licensing agency, if the applicant is hired and allowed to work prior to the results of the criminal history records check being obtained.

(f) A selected health care employer having actual knowledge from a source that an individual with direct access to a resident, patient, or client has been convicted of committing or attempting to commit one of the offenses enumerated in Section 25 of this Act shall contact the licensing agency or follow other instructions as prescribed by administrative rule.

(g) A fingerprint-based criminal history records check submitted in accordance with subsection (d) of this Section must be submitted as a fee applicant inquiry in the form and manner prescribed by the Department of State Police.

(h) This Section shall be inapplicable upon the conclusion of the CMMS grant.

(Source: P.A. 94-665, 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. 2 was ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Collins, **Senate Bill No. 2349** having been printed, was taken up, read by title a second time.

Committee Amendments Numbered 1 and 2 were held in the Committee on Rules.

Senator Collins offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 2349

AMENDMENT NO. 3. Amend Senate Bill 2349 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Mortgage Rescue Fraud Act.

Section 5. Definitions. As used in this Act:

"Distressed property" means residential real property consisting of one to 6 family dwelling units that is in foreclosure or at risk of loss due to nonpayment of taxes, or whose owner is more than 90 days delinquent on any loan that is secured by the property.

"Distressed property consultant" means any person who, directly or indirectly, for compensation from the owner, makes any solicitation, representation, or offer to perform or who, for compensation from the owner, performs any service that the person represents will in any manner do any of the following:

(1) stop or postpone the foreclosure sale or the loss of the home due to nonpayment of taxes;

(2) obtain any forbearance from any beneficiary or mortgagee, or relief with respect to a tax sale of the property;

(3) assist the owner to exercise any right of reinstatement or right of redemption;

(4) obtain any extension of the period within which the owner may reinstate the owner's rights with respect to the property;

(5) obtain any waiver of an acceleration clause contained in any promissory note or contract secured by a mortgage on a distressed property or contained in the mortgage;

(6) assist the owner in foreclosure, loan default, or post-tax sale redemption period to obtain a loan or advance of funds;

(7) avoid or ameliorate the impairment of the owner's credit resulting from the recording of a notice of default or the conduct of a foreclosure sale or tax sale; or

(8) save the owner's residence from foreclosure or loss of home due to nonpayment of taxes.

A "distressed property consultant" does not include any of the following:

(1) a person or the person's authorized agent acting under the express authority or written approval of the Department of Housing and Urban Development;

(2) a person who holds or is owed an obligation secured by a lien on any distressed property, or a person acting under the express authorization or written approval of such person, when the person performs services in connection with the obligation or lien, if the obligation or lien did not arise as the result of or as part of a proposed distressed property conveyance;

(3) banks, savings banks, savings and loan associations, credit unions, and insurance companies organized, chartered, or holding a certificate of authority to do business under the laws of this State or any other state or under the laws of the United States;

(4) licensed attorneys engaged in the practice of law;

(5) a Department of Housing and Urban Development approved mortgagee and any subsidiary or affiliate of these persons or entities, and any agent or employee of these persons or entities, while engaged in the business of these persons or entities;

(6) a 501(c)(3) nonprofit agency or organization, doing business for no less than 5 years, that offers counseling or advice to an owner of a home in foreclosure or loan default, if they do not contract for services with for-profit lenders or distressed property purchasers, or any person who structures or plans such a transaction;

(7) licensees of the Residential Mortgage License Act of 1987;

(8) licensees of the Consumer Installment Loan Act who are authorized to make loans secured by real property; or

(9) licensees of the Real Estate License Act of 2000 when providing licensed activities.

"Distressed property purchaser" means any person who acquires any interest in a

distressed property while allowing the owner to possess, occupy, or retain any present or future interest in the property, or any person who structures or plans a distressed property conveyance.

"Distressed property conveyance" means a transaction in which an owner of a distressed property transfers an interest in the distressed property; the acquirer of the property allows the owner of the distressed property to occupy the property; and the acquirer of the property or a person acting in participation with the acquirer of the property conveys or promises to convey an interest back to the owner or gives the owner an option to purchase the property at a later date.

"Person" means any individual, partnership, corporation, limited liability company, association, or other group or entity, however organized.

"Service" means, without limitation, any of the following:

(1) debt, budget, or financial counseling of any type;

(2) receiving money for the purpose of distributing it to creditors in payment or partial payment of any obligation secured by a lien on a distressed property;

(3) contacting creditors on behalf of an owner of a residence that is distressed property;

(4) arranging or attempting to arrange for an extension of the period within which the owner of a distressed property may cure the owner's default and reinstate his or her obligation;

(5) arranging or attempting to arrange for any delay or postponement of the time of sale of the residence in foreclosure;

(6) advising the filing of any document or assisting in any manner in the preparation of any document for filing with any court; or

(7) giving any advice, explanation, or instruction to an owner of a distressed property that in any manner relates to the cure of a default or forfeiture or to the postponement or avoidance of sale of the distressed property.

Section 10. Distressed property consultant contract terms.

(a) A distressed property consultant contract must be in writing and must fully disclose the exact nature of the distressed property consultant's services and the total amount and terms of compensation.

(b) The following notice, printed in at least 12-point boldface type and completed with the name of the distressed property consultant, must be printed immediately above the statement required by subsection (c) of this Section:

"NOTICE REQUIRED BY ILLINOIS LAW

.....(name) or anyone working for him or her CANNOT:

(1) Take any money from you or ask you for money until ..... (Name) has completely finished doing everything he or she said he or she would do; or

(2) Ask you to sign or have you sign any lien, mortgage, or deed."

(c) A distressed property consultant contract must be written in the same language as principally used by the distressed property consultant to describe his or her services or to negotiate the contract, must be dated and signed by the owner, and must contain in immediate proximity to the space reserved for the owner's signature a conspicuous statement in a size equal to at least 12-point boldface type, as follows:

"You, the owner, may cancel this transaction at any time until after the distressed property consultant has fully performed each and every service the distressed property consultant contracted to perform or represented he or she would perform. See the attached notice of cancellation form for an explanation of this right."

(d) A distressed property contract must contain on the first page, in a type size no smaller than that generally used in the body of the document, each of the following:

(1) the name and address of the distressed property consultant to which the notice of cancellation is to be mailed; and

(2) the date the owner signed the contract.

(e) A distressed property consultant contract must be accompanied by a completed form in duplicate, captioned "NOTICE OF CANCELLATION," which must be attached to the contract, must be easily detachable, and must contain, in at least 12-point boldface type, the following statement written in the same language as used in the contract:

"NOTICE OF CANCELLATION

.....

(Enter date of transaction)

You may cancel this transaction, without any penalty or obligation, at any time until after the distressed property consultant has fully performed each and every service the distressed property consultant contracted to perform or represented he or she would perform.

To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice, or any other written notice to:

.....(Name of distressed property consultant) at

.....(Address of distressed property consultant's place of business)

I hereby cancel this transaction on .....(Date)

.....(Owner's signature)".

(f) The distressed property consultant shall provide the owner with a copy of a distressed property consultant contract and the attached notice of cancellation immediately upon execution of the contract.

Section 15. Rescission of distressed property consultant contract.

(a) In addition to any other legal right to rescind a contract, an owner has the right to cancel a distressed property consultant contract at any time until after the distressed property consultant has fully performed each service the distressed property consultant contracted to perform or represented he or she would perform.

(b) Cancellation occurs when the owner gives written notice of cancellation to the distressed property consultant at the address specified in the distressed property consultant contract.

(c) Notice of cancellation, if given by mail, is effective when deposited in the mail properly addressed with postage prepaid. Notice by certified mail, return receipt requested, addressed to the address specified in the distressed property consultant contract, shall be conclusive proof of notice of service.

(d) Notice of cancellation given by the owner need not take the particular form as provided with the distressed property consultant contract and, however expressed, is effective if it indicates the intention of the owner not to be bound by the contract.

Section 20. Waiver of a distressed property consultant contract.

(a) Any waiver by an owner of the provisions of Section 10 or 15 is void and unenforceable as contrary to public policy.

(b) Any attempt by a distressed property consultant to induce an owner to waive the owner's rights is a violation of the Act.

Section 25. Distressed property conveyance contract. A distressed property purchaser shall enter into every distressed property conveyance in the form of a written contract. Every distressed property conveyance contract must be written in letters of a size equal to at least 12-point boldface type, in the same language principally used by the owner of the distressed property to negotiate the sale of the distressed property, must be fully completed, signed, and dated by the owner of the distressed property and the distressed property purchaser, and must be witnessed and acknowledged by a notary public, before the execution of any instrument of conveyance of the distressed property.

Section 30. Distressed property conveyance contract terms.

Every contract required by Section 25 must contain the entire agreement of the parties, be fully assignable, and survive delivery of any instrument of conveyance of the distressed property. Every lease entered into pursuant to a contract required by Section 25 is terminable at will by the distressed property owner, without liability. Every contract required by Section 25 must include the following terms:

(1) the name, business address, and the telephone number of the distressed property purchaser;

(2) the address of the distressed property;

(3) the total consideration to be given by the foreclosure purchaser in connection with or incident to the sale;

(4) a complete description of the terms of payment or other consideration including, but not limited to, any services of any nature that the distressed property purchaser represents he or she will perform for the owner of the distressed property before or after the sale;

(5) a complete description of the terms of any related agreement designed to allow the owner of the distressed property to remain in the home such as a rental agreement, repurchase agreement, contract for deed, or lease with option to buy;

(6) a notice of cancellation as provided in this Section;

(7) the following notice in at least 12-point boldface type, if the contract is printed, or in capital letters, if the contract is typed, and completed with the name of the distressed property purchaser, immediately above the statement required by this Section:

"NOTICE REQUIRED BY ILLINOIS LAW

Until your right to cancel this contract has ended, ...(Name) or anyone working for .....(Name) CANNOT ask you to sign or have you sign any deed or any other document. You are urged to have this contract reviewed by an attorney of your choice within 5 business days of signing it."; and

(8) if title to the distressed property will be transferred in the conveyance transaction, the following notice in at least 14-point boldface type if the contract is printed, or in capital letters if the contract is typed, and completed with the name of the distressed property purchaser, immediately above the statement required by this Section:

"NOTICE REQUIRED BY ILLINOIS LAW

As part of this transaction, you are giving up title to your home.".

Section 35. Cancellation of a distressed property conveyance contract.

(a) In addition to any other right of rescission, the owner of the distressed property has the right to cancel any contract with a distressed property purchaser until midnight of the fifth business day following the day on which the owner of the distressed property signs a contract that complies with Sections 25 and 30 or until 8:00 a.m. on the last day of the period during which the owner of the distressed property has a right of redemption under the Illinois Mortgage Foreclosure Law or the Property Tax Code, whichever occurs first.

(b) Cancellation occurs when the owner of the distressed property delivers, by any means, written notice of cancellation to the address specified in the distressed property conveyance contract.

(c) A notice of cancellation given by the owner of the distressed property need not take the particular form as provided with the distressed property conveyance contract.

(d) Within 10 days following receipt of a notice of cancellation given in accordance with this Section, the distressed property purchaser shall return, without condition, any original contract and any other documents signed by the owner of the distressed property.

Section 40. Notice of cancellation of a distressed property conveyance contract.

(a) The contract must contain in immediate proximity to the space reserved for the owner of the distressed property's signature a conspicuous statement in a size equal to at least 12-point boldface type, if the contract is printed, or in capital letters, if the contract is typed, as follows:

"You may cancel this contract for the sale of your house, without any penalty or obligation, at any time before .....(Date and time of day). See the attached notice of cancellation form for an explanation of this right."

The distressed property purchaser shall accurately enter the date and time of day on which the cancellation right ends.

(b) The contract must be accompanied by a completed form in duplicate, captioned "NOTICE OF CANCELLATION" in a size equal to a 12-point boldface type, if the contract is printed, or in capital letters, if the contract is typed, followed by a space in which the distressed property purchaser shall enter the date on which the owner of the distressed property executes any contract. This form must be attached to the contract, must be easily detachable, and must contain in at least 12-point type, if the contract is printed, or in capital letters, if the contract is typed, the following statement written in the same language as used in the contract:

"NOTICE OF CANCELLATION

.....

(Enter date contract signed)

You may cancel this contract for the sale of your home, without any penalty or obligation, at any time before .....(enter date and time of day). To cancel this transaction, mail or deliver a signed and dated copy of this cancellation notice to .....(Name of purchaser) at ..... (Street address of purchaser's place of business) NOT LATER THAN ..... (Enter date and time of day).

I hereby cancel this transaction on ..... (Date)

..... (Seller's signature)".

(c) The distressed property purchaser shall provide the owner of the distressed property with a copy of the contract and the attached notice of cancellation immediately at the time the contract is executed by

all parties.

(d) The distressed property purchaser shall record the contract with the recorder of deeds in the county where the distressed property is located within 10 days of its execution, provided the contract has not been canceled. If the contract is not recorded, the contract and any conveyance made or given pursuant to the terms of the contract are void ab initio.

(e) The 5 business days during which the owner of the distressed property may cancel the contract shall not begin to run until all parties to the contract have executed the contract and the distressed property purchaser has complied with all the requirements of this Section.

Section 45. Waiver of a distressed property conveyance contract. Any waiver of the provisions of Sections 35 and 40 are void and unenforceable as contrary to public policy, except that a consumer may waive the 5-day right to cancel provided in Section 35 if the property is subject to a foreclosure sale within the 5 business days and the owner of the distressed property agrees to waive his or her right to cancel in a handwritten statement that is signed by all parties holding title to the distressed property.

Section 50. Violations.

(a) It is a violation for a distressed property consultant to:

(1) claim, demand, charge, collect, or receive any compensation until after the distressed property consultant has fully performed each service the distressed property consultant contracted to perform or represented he or she would perform;

(2) claim, demand, charge, collect, or receive any fee, interest, or any other compensation for any reason that exceeds 2 monthly mortgage payments of principal and interest or the most recent tax installment on the distressed property, whichever is less;

(3) take a wage assignment, a lien of any type on real or personal property, or other security to secure the payment of compensation. Any such security is void and unenforceable;

(4) receive any consideration from any third party in connection with services rendered to an owner unless the consideration is first fully disclosed to the owner;

(5) acquire any interest, directly or indirectly, or by means of a subsidiary or affiliate in a distressed property from an owner with whom the distressed property consultant has contracted;

(6) take any power of attorney from an owner for any purpose, except to inspect documents as provided by law; or

(7) induce or attempt to induce an owner to enter a contract that does not comply in all respects with Sections 10 and 15 of this Act.

(b) A distressed property purchaser, in the course of a distressed property conveyance, shall not:

(1) enter into, or attempt to enter into, a distressed property conveyance unless the distressed property purchaser verifies and can demonstrate that the owner of the distressed property has a reasonable ability to pay for the subsequent conveyance of an interest back to the owner of the distressed property and to make monthly or any other required payments due prior to that time;

(2) fail to make a payment to the owner of the distressed property at the time the title is conveyed so that the owner of the distressed property has received consideration in an amount of at least 82% of the fair market value of the property;

(3) enter into repurchase or lease terms as part of the subsequent conveyance that are unfair or commercially unreasonable, or engage in any other unfair conduct;

(4) represent, directly or indirectly, that the distressed property purchaser is acting as an advisor or a consultant, or in any other manner represent that the distressed property purchaser is acting on behalf of the homeowner, or the distressed property purchaser is assisting the owner of the distressed property to "save the house", "buy time", or do anything couched in substantially similar language;

(5) misrepresent the distressed property purchaser's status as to licensure or certification;

(6) do any of the following until after the time during which the owner of a distressed property may cancel the transaction:

(A) accept from the owner of the distressed property an execution of any instrument of conveyance of any interest in the distressed property;

(B) induce the owner of the distressed property to execute an instrument of conveyance of any interest in the distressed property; or

(C) record with the county recorder of deeds any document signed by the owner of the

distressed property, including but not limited to any instrument of conveyance;

(7) fail to reconvey title to the distressed property when the terms of the conveyance contract have been fulfilled;

(8) induce the owner of the distressed property to execute a quit claim deed when entering into a distressed property conveyance;

(9) enter into a distressed property conveyance where any party to the transaction is represented by power of attorney;

(10) fail to extinguish all liens encumbering the distressed property, immediately following the conveyance of the distressed property, or fail to assume all liability with respect to the lien in foreclosure and prior liens that will not be extinguished by such foreclosure, which assumption shall be accomplished without violations of the terms and conditions of the lien being assumed. Nothing herein shall preclude a lender from enforcing any provision in a contract that is not otherwise prohibited by law;

(11) fail to complete a distressed property conveyance before a notary in the offices of a title company licensed by the Department of Financial and Professional Regulation; or

(12) cause the property to be conveyed or encumbered without the knowledge or permission of the distressed property owner, or in any way frustrate the ability of the distressed property owner to complete the conveyance back to the distressed property owner.

(c) There is a rebuttable presumption that an appraisal by a person licensed or certified by an agency of this State or the federal government is an accurate determination of the fair market value of the property.

(d) "Consideration" in item (2) of subsection (b) means any payment or thing of value provided to the owner of the distressed property, including reasonable costs paid to independent third parties necessary to complete the distressed property conveyance or payment of money to satisfy a debt or legal obligation of the owner of the distressed property.

"Consideration" shall not include amounts imputed as a downpayment or fee to the distressed property purchaser, or a person acting in participation with the distressed property purchaser.

(e) An evaluation of "reasonable ability to pay" under subsection (b)(1) of this Section 50 shall include debt to income ratio, fair market value of the distressed property, and the distressed property owner's payment history. There is a rebuttable presumption that the distressed property purchaser has not verified reasonable payment ability if the distressed property purchaser has not obtained documents of assets, liabilities, and income, other than a statement by the owner of the distressed property.

Section 55. Civil remedies.

(a) A violation of any of the provisions of this Act constitutes an unlawful practice under the Consumer Fraud and Deceptive Business Practices Act. All remedies, penalties, and authority granted to the Attorney General or State's Attorney by the Consumer Fraud and Deceptive Business Practices Act shall be available to him or her for the enforcement of this Act.

(b) A consumer who suffers loss by reason of any violation of any provision of this Act may bring a civil action in accordance with the Consumer Fraud and Deceptive Business Practices Act to enforce that provision. All remedies and rights granted to a consumer by the Consumer Fraud and Deceptive Business Practices Act shall be available to the consumer bringing such an action. The remedies and rights provided for in this Act are not exclusive, but cumulative, and all other applicable claims, including, but not limited to, those brought under the doctrine of equitable mortgage, are specifically preserved.

Section 60. Criminal mortgage rescue fraud. A person commits the offense of criminal mortgage rescue fraud when he or she intentionally violates any provision enumerated in Section 50 of this Act.

Section 65. Criminal penalties. A person who commits the offense of criminal mortgage rescue fraud is guilty of a Class 2 felony.

Section 300. The Consumer Fraud and Deceptive Business Practices Act is amended by changing Section 2Z as follows:

(815 ILCS 505/2Z) (from Ch. 121 1/2, par. 262Z)

Sec. 2Z. Violations of other Acts. Any person who knowingly violates the Automotive Repair Act, the

Automotive Collision Repair Act, the Home Repair and Remodeling Act, the Dance Studio Act, the Physical Fitness Services Act, the Hearing Instrument Consumer Protection Act, the Illinois Union Label Act, the Job Referral and Job Listing Services Consumer Protection Act, the Travel Promotion Consumer Protection Act, the Credit Services Organizations Act, the Automatic Telephone Dialers Act, the Pay-Per-Call Services Consumer Protection Act, the Telephone Solicitations Act, the Illinois Funeral or Burial Funds Act, the Cemetery Care Act, the Safe and Hygienic Bed Act, the Pre-Need Cemetery Sales Act, the High Risk Home Loan Act, the Payday Loan Reform Act, the Mortgage Rescue Fraud Act, subsection (a) or (b) of Section 3-10 of the Cigarette Tax Act, the Payday Loan Reform Act, subsection (a) or (b) of Section 3-10 of the Cigarette Use Tax Act, the Electronic Mail Act, paragraph (6) of subsection (k) of Section 6-305 of the Illinois Vehicle Code, Article 3 of the Residential Real Property Disclosure Act, the Automatic Contract Renewal Act, or the Personal Information Protection Act commits an unlawful practice within the meaning of this Act.
(Source: P.A. 93-561, eff. 1-1-04; 93-950, eff. 1-1-05; 94-13, eff. 12-6-05; 94-36, eff. 1-1-06; 94-280, eff. 1-1-06; 94-292, eff. 1-1-06; revised 8-19-05.)

Section 999. Effective date. This Act takes effect January 1, 2007.".

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 Millner, **Senate Bill No. 2374** having been printed, was taken up, read by title a second time.

Senator Millner offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2374

AMENDMENT NO. 1. Amend Senate Bill 2374 by replacing everything after the enacting clause with the following:

"Section 5. The Code of Criminal Procedure of 1963 is amended by adding Section 115-10.6 as follows:

(725 ILCS 5/115-10.6 new)

Sec. 115-10.6. Admissibility of prior statements of an unavailable witness whose absence was wrongfully procured.

(a) Legislative intent. The Illinois General Assembly finds that no party to a criminal case who wrongfully procures the unavailability of a witness should be allowed to benefit from such wrongdoing by depriving the trier of fact of relevant testimony.

(b) A statement of a witness is not excluded at the trial or hearing of any defendant by the hearsay rule or as a violation of any right to confront witnesses if the witness was killed, bribed, kidnapped, secreted, intimidated, or otherwise induced by a party, or one for whose conduct such party is legally responsible, to prevent the witness from being available to testify at such trial or hearing.

(c) The party seeking to introduce the statement shall disclose the statement sufficiently in advance of trial or hearing to provide the opposing party with a fair opportunity to meet it. The disclosure shall include notice of an intent to offer the statement, including the identity of the declarant.

(d) Prior to ruling on the admissibility of a statement under this Section, the court shall conduct a hearing outside the presence of the jury. During the course of the hearing the court may allow the parties to proceed by way of proffer. Except in cases where a preponderance of the evidence establishes that the defendant killed the declarant, the party seeking to introduce the statement shall be required to show by a preponderance of the evidence that the party who caused the unavailability of the witness did so with the intent or motive that the witness be unavailable for trial or hearing. The court is not required to find that the conduct or wrongdoing amounts to a criminal act.

(e) Nothing in this Section shall be construed to prevent the admissibility of statements under existing hearsay exceptions.

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 Demuzio, **Senate Bill No. 2519** having been printed, was taken up, read by title a second time.

The following amendment was offered in the Committee on Commerce & Economic Development, adopted and ordered printed:

AMENDMENT NO. 1 TO SENATE BILL 2519

AMENDMENT NO. 1. Amend Senate Bill 2519 on page 6, line 10, by replacing "11" with "5"; and

on page 7, line 22 by replacing "Department of Commerce and Community Affairs" with "Department of Commerce and Economic Opportunity"; and

on page 7, line 33 by replacing "11" with "5".

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

On motion of Senator Silverstein, **Senate Bill No. 2558** having been printed, was taken up, read by title a second time.

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

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

AMENDMENT NO. 2 TO SENATE BILL 2558

AMENDMENT NO. 2. Amend Senate Bill 2558 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Identity Document Protection Act.

Section 5. Contactless integrated circuits. No identity document created, mandated, or issued the State, by a unit of local government, including a home rule unit, or a school district may contain a contactless integrated circuit that can broadcast personal information or enable personal information to be scanned remotely.

For the purposes of this Act, "contactless integrated circuit" means a data carrying unit, such as an integrated circuit or computer chip, that can be read remotely.

This Section does not apply to the I-Pass system of the Illinois State Toll Highway Authority.

This Section does not apply to identification badges issued to State or local government employees, but does apply to identification badges issued by school districts.

This Section does not apply to identification documents issued to inmates by the Department of Corrections.

Section 10. Home rule. A home rule unit may not regulate identity documents in a manner that is inconsistent with the regulation by the State of identity documents under this Act. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.

Section 90. The Consumer Fraud and Deceptive Business Practices Act is amended by adding Section 2XX as follows:

(815 ILCS 505/2XX new)

Sec. 2XX. Contactless integrated circuits.

(a) It shall be an unlawful practice under this Act for a retailer to offer for sale or sell any article that has a contactless integrated circuit attached to the article that contains personal identifying information, as defined in Section 16G-10 of the Criminal Code of 1961, unless:

(1) the consumer is notified of the existence of the contactless integrated circuit, and the consumer is afforded the opportunity to have the contactless integrated circuit removed at no charge to the consumer; or

(2) the device contains a contactless integrated circuit and is marketed, offered for sale, and sold to consumers as a device with contactless integrated circuit technology to be used by the consumer.

(b) For the purposes of this Section, "contactless integrated circuit" means a data carrying unit, such as an integrated circuit or computer chip, that can be read remotely.".

Senator Silverstein offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 2558

AMENDMENT NO. 3. Amend Senate Bill 2558, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Identity Document Protection Act.

Section 5. Contactless integrated circuits.

(a) No identity document created, mandated, or issued by the State, a unit of local government, including a home rule unit, or a school district may contain a contactless integrated circuit that can broadcast personal information or enable personal information to be scanned remotely.

(b) For the purposes of this Act, "contactless integrated circuit" means a data carrying unit, such as an integrated circuit or computer chip, that can be read remotely.

(c) This Section does not apply to the following, but only when used for their commonly understood and expressly identified purpose, except as provided in subsection (d):

(1) the I-Pass system of the Illinois State Toll Highway Authority;

(2) badges issued to State or unit of local government law enforcement, fire protection, and other public safety personnel;

(3) identification documents issued to incarcerated persons or persons who are under the terms of probation, mandatory supervised release, or parole by the State or a unit of local government;

(4) global positioning system receivers used in surveying equipment or vehicles owned by the State or a unit of local government;

(5) proximity cards or like devices used for security access issued by the State or a unit of local government;

(6) passes, cards, or similar devices issued or sold to passengers by a transportation authority, local mass transit district, or unit of local government for the payment of public transportation fares; and

(7) library cards issued to patrons by public libraries for access to library services.

(d) The limitation on use to their commonly understood and expressly identified purpose as provided in subsection (c) does not apply when the use is by law enforcement personnel pursuant to the provisions of Article 108A or Article 108B of the Code of Criminal Procedure.

Section 10. Home rule. A home rule unit may not regulate identity documents in a manner that is inconsistent with the regulation by the State of identity documents under this Act. This Section is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of powers and functions exercised by the State.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments Numbered 2 and 3 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Cullerton, **Senate Bill No. 2568** 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 2568

AMENDMENT NO. 1. Amend Senate Bill 2568 on page 5, line 7, by inserting after the period the following:

"This provision shall not limit the Medical Disciplinary Board's or another business or occupational or professional licensing board's or bureau's power to penalize a physician if he or she violates the standard

of care.".

Senator Cullerton offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2568

AMENDMENT NO. 2. Amend Senate Bill 2568, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Cannabis Control Act is amended by changing Sections 3 and 8 and by adding the heading of Article 1 and the heading of Article 2 and Sections 205, 210, 215, 220, 225, 230, 235, 240, 245, and 250 as follows:

(720 ILCS 550/Art. 1 heading new)

ARTICLE 1. CANNABIS CONTROL

(720 ILCS 550/3) (from Ch. 56 1/2, par. 703)

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

(a) "Cannabis" includes marihuana, hashish and other substances which are identified as including any parts of the plant Cannabis Sativa, whether growing or not; the seeds thereof, the resin extracted from any part of such plant; and any compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or resin, including tetrahydrocannabinol (THC) and all other cannabinol derivatives, including its naturally occurring or synthetically produced ingredients, whether produced directly or indirectly by extraction, or independently by means of chemical synthesis or by a combination of extraction and chemical synthesis; but shall not include the mature stalks of such plant, fiber produced from such stalks, oil or cake made from the seeds of such plant, any other compound, manufacture, salt, derivative, mixture, or preparation of such mature stalks (except the resin extracted therefrom), fiber, oil or cake, or the sterilized seed of such plant which is incapable of germination.

(b) "Casual delivery" means the delivery of not more than 10 grams of any substance containing cannabis without consideration.

(c) For purposes of Article 1, "Department" means the Illinois Department of Human Services (as successor to the Department of Alcoholism and Substance Abuse) or its successor agency.

(d) "Deliver" or "delivery" means the actual, constructive or attempted transfer of possession of cannabis, with or without consideration, whether or not there is an agency relationship.

(e) "Department of State Police" means the Department of State Police of the State of Illinois or its successor agency.

(f) "Director" means the Director of the Department of State Police or his designated agent.

(g) "Local authorities" means a duly organized State, county, or municipal peace unit or police force.

(h) "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of cannabis, either directly or indirectly, by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of cannabis or labeling of its container, except that this term does not include the preparation, compounding, packaging, or labeling of cannabis as an incident to lawful research, teaching, or chemical analysis and not for sale.

(i) "Person" means any individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other entity.

(j) "Produce" or "production" means planting, cultivating, tending or harvesting.

(k) "State" includes the State of Illinois and any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America.

(l) "Subsequent offense" means an offense under this Act, the offender of which, prior to his conviction of the offense, has at any time been convicted under this Act or under any laws of the United States or of any state relating to cannabis, or any controlled substance as defined in the Illinois Controlled Substances Act.

(Source: P.A. 89-507, eff. 7-1-97.)

(720 ILCS 550/8) (from Ch. 56 1/2, par. 708)

Sec. 8. It is unlawful for any person knowingly to produce the cannabis sativa plant or to possess such plants or to deliver such plants unless production or possession has been authorized pursuant to the provisions of Article 2 ~~Section 11~~ of the Act.

(1) Any person who violates this Section with respect to production or possession of:

(a) Not more than 5 plants is guilty of a Class A misdemeanor, except that a violation under paragraph (2) of this Section is a Class 4 felony.

(b) More than 5, but not more than 20 plants, is guilty of a Class 4 felony, except that a violation under paragraph (2) of this Section is a Class 3 felony.

(c) More than 20, but not more than 50 plants, is guilty of a Class 3 felony, except that a violation under paragraph (2) of this Section is a Class 2 felony.

(d) More than 50 plants is guilty of a Class 2 felony, except that a violation under paragraph (2) of this Section is a Class 1 felony, for which a fine not to exceed $100,000 may be imposed and for which liability for the cost of conducting the investigation and eradicating such plants may be assessed. Compensation for expenses incurred in the enforcement of this provision shall be transmitted to and deposited in the treasurer's office at the level of government represented by the Illinois law enforcement agency whose officers or employees conducted the investigation or caused the arrest or arrests leading to the prosecution, to be subsequently made available to that law enforcement agency as expendable receipts for use in the enforcement of laws regulating controlled substances and cannabis. If such seizure was made by a combination of law enforcement personnel representing different levels of government, the court levying the assessment shall determine the allocation of such assessment. The proceeds of assessment awarded to the State treasury shall be deposited in a special fund known as the Drug Traffic Prevention Fund.

(2) Any person authorized pursuant to the provisions of Article 2 of this Act to produce or possess the cannabis sativa plant, who knowingly produces the cannabis sativa plant or possesses such plants or delivers such plants except as provided for in Article 2, is guilty of violating this Section. Any violation of this paragraph (2) shall be punished according to the number of plants involved in the violation as provided in paragraph (1) of this Section.

(Source: P.A. 84-1233.)

(720 ILCS 550/Art. 2 heading new)

ARTICLE 2. MEDICAL CANNABIS

(720 ILCS 550/205 new)

Sec. 205. Findings.

(a) Modern medical research has discovered beneficial uses for cannabis in treating or alleviating the pain, nausea, and other symptoms associated with certain debilitating medical conditions, as found by the National Academy of Sciences' Institute of Medicine in March 1999.

(b) Although federal law currently prohibits any use of cannabis, the laws of Alaska, California, Colorado, Hawaii, Maine, Montana, Nevada, Oregon, Rhode Island, Vermont, and Washington permit the medical use and cultivation of cannabis. Illinois joins in this effort for the health and welfare of its citizens.

(c) State law should make a distinction between the medical and non-medical use of cannabis. Hence, the purpose of this Article 2 is to protect patients with debilitating medical conditions, and their practitioners and primary caregivers, from arrest and prosecution, criminal and other penalties, and property forfeiture if such patients engage in the medical use of cannabis.

(d) The people of the State of Illinois declare that they enact this Article 2 pursuant to the police power to protect the health of its citizens that is reserved to the State of Illinois and its people under the Tenth Amendment to the United States Constitution.

(720 ILCS 550/210 new)

Sec. 210. Definitions. The following terms, as used in this Article, shall have the meanings set forth in this Section:

"Debilitating medical condition" means:

(1) cancer, glaucoma, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, or Hepatitis C;

(2) a chronic or debilitating disease or medical condition that produces one or more of the following: cachexia or wasting syndrome; severe or chronic pain; severe nausea; seizures, including but not limited to those characteristic of epilepsy; severe and persistent muscle spasms, including but not limited to those characteristic of multiple sclerosis and Crohn's disease; or agitation of Alzheimer's disease; or

(3) any other medical condition approved by the Department, as provided for in subsection (a) of Section 220.

For purposes of Article 2, "Department" means the Department of Public Health.

"Cannabis" has the meaning given that term in Section 3 of this Act.

"Indoor locked facility" means a building, closet, room, or other indoor area equipped with locks or other security devices that permit access only by a registered caregiver or registered patient.

"Medical use" means the acquisition, possession, cultivation, manufacture, use, delivery, transfer, or

transportation of cannabis or paraphernalia relating to the consumption of cannabis to alleviate a registered qualifying patient's debilitating medical condition or symptoms associated with the medical condition.

"Practitioner" means a physician licensed to practice medicine in all its branches, an advanced practice nurse who has a written collaborative agreement with the physician that authorizes the provision of written certifications under this Article 2, or a physician assistant who has been delegated the authority to provide written certifications under this Article 2.

"Primary caregiver" means a person who is at least 18 years old and who has agreed to assist with a person's medical use of cannabis. A primary caregiver may assist no more than 3 qualifying patients with their medical use of cannabis.

"Qualifying patient" means a person who has been diagnosed by a practitioner as having a debilitating medical condition.

"Registry identification card" means a document issued by the Department that identifies a person as a qualifying patient or primary caregiver.

"Usable cannabis" means the dried leaves and flowers of the cannabis plant, and any mixture or preparation thereof, but does not include the seeds, stalks, and roots of the plant.

"Written certification" means the qualifying patient's medical records, or a statement signed by a practitioner, stating that in the practitioner's professional opinion the potential benefits of the medical use of cannabis would likely outweigh the health risks for the qualifying patient. A written certification shall only be made in the course of a bona fide practitioner-patient relationship after the practitioner has completed a full assessment of the qualifying patient's medical history. The written certification shall specify the qualifying patient's debilitating medical condition or conditions.

(720 ILCS 550/215 new)

Sec. 215. Protections for the medical use of cannabis.

(a) A qualifying patient who has in his or her possession a registry identification card shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including but not limited to civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau, for the medical use of cannabis, provided that the qualifying patient possesses an amount of cannabis that does not exceed 8 cannabis plants and two and one-half ounces of usable cannabis, which must be grown in an indoor locked facility.

(b) A primary caregiver who has in his or her possession a registry identification card shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including but not limited to civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau, for assisting a qualifying patient to whom he or she is connected through the Department's registration process with the medical use of cannabis, provided that the primary caregiver possesses an amount of cannabis that does not exceed 8 cannabis plants and two and one-half ounces of usable cannabis for each qualifying patient to whom he or she is connected through the Department's registration process, which must be grown in an indoor locked facility.

(c) No school, employer, or landlord may refuse to enroll, employ, lease to, or otherwise penalize a person solely for his or her status as a registered qualifying patient or a registered primary caregiver.

(d) There shall exist a presumption that a qualifying patient or primary caregiver is engaged in the medical use of cannabis if the qualifying patient or primary caregiver:

(1) is in possession of a registry identification card; and

(2) is in possession of an amount of cannabis that does not exceed the amount permitted under this Article 2. Such presumption may be rebutted by evidence that conduct related to cannabis was not for the purpose of alleviating the qualifying patient's debilitating medical condition or symptoms associated with the medical condition.

(e) A primary caregiver may receive reimbursement for costs associated with assisting with a registered qualifying patient's medical use of cannabis. Compensation shall not constitute sale of controlled substances.

(f) A practitioner shall not be subject to arrest, prosecution, or penalty in any manner, or denied any right or privilege, including but not limited to civil penalty or disciplinary action by the Medical Disciplinary Board or by another business or occupational or professional licensing board or bureau solely for providing written certifications or for otherwise stating that, in the practitioner's professional opinion, the potential benefits of the medical cannabis would likely outweigh the health risks for a patient.

Any interest in or right to property that is possessed, owned, or used in connection with the medical use of cannabis, or acts incidental to such use, shall not be forfeited.

(g) No person shall be subject to arrest or prosecution for constructive possession, conspiracy, aiding

and abetting, being an accessory, or any other offense for simply being in the presence or vicinity of the medical use of cannabis as permitted under this Article 2 or for assisting a registered qualifying patient with using or administering cannabis.

(h) A registry identification card, or its equivalent, issued under the laws of another state, U.S. territory, or the District of Columbia to permit the medical use of cannabis by a qualifying patient, or to permit a person to assist with a qualifying patient's medical use of cannabis, shall have the same force and effect as a registry identification card issued by the Department.

(720 ILCS 550/220 new)

Sec. 220. Department to adopt rules.

(a) Not later than 90 days after the effective date of this Article 2, the Department shall, with notice to the Department of State Police, adopt rules governing the manner in which it shall consider petitions from the public to add debilitating medical conditions to those included in this Article 2. In considering such petitions, the Department shall include public notice of, and an opportunity to comment in a public hearing upon, such petitions. The Department shall, after hearing, approve or deny such petitions within 180 days after submission. The approval or denial of such a petition shall be considered a final Department action, subject to judicial review. Jurisdiction and venue for judicial review are vested in the circuit court. The denial of a petition shall not disqualify qualifying patients with that condition if they have a debilitating medical condition. The denial of a petition shall not prevent a person with the denied condition from raising an affirmative defense.

(b) Not later than 90 days after the effective date of this Article 2, the Department shall adopt rules governing the manner in which it shall consider applications for and renewals of registry identification cards for qualifying patients and primary caregivers. The Department's rules shall establish application and renewal fees that generate revenues sufficient to offset all expenses of implementing and administering this Article 2. The fee shall include an additional $2 per registry identification card which shall be allocated to drug treatment and prevention. The Department may vary the application and renewal fees along a sliding scale that accounts for a qualifying patient's income. The Department may accept donations from private sources in order to reduce the application and renewal fees.

(720 ILCS 550/225 new)

Sec. 225. Administering the Department's rules.

(a) The Department shall issue registry identification cards to qualifying patients who submit the following, in accordance with the Department's rules:

(1) written certification;

(2) application or renewal fee;

(3) name, address, and date of birth of the qualifying patient, except that if the applicant is homeless, no address is required;

(4) name, address, and telephone number of the qualifying patient's practitioner; and

(5) name, address, and date of birth of the primary caregiver of the qualifying patient, if any.

(b) The Department shall not issue a registry identification card to a qualifying patient under the age of 18 unless:

(1) The qualifying patient's practitioner has explained the potential risks and benefits of the medical use of cannabis to the qualifying patient and to a parent, guardian, or person having legal custody of the qualifying patient; and

(2) A parent, guardian, or person having legal custody consents in writing to:

(A) allow the qualifying patient's medical use of cannabis;

(B) serve as the qualifying patient's primary caregiver; and

(C) control the acquisition of the cannabis, the dosage, and the frequency of the medical use of cannabis by the qualifying patient.

(c) The Department shall verify the information contained in an application or renewal submitted pursuant to this Section, and shall approve or deny an application or renewal within 15 days of receiving it. The Department may deny an application or renewal only if the applicant did not provide the information required pursuant to this Section, or if the Department determines that the information provided was falsified. Rejection of an application or renewal is considered a final Department action, subject to judicial review under the Administrative Review Law. Jurisdiction and venue for judicial review are vested in the circuit court.

(d) The Department shall issue a registry identification card to the primary caregiver, if any, who is named in a qualifying patient's approved application. No more than one primary caregiver may be named in a qualifying patient's application.

(e) The Department shall issue registry identification cards within 5 days of approving an application or renewal, which shall expire one year after the date of issuance. Registry identification cards shall

contain:

(1) the name, address, and date of birth of the qualifying patient;

(2) the name, address, and date of birth of the primary caregiver of the qualifying patient, if any;

(3) the date of issuance and expiration date of the registry identification card;

(4) a unique random registry identification number; and

(5) a recent photograph.

(f)(1) A qualifying patient who has been issued a registry identification card shall notify the Department of any change in the qualifying patient's name, address, or primary caregiver, or if the qualifying patient ceases to have his or her debilitating medical condition, within 10 days of such change.

(2) A registered qualifying patient who fails to notify the Department of any of these changes is responsible for a civil infraction, punishable by a fine of no more than $150. If the person has ceased to suffer from a debilitating medical condition, the card shall be deemed null and void and the person shall be liable for any other penalties that may apply to the person's non-medical use of cannabis.

(3) A registered primary caregiver shall notify the Department of any change in his or her name or address within 10 days of such change. A primary caregiver who fails to notify the Department of any of these changes is responsible for a civil infraction, punishable by a fine of no more than $150.

(4) When a qualifying patient or primary caregiver notifies the Department of any changes listed in this subsection (f), the Department shall issue the registered qualifying patient and the primary caregiver a new registry identification card within 10 days of receiving the updated information and a $10 fee.

(5) When a qualifying patient who possesses a registry identification card changes his or her primary caregiver, the Department shall notify the primary caregiver within 10 days. The primary caregiver's protections as provided in this Article 2 shall expire 10 days after notification by the Department.

(6) If a registered qualifying patient or a primary caregiver loses his or her registry identification card, he or she shall notify the Department and submit a $10 fee within 10 days of losing the card. Within 5 days, the Department shall issue a new registry identification card with a new random identification number.

(g) Possession of, or application for, a registry identification card does not constitute probable cause or reasonable suspicion, nor may it be used to support the search of the person or property of the person possessing or applying for the registry identification card, or otherwise subject the person or property of the person to inspection by any governmental agency.

(h)(1) Applications and supporting information submitted by qualifying patients, including information regarding their primary caregivers and practitioners, are confidential and protected under the federal Health Insurance Portability and Accountability Act of 1996 and when applicable, the AIDS Confidentiality Act.

(2) The Department shall maintain a confidential list of the persons to whom the Department has issued registry identification cards. Individual names and other identifying information on the list shall be confidential, exempt from the Freedom of Information Act, and not subject to disclosure, except to authorized employees of the Department as necessary to perform official duties of the Department.

(3) The Department shall make available to law enforcement personnel a secure website whereby law enforcement can determine whether a registry identification card is valid solely by entering the random identification number. The secure website shall return data as it appears on the registry identification card, which includes the digital photo used on the card, name, address, and date of birth.

(4) It is a Class B misdemeanor for any person, including an employee or official of the Department or another State agency or local government, to breach the confidentiality of information obtained pursuant to this Article 2. Notwithstanding this provision, Department employees may notify law enforcement about falsified or fraudulent information submitted to the Department.

(i) The Department shall report annually to the General Assembly on the number of applications for registry identification cards, the number of qualifying patients and primary caregivers approved, the nature of the debilitating medical conditions of the qualifying patients, the number of registry identification cards revoked, and the number of practitioners providing written certification for qualifying patients. The Department shall not provide any information identifying qualifying patients, primary caregivers, or practitioners.

(720 ILCS 550/230 new)

Sec. 230. Scope of Article 2.

(a) This Article 2 does not permit:

(1) any person to undertake any task under the influence of cannabis, when doing so would constitute negligence or professional malpractice;

(2) the smoking of cannabis:

(A) in a school bus or other form of public transportation;

(B) on any school grounds;

(C) in any correctional facility; or

(D) in any public place; and

(3) any person to operate, navigate, or be in actual physical control of any motor vehicle, aircraft, or motorboat while under the influence of cannabis. However, a registered qualifying patient may not be considered to be under the influence solely for having cannabis metabolites in his or her system.

(b) Nothing in this Article 2 shall be construed to require:

(1) a government medical assistance program or private health insurer to reimburse a person for costs associated with the medical use of cannabis; or

(2) an employer to accommodate the medical use of cannabis in any workplace.

(720 ILCS 550/235 new)

Sec. 235. Affirmative defense and dismissal for medical cannabis.

(a) Except as provided in Section 230, a person and a person's primary caregiver, if any, may assert the medical purpose for using cannabis as a defense to any prosecution involving cannabis, and such defense shall be presumed valid where the evidence shows that:

(1) the person's medical records indicate, or a practitioner has stated that, in the practitioner's professional opinion, after having completed a full assessment of the person's medical history and current medical condition made in the course of a bona fide practitioner-patient relationship, the potential benefits of using cannabis for medical purposes would likely outweigh the health risks for the person; and

(2) the person and the person's primary caregiver, if any, were collectively in possession of a quantity of cannabis that was not more than was reasonably necessary to ensure the uninterrupted availability of cannabis for the purpose of alleviating the person's medical condition or symptoms associated with the medical condition.

(b) A person may assert the medical purpose for using cannabis in a motion to dismiss, and the charges shall be dismissed following an evidentiary hearing where the defendant shows the elements listed in subsection (a) of this Section.

(c) Any interest in or right to property that was possessed, owned, or used in connection with a person's use of cannabis for medical purposes shall not be forfeited if the person or the person's primary caregiver demonstrates the person's medical purpose for using cannabis pursuant to this Section.

(720 ILCS 550/240 new)

Sec. 240. Enforcement of this Article 2.

(a) Within 30 days after the effective date of this Article 2, the Department shall adopt emergency rules to implement this Article 2. Within 6 months after the effective date of this Article 2, a task force consisting of the Directors or their designees of the Departments of Public Health and State Police and the Secretary of Human Services or his or her designee; 2 members of the House of Representatives appointed by the Speaker of the House of Representatives; 2 members of the Senate appointed by the President of the Senate; one member of the House of Representatives appointed by the House Minority Leader; and one member of the Senate appointed by the Senate Minority Leader shall act to implement permanent rules. In addition the Speaker and the President shall appoint one person each involved in patient services or advocacy. If the Department fails to adopt rules to implement this Article 2 within 6 months after the effective date of this Article 2, a qualifying patient may commence an action in a court of competent jurisdiction to compel the Department to perform the actions mandated pursuant to the provisions of this Article 2.

(b) If the Department fails to issue a valid registry identification card in response to a valid application submitted pursuant to this Article 2 within 20 days of its submission, the registry identification card shall be deemed granted and a copy of the registry identification application shall be deemed a valid registry identification card.

(720 ILCS 550/245 new)

Sec. 245. Non-profit dispensaries.

(a) "Registered organization" means a non-profit entity registered with the State under this Article 2 that acquires, possesses, cultivates, manufactures, delivers, transfers, transports, supplies, or dispenses cannabis, cultivation equipment, related supplies and educational materials, or cannabis seeds to registered qualifying patients. A registered organization is a primary caregiver, although it may supply cannabis to any number of registered qualifying patients who have designated it as their primary caregiver.

(b)(1) The Department shall issue a registered organization license within 20 days to any person

who complies with this Article 2, including the limitations in subsection (i), and Department rules and provides the following:

(A) a fee paid to the Department in the amount established by the Department, which shall not exceed $1,000;

(B) the name of the registered organization;

(C) the physical addresses of the registered organization and any other real property where cannabis is to be possessed, cultivated, manufactured, supplied, or dispensed relating to the operations of the registered organization; and

(D) the name, address, date of birth, and photograph of any person who is an agent of or employed by the registered organization.

(2) The Department shall issue each agent and employee of a registered organization a registry identification card for a cost of $10 each within 10 days of receipt of the person's identifying information and the fee. Each card shall specify that the cardholder is an employee or agent of a registered organization.

(3) Each license for a registered organization and each employee or agent registry identification card shall expire one year after the date of issuance.

(4) Not later than 90 days after the effective date of this Article 2, the Department shall promulgate rules to implement this Section, including the following:

(A) procedures for the oversight of registered organizations, record-keeping and reporting requirements for registered organizations, the potential transfer or sale of seized cultivation equipment and related supplies from law enforcement agencies to registered organizations, and procedures for suspending or terminating the registration of registered organizations; and

(B) the form and content of the registration and renewal applications.

(c) Registered organizations shall be subject to reasonable inspection by the Department to determine that applicable rules are being followed. Reasonable notice shall be given prior to these inspections.

(d) (1) Registered organizations shall be established as nonprofit entities. They shall be subject to all applicable State laws governing nonprofit entities, but need not be recognized as a 501(c)(3) organization by the Internal Revenue Service.

(2) Registered organizations may not be located within 500 feet of the property line of a public school, private school, or structure used primarily for religious services or worship.

(3) The operating documents of a registered organization shall include procedures for the oversight of the registered organization and procedures to ensure adequate record-keeping.

(e)(1) A registered organization shall notify the Department within 10 days of when an employee or agent ceases to work at the registered organization.

(2) The registered organization shall notify the Department before a new agent or employee begins working at the registered organization, in writing, and it shall submit a $10 fee for that person's registry identification card.

(f)(1) No registered organization shall be subject to prosecution, search, seizure, or penalty in any manner, or denied any right or privilege, including but not limited to civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau for acting in accordance with this Article 2 and the rules issued pursuant to this Article 2 to assist registered qualifying patients to whom it is connected through the Department's registration process with the medical use of cannabis, provided that the registered organization possesses an amount of cannabis which does not exceed 8 cannabis plants and two and one-half ounces of usable cannabis for each registered qualifying patient.

(2) No employees, agents, or board members of a registered organization shall be subject to arrest, prosecution, search, seizure, or penalty in any manner, or denied any right or privilege, including but not limited to civil penalty or disciplinary action by a business or occupational or professional licensing board or bureau, for working for a registered organization in accordance with this Article 2.

(3) Applications and supporting information submitted by registered organizations, including licenses and information regarding their patients, primary caregivers, agents and employees of the organization are confidential and when applicable protected under the federal Health Insurance Portability and Accountability Act of 1996 and the AIDS Confidentiality Act.

(g) The registered organization is prohibited from:

(1) obtaining cannabis from outside the State in violation of federal law;

(2) acquiring, possessing, cultivating, manufacturing, delivering, transferring, transporting, supplying, or dispensing cannabis for any purpose except to assist registered qualifying patients with their medical use of cannabis.

(h) Except as provided in this Article 2, a municipality may not prevent a registered organization from operating in accordance with this Article 2 in an area where zoning permits retail businesses. This

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

(i) The number of licenses for registered organizations that the Department issues shall be limited to one registered organization license for each municipality with a population of 50,000 or more, except that a municipality with a population of 1,000,000 or more shall be limited to 15 registered organization licenses.

(j) If provisions of this Article 2 establishing registered organizations are enjoined or declared unconstitutional, then enforcing laws against delivery of cannabis for consideration to registered qualifying patients shall be the lowest priority of law enforcement.

(720 ILCS 550/250 new)

Sec. 250. Application. In the event of a conflict between this Article 2 and Article 1 of this Act, the provisions of this Article 2 shall control.

(720 ILCS 550/11 rep.)

Section 10. The Cannabis Control Act is amended by repealing Section 11.

Section 95. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

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 Amendments Numbered 1 and 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Clayborne, **Senate Bill No. 2580** 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 2580

AMENDMENT NO. 1. Amend Senate Bill 2580 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Natural Resources (Conservation) Law of the Civil Administrative Code of Illinois is amended by changing Section 805-15 as follows:

(20 ILCS 805/805-15) (was 20 ILCS 805/63a37)

Sec. 805-15. Rules and regulations.

(a) The Department has the power to adopt and enforce rules and regulations necessary to the performance of its statutory duties.

(b) These rules and regulations must include a process for expediting the issuance of permits and licenses. The Department may engage the experts and additional resources that are reasonably necessary for implementing this process. An applicant must request the use of an expedited process, and any additional costs for using that process shall be borne by the applicant.

(Source: P.A. 91-239, eff. 1-1-00.)

Section 10. The Department of Transportation Law of the Civil Administrative Code of Illinois is amended by adding Section 2705-20 as follows:

(20 ILCS 2705/2705-20 new)

Sec. 2705-20. Administrative rules.

(a) The Department has the power to adopt and enforce rules and regulations necessary to the performance of its statutory duties.

(b) These rules and regulations must include a process for expediting the issuance of permits and licenses. The Department may engage the experts and additional resources that are reasonably necessary for implementing this process. An applicant must request the use of an expedited process, and any additional costs for using that process shall be borne by the applicant.

Section 15. The State Fire Marshal Act is amended by changing Section 2 as follows:

(20 ILCS 2905/2) (from Ch. 127 1/2, par. 2)

Sec. 2. The Office shall have the following powers and duties:

1. To exercise the rights, powers and duties which have been vested by law in the Department of State Police as the successor of the Department of Public Safety, State Fire Marshal, inspectors, officers and employees of the State Fire Marshal, including arson investigation.

2. To keep a record, as may be required by law, of all fires occurring in the State, together with all facts, statistics and circumstances, including the origin of fires.

3. To exercise the rights, powers and duties which have been vested in the Department of State Police by the "Boiler and Pressure Vessel Safety Act", approved August 7, 1951, as amended.

4. To administer the Illinois Fire Protection Training Act.

5. To aid in the establishment and maintenance of the training facilities and programs of the Illinois Fire Service Institute.

6. To disburse Federal grants for fire protection purposes to units of local government.

7. To pay to or in behalf of the City of Chicago for the maintenance, expenses, facilities and structures directly incident to the Chicago Fire Department training program. Such payments may be made either as reimbursements for expenditures previously made by the City, or as payments at the time the City has incurred an obligation which is then due and payable for such expenditures. Payments for the Chicago Fire Department training program shall be made only for those expenditures which are not claimable by the City under "An Act relating to fire protection training", certified November 9, 1971, as amended.

8. To administer General Revenue Fund grants to areas not located in a fire protection district or in a municipality which provides fire protection services, to defray the organizational expenses of forming a fire protection district.

9. In cooperation with the Illinois Environmental Protection Agency, to administer the Illinois Leaking Underground Storage Tank program in accordance with Section 4 of this Act and Section 22.12 of the Environmental Protection Act.

10. To expend state and federal funds as appropriated by the General Assembly.

11. To provide technical assistance, to areas not located in a fire protection district or in a municipality which provides fire protection service, to form a fire protection district, to join an existing district, or to establish a municipal fire department, whichever is applicable.

12. To exercise such other powers and duties as may be vested in the Office by law.

13. To adopt all administrative rules that may be necessary for the effective administration, enforcement, and regulation of all matters for which the Department has jurisdiction or responsibility. These rules and regulations must include a process for expediting the issuance of permits and licenses. The Office may engage the experts and additional resources that are reasonably necessary for implementing this process. An applicant must request the use of an expedited process, and any additional costs for using that process shall be borne by the applicant.

(Source: P.A. 94-178, eff. 1-1-06.)

Section 20. The Historic Preservation Agency Act is amended by changing Section 16 as follows:

(20 ILCS 3405/16) (from Ch. 127, par. 2716)

Sec. 16. The Historic Sites and Preservation Division of the Agency shall have the following additional powers:

(a) To hire agents and employees necessary to carry out the duties and purposes of the Historic Sites and Preservation Division of the Agency.

(b) To take all measures necessary to erect, maintain, preserve, restore, and conserve all State Historic Sites and State Memorials, except when supervision and maintenance is otherwise provided by law. This authorization includes the power, with the consent of the Board, to enter into contracts, acquire and dispose of real and personal property, and enter into leases of real and personal property.

(c) To provide recreational facilities including camp sites, lodges and cabins, trails, picnic areas and related recreational facilities at all sites under the jurisdiction of the Agency.

(d) To lay out, construct and maintain all needful roads, parking areas, paths or trails, bridges, camp or lodge sites, picnic areas, lodges and cabins, and any other structures and improvements necessary and appropriate in any State historic site or easement thereto; and to provide water supplies, heat and light, and sanitary facilities for the public and living quarters for the custodians and keepers of State historic sites.

(e) To grant licenses and rights-of-way within the areas controlled by the Historic Sites and Preservation Division of the Agency for the construction, operation and maintenance upon, under or across the property, of facilities for water, sewage, telephone, telegraph, electric, gas, or other public service, subject to the terms and conditions as may be determined by the Agency.

(f) To authorize the officers, employees and agents of the Historic Sites and Preservation Division of the Agency, for the purposes of investigation and to exercise the rights, powers, and duties vested and

that may be vested in it, to enter and cross all lands and waters in this State, doing no damage to private property.

(g) To transfer jurisdiction of or exchange any realty under the control of the Historic Sites and Preservation Division of the Agency to any other Department of the State Government, or to any agency of the Federal Government, or to acquire or accept Federal lands, when any transfer, exchange, acquisition or acceptance is advantageous to the State and is approved in writing by the Governor.

(h) To erect, supervise, and maintain all public monuments and memorials erected by the State, except when the supervision and maintenance of public monuments and memorials is otherwise provided by law.

(i) To accept, hold, maintain, and administer, as trustee, property given in trust for educational or historic purposes for the benefit of the People of the State of Illinois and to dispose, with the consent of the Board, of any property under the terms of the instrument creating the trust.

(j) To lease concessions on any property under the jurisdiction of the Agency for a period not exceeding 25 years and to lease a concession complex at Lincoln's New Salem State Historic Site for which a cash incentive has been authorized under Section 5.1 of the Historic Preservation Agency Act for a period not to exceed 40 years. All leases, for whatever period, shall be made subject to the written approval of the Governor. All concession leases extending for a period in excess of 10 years, will contain provisions for the Agency to participate, on a percentage basis, in the revenues generated by any concession operation.

(k) To sell surplus agricultural products grown on land owned by or under the jurisdiction of the Historic Sites and Preservation Division of the Agency, when the products cannot be used by the Agency.

(l) To enforce the laws of the State and the rules and regulations of the Agency in or on any lands owned, leased, or managed by the Historic Sites and Preservation Division of the Agency.

(m) To cooperate with private organizations and agencies of the State of Illinois by providing areas and the use of staff personnel where feasible for the sale of publications on the historic and cultural heritage of the State and craft items made by Illinois craftsmen. These sales shall not conflict with existing concession agreements. The Historic Sites and Preservation Division of the Agency is authorized to negotiate with the organizations and agencies for a portion of the monies received from sales to be returned to the Historic Sites and Preservation Division of the Agency's Historic Sites Fund for the furtherance of interpretive and restoration programs.

(n) To establish local bank or savings and loan association accounts, upon the written authorization of the Director, to temporarily hold income received at any of its properties. The local accounts established under this Section shall be in the name of the Historic Preservation Agency and shall be subject to regular audits. The balance in a local bank or savings and loan association account shall be forwarded to the Agency for deposit with the State Treasurer on Monday of each week if the amount to be deposited in a fund exceeds $500.

No bank or savings and loan association shall receive public funds as permitted by this Section, unless it has complied with the requirements established under Section 6 of the Public Funds Investment Act.

(o) To accept, with the consent of the Board, offers of gifts, gratuities, or grants from the federal government, its agencies, or offices, or from any person, firm, or corporation.

(p) To make reasonable rules and regulations as may be necessary to discharge the duties of the Agency. <u>These rules and regulations must include a process for expediting the issuance of permits and licenses. The Agency may engage the experts and additional resources that are reasonably necessary for implementing this process. An applicant must request the use of an expedited process, and any additional costs for using that process shall be borne by the applicant.</u>

(q) With appropriate cultural organizations, to further and advance the goals of the Agency.

(r) To make grants for the purposes of planning, survey, rehabilitation, restoration, reconstruction, landscaping, and acquisition of Illinois properties (i) designated individually in the National Register of Historic Places, (ii) designated as a landmark under a county or municipal landmark ordinance, or (iii) located within a National Register of Historic Places historic district or a locally designated historic district when the Director determines that the property is of historic significance whenever an appropriation is made therefor by the General Assembly or whenever gifts or grants are received for that purpose and to promulgate regulations as may be necessary or desirable to carry out the purposes of the grants.

Grantees may, as prescribed by rule, be required to provide matching funds for each grant. Grants made under this subsection shall be known as Illinois Heritage Grants.

Every owner of a historic property, or the owner's agent, is eligible to apply for a grant under this subsection.

(s) To establish and implement a pilot program for charging admission to State historic sites. Fees may be charged for special events, admissions, and parking or any combination; fees may be charged at all sites or selected sites. All fees shall be deposited into the Illinois Historic Sites Fund. The Historic Sites and Preservation Division of the Agency shall have the discretion to set and adjust reasonable fees at the various sites, taking into consideration various factors including but not limited to: cost of services furnished to each visitor, impact of fees on attendance and tourism and the costs expended collecting the fees. The Agency shall keep careful records of the income and expenses resulting from the imposition of fees, shall keep records as to the attendance at each historic site, and shall report to the Governor and General Assembly by January 31 after the close of each year. The report shall include information on costs, expenses, attendance, comments by visitors, and any other information the Agency may believe pertinent, including:

(1) Recommendations as to whether fees should be continued at each State historic site.

(2) How the fees should be structured and imposed.

(3) Estimates of revenues and expenses associated with each site.

(t) To provide for overnight tent and trailer campsites and to provide suitable housing facilities for student and juvenile overnight camping groups. The Historic Sites and Preservation Division of the Agency shall charge rates similar to those charged by the Department of Conservation for the same or similar facilities and services.

(u) To engage in marketing activities designed to promote the sites and programs administered by the Agency. In undertaking these activities, the Agency may take all necessary steps with respect to products and services, including but not limited to retail sales, wholesale sales, direct marketing, mail order sales, telephone sales, advertising and promotion, purchase of product and materials inventory, design, printing and manufacturing of new products, reproductions, and adaptations, copyright and trademark licensing and royalty agreements, and payment of applicable taxes. In addition, the Agency shall have the authority to sell advertising in its publications and printed materials. All income from marketing activities shall be deposited into the Illinois Historic Sites Fund.
(Source: P.A. 91-202, eff. 1-1-00; 92-600, eff. 7-1-02.)

Section 25. The Environmental Protection Act is amended by changing Section 4 as follows:
(415 ILCS 5/4) (from Ch. 111 1/2, par. 1004)

Sec. 4. Environmental Protection Agency; establishment; duties.

(a) There is established in the Executive Branch of the State Government an agency to be known as the Environmental Protection Agency. This Agency shall be under the supervision and direction of a Director who shall be appointed by the Governor with the advice and consent of the Senate. The term of office of the Director shall expire on the third Monday of January in odd numbered years, provided that he or she shall hold office until a successor is appointed and has qualified. The Director shall receive an annual salary as set by the Governor from time to time or as set by the Compensation Review Board, whichever is greater. If set by the Governor, the Director's annual salary may not exceed 85% of the Governor's annual salary. The Director, in accord with the Personnel Code, shall employ and direct such personnel, and shall provide for such laboratory and other facilities, as may be necessary to carry out the purposes of this Act. In addition, the Director may by agreement secure such services as he or she may deem necessary from any other department, agency, or unit of the State Government, and may employ and compensate such consultants and technical assistants as may be required.

(b) The Agency shall have the duty to collect and disseminate such information, acquire such technical data, and conduct such experiments as may be required to carry out the purposes of this Act, including ascertainment of the quantity and nature of discharges from any contaminant source and data on those sources, and to operate and arrange for the operation of devices for the monitoring of environmental quality.

(c) The Agency shall have authority to conduct a program of continuing surveillance and of regular or periodic inspection of actual or potential contaminant or noise sources, of public water supplies, and of refuse disposal sites.

(d) In accordance with constitutional limitations, the Agency shall have authority to enter at all reasonable times upon any private or public property for the purpose of:

(1) Inspecting and investigating to ascertain possible violations of this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order; or

(2) In accordance with the provisions of this Act, taking whatever preventive or corrective action, including but not limited to removal or remedial action, that is necessary or appropriate whenever there is a release or a substantial threat of a release of (A) a hazardous substance

or pesticide or (B) petroleum from an underground storage tank.

(e) The Agency shall have the duty to investigate violations of this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order; to issue administrative citations as provided in Section 31.1 of this Act; and to take such summary enforcement action as is provided for by Section 34 of this Act.

(f) The Agency shall appear before the Board in any hearing upon a petition for variance, the denial of a permit, or the validity or effect of a rule or regulation of the Board, and shall have the authority to appear before the Board in any hearing under the Act.

(g) The Agency shall have the duty to administer, in accord with Title X of this Act, such permit and certification systems as may be established by this Act or by regulations adopted thereunder. The Agency may enter into written delegation agreements with any department, agency, or unit of State or local government under which all or portions of this duty may be delegated for public water supply storage and transport systems, sewage collection and transport systems, air pollution control sources with uncontrolled emissions of 100 tons per year or less and application of algicides to waters of the State. Such delegation agreements will require that the work to be performed thereunder will be in accordance with Agency criteria, subject to Agency review, and shall include such financial and program auditing by the Agency as may be required.

(h) The Agency shall have authority to require the submission of complete plans and specifications from any applicant for a permit required by this Act or by regulations thereunder, and to require the submission of such reports regarding actual or potential violations of this Act, any rule or regulation adopted under this Act, any permit or term or condition of a permit, or any Board order, as may be necessary for the purposes of this Act.

(i) The Agency shall have authority to make recommendations to the Board for the adoption of regulations under Title VII of the Act.

(j) The Agency shall have the duty to represent the State of Illinois in any and all matters pertaining to plans, procedures, or negotiations for interstate compacts or other governmental arrangements relating to environmental protection.

(k) The Agency shall have the authority to accept, receive, and administer on behalf of the State any grants, gifts, loans, indirect cost reimbursements, or other funds made available to the State from any source for purposes of this Act or for air or water pollution control, public water supply, solid waste disposal, noise abatement, or other environmental protection activities, surveys, or programs. Any federal funds received by the Agency pursuant to this subsection shall be deposited in a trust fund with the State Treasurer and held and disbursed by him in accordance with Treasurer as Custodian of Funds Act, provided that such monies shall be used only for the purposes for which they are contributed and any balance remaining shall be returned to the contributor.

The Agency is authorized to promulgate such regulations and enter into such contracts as it may deem necessary for carrying out the provisions of this subsection.

(l) The Agency is hereby designated as water pollution agency for the state for all purposes of the Federal Water Pollution Control Act, as amended; as implementing agency for the State for all purposes of the Safe Drinking Water Act, Public Law 93-523, as now or hereafter amended, except Section 1425 of that Act; as air pollution agency for the state for all purposes of the Clean Air Act of 1970, Public Law 91-604, approved December 31, 1970, as amended; and as solid waste agency for the state for all purposes of the Solid Waste Disposal Act, Public Law 89-272, approved October 20, 1965, and amended by the Resource Recovery Act of 1970, Public Law 91-512, approved October 26, 1970, as amended, and amended by the Resource Conservation and Recovery Act of 1976, (P.L. 94-580) approved October 21, 1976, as amended; as noise control agency for the state for all purposes of the Noise Control Act of 1972, Public Law 92-574, approved October 27, 1972, as amended; and as implementing agency for the State for all purposes of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (P.L. 96-510), as amended; and otherwise as pollution control agency for the State pursuant to federal laws integrated with the foregoing laws, for financing purposes or otherwise. The Agency is hereby authorized to take all action necessary or appropriate to secure to the State the benefits of such federal Acts, provided that the Agency shall transmit to the United States without change any standards adopted by the Pollution Control Board pursuant to Section 5(c) of this Act. This subsection (l) of Section 4 shall not be construed to bar or prohibit the Environmental Protection Trust Fund Commission from accepting, receiving, and administering on behalf of the State any grants, gifts, loans or other funds for which the Commission is eligible pursuant to the Environmental Protection Trust Fund Act. The Agency is hereby designated as the State agency for all purposes of administering the requirements of Section 313 of the federal Emergency Planning and Community Right-to-Know Act of 1986.

Any municipality, sanitary district, or other political subdivision, or any Agency of the State or

interstate Agency, which makes application for loans or grants under such federal Acts shall notify the Agency of such application; the Agency may participate in proceedings under such federal Acts.

(m) The Agency shall have authority, consistent with Section 5(c) and other provisions of this Act, and for purposes of Section 303(e) of the Federal Water Pollution Control Act, as now or hereafter amended, to engage in planning processes and activities and to develop plans in cooperation with units of local government, state agencies and officers, and other appropriate persons in connection with the jurisdiction or duties of each such unit, agency, officer or person. Public hearings shall be held on the planning process, at which any person shall be permitted to appear and be heard, pursuant to procedural regulations promulgated by the Agency.

(n) In accordance with the powers conferred upon the Agency by Sections 10(g), 13(b), 19, 22(d) and 25 of this Act, the Agency shall have authority to establish and enforce minimum standards for the operation of laboratories relating to analyses and laboratory tests for air pollution, water pollution, noise emissions, contaminant discharges onto land and sanitary, chemical, and mineral quality of water distributed by a public water supply. The Agency may enter into formal working agreements with other departments or agencies of state government under which all or portions of this authority may be delegated to the cooperating department or agency.

(o) The Agency shall have the authority to issue certificates of competency to persons and laboratories meeting the minimum standards established by the Agency in accordance with Section 4(n) of this Act and to promulgate and enforce regulations relevant to the issuance and use of such certificates. The Agency may enter into formal working agreements with other departments or agencies of state government under which all or portions of this authority may be delegated to the cooperating department or agency.

(p) Except as provided in Section 17.7, the Agency shall have the duty to analyze samples as required from each public water supply to determine compliance with the contaminant levels specified by the Pollution Control Board. The maximum number of samples which the Agency shall be required to analyze for microbiological quality shall be 6 per month, but the Agency may, at its option, analyze a larger number each month for any supply. Results of sample analyses for additional required bacteriological testing, turbidity, residual chlorine and radionuclides are to be provided to the Agency in accordance with Section 19. Owners of water supplies may enter into agreements with the Agency to provide for reduced Agency participation in sample analyses.

(q) The Agency shall have the authority to provide notice to any person who may be liable pursuant to Section 22.2(f) of this Act for a release or a substantial threat of a release of a hazardous substance or pesticide. Such notice shall include the identified response action and an opportunity for such person to perform the response action.

(r) The Agency may enter into written delegation agreements with any unit of local government under which it may delegate all or portions of its inspecting, investigating and enforcement functions. Such delegation agreements shall require that work performed thereunder be in accordance with Agency criteria and subject to Agency review. Notwithstanding any other provision of law to the contrary, no unit of local government shall be liable for any injury resulting from the exercise of its authority pursuant to such a delegation agreement unless the injury is proximately caused by the willful and wanton negligence of an agent or employee of the unit of local government, and any policy of insurance coverage issued to a unit of local government may provide for the denial of liability and the nonpayment of claims based upon injuries for which the unit of local government is not liable pursuant to this subsection (r).

(s) The Agency shall have authority to take whatever preventive or corrective action is necessary or appropriate, including but not limited to expenditure of monies appropriated from the Build Illinois Bond Fund and the Build Illinois Purposes Fund for removal or remedial action, whenever any hazardous substance or pesticide is released or there is a substantial threat of such a release into the environment. The State, the Director, and any State employee shall be indemnified for any damages or injury arising out of or resulting from any action taken under this subsection. The Director of the Agency is authorized to enter into such contracts and agreements as are necessary to carry out the Agency's duties under this subsection.

(t) The Agency shall have authority to distribute grants, subject to appropriation by the General Assembly, for financing and construction of municipal wastewater facilities. With respect to all monies appropriated from the Build Illinois Bond Fund and the Build Illinois Purposes Fund for wastewater facility grants, the Agency shall make distributions in conformity with the rules and regulations established pursuant to the Anti-Pollution Bond Act, as now or hereafter amended.

(u) Pursuant to the Illinois Administrative Procedure Act, the Agency shall have the authority to adopt such rules as are necessary or appropriate for the Agency to implement Section 31.1 of this Act.

(v) (Blank.)

(w) Neither the State, nor the Director, nor the Board, nor any State employee shall be liable for any damages or injury arising out of or resulting from any action taken under subsection (s).

(x)(1) The Agency shall have authority to distribute grants, subject to appropriation by the General Assembly, to units of local government for financing and construction of public water supply facilities. With respect to all monies appropriated from the Build Illinois Bond Fund or the Build Illinois Purposes Fund for public water supply grants, such grants shall be made in accordance with rules promulgated by the Agency. Such rules shall include a requirement for a local match of 30% of the total project cost for projects funded through such grants.

(2) The Agency shall not terminate a grant to a unit of local government for the financing and construction of public water supply facilities unless and until the Agency adopts rules that set forth precise and complete standards, pursuant to Section 5-20 of the Illinois Administrative Procedure Act, for the termination of such grants. The Agency shall not make determinations on whether specific grant conditions are necessary to ensure the integrity of a project or on whether subagreements shall be awarded, with respect to grants for the financing and construction of public water supply facilities, unless and until the Agency adopts rules that set forth precise and complete standards, pursuant to Section 5-20 of the Illinois Administrative Procedure Act, for making such determinations. The Agency shall not issue a stop-work order in relation to such grants unless and until the Agency adopts precise and complete standards, pursuant to Section 5-20 of the Illinois Administrative Procedure Act, for determining whether to issue a stop-work order.

(y) The Agency shall have authority to release any person from further responsibility for preventive or corrective action under this Act following successful completion of preventive or corrective action undertaken by such person upon written request by the person.

(z) The Agency may provide for the expedited review of any permit application upon request by the permit applicant. The Agency may enter into contracts or agreements as it deems necessary to expedite permit application reviews. If the Agency provides for the expedited review of a permit application, the permit applicant shall pay to the Agency all reasonable costs incurred by the Agency that are related to the expedited review. The Agency shall provide the applicant with the task and roles that any third party reviewers shall perform and shall also provide suitable evidence to support all third party charges. Such costs shall be in addition to any other costs or fees required by law or regulation. Prior to conducting an expedited review, the Agency may require the permit applicant to make an advance payment for costs related to the review, not to exceed the lesser of $5,000 or one-half of the Agency's total anticipated additional review costs. The Agency may cease an expedited review if the permit applicant fails to pay the Agency's costs when due. All amounts paid to the Agency under this subsection (z) shall be deposited into the Environmental Protection Permit and Inspection Fund or into such other Agency administered fund as is appropriate for the permit under review. A permit applicant that has requested an expedited review may withdraw its request at any time by providing the Agency with written notification of its withdrawal, provided that the applicant shall remain liable for all expedited review costs incurred by the Agency through the date of the Agency's receipt of the withdrawal. The Agency shall adopt rules for the administration of this subsection (z).

(Source: P.A. 92-574, eff. 6-26-02; 93-152, eff. 7-10-03.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Collins, **Senate Bill No. 2670** 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 2670

AMENDMENT NO. 1. Amend Senate Bill 2670 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 10-20.12b as follows:

(105 ILCS 5/10-20.12b)

Sec. 10-20.12b. Residency; payment of tuition; hearing; criminal penalty.

(a) For purposes of this Section:

(1) The residence of a person who has legal custody of a pupil is deemed to be the residence of the pupil.

(2) "Legal custody" means one of the following:

(i) Custody exercised by a natural or adoptive parent with whom the pupil resides.

(ii) Custody granted by order of a court of competent jurisdiction to a person with whom the pupil resides for reasons other than to have access to the educational programs of the district.

(iii) Custody exercised under a statutory short-term guardianship, provided that within 60 days of the pupil's enrollment a court order is entered that establishes a permanent guardianship and grants custody to a person with whom the pupil resides for reasons other than to have access to the educational programs of the district.

(iv) Custody exercised by an adult caretaker relative who is receiving aid under the Illinois Public Aid Code for the pupil who resides with that adult caretaker relative for purposes other than to have access to the educational programs of the district.

(v) Custody exercised by an adult who demonstrates that, in fact, he or she has assumed and exercises legal responsibility for the pupil. For the purposes of this item (v), "legal responsibility" is defined as providing ~~and provides~~ the pupil with a regular fixed night-time abode for purposes other than to have access to the educational programs of the district.

(a-5) If a pupil's change of residence is due to the military service obligation of a person who has legal custody of the pupil, then, upon the written request of the person having legal custody of the pupil, the residence of the pupil is deemed for all purposes relating to enrollment (including tuition, fees, and costs), for the duration of the custodian's military service obligation, to be the same as the residence of the pupil immediately before the change of residence caused by the military service obligation. A school district is not responsible for providing transportation to or from school for a pupil whose residence is determined under this subsection (a-5). School districts shall facilitate re-enrollment when necessary to comply with this subsection (a-5).

(a-10) A school district must require an adult claiming custody under item (v) of subdivision (2) of subsection (a) of this Section to complete and sign an Attestation of Enrollment and Residency, developed by the State Board of Education, prior to enrollment of the pupil. An adult who establishes custody under item (ii), (iii), (iv), or (v) of subdivision (2) of subsection (a) of this Section is authorized and agrees to act in the place of the parent of the pupil with respect to the pupil's education decisions and to be the person the school contacts regarding truancy, discipline, and school-based medical care. Once custody is established under item (ii), (iii), (iv), or (v) of subdivision (2) of subsection (a) of this Section, a school district shall make a reasonable attempt to communicate with the parent or parents of the pupil, unless the school district has knowledge of an order of a court to not communicate with a parent or parents of the pupil.

(b) Except as otherwise provided under Section 10-22.5a, only resident pupils of a school district may attend the schools of the district without payment of the tuition required to be charged under Section 10-20.12a. However, children for whom the Guardianship Administrator of the Department of Children and Family Services has been appointed temporary custodian or guardian of the person of a child shall not be charged tuition as a nonresident pupil if the child was placed by the Department of Children and Family Services with a foster parent or placed in another type of child care facility and the foster parent or child care facility is located in a school district other than the child's former school district and it is determined by the Department of Children and Family Services to be in the child's best interest to maintain attendance at his or her former school district.

(c) The provisions of this subsection do not apply in school districts having a population of 500,000 or more. If a school board in a school district with a population of less than 500,000 determines that a pupil who is attending school in the district on a tuition free basis is a nonresident of the district for whom tuition is required to be charged under Section 10-20.12a, the board shall notify the person who enrolled the pupil of the amount of the tuition charged under Section 10-20.12a that is due to the district for the nonresident pupil's attendance in the district's schools. The notice shall be given by certified mail, return receipt requested. Within 10 days after receipt of the notice, the person who enrolled the pupil may request a hearing to review the determination of the school board. The request shall be sent by certified mail, return receipt requested, to the district superintendent. Within 10 days after receipt of the request, the board shall notify, by certified mail, return receipt requested, the person requesting the hearing of the time and place of the hearing, which shall be held not less than 10 nor more than 20 days after the notice of hearing is given. An impartial hearing officer appointed by the regional superintendent of schools

shall conduct the hearing. ~~The board or a hearing officer designated by the board shall conduct the hearing.~~ The board and the person who enrolled the pupil may be represented at the hearing by representatives of their choice. At the hearing, the person who enrolled the pupil shall have the burden of going forward with the evidence concerning the pupil's residency. The ~~If the hearing is conducted by a hearing officer, the~~ hearing officer, within 5 days after the conclusion of the hearing, shall send a written report of his or her findings by certified mail, return receipt requested, to the school board and to the person who enrolled the pupil. The person who enrolled the pupil may, within 5 days after receiving the findings, file written objections to the findings with the school board by sending the objections by certified mail, return receipt requested, addressed to the district superintendent. The ~~Whether the hearing is conducted by the school board or a hearing officer, the~~ school board shall, within 15 days after the conclusion of the hearing, decide whether or not the pupil is a resident of the district and the amount of any tuition required to be charged under Section 10-20.12a as a result of the pupil's attendance in the schools of the district. The school board shall send a copy of its decision to the person who enrolled the pupil~~, and the decision of the school board shall be final~~. After the school board has made its decision, any party to the hearing may appeal the decision in writing by certified mail, return receipt requested, to the State Superintendent of Education. The State Superintendent of Education or his or her designee shall review the record and determine whether the proper procedures were followed and whether the conclusion at the district level was against the manifest weight of the evidence or contrary to law. The decision of the State Superintendent of Education is final and subject to judicial review under the Administrative Review Law. The State Board of Education may adopt and enforce any rules that are necessary to implement and administer this subsection (c).

(c-5) The provisions of this subsection apply only in school districts having a population of 500,000 or more. If the board of education of a school district with a population of 500,000 or more determines that a pupil who is attending school in the district on a tuition free basis is a nonresident of the district for whom tuition is required to be charged under Section 10-20.12a, the board shall notify the person who enrolled the pupil of the amount of the tuition charged under Section 10-20.12a that is due to the district for the nonresident pupil's attendance in the district's schools. The notice shall be given by certified mail, return receipt requested. Within 10 days after receipt of the notice, the person who enrolled the pupil may request a hearing to review the determination of the school board. The request shall be sent by certified mail, return receipt requested, to the district superintendent. Within 30 days after receipt of the request, the board shall notify, by certified mail, return receipt requested, the person requesting the hearing of the time and place of the hearing, which shall be held not less than 10 nor more than 30 days after the notice of hearing is given. An impartial hearing officer appointed by the State Superintendent of Education shall conduct the hearing. ~~The board or a hearing officer designated by the board shall conduct the hearing.~~ The board and the person who enrolled the pupil may each be represented at the hearing by a representative of their choice. At the hearing, the person who enrolled the pupil shall have the burden of going forward with the evidence concerning the pupil's residency. The ~~If the hearing is conducted by a hearing officer, the~~ hearing officer, within 20 days after the conclusion of the hearing, shall serve a written report of his or her findings by personal service or by certified mail, return receipt requested, to the school board and to the person who enrolled the pupil. The person who enrolled the pupil may, within 10 days after receiving the findings, file written objections to the findings with the board of education by sending the objections by certified mail, return receipt requested, addressed to the general superintendent of schools. ~~If the hearing is conducted by the board of education, the board shall, within 45 days after the conclusion of the hearing, decide whether or not the pupil is a resident of the district and the amount of any tuition required to be charged under Section 10-20.12a as a result of the pupil's attendance in the schools of the district.~~ The ~~If the hearing is conducted by a hearing officer, the~~ board of education shall, within 45 days after the receipt of the hearing officer's findings, decide whether or not the pupil is a resident of the district and the amount of any tuition required to be charged under Section 10-20.12a as a result of the pupil's attendance in the schools of the district. The board of education shall send, by certified mail, return receipt requested, a copy of its decision to the person who enrolled the pupil~~, and the decision of the board shall be final~~. After the board of education has made its decision, any party to the hearing may appeal the decision in writing by certified mail, return receipt requested, to the State Superintendent of Education. The State Superintendent of Education or his or her designee shall review the record and determine whether the proper procedures were followed and whether the conclusion at the district level was against the manifest weight of the evidence or contrary to law. The decision of the State Superintendent of Education is final and subject to judicial review under the Administrative Review Law. The State Board of Education may adopt and enforce any rules that are necessary to implement and administer this subsection (c-5).

(d) If a hearing is requested under subsection (c) or (c-5) to review the determination of the school

board or board of education that a nonresident pupil is attending the schools of the district without payment of the tuition required to be charged under Section 10-20.12a, the pupil may, at the request of a person who enrolled the pupil, continue attendance at the schools of the district pending a ~~final~~ decision of the board following the hearing and, if applicable, the final decision of the State Superintendent of Education. However, attendance of that pupil in the schools of the district as authorized by this subsection (d) shall not relieve any person who enrolled the pupil of the obligation to pay the tuition charged for that attendance under Section 10-20.12a if the ~~final~~ decision of the board or, if applicable, the final decision of the State Superintendent of Education is that the pupil is a nonresident of the district. If a pupil is determined to be a nonresident of the district for whom tuition is required to be charged pursuant to this Section, the board shall refuse to permit the pupil to continue attending the schools of the district unless the required tuition is paid for the pupil.

(e) Except for a pupil referred to in subsection (b) of Section 10-22.5a, a pupil referred to in Section 10-20.12a, or a pupil referred to in subsection (b) of this Section, a person who knowingly enrolls or attempts to enroll in the schools of a school district on a tuition free basis a pupil known by that person to be a nonresident of the district shall be guilty of a Class C misdemeanor.

(f) A person who knowingly or wilfully presents to any school district any false information regarding the residency of a pupil for the purpose of enabling that pupil to attend any school in that district without the payment of a nonresident tuition charge shall be guilty of a Class C misdemeanor.

(g) The provisions of this Section are subject to the provisions of the Education for Homeless Children Act. Nothing in this Section shall be construed to apply to or require the payment of tuition by a parent or guardian of a "homeless child" (as that term is defined in Section 1-5 of the Education for Homeless Children Act) in connection with or as a result of the homeless child's continued education or enrollment in a school that is chosen in accordance with any of the options provided in Section 1-10 of that Act.
(Source: P.A. 94-309, eff. 7-25-05.)

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 Demuzio, **Senate Bill No. 2674** having been printed, was taken up, read by title a second time.
Senator Demuzio offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2674

AMENDMENT NO. 1. Amend Senate Bill 2674 on page 2 by replacing lines 20 through 34 with the following:

"Section 20. Staffing audit. The Auditor General shall conduct performance audits of executive branch agencies listed in Section 5-15 of the Civil Administrative Code of Illinois to determine 5-year trends in staffing levels for direct line service programs. The audits shall analyze reported staffing levels by agency, division, program, and facility. The audits shall determine whether agencies have identified key outcome indicators for each major direct line service program including the amount, variety, and quality of programs and services delivered. The audits shall determine whether the agencies' indicators accurately reflect agency performance and are measurable consistently over time. The audits shall determine if the agencies have assessed whether staffing changes have impacted agency performance. The audits shall include recommendations where appropriate. A minimum of 6 such audits shall be conducted annually, beginning in fiscal year 2007.".

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 Silverstein, **Senate Bill No. 2676** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 2676

AMENDMENT NO. 1. Amend Senate Bill 2676 on page 1, line 5, by replacing "Section 3-4" with "Sections 2-9 and 3-4"; and

on page 1, by inserting between lines 5 and 6 the following:

"(755 ILCS 45/2-9) (from Ch. 110 1/2, par. 802-9)

Sec. 2-9. Preservation of estate plan and trusts. In exercising powers granted under the agency, including powers of amendment or revocation and powers to expend or withdraw property passing by trust, contract or beneficiary designation at the principal's death (such as, without limitation, specifically bequeathed property, joint accounts, life insurance, trusts and retirement plans), the agent shall take the principal's estate plan into account insofar as it is known to the agent and shall attempt to preserve the plan, but the agent shall not be liable to any plan beneficiary under this Section unless the agent acts in bad faith. An agent may not revoke or amend a trust revocable or amendable by the principal or require the trustee of any trust for the benefit of the principal to pay income or principal to the agent without specific authority and specific reference to the trust in the agency (which shall include accounts held in any financial institution titled in the name of any trust subject to the provisions of the Trusts and Trustees Act, and shall specifically exclude any Totten Trust, Payable on Death Account, or comparable trust account arrangement where the terms of such trust are contained entirely on the financial institution's signature card). The agent shall have access to and the right to copy (but not to hold) the principal's will, trusts and other personal papers and records to the extent the agent deems relevant for purposes of this Section.

(Source: P.A. 85-701.)".

Senator Silverstein offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2676

AMENDMENT NO. 2. Amend Senate Bill 2676, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Power of Attorney Act is amended by changing Sections 2-9 and 3-4 as follows:

(755 ILCS 45/2-9) (from Ch. 110 1/2, par. 802-9)

Sec. 2-9. Preservation of estate plan and trusts. In exercising powers granted under the agency, including powers of amendment or revocation and powers to expend or withdraw property passing by trust, contract or beneficiary designation at the principal's death (such as, without limitation, specifically bequeathed property, joint accounts, life insurance, trusts and retirement plans), the agent shall take the principal's estate plan into account insofar as it is known to the agent and shall attempt to preserve the plan, but the agent shall not be liable to any plan beneficiary under this Section unless the agent acts in bad faith. An agent may not revoke or amend a trust revocable or amendable by the principal or require the trustee of any trust for the benefit of the principal to pay income or principal to the agent without specific authority and specific reference to the trust in the agency. The agent shall have access to and the right to copy (but not to hold) the principal's will, trusts and other personal papers and records to the extent the agent deems relevant for purposes of this Section. This Section shall not apply to any Totten Trust, Payable on Death Account, or comparable trust account arrangement where the terms of such trust are contained entirely on the financial institution's signature card insofar as an agent acting under a power of attorney executed in accordance with this Act shall be permitted to withdraw income or principal from such account if the power of attorney grants the agent authority to conduct financial institution transactions on the principal's behalf and the agent's authority to access such account is not expressly limited or withheld in the agency.

(Source: P.A. 85-701.)

(755 ILCS 45/3-4) (from Ch. 110 1/2, par. 803-4)

Sec. 3-4. Explanation of powers granted in the statutory short form power of attorney for property. This Section defines each category of powers listed in the statutory short form power of attorney for property and the effect of granting powers to an agent. When the title of any of the following categories is retained (not struck out) in a statutory property power form, the effect will be to grant the agent all of the principal's rights, powers and discretions with respect to the types of property and transactions covered by the retained category, subject to any limitations on the granted powers that appear on the face of the form. The agent will have authority to exercise each granted power for and in the name of the principal with respect to all of the principal's interests in every type of property or transaction covered by the granted power at the time of exercise, whether the principal's interests are direct or indirect, whole or fractional, legal, equitable or contractual, as a joint tenant or tenant in common or held in any other form; but the agent will not have power under any of the statutory categories (a) through (o) to make gifts of the principal's property, to exercise powers to appoint to others or to change any beneficiary whom the principal has designated to take the principal's interests at death under any will, trust, joint tenancy, beneficiary form or contractual arrangement. The agent will be under no duty to exercise granted powers or to assume control of or responsibility for the principal's property or affairs; but when granted powers are exercised, the agent will be required to use due care to act for the benefit of the principal in accordance with the terms of the statutory property power and will be liable for negligent exercise. The agent may act in person or through others reasonably employed by the agent for that purpose and will have authority to sign and deliver all instruments, negotiate and enter into all agreements and do all other acts reasonably necessary to implement the exercise of the powers granted to the agent.

(a) Real estate transactions. The agent is authorized to: buy, sell, exchange, rent and lease real estate (which term includes, without limitation, real estate subject to a land trust and all beneficial interests in and powers of direction under any land trust); collect all rent, sale proceeds and earnings from real estate; convey, assign and accept title to real estate; grant easements, create conditions and release rights of homestead with respect to real estate; create land trusts and exercise all powers under land trusts; hold, possess, maintain, repair, improve, subdivide, manage, operate and insure real estate; pay, contest, protest and compromise real estate taxes and assessments; and, in general, exercise all powers with respect to real estate which the principal could if present and under no disability.

(b) Financial institution transactions. The agent is authorized to: open, close, continue and control all accounts and deposits in any type of financial institution (which term includes, without limitation, banks, trust companies, savings and building and loan associations, credit unions and brokerage firms); deposit in and withdraw from and write checks on any financial institution account or deposit; and, in general, exercise all powers with respect to financial institution transactions which the principal could if present and under no disability. This authorization shall also apply to any Totten Trust, Payable on Death Account, or comparable trust account arrangement where the terms of such trust are contained entirely on the financial institution's signature card, insofar as an agent shall be permitted to withdraw income or principal from such account, unless this authorization is expressly limited or withheld under paragraph 2 of the form prescribed under Section 3-3. This authorization shall not apply to accounts titled in the name of any trust subject to the provisions of the Trusts and Trustees Act, for which specific reference to the trust and a specific grant of authority to the agent to withdraw income or principal from such trust is required pursuant to Section 2-9 of the Illinois Power of Attorney Act and subsection (n) of this Section.

(c) Stock and bond transactions. The agent is authorized to: buy and sell all types of securities (which term includes, without limitation, stocks, bonds, mutual funds and all other types of investment securities and financial instruments); collect, hold and safekeep all dividends, interest, earnings, proceeds of sale, distributions, shares, certificates and other evidences of ownership paid or distributed with respect to securities; exercise all voting rights with respect to securities in person or by proxy, enter into voting trusts and consent to limitations on the right to vote; and, in general, exercise all powers with respect to securities which the principal could if present and under no disability.

(d) Tangible personal property transactions. The agent is authorized to: buy and sell, lease, exchange, collect, possess and take title to all tangible personal property; move, store, ship, restore, maintain, repair, improve, manage, preserve, insure and safekeep tangible personal property; and, in general, exercise all powers with respect to tangible personal property which the principal could if present and under no disability.

(e) Safe deposit box transactions. The agent is authorized to: open, continue and have access to all safe deposit boxes; sign, renew, release or terminate any safe deposit contract; drill or surrender any safe deposit box; and, in general, exercise all powers with respect to safe deposit matters which the principal could if present and under no disability.

(f) Insurance and annuity transactions. The agent is authorized to: procure, acquire, continue, renew,

terminate or otherwise deal with any type of insurance or annuity contract (which terms include, without limitation, life, accident, health, disability, automobile casualty, property or liability insurance); pay premiums or assessments on or surrender and collect all distributions, proceeds or benefits payable under any insurance or annuity contract; and, in general, exercise all powers with respect to insurance and annuity contracts which the principal could if present and under no disability.

(g) Retirement plan transactions. The agent is authorized to: contribute to, withdraw from and deposit funds in any type of retirement plan (which term includes, without limitation, any tax qualified or nonqualified pension, profit sharing, stock bonus, employee savings and other retirement plan, individual retirement account, deferred compensation plan and any other type of employee benefit plan); select and change payment options for the principal under any retirement plan; make rollover contributions from any retirement plan to other retirement plans or individual retirement accounts; exercise all investment powers available under any type of self-directed retirement plan; and, in general, exercise all powers with respect to retirement plans and retirement plan account balances which the principal could if present and under no disability.

(h) Social Security, unemployment and military service benefits. The agent is authorized to: prepare, sign and file any claim or application for Social Security, unemployment or military service benefits; sue for, settle or abandon any claims to any benefit or assistance under any federal, state, local or foreign statute or regulation; control, deposit to any account, collect, receipt for, and take title to and hold all benefits under any Social Security, unemployment, military service or other state, federal, local or foreign statute or regulation; and, in general, exercise all powers with respect to Social Security, unemployment, military service and governmental benefits which the principal could if present and under no disability.

(i) Tax matters. The agent is authorized to: sign, verify and file all the principal's federal, state and local income, gift, estate, property and other tax returns, including joint returns and declarations of estimated tax; pay all taxes; claim, sue for and receive all tax refunds; examine and copy all the principal's tax returns and records; represent the principal before any federal, state or local revenue agency or taxing body and sign and deliver all tax powers of attorney on behalf of the principal that may be necessary for such purposes; waive rights and sign all documents on behalf of the principal as required to settle, pay and determine all tax liabilities; and, in general, exercise all powers with respect to tax matters which the principal could if present and under no disability.

(j) Claims and litigation. The agent is authorized to: institute, prosecute, defend, abandon, compromise, arbitrate, settle and dispose of any claim in favor of or against the principal or any property interests of the principal; collect and receipt for any claim or settlement proceeds and waive or release all rights of the principal; employ attorneys and others and enter into contingency agreements and other contracts as necessary in connection with litigation; and, in general, exercise all powers with respect to claims and litigation which the principal could if present and under no disability.

(k) Commodity and option transactions. The agent is authorized to: buy, sell, exchange, assign, convey, settle and exercise commodities futures contracts and call and put options on stocks and stock indices traded on a regulated options exchange and collect and receipt for all proceeds of any such transactions; establish or continue option accounts for the principal with any securities or futures broker; and, in general, exercise all powers with respect to commodities and options which the principal could if present and under no disability.

(1) Business operations. The agent is authorized to: organize or continue and conduct any business (which term includes, without limitation, any farming, manufacturing, service, mining, retailing or other type of business operation) in any form, whether as a proprietorship, joint venture, partnership, corporation, trust or other legal entity; operate, buy, sell, expand, contract, terminate or liquidate any business; direct, control, supervise, manage or participate in the operation of any business and engage, compensate and discharge business managers, employees, agents, attorneys, accountants and consultants; and, in general, exercise all powers with respect to business interests and operations which the principal could if present and under no disability.

(m) Borrowing transactions. The agent is authorized to: borrow money; mortgage or pledge any real estate or tangible or intangible personal property as security for such purposes; sign, renew, extend, pay and satisfy any notes or other forms of obligation; and, in general, exercise all powers with respect to secured and unsecured borrowing which the principal could if present and under no disability.

(n) Estate transactions. The agent is authorized to: accept, receipt for, exercise, release, reject, renounce, assign, disclaim, demand, sue for, claim and recover any legacy, bequest, devise, gift or other property interest or payment due or payable to or for the principal; assert any interest in and exercise any power over any trust, estate or property subject to fiduciary control; establish a revocable trust solely for the benefit of the principal that terminates at the death of the principal and is then distributable to the

legal representative of the estate of the principal; and, in general, exercise all powers with respect to estates and trusts which the principal could if present and under no disability; provided, however, that the agent may not make or change a will and may not revoke or amend a trust revocable or amendable by the principal or require the trustee of any trust for the benefit of the principal to pay income or principal to the agent unless specific authority to that end is given, and specific reference to the trust is made, in the statutory property power form.

(o) All other property powers and transactions. The agent is authorized to: exercise all possible powers of the principal with respect to all possible types of property and interests in property, except to the extent the principal limits the generality of this category (o) by striking out one or more of categories (a) through (n) or by specifying other limitations in the statutory property power form.

(Source: P.A. 85-701.)".

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 Maloney, **Senate Bill No. 2737** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 2737

AMENDMENT NO. 1. Amend Senate Bill 2737 on page 2, by replacing lines 10 through 14 with the following:

"(3) when forensic DNA testing is requested, and the testing is to be performed on or after the effective date of this amendatory Act of the 94th General Assembly, the forensic DNA testing shall be performed by an American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD) accredited laboratory or an International Standards Organization (ISO) accredited laboratory.".

Senator Maloney offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2737

AMENDMENT NO. 2. Amend Senate Bill 2737, AS AMENDED, by replacing paragraph (3) of subsection (c) of Sec. 116-3 of Section 5 with the following:

"(3) when forensic DNA testing is requested, and the testing is to be performed on or after the effective date of this amendatory Act of the 94th General Assembly, the forensic DNA testing shall be performed by an American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB) accredited laboratory or an International Organization for Standardization (ISO) accredited laboratory, unless upon written motion and after hearing arguments or evidence, or both, the court may order the DNA testing be performed by a laboratory that is not ASCLD/LAB or ISO accredited.".

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 Althoff, **Senate Bill No. 2777** having been printed, was taken up, read by title a second time.

Committee Amendment No. 1 and Floor Amendment No. 2 were held in the Committee on Rules.

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

On motion of Senator Shadid, **Senate Bill No. 2795** 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 2795

AMENDMENT NO. 1. Amend Senate Bill 2795 by replacing everything after the enacting clause

with the following:

"Section 5. The Election Code is amended by changing Section 28-2 as follows:

(10 ILCS 5/28-2) (from Ch. 46, par. 28-2)

Sec. 28-2. (a) Except as otherwise provided in this Section, petitions for the submission of public questions to referendum must be filed with the appropriate officer or board not less than 78 days prior to a regular election to be eligible for submission on the ballot at such election; and petitions for the submission of a question under Section 18-120 of the Property Tax Code must be filed with the appropriate officer or board not more than 10 months nor less than 6 months prior to the election at which such question is to be submitted to the voters.

(b) However, petitions for the submission of a public question to referendum which proposes the creation or formation of a political subdivision must be filed with the appropriate officer or board not less than 108 days prior to a regular election to be eligible for submission on the ballot at such election.

(c) Resolutions or ordinances of governing boards of political subdivisions which initiate the submission of public questions pursuant to law must be adopted not less than 65 days before a regularly scheduled election to be eligible for submission on the ballot at such election.

(d) A petition, resolution or ordinance initiating the submission of a public question may specify a regular election at which the question is to be submitted, and must so specify if the statute authorizing the public question requires submission at a particular election. However, no petition, resolution or ordinance initiating the submission of a public question, other than a legislative resolution initiating an amendment to the Constitution, may specify such submission at an election more than one year, or 15 months in the case of a back door referendum as defined in subsection (f), after the date on which it is filed or adopted, as the case may be. A petition, resolution or ordinance initiating a public question which specifies a particular election at which the question is to be submitted shall be so limited, and shall not be valid as to any other election, other than an emergency referendum ordered pursuant to Section 2A-1.4.

(e) If a petition initiating a public question does not specify a regularly scheduled election, the public question shall be submitted to referendum at the next regular election occurring not less than 78 days after the filing of the petition, or not less than 108 days after the filing of a petition for referendum to create a political subdivision. If a resolution or ordinance initiating a public question does not specify a regularly scheduled election, the public question shall be submitted to referendum at the next regular election occurring not less than 65 days after the adoption of the resolution or ordinance.

(f) In the case of back door referenda, any limitations in another statute authorizing such a referendum which restrict the time in which the initiating petition may be validly filed shall apply to such petition, in addition to the filing deadlines specified in this Section for submission at a particular election. In the case of any back door referendum, the publication of the ordinance or resolution of the political subdivision shall include a notice of (1) the specific number of voters required to sign a petition requesting that a public question be submitted to the voters of the subdivision; (2) the time within which the petition must be filed; and (3) the date of the prospective referendum. The secretary or clerk of the political subdivision shall provide a petition form to any individual requesting one. The legal sufficiency of that form, if provided by the secretary or clerk of the political subdivision, cannot be the basis of a challenge to placing the back door referendum on the ballot. As used herein, a "back door referendum" is the submission of a public question to the voters of a political subdivision, initiated by a petition of voters or residents of such political subdivision, to determine whether an action by the governing body of such subdivision shall be adopted or rejected.

(g) A petition for the incorporation or formation of a new political subdivision whose officers are to be elected rather than appointed must have attached to it an affidavit attesting that at least 108 days and no more than 138 days prior to such election notice of intention to file such petition was published in a newspaper published within the proposed political subdivision, or if none, in a newspaper of general circulation within the territory of the proposed political subdivision in substantially the following form:

NOTICE OF PETITION TO FORM A NEW.....

Residents of the territory described below are notified that a petition will or has been filed in the Office of.....requesting a referendum to establish a new....., to be called the.....

*The officers of the new.....will be elected on the same day as the referendum. Candidates for the governing board of the new.....may file nominating petitions with the officer named above until.....

The territory proposed to comprise the new.....is described as follows:

(description of territory included in petition)

(signature).....

Name and address of person or persons proposing

the new political subdivision.

* Where applicable.

Failure to file such affidavit, or failure to publish the required notice with the correct information contained therein shall render the petition, and any referendum held pursuant to such petition, null and void.

Notwithstanding the foregoing provisions of this subsection (g) or any other provisions of this Code, the publication of notice and affidavit requirements of this subsection (g) shall not apply to any petition filed under Article 7 or 11E ~~, 7A, 11A, 11B, or 11D~~ of the School Code nor to any referendum held pursuant to any such petition, and neither any petition filed under any of those Articles nor any referendum held pursuant to any such petition shall be rendered null and void because of the failure to file an affidavit or publish a notice with respect to the petition or referendum as required under this subsection (g) for petitions that are not filed under any of those Articles of the School Code.

(Source: P.A. 94-30, eff. 6-14-05; 94-578, eff. 8-12-05; revised 8-19-05.)

Section 10. The School Code is amended by changing Sections 1B-21, 5-32, 7-02, 7-6, 7-11, 9-11.2, 9-12, 10-10, 10-11, 10-16, 10-21.12, 11C-6, 11C-9, 17-2, 17-3, 17-5, 18-8.05, 19-1, and 20-2 and by adding Section 10-10.5 and Article 11E as follows:

(105 ILCS 5/1B-21)

Sec. 1B-21. Dissolution and annexation. Any school district that before the effective date of this amendatory Act of 1994 has received approval from its regional board of school trustees to dissolve and annex to an adjoining district and that has had the appointment of a Financial Oversight Panel under this Article 1B to assist its continued operation during the appeal of the decision of the regional board of school trustees shall be dissolved and annexed to the adjoining district approved in the decision of the regional board of school trustees, effective July 1, 1994. Except as otherwise provided by this amendatory Act of 1994, the dissolution and annexation shall be governed by Article 7 of the School Code and be treated as if the dissolution and annexation had taken effect pursuant to the decision of the regional board of school trustees. The annexing district's supplementary State aid payable under Section 11E-135 ~~18-8.3~~ of this ~~the School~~ Code shall be calculated as of June 30 prior to the date of the decision of the regional board of school trustees.

(Source: P.A. 88-535.)

(105 ILCS 5/5-32) (from Ch. 122, par. 5-32)

Sec. 5-32. Failure to maintain schools - Transportation and tuition. If any school district other than a non-high school district shall for 1 year fail to maintain within the boundaries of the school district a recognized public school as required by law, such district shall become automatically dissolved and the property and territory of such district shall be disposed of in the manner provided for the disposal of territory and property in Section 7-11 of this Act. However, a school district shall not be dissolved where the State Board of Education and the regional superintendent of the region in which a district has legally authorized the building of a school and legally selected a school house site and has issued bonds for such building shall jointly find and certify that such building has been authorized, site selected and bonds issued.

If a district has its territory included within a petition to form a community unit district under Article 11E ~~11~~ of this Code ~~Act~~, that district may not be dissolved under this Section until the end of the school year in which all proceedings relating to formation of that community unit district are finally concluded, whether by disallowance of the petition, by referendum, by a final court decision or otherwise. Until such proceedings are finally concluded, the regional superintendent having jurisdiction of the district that is not maintaining a recognized school shall assign the pupils of that district to an adjoining school district, ~~subject to Section 11-12 of this Act and~~ subject to the requirement that the district from which the pupils are so assigned shall pay tuition for such pupils to the district to which the pupils are assigned, in accordance with Section 10-20.12a of this Act or in such lesser amount as may be agreed to by the 2 districts.

However, until July 1, 1969 or one year after the entry of a final decision by a court of competent jurisdiction in the event of litigation with respect to any of the matters set forth in this Section, whichever is the later, notwithstanding the provisions of this Section, any protectorate high school district composed of contiguous and compact territory having not less than 2,000 inhabitants and which has an equalized assessed valuation of not less than $6,000,000, shall be and remain a protectorate high school district if a majority of the pupils attend a high school in a special charter district maintaining grades 1 through 12 and if during that period the voters of the district, by referendum to be ordered by the board, vote in favor of the proposition that such district maintain and operate a high school within such district, and also authorize the purchase of a school site, the building of a school building and the

issuance of bonds for such purpose, which bonds are duly issued. The Board shall certify the proposition to the proper election authorities for submission, in accordance with the general election law.

The proposition to maintain and operate a high school within such district shall be in substantially the following form:

Shall .....
High School District Number ....., YES
..... County, Illinois,
maintain and operate a high school ----------
within that High School
District and for the benefit NO
of the pupils residing therein?

---

and is approved if a majority of the voters voting on the proposition is in favor thereof. The proposition of purchasing a school site, the building of a school building and the issuance of bonds for such purpose shall be submitted to the voters and may be voted upon at the same election that the proposition of maintaining and operating a high school within the district is submitted or at any regularly scheduled election subsequent thereto as may be ordered by the board. Thereupon, that protectorate high school district shall thereafter exist as a community high school district and possess and enjoy all of the powers, duties and authorities of a community high school district ~~organized~~ under Article 12 of this Act.

Throughout its existence as a protectorate district and until the legal voters residing in the district have determined to maintain and operate a high school within the district and have been authorized to purchase a school site, build a school building and to issue bonds for such purpose and which bonds are duly issued, or until the dissolution of the district as required by this Section, such protectorate district may use its funds to pay for the tuition and transportation of the pupils in such district that attend a high school in a special charter district maintaining grades 1 through 12. A protectorate high school district is defined to be a district which does not own or operate its own school buildings.

(Source: P.A. 81-1550.)

(105 ILCS 5/7-02) (from Ch. 122, par. 7-02)

Sec. 7-02. Limitations. The provisions of this Article providing for the change in school district boundaries by detachment, annexation, division or dissolution, or by any combination of those methods, are subject to the provisions of this Section. Whenever due to fire, explosion, tornado or any Act of God the school buildings or one or more of the principal school buildings comprising an attendance center within a school district are destroyed or substantially destroyed and rendered unfit for school purposes, the provisions of this Article shall not be available to permit a division of that district, or a dissolution, detachment or annexation of any part thereof, or any combination of such results during a period from the date of such destruction or substantial destruction until 30 days after the second regular election of board members following such destruction or substantial destruction. Nothing in this Section shall be deemed to prohibit the combining of the entire district with another entire district or with other entire districts during such period pursuant to the provisions of Article 11E ~~11A or 11B~~.

(Source: P.A. 85-833.)

(105 ILCS 5/7-6) (from Ch. 122, par. 7-6)

Sec. 7-6. Petition filing; Notice; Hearing; Decision.

(a) Upon the filing of a petition with the secretary of the regional board of school trustees under the provisions of Section 7-1 or 7-2 of this Act the secretary shall cause a copy of such petition to be given to each board of any district involved in the proposed boundary change and shall cause a notice thereof to be published once in a newspaper having general circulation within the area of the territory described in the petition for the proposed change of boundaries.

(b) When a joint hearing is required under the provisions of Section 7-2, the secretary also shall cause a copy of the notice to be sent to the regional board of school trustees of each region affected. Notwithstanding the foregoing provisions of this Section, if the secretary of the regional board of school trustees with whom a petition is filed under Section 7-2 fails, within 30 days after the filing of such petition, to cause notice thereof to be published and sent as required by this Section, then the secretary of the regional board of school trustees of any other region affected may cause the required notice to be published and sent, and the joint hearing may be held in any region affected as provided in the notice so published.

(b-5) If a petition filed under subsection (a) of Section 7-1 or under Section 7-2 proposes to annex all the territory of a school district to another school district, the petition shall request the submission of a proposition at a regular scheduled election for the purpose of voting for or against the annexation of the

territory described in the petition to the school district proposing to annex that territory. No petition filed or election held under this Article shall be null and void, invalidated, or deemed in noncompliance with the Election Code because of a failure to publish a notice with respect to the petition or referendum as required under subsection (g) of Section 28-2 of that Code for petitions that are not filed under this Article or Article 11E ~~7A, 11A, 11B, or 11D~~ of this ~~the School~~ Code.

(c) When a petition contains more than 10 signatures the petition shall designate a committee of 10 of the petitioners as attorney in fact for all petitioners, any 7 of whom may make binding stipulations on behalf of all petitioners as to any question with respect to the petition or hearing or joint hearing, and the regional board of school trustees, or regional boards of school trustees in cases of a joint hearing may accept such stipulation in lieu of evidence or proof of the matter stipulated. The committee of petitioners shall have the same power to stipulate to accountings or waiver thereof between school districts; however, the regional board of school trustees, or regional boards of school trustees in cases of a joint hearing may refuse to accept such stipulation. Those designated as the committee of 10 shall serve in that capacity until such time as the regional superintendent of schools or the committee of 10 determines that, because of death, resignation, transfer of residency from the territory, or failure to qualify, the office of a particular member of the committee of 10 is vacant. Upon determination that a vacancy exists, the remaining members shall appoint a petitioner to fill the designated vacancy on the committee of 10. The appointment of any new members by the committee of 10 shall be made by a simple majority vote of the remaining designated members.

(d) The petition may be amended to withdraw not to exceed a total of 10% of the territory in the petition at any time prior to the hearing or joint hearing; provided that the petition shall after amendment comply with the requirements as to the number of signatures required on an original petition.

(e) The petitioners shall pay the expenses of publishing the notice and of any transcript taken at the hearing or joint hearing; and in case of an appeal from the decision of the regional board of school trustees, or regional boards of school trustees in cases of a joint hearing, or State Superintendent of Education in cases determined under subsection (l) of this Section, the appellants shall pay the cost of preparing the record for appeal.

(f) The notice shall state when the petition was filed, the description of the territory, the prayer of the petition and the return day on which the hearing or joint hearing upon the petition will be held which shall not be more than 15 nor less than 10 days after the publication of notice.

(g) On such return day or on a day to which the regional board of school trustees, or regional boards of school trustees in cases of a joint hearing shall continue the hearing or joint hearing the regional board of school trustees, or regional boards of school trustees in cases of a joint hearing shall hear the petition but may adjourn the hearing or joint hearing from time to time or may continue the matter for want of sufficient notice or other good cause.

(h) Prior to the hearing or joint hearing the secretary of the regional board of school trustees shall submit to the regional board of school trustees, or regional boards of school trustees in cases of a joint hearing maps showing the districts involved, a written report of financial and educational conditions of districts involved and the probable effect of the proposed changes. The reports and maps submitted shall be made a part of the record of the proceedings of the regional board of school trustees, or regional boards of school trustees in cases of a joint hearing. A copy of the report and maps submitted shall be sent by the secretary of the regional board of school trustees to each board of the districts involved, not less than 5 days prior to the day upon which the hearing or joint hearing is to be held.

(i) The regional board of school trustees, or regional boards of school trustees in cases of a joint hearing shall hear evidence as to the school needs and conditions of the territory in the area within and adjacent thereto and as to the ability of the districts affected to meet the standards of recognition as prescribed by the State Board of Education, and shall take into consideration the division of funds and assets which will result from the change of boundaries and shall determine whether it is to the best interests of the schools of the area and the educational welfare of the pupils that such change in boundaries be granted, and in case non-high school territory is contained in the petition the normal high school attendance pattern of the children shall be taken into consideration. If the non-high school territory overlies an elementary district, a part of which is in a high school district, such territory may be annexed to such high school district even though not contiguous to the high school district. However, upon resolution by the regional board of school trustees, or regional boards of school trustees in cases of a joint hearing the secretary or secretaries thereof shall conduct the hearing or joint hearing upon any boundary petition and present a transcript of such hearing to the trustees who shall base their decision upon the transcript, maps and information and any presentation of counsel.

(j) At the hearing or joint hearing any resident of the territory described in the petition or any resident in any district affected by the proposed change of boundaries may appear in person or by an attorney in

support of the petition or to object to the granting of the petition and may present evidence in support of his position.

(k) At the conclusion of the hearing, other than a joint hearing, the regional superintendent of schools as ex officio member of the regional board of school trustees shall within 30 days enter an order either granting or denying the petition and shall deliver to the committee of petitioners, if any, and any person who has filed his appearance in writing at the hearing and any attorney who appears for any person and any objector who testifies at the hearing and the regional superintendent of schools a certified copy of its order.

(l) Notwithstanding the foregoing provisions of this Section, if within 9 months after a petition is submitted under the provisions of Section 7-1 the petition is not approved or denied by the regional board of school trustees and the order approving or denying that petition entered and a copy thereof served as provided in this Section, the school boards or registered voters of the districts affected that submitted the petition (or the committee of 10, or an attorney acting on its behalf, if designated in the petition) may submit a copy of the petition directly to the State Superintendent of Education for approval or denial. The copy of the petition as so submitted shall be accompanied by a record of all proceedings had with respect to the petition up to the time the copy of the petition is submitted to the State Superintendent of Education (including a copy of any notice given or published, any certificate or other proof of publication, copies of any maps or written report of the financial and educational conditions of the school districts affected if furnished by the secretary of the regional board of school trustees, copies of any amendments to the petition and stipulations made, accepted or refused, a transcript of any hearing or part of a hearing held, continued or adjourned on the petition, and any orders entered with respect to the petition or any hearing held thereon). The school boards, registered voters or committee of 10 submitting the petition and record of proceedings to the State Superintendent of Education shall give written notice by certified mail, return receipt requested to the regional board of school trustees and to the secretary of that board that the petition has been submitted to the State Superintendent of Education for approval or denial, and shall furnish a copy of the notice so given to the State Superintendent of Education. The cost of assembling the record of proceedings for submission to the State Superintendent of Education shall be the responsibility of the school boards, registered voters or committee of 10 that submits the petition and record of proceedings to the State Superintendent of Education. When a petition is submitted to the State Superintendent of Education in accordance with the provisions of this paragraph:

(1) The regional board of school trustees loses all jurisdiction over the petition and shall have no further authority to hear, approve, deny or otherwise act with respect to the petition.

(2) All jurisdiction over the petition and the right and duty to hear, approve, deny or otherwise act with respect to the petition is transferred to and shall be assumed and exercised by the State Superintendent of Education.

(3) The State Superintendent of Education shall not be required to repeat any proceedings that were conducted in accordance with the provisions of this Section prior to the time jurisdiction over the petition is transferred to him, but the State Superintendent of Education shall be required to give and publish any notices and hold or complete any hearings that were not given, held or completed by the regional board of school trustees or its secretary as required by this Section prior to the time jurisdiction over the petition is transferred to the State Superintendent of Education.

(4) If so directed by the State Superintendent of Education, the regional superintendent of schools shall submit to the State Superintendent of Education and to such school boards as the State Superintendent of Education shall prescribe accurate maps and a written report of the financial and educational conditions of the districts affected and the probable effect of the proposed boundary changes.

(5) The State Superintendent is authorized to conduct further hearings, or appoint a hearing officer to conduct further hearings, on the petition even though a hearing thereon was held as provided in this Section prior to the time jurisdiction over the petition is transferred to the State Superintendent of Education.

(6) The State Superintendent of Education or the hearing officer shall hear evidence and approve or deny the petition and shall enter an order to that effect and deliver and serve the same as required in other cases to be done by the regional board of school trustees and the regional superintendent of schools as an ex officio member of that board.

(m) Within 10 days after the conclusion of a joint hearing required under the provisions of Section 7-2, each regional board of school trustees shall meet together and render a decision with regard to the joint hearing on the petition. If the regional boards of school trustees fail to enter a joint order either granting or denying the petition, the regional superintendent of schools for the educational service region

in which the joint hearing is held shall enter an order denying the petition, and within 30 days after the conclusion of the joint hearing shall deliver a copy of the order denying the petition to the regional boards of school trustees of each region affected, to the committee of petitioners, if any, to any person who has filed his appearance in writing at the hearing and to any attorney who appears for any person at the joint hearing. If the regional boards of school trustees enter a joint order either granting or denying the petition, the regional superintendent of schools for the educational service region in which the joint hearing is held shall, within 30 days of the conclusion of the hearing, deliver a copy of the joint order to those same committees and persons as are entitled to receive copies of the regional superintendent's order in cases where the regional boards of school trustees have failed to enter a joint order.

(n) Within 10 days after service of a copy of the order granting or denying the petition, any person so served may petition for a rehearing and, upon sufficient cause being shown, a rehearing may be granted. The filing of a petition for rehearing shall operate as a stay of enforcement until the regional board of school trustees, or regional boards of school trustees in cases of a joint hearing, or State Superintendent of Education in cases determined under subsection (l) of this Section enter the final order on such petition for rehearing.

(o) If a petition filed under subsection (a) of Section 7-1 or under Section 7-2 is required under the provisions of subsection (b-5) of this Section 7-6 to request submission of a proposition at a regular scheduled election for the purpose of voting for or against the annexation of the territory described in the petition to the school district proposing to annex that territory, and if the petition is granted or approved by the regional board or regional boards of school trustees or by the State Superintendent of Education, the proposition shall be placed on the ballot at the next regular scheduled election.

(Source: P.A. 90-459, eff. 8-17-97.)

(105 ILCS 5/7-11) (from Ch. 122, par. 7-11)

Sec. 7-11. Annexation of dissolved non-operating districts. If any school district has become dissolved as provided in Section 5-32, or if a petition for dissolution is filed under subsection (b) of Section 7-2a, the regional board of school trustees shall attach the territory of such dissolved district to one or more districts and, if the territory is added to 2 or more districts, shall divide the property of the dissolved district among the districts to which its territory is added, in the manner provided for the division of property in case of the organization of a new district from a part of another district. The regional board of school trustees of the region in which the regional superintendent has supervision over the school district that is dissolved shall have all power necessary to annex the territory of the dissolved district as provided in this Section, including the power to attach the territory to a school district under the supervision of the regional superintendent of another educational service region. The annexation of the territory of a dissolved school district under this Section shall entitle the school districts involved in the annexation to payments from the State Board of Education ~~under subsection (A)(5)(m) of Section 18-8 or subsection (l) of Section 18-8.05 and under Sections 18-8.2 and 18-8.3~~ in the same manner and to the same extent authorized in the case of other annexations under this Article. Other provisions of this Article 7 of The School Code shall apply to and govern dissolutions and annexations under this Section and Section 7-2a, except that it is the intent of the General Assembly that in the case of conflict the provisions of this Section and Section 7-2a shall control over the other provisions of this Article.

The regional board of school trustees shall give notice of a hearing, to be held not less than 50 days nor more than 70 days after a school district is dissolved under Section 5-32 or a petition is filed under subsection (b) of Section 7-2a, on the disposition of the territory of such school district by publishing a notice thereof at least once each week for 2 successive weeks in at least one newspaper having a general circulation within the area of the territory involved. At such hearing, the regional board of school trustees shall hear evidence as to the school needs and conditions of the territory and of the area within and adjacent thereto, and shall take into consideration the educational welfare of the pupils of the territory and the normal high school attendance pattern of the children. In the case of an elementary school district if all the eighth grade graduates of such district customarily attend high school in the same high school district, the regional board of school trustees shall, unless it be impossible because of the restrictions of a special charter district, annex the territory of the district to a contiguous elementary school district whose eighth grade graduates customarily attend that high school, and that has an elementary school building nearest to the center of the territory to be annexed, but if such eighth grade graduates customarily attend more than one high school the regional board of school trustees shall determine the attendance pattern of such graduates and divide the territory of the district among the contiguous elementary districts whose graduates attend the same respective high schools.

The decision of the regional board of school trustees in such matter shall be issued within 10 days after the conclusion of the hearing and deemed an "administrative decision" as defined in Section 3-101 of the Code of Civil Procedure and any resident who appears at the hearing or any petitioner may within

10 days after a copy of the decision sought to be reviewed was served by registered mail upon the party affected thereby file a complaint for the judicial review of such decision in accordance with the "Administrative Review Law", and all amendments and modifications thereof and the rules adopted pursuant thereto. The commencement of any action for review shall operate as a stay of enforcement, and no further proceedings shall be had until final disposition of such review. The final decision of the regional board of school trustees or of any court upon judicial review shall become effective under Section 7-9 in the case of a petition for dissolution filed under subsection (b) of Section 7-2a, and a final decision shall become effective immediately following the date no further appeal is allowable in the case of a district dissolved under Section 5-32.

Notwithstanding the foregoing provisions of this Section or any other provision of law to the contrary, the school board of the Mt. Morris School District is authorized to donate to the City of Mount Morris, Illinois the school building and other real property used as a school site by the Mt. Morris School District at the time of its dissolution, by appropriate resolution adopted by the school board of the district prior to the dissolution of the district; and upon the adoption of a resolution by the school board donating the school building and school site to the City of Mount Morris, Illinois as authorized by this Section, the regional board of school trustees or other school officials holding legal title to the school building and school site so donated shall immediately convey the same to the City of Mt. Morris, Illinois.
(Source: P.A. 90-548, eff. 1-1-98.)

(105 ILCS 5/9-11.2) (from Ch. 122, par. 9-11.2)

Sec. 9-11.2. For all school districts electing candidates to a board of education in a manner other than at large, candidates not elected at large who file nominating petitions for a full term shall be grouped together by area of residence as follows:

(1) by congressional townships, or

(2) according to incorporated or unincorporated areas.

For all school districts electing candidates to a board of education in a manner other than at large, candidates not elected at large who file nominating petitions for an unexpired term shall be grouped together by area of residence as follows:

(1) by congressional townships, or

(2) according to incorporated or unincorporated areas.

Candidate groupings by area of residence for unexpired terms shall precede the candidate groupings by area of residence for full terms on the ballot. In all instances, however, the ballot order of each candidate grouping shall be determined by the order of petition filing or lottery held pursuant to Section 9-11.1 in the following manner:

The area of residence of the candidate determined to be first by order of petition filing or by lottery shall be listed first among the candidate groupings on the ballot. All other candidates from the same area of residence will follow according to order of petition filing or the lottery. The area of residence of the candidate determined to be second by the order of petition filing or the lottery shall be listed second among the candidate groupings on the ballot. All other candidates from the same area of residence will follow according to the order of petition filing or the lottery. The ballot order of additional candidate groupings by area of residence shall be established in a like manner.

In any school district that elects its board members according to area of residence and that has one or more unexpired terms to be filled at an election, the winner or winners of the unexpired term or terms shall be determined first and independently of those running for full terms. The winners of the full terms shall then be determined taking into consideration the areas of residence of those elected to fill the unexpired term or terms.

"Area of Residence" means congressional township and incorporated and unincorporated territories.

"Affected school district" means either of the 2 entire elementary school districts that are formed into a combined school district ~~established as provided in subsection (a-5) of Section 11B-7~~.
(Source: P.A. 93-1079, eff. 1-21-05.)

(105 ILCS 5/9-12) (from Ch. 122, par. 9-12)

Sec. 9-12. Ballots for the election of school officers shall be in one of the following forms:

(FORMAT 1

Ballot position for candidates shall be determined by the order of petition filing or lottery held pursuant to Section 9-11.1.

This format is used by Boards of School Directors. School Directors are elected at large.)

OFFICIAL BALLOT
FOR MEMBERS OF THE BOARD OF SCHOOL
DIRECTORS TO SERVE AN UNEXPIRED 2-YEAR TERM

VOTE FOR ....
( ) .....
( ) .....
( ) .....
FOR MEMBERS OF THE BOARD OF SCHOOL
DIRECTORS TO SERVE A FULL 4-YEAR TERM
VOTE FOR ....
( ) .....
( ) .....
( ) .....

(FORMAT 2

Ballot position for candidates shall be determined by the order of petition filing or lottery held pursuant to Section 9-11.1.

This format is used when school board members are elected at large. Membership on the school board is not restricted by area of residence.

Types of school districts generally using this format are:

Common school districts;

Community unit and community consolidated school districts formed on or after January 1, 1975;

Community unit school districts formed prior to January 1, 1975 that elect board members at large and without restriction by area of residence within the district under subsection (c) of Section 11A-8 (now repealed);

Community unit, community consolidated and combined school districts in which more than 90% of the population is in one congressional township;

High school districts in which less than 15% of the taxable property is located in unincorporated territory; and unit districts (OLD TYPE);

Combined school districts formed on or after July 1, 1983;

Combined school districts formed before July 1, 1983 and community consolidated school districts that elect board members at large and without restriction by area of residence within the district under subsection (c) of Section 11B-7 (now repealed).)

OFFICIAL BALLOT
FOR MEMBERS OF THE BOARD OF
EDUCATION TO SERVE AN UNEXPIRED 2-YEAR TERM
VOTE FOR ....
( ) .....
( ) .....
( ) .....
FOR MEMBERS OF THE BOARD OF
EDUCATION TO SERVE A FULL 4-YEAR TERM
VOTE FOR ....
( ) .....
( ) .....
( ) .....

(FORMAT 3

Ballot position for incorporated and unincorporated areas shall be determined by the order of petition filing or lottery held pursuant to Sections 9-11.1 and 9-11.2.

This format is used by community unit, community consolidated and combined school districts when the territory is less than 2 congressional townships, or 72 square miles, but consists of more than one congressional township, or 36 square miles, outside of the corporate limits of any city, village or incorporated town within the school district. The School Code requires that not more than 5 board members shall be selected from any city, village or incorporated town in the school district. At least two board members must reside in the unincorporated area of the school district.

Except for those community unit school districts formed before January 1, 1975 that elect board members at large and without restriction by area of residence within the district under subsection (c) of Section 11A-8 (now repealed) and except for combined school districts formed before July 1, 1983 and community consolidated school districts that elect board members at large and without restriction by area of residence within the district under subsection (c) of Section 11B-7 (now repealed), this format applies to community unit and community consolidated school districts formed prior to January 1, 1975 and combined school districts formed prior to July 1, 1983.)

OFFICIAL BALLOT

Instructions to voter: The board of education shall be composed of members from both the incorporated and the unincorporated area; not more than 5 board members shall be selected from any city, village or incorporated town.

ON THE BASIS OF EXISTING BOARD MEMBERSHIP, NOT MORE THAN .... MAY BE ELECTED FROM THE INCORPORATED AREAS.

FOR MEMBERS OF THE BOARD OF EDUCATION
TO SERVE AN UNEXPIRED 2-YEAR TERM
THE AREA OF RESIDENCE OF THOSE ELECTED TO FILL UNEXPIRED TERMS IS TAKEN INTO CONSIDERATION IN DETERMINING THE WINNERS OF THE FULL TERMS.
VOTE FOR A TOTAL OF ....

..... Area
( ) .....
( ) .....
..... Area
( ) .....
( ) .....

FOR MEMBERS OF THE BOARD OF EDUCATION
TO SERVE A FULL 4-YEAR TERM
VOTE FOR A TOTAL OF ....

..... Area
( ) .....
( ) .....
..... Area
( ) .....
( ) .....

(FORMAT 4

Ballot position for township areas shall be determined by the order of petition filing or lottery held pursuant to Sections 9-11.1 and 9-11.2.

Except for those community unit school districts formed prior to January 1, 1975 that elect board members at large and without restriction by area of residence within the district under subsection (c) of Section 11A-8 (now repealed) and except for those combined school districts formed before July 1, 1983 and community consolidated school districts that elect board members at large and without restriction by area of residence within the district under subsection (c) of Section 11B-7 (now repealed), this format applies to community unit and community consolidated school districts formed prior to January 1, 1975 and combined school districts formed prior to July 1, 1983 when the territory of the school district is greater than 2 congressional townships, or 72 square miles. This format applies only when less than 75% of the population is in one congressional township. Congressional townships of less than 100 inhabitants shall not be considered for the purpose of such mandatory board representation. In this case, not more than 3 board members may be selected from any one congressional township.)

OFFICIAL BALLOT

Instructions to voter: Membership on the board of education is restricted to a maximum of 3 members from any congressional township.

ON THE BASIS OF EXISTING BOARD MEMBERSHIP, MEMBERS MAY BE ELECTED IN THE FOLLOWING NUMBERS FROM EACH CONGRESSIONAL TOWNSHIP.

NOT MORE THAN .... MAY BE ELECTED FROM TOWNSHIP .... RANGE ....
NOT MORE THAN .... MAY BE ELECTED FROM TOWNSHIP .... RANGE ....
NOT MORE THAN .... MAY BE ELECTED FROM TOWNSHIP .... RANGE ....
(Include each remaining congressional township in district as needed)

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
AN UNEXPIRED 2-YEAR TERM
THE AREA OF RESIDENCE OF THOSE ELECTED TO FILL UNEXPIRED TERMS IS TAKEN INTO CONSIDERATION IN DETERMINING THE WINNERS OF THE FULL TERMS.
VOTE FOR A TOTAL OF ....

Township ..... Range .....
( ) .....
( ) .....

Township ..... Range .....

( ) .....

( ) .....

FOR MEMBERS OF THE BOARD OF
EDUCATION TO SERVE A FULL 4-YEAR TERM
VOTE FOR A TOTAL OF ....

Township ..... Range .....

( ) .....

( ) .....

Township ..... Range .....

( ) .....

( ) .....

(FORMAT 5

Ballot position for township areas shall be determined by the order of petition filing or lottery held pursuant to Sections 9-11.1 and 9-11.2.

Except for those community unit school districts formed before January 1, 1975 that elect board members at large and without restriction by area of residence within the district under subsection (c) of Section 11A-8 (now repealed) and except for those combined school districts formed before July 1, 1983 and community consolidated school districts that elect board members at large and without restriction by area of residence within the district under subsection (c) of Section 11B-7 (now repealed), this format is used by community unit and community consolidated school districts formed prior to January 1, 1975, and combined school districts formed prior to July 1, 1983, when the territory of the school district is greater than 2 congressional townships, or 72 square miles and when at least 75%, but not more than 90%, of the population resides in one congressional township. In this case, 4 school board members shall be selected from that one congressional township and the 3 remaining board members shall be selected from the rest of the district. If a school district from which school board members are to be selected is located in a county under township organization and if the surveyed boundaries of a congressional township from which one or more of those school board members is to be selected, as described by township number and range, are coterminous with the boundaries of the township as identified by the township name assigned to it as a political subdivision of the State, then that township may be referred to on the ballot by both its township name and by township number and range.)

OFFICIAL BALLOT

Instructions to voter: Membership on the board of education is to consist of 4 members from the congressional township that has at least 75% but not more than 90% of the population, and 3 board members from the remaining congressional townships in the school district.

ON THE BASIS OF EXISTING BOARD MEMBERSHIP, MEMBERS MAY BE ELECTED IN THE FOLLOWING NUMBERS FROM EACH CONGRESSIONAL TOWNSHIP.

FOR MEMBER OF THE BOARD OF EDUCATION
TO SERVE AN UNEXPIRED 2-YEAR TERM
FROM (name)..... TOWNSHIP ..... RANGE .....
VOTE FOR ONE

( ).....

( ).....

FOR MEMBERS OF THE BOARD OF EDUCATION
TO SERVE A FULL 4-YEAR TERM
VOTE FOR ....

..... shall be elected from (name)..... Township ..... Range .....

(name)..... TOWNSHIP ..... RANGE .....

( ) .....

( ) .....

VOTE FOR ....

..... board members shall be elected from the remaining congressional townships.

The Remaining Congressional Townships

( ) .....

( ) .....

(FORMAT 6

Ballot position for candidates shall be determined by the order of petition filing or lottery held

pursuant to Section 9-11.1.

This format is used by school districts in which voters have approved a referendum to elect school board members by school board district. The school district is then divided into 7 school board districts, each of which elects one member to the board of education.)

OFFICIAL BALLOT
DISTRICT ..... (1 through 7)
FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
AN UNEXPIRED 2-YEAR TERM
VOTE FOR ONE

( ) .....
( ) .....
( ) .....

(-OR-)

OFFICIAL BALLOT
DISTRICT ..... (1 through 7)
FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
A FULL 4-YEAR TERM
VOTE FOR ONE

( ) .....
( ) .....
( ) .....

REVERSE SIDE:

OFFICIAL BALLOT
DISTRICT ..... (1 through 7)
(Precinct name or number)
School District No. ....., ... County, Illinois
Election Tuesday (insert date)
(facsimile signature of Election Authority)
(County)

(FORMAT 7

Ballot position for incorporated and unincorporated areas shall be determined by the order of petition filing or lottery held pursuant to Sections 9-11.1 and 9-11.2.

This format is used by high school districts if more than 15% but less than 30% of the taxable property is located in the unincorporated territory of the school district. In this case, at least one board member shall be a resident of the unincorporated territory.)

OFFICIAL BALLOT

Instructions to voter: More than 15% but less than 30% of the taxable property of this high school district is located in the unincorporated territory of the district, therefore, at least one board member shall be a resident of the unincorporated areas.

ON THE BASIS OF EXISTING BOARD MEMBERSHIP, AT LEAST ONE MEMBER SHALL BE ELECTED FROM THE UNINCORPORATED AREA.

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
AN UNEXPIRED 2-YEAR TERM
THE AREA OF RESIDENCE OF THOSE ELECTED TO FILL UNEXPIRED TERMS IS TAKEN INTO CONSIDERATION IN DETERMINING THE WINNERS OF THE FULL TERMS.
VOTE FOR A TOTAL OF ....

..... Area
( ) .....
( ) .....
..... Area
( ) .....
( ) .....

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
A FULL 4-YEAR TERM
VOTE FOR A TOTAL OF ....

..... Area
( ) .....
( ) .....

..... Area
( ) .....
( ) .....

(FORMAT 7a

Ballot position for candidates shall be determined by the order of petition filing or lottery held pursuant to Sections 9-11.1 and 9-11.2.

This format is used by high school districts if more than 15% but less than 30% of the taxable property is located in the unincorporated territory of the school district and on the basis of existing board membership no board member is required to be elected from the unincorporated area.)

OFFICIAL BALLOT

Instruction to voter: More than 15% but less than 30% of the taxable property of this high school district is located in the unincorporated territory of the district, therefore, at least one board member shall be a resident of the unincorporated areas.

ON THE BASIS OF EXISTING BOARD MEMBERSHIP, MEMBERS MAY BE ELECTED FROM ANY AREA OR AREAS.

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
AN UNEXPIRED 2-YEAR TERM
VOTE FOR ....

( ) .....
( ) .....
( ) .....

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
A FULL 4-YEAR TERM
VOTE FOR ....

( ) .....
( ) .....
( ) .....

(FORMAT 8

Ballot position for incorporated and unincorporated areas shall be determined by the order of petition filing or lottery held pursuant to Sections 9-11.1 and 9-11.2.

This format is used by high school districts if more than 30% of the taxable property is located in the unincorporated territory of the school district. In this case, at least two board members shall be residents of the unincorporated territory.)

OFFICIAL BALLOT

Instructions to voters: Thirty percent (30%) or more of the taxable property of this high school district is located in the unincorporated territory of the district, therefore, at least two board members shall be residents of the unincorporated territory.

ON THE BASIS OF EXISTING BOARD MEMBERSHIP, AT LEAST 2 MEMBERS SHALL BE ELECTED FROM THE UNINCORPORATED AREA.

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
AN UNEXPIRED 2-YEAR TERM
THE AREA OF RESIDENCE OF THOSE ELECTED TO FILL UNEXPIRED TERMS IS TAKEN INTO CONSIDERATION IN DETERMINING THE WINNERS OF THE FULL TERMS.
VOTE FOR A TOTAL OF ....

..... Area
( ) .....
( ) .....
..... Area
( ) .....
( ) .....

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
A FULL 4-YEAR TERM
VOTE FOR A TOTAL OF ....

..... Area
( ) .....
( ) .....

..... Area
( ) .....
( ) .....

(FORMAT 8a

Ballot position for incorporated and unincorporated areas shall be determined by the order of petition filing or lottery held pursuant to Sections 9-11.1 and 9-11.2.

This format is used by high school districts if more than 30% of the taxable property is located in the unincorporated territory of the school district. In this case, at least two board members shall be residents of the unincorporated territory.)

OFFICIAL BALLOT

Instructions to voters: Thirty percent (30%) or more of the taxable property of this high school district is located in the unincorporated territory of the district, therefore, at least two board members shall be residents of the unincorporated territory.

ON THE BASIS OF EXISTING BOARD MEMBERSHIP, AT LEAST ONE MEMBER SHALL BE ELECTED FROM THE UNINCORPORATED AREA.

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
AN UNEXPIRED 2-YEAR TERM

THE AREA OF RESIDENCE OF THOSE ELECTED TO FILL UNEXPIRED TERMS IS TAKEN INTO CONSIDERATION IN DETERMINING THE WINNERS OF THE FULL TERMS.

VOTE FOR A TOTAL OF ....

..... Area
( ) .....
( ) .....
..... Area
( ) .....
( ) .....

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
A FULL 4-YEAR TERM
VOTE FOR A TOTAL OF ....

..... Area
( ) .....
( ) .....
..... Area
( ) .....
( ) .....

(FORMAT 8b

Ballot position for incorporated and unincorporated areas shall be determined by the order of petition filing or lottery held pursuant to Sections 9-11.1 and 9-11.2.

This format is used by high school districts if more than 30% of the taxable property is located in the unincorporated territory of the school district. In this case, at least two board members shall be residents of the unincorporated territory.)

OFFICIAL BALLOT

Instructions to voters: Thirty percent (30%) or more of the taxable property of this high school district is located in the unincorporated territory of the district, therefore, at least two board members shall be residents of the unincorporated territory.

ON THE BASIS OF EXISTING BOARD MEMBERSHIP, MEMBERS MAY BE ELECTED FROM ANY AREA OR AREAS.

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE
AN UNEXPIRED 2-YEAR TERM
VOTE FOR ....

( ) .....
( ) .....
( ) .....
( ) .....

FOR MEMBERS OF THE BOARD OF EDUCATION TO SERVE

A FULL 4-YEAR TERM
VOTE FOR ....

( ) .....
( ) .....
( ) .....
( ) .....

(Source: P.A. 93-706, eff. 7-9-04; 93-1079, eff. 1-21-05.)

(105 ILCS 5/10-10) (from Ch. 122, par. 10-10)

Sec. 10-10. Board of education; Term; Vacancy. All school districts having a population of not fewer than 1,000 and not more than 500,000 inhabitants, as ascertained by any special or general census, and not governed by special Acts, shall be governed by a board of education consisting of 7 members, serving without compensation except as herein provided. Each member shall be elected for a term of 4 years ~~except as otherwise provided in subsection (a 5) of Section 11B 7~~ for the initial members of the board of education of a combined school district to which that subsection applies. If 5 members are elected in 1983 pursuant to the extension of terms provided by law for transition to the consolidated election schedule under the general election law, 2 of those members shall be elected to serve terms of 2 years and 3 shall be elected to serve terms of 4 years; their successors shall serve for a 4 year term. When the voters of a district have voted to elect members of the board of education for 6 year terms, as provided in Section 9-5, the terms of office of members of the board of education of that district expire when their successors assume office but not later than 7 days after such election. If at the regular school election held in the first odd-numbered year after the determination to elect members for 6 year terms 2 members are elected, they shall serve for a 6 year term; and of the members elected at the next regular school election 3 shall serve for a term of 6 years and 2 shall serve a term of 2 years. Thereafter members elected in such districts shall be elected to a 6 year term. If at the regular school election held in the first odd-numbered year after the determination to elect members for 6 year terms 3 members are elected, they shall serve for a 6 year term; and of the members elected at the next regular school election 2 shall serve for a term of 2 years and 2 shall serve for a term of 6 years. Thereafter members elected in such districts shall be elected to a 6 year term. If at the regular school election held in the first odd-numbered year after the determination to elect members for 6 year terms 4 members are elected, 3 shall serve for a term of 6 years and one shall serve for a term of 2 years; and of the members elected at the next regular school election 2 shall serve for terms of 6 years and 2 shall serve for terms of 2 years. Thereafter members elected in such districts shall be elected to a 6 year term. If at the regular school election held in the first odd-numbered year after the determination to elect members for a 6 year term 5 members are elected, 3 shall serve for a term of 6 years and 2 shall serve for a term of 2 years; and of the members elected at the next regular school election 2 shall serve for terms of 6 years and 2 shall serve for terms of 2 years. Thereafter members elected in such districts shall be elected to a 6 year term. An election for board members shall not be held in school districts which by consolidation, annexation or otherwise shall cease to exist as a school district within 6 months after the election date, and the term of all board members which would otherwise terminate shall be continued until such district shall cease to exist. Each member, on the date of his or her election, shall be a citizen of the United States of the age of 18 years or over, shall be a resident of the State and the territory of the district for at least one year immediately preceding his or her election, shall be a registered voter as provided in the general election law, shall not be a school trustee or a school treasurer, and shall not be a child sex offender as defined in Section 11-9.3 of the Criminal Code of 1961. When the board of education is the successor of the school directors, all rights of property, and all rights regarding causes of action existing or vested in such directors, shall vest in it as fully as they were vested in the school directors. Terms of members are subject to Section 2A-54 of the Election Code.

Nomination papers filed under this Section are not valid unless the candidate named therein files with the secretary of the board of education or with a person designated by the board to receive nominating petitions a receipt from the county clerk showing that the candidate has filed a statement of economic interests as required by the Illinois Governmental Ethics Act. Such receipt shall be so filed either previously during the calendar year in which his nomination papers were filed or within the period for the filing of nomination papers in accordance with the general election law.

Whenever a vacancy occurs, the remaining members shall notify the regional superintendent of that vacancy within 5 days after its occurrence and shall proceed to fill the vacancy until the next regular school election, at which election a successor shall be elected to serve the remainder of the unexpired term. However, if the vacancy occurs with less than 868 days remaining in the term, or if the vacancy occurs less than 88 days before the next regularly scheduled election for this office then the person so appointed shall serve the remainder of the unexpired term, and no election to fill the vacancy shall be

held. Should they fail so to act, within 45 days after the vacancy occurs, the regional superintendent of schools under whose supervision and control the district is operating, as defined in Section 3-14.2 of this Act, shall within 30 days after the remaining members have failed to fill the vacancy, fill the vacancy as provided for herein. Upon the regional superintendent's failure to fill the vacancy, the vacancy shall be filled at the next regularly scheduled election. Whether elected or appointed by the remaining members or regional superintendent, the successor shall be an inhabitant of the particular area from which his or her predecessor was elected if the residential requirements contained in Section 10-10.5 ~~11A-8, 11B-7,~~ or 12-2 of this Code ~~Act~~ apply.

A board of education may appoint a student to the board to serve in an advisory capacity. The student member shall serve for a term as determined by the board. The board may not grant the student member any voting privileges, but shall consider the student member as an advisor. The student member may not participate in or attend any executive session of the board.

(Source: P.A. 93-309, eff. 1-1-04; 94-231, eff. 7-14-05.)

(105 ILCS 5/10-10.5 new)

Sec. 10-10.5. Community unit school district or combined school district formation; school board election.

(a) Except as otherwise provided in subsection (b) of this Section, for community unit school districts formed before January 1, 1975 and for combined school districts formed before July 1, 1983, the following provisions apply:

(1) if the territory of the district is greater than 2 congressional townships or 72 square miles, then not more than 3 board members may be selected from any one congressional township, except that congressional townships of less than 100 inhabitants shall not be considered for the purpose of this mandatory board representation;

(2) if in the community unit school district or combined school district at least 75% but not more than 90% of the population is in one congressional township, then 4 board members shall be selected from the congressional township and 3 board members shall be selected from the rest of the district, except that if in the community unit school district or combined school district more than 90% of the population is in one congressional township, then all board members may be selected from one or more congressional townships; and

(3) if the territory of any community unit school district or combined school district consists of not more than 2 congressional townships or 72 square miles, but consists of more than one congressional township or 36 square miles, outside of the corporate limits of any city, village, or incorporated town within the school district, then not more than 5 board members may be selected from any city, village, or incorporated town in the school district.

(b)(1) The provisions of subsection (a) of this Section for mandatory board representation shall no longer apply to a community unit school district formed before January 1, 1975, to a combined school district formed before July 1, 1983, or to community consolidated school districts, and the members of the board of education shall be elected at large from within the school district and without restriction by area of residence within the district if both of the following conditions are met with respect to that district:

(A) A proposition for the election of board members at large and without restriction by area of residence within the school district rather than in accordance with the provisions of subsection (a) of this Section for mandatory board representation is submitted to the school district's voters at a regular school election or at the general election as provided in this subsection (b).

(B) A majority of those voting at the election in each congressional township comprising the territory of the school district, including any congressional township of less than 100 inhabitants, vote in favor of the proposition.

(2) The school board may, by resolution, order submitted or, upon the petition of the lesser of 2,500 or 5% of the school district's registered voters, shall order submitted to the school district's voters, at a regular school election or at the general election, the proposition for the election of board members at large and without restriction by area of residence within the district rather than in accordance with the provisions of subsection (a) of this Section for mandatory board representation; and the proposition shall thereupon be certified by the board's secretary for submission.

(3) If a majority of those voting at the election in each congressional township comprising the territory of the school district, including any congressional township of less than 100 inhabitants, vote in favor of the proposition:

(A) the proposition to elect board members at large and without restriction by area of residence within the district shall be deemed to have passed,

(B) new members of the board shall be elected at large and without restriction by area of

residence within the district at the next regular school election, and

(C) the terms of office of the board members incumbent at the time the proposition is adopted shall expire when the new board members that are elected at large and without restriction by area of residence within the district have organized in accordance with Section 10-16.

(4) In a community unit school district, a combined school district, or a community consolidated school district that formerly elected its members under subsection (a) of this Section to successive terms not exceeding 4 years, the members elected at large and without restriction by area of residence within the district shall be elected for a term of 4 years, and in a community unit school district or combined school district that formerly elected its members under subsection (a) of this Section to successive terms not exceeding 6 years, the members elected at large and without restriction by area of residence within the district shall be elected for a term of 6 years; provided that in each case the terms of the board members initially elected at large and without restriction by area of residence within the district as provided in this subsection (b) shall be staggered and determined in accordance with the provisions of Sections 10-10 and 10-16 of this Code.

(105 ILCS 5/10-11) (from Ch. 122, par. 10-11)

Sec. 10-11. Vacancies. Elective offices become vacant within the meaning of the Act, unless the context indicates otherwise, on the happening of any of the following events, before the expiration of the term of such office:

1. The death of the incumbent.

2. His or her resignation in writing filed with the Secretary or Clerk of the Board.

3. His or her becoming a person under legal disability.

4. His or her ceasing to be an inhabitant of the district for which he or she was elected.

5. His or her conviction of an infamous crime, of any offense involving a violation of official oath, or of a violent crime against a child.

6. His or her removal from office.

7. The decision of a competent tribunal declaring his or her election void.

8. His ceasing to be an inhabitant of a particular area from which he was elected, if the residential requirements contained in Section 10-10.5 ~~11A-8, 11B-7~~, or 12-2 of this Code ~~Act~~ are violated.

No elective office except as herein otherwise provided becomes vacant until the successor of the incumbent of such office has been appointed or elected, as the case may be, and qualified. The successor shall have the same type of residential qualifications as his or her predecessor and, if the residential requirements contained in Section 10-10.5 ~~11A-8, 11B-7~~, or 12-2 of this Code ~~Act~~ apply, the successor, whether elected or appointed by the remaining members or a regional superintendent, shall be an inhabitant of the particular area from which his or her predecessor was elected.

(Source: P.A. 91-376, eff. 1-1-00.)

(105 ILCS 5/10-16) (from Ch. 122, par. 10-16)

Sec. 10-16. Organization of Board. Within 28 days after the consolidated election, other than the consolidated elections in 1999 and 2001, the board shall organize by electing its officers and fixing a time and place for the regular meetings. However, when school board members are elected at the consolidated elections held in April of 1999 and April of 2001, the board shall organize within 7 days after the first Tuesday after the first Monday of November in each such year by electing officers and setting the time and place of the regular meetings. Upon organizing itself as provided in this paragraph, the board shall enter upon the discharge of its duties.

The regional superintendent of schools having supervision and control, as provided in Section 3-14.2, of a new school district that is governed by the School Code and formed on or after the effective date of this amendatory Act of 1998 shall convene the newly elected board within 7 days after the election of the board of education of that district, whereupon the board shall proceed to organize by electing one of their number as president and electing a secretary, who may or may not be a member. At such meeting the length of term of each of the members shall be determined by lot so that 4 shall serve for 4 years, and 3 for 2 years from the commencement of their terms; provided, however, if such members were not elected at the consolidated election in an odd-numbered year, such initial terms shall be extended to the consolidated election for school board members immediately following the expiration of the initial 4 or 2 year terms. The provisions of this paragraph that relate to the determination of terms by lot shall not apply to the initial members of the board of education of a combined school district who are to be elected to unstaggered terms ~~as provided in subsection (a-5) of Section 11B-7~~.

The terms of the officers of a board of education shall be for 2 years, except that the terms of the officers elected at the organization meeting in November, 2001 shall expire at the organization meeting in April, 2003; provided that the board by resolution may establish a policy for the terms of office to be one year, and provide for the election of officers.

Special meetings of the board of education may be called by the president or by any 3 members of the board by giving notice thereof in writing, stating the time, place and purpose of the meeting. Such notice may be served by mail 48 hours before such meeting or by personal service 24 hours before such meeting. Public notice of meetings must also be given as prescribed in Sections 2.02 and 2.03 of the Open Meetings Act, as now or hereafter amended.

At each regular and special meeting which is open to the public, members of the public and employees of the district shall be afforded time, subject to reasonable constraints, to comment to or ask questions of the board.

The president or district superintendent shall, at each regular board meeting, report any requests made of the district under provisions of The Freedom of Information Act and shall report the status of the district's response.

(Source: P.A. 93-847, eff. 7-30-04.)

(105 ILCS 5/10-21.12) (from Ch. 122, par. 10-21.12)

Sec. 10-21.12. Transfer of teachers. The employment of a teacher transferred from one board or administrative agent to the control of a new or different board or administrative agent shall be considered continuous employment if such transfer of employment occurred by reason of any of the following events:

(1) a boundary change or the creation or reorganization of any school district pursuant to Article 7 or 11E ~~, 7A, 11A or 11B~~; or

(2) the deactivation or reactivation of any high school or elementary school pursuant to Section 10-22.22b; or

(3) the creation, expansion, reduction or dissolution of a special education program pursuant to Section 10-22.31, or the creation, expansion, reduction or dissolution of a joint educational program established under Section 10-22.31a; or

(4) the creation, expansion, reduction, termination or dissolution of any joint agreement program operated by a regional superintendent, governing board, or other administrative agent or any program operated pursuant to an Intergovernmental Joint Agreement. The changes made by this amendatory Act of 1990 are declaratory of existing law.

(Source: P.A. 94-213, eff. 7-14-05.)

(105 ILCS 5/11C-6) (from Ch. 122, par. 11C-6)

Sec. 11C-6. Credited unfunded indebtedness. Each district from which territory is taken shall be credited with all unfunded indebtedness of such district and with the estimated cost of operating the schools of the district for the balance of the school year if the district from which territory is taken continues to administer the schools until the succeeding July 1 ~~as provided in Section 11A-10~~.

(Source: P.A. 83-686.)

(105 ILCS 5/11C-9) (from Ch. 122, par. 11C-9)

Sec. 11C-9. Accounting waived. If ~~no stipulation is made as provided in Section 11A-3 of this Act or if~~ the stipulation is refused by the regional superintendent the boards of the districts affected by the change in boundaries in the creation of a new district may waive accounting or stipulate as to the valuation of any kind or parcel of property or as to a basis for apportionment ~~other than that provided in Section 11C-7 of this Act~~ by concurrent resolution filed with the regional superintendent prior to or within 30 days after the election of the school board for the newly created district. Such resolution shall be subject to the approval of the regional superintendent and if approved, the accounting shall be dispensed with or modified as the resolution may provide.

(Source: P.A. 83-686.)

(105 ILCS 5/Art. 11E heading new)

ARTICLE 11E. CONVERSION AND FORMATION OF SCHOOL DISTRICTS

(105 ILCS 5/11E-5 new)

Sec. 11E-5. Purpose and applicability. The purpose of this Article is to permit greater flexibility and efficiency in the reorganization and formation of school districts for the improvement of the administration and quality of educational services and for the best interests of pupils. This Article applies only to school districts with under 500,000 inhabitants.

(105 ILCS 5/11E-10 new)

Sec. 11E-10. Definitions. In this Article:

"Affected district" means any school district where all or more than a small part of the district is included in a petition for reorganization under the provisions of this Article.

"Combined high school - unit district" means a school district resulting from the combination of a high school district and a unit district.

"Combined school district" means any district resulting from the combination of 2 or more entire elementary districts, 2 or more entire high school districts, or 2 or more entire unit districts.

"Dual district" means a high school district and all of its feeder elementary districts collectively.

"Elementary district" means a school district organized and established for purposes of providing instruction up to and including grade 8. "Elementary district" includes common elementary school districts, consolidated elementary school districts, community consolidated school districts, combined elementary districts, and charter elementary districts.

"Elementary purposes" means the purposes of providing instruction up to and including grade 8.

"High school district" means a school district organized and established for purposes of providing instruction in grades 9 through 12. "High school district" includes charter high school districts, township high school districts, consolidated high school districts, community high school districts, and non-high school districts.

"High school purposes" means the purposes of providing instruction in grades nine through 12.

"High school - unit conversion" means a school district conversion authorized under subsection (a) of Section 11E-15 of this Code.

"K through 12 purposes" means the purposes of providing instruction up to and including grade 12.

"Multi-unit conversion" means the formation of a combined high school - unit district and one or more new elementary districts as authorized under subsection (b) of Section 11E-30 of this Code.

"Optional elementary unit district" means a unit district resulting from the combination of a high school district and the combination of any one or more elementary districts electing to organize as an optional elementary unit district.

"Partial elementary unit district" means either a combined high school - unit district or an optional elementary unit district.

"School board" means either a board of education or a board of school directors.

"School district conversion" means a high school - unit conversion or a unit to dual conversion.

"Small part" means a part of a school district encompassing (i) less than 25% of the land area of the district or (ii) less than 8% of the student enrollment and less than 8% of the equalized assessed valuation of the district.

"Substantially coterminous" means that a high school district and one or more elementary districts share the same boundaries or share the same boundaries except for a small part of the high school or one or more of the elementary districts.

"Unit district" means a school district organized and established for purposes of providing instruction up to and including grade 12. "Unit district" includes charter (K through 12) districts, community unit districts, community consolidated unit districts, other districts that, prior to the adoption of the community consolidated unit district and community unit district, authorizing legislation had expanded to provide instruction through the 12th grade (commonly referred to as "Old Type" unit districts), and partial elementary unit districts organized pursuant to the provisions of this Article.

"Unit to dual conversion" means a school district conversion authorized under subsection (b) of Section 11E-15 of this Code.

(105 ILCS 5/11E-15 new)

Sec. 11E-15. School district conversion.

(a) One or more unit districts and one or more high school districts, all of which are contiguous, may, under the provisions of this Article, be converted into a dual district through the dissolution of the unit district or districts and the high school district or districts if the following apply:

(1) each elementary district to be created includes all of the territory within a unit district to be dissolved; and

(2) the high school district to be created includes all of the territory within the unit districts and high school districts to be dissolved.

(b) Two or more contiguous unit districts may, under the provisions of this Article, dissolve and form a single new high school district and new elementary districts that are based upon the boundaries of the dissolved unit districts.

(105 ILCS 5/11E-20 new)

Sec. 11E-20. Combined school district formation.

(a)(1) The territory of 2 or more entire contiguous elementary districts may be organized into a combined elementary district under the provisions of this Article.

(2) Any 2 or more entire elementary districts that collectively are within or substantially coterminous with the boundaries of a high school district, regardless of whether the districts are compact and contiguous with each other, may be organized into a combined school district in accordance with this Article.

(b) Any 2 or more entire contiguous high school districts may be organized into a combined high school district under the provisions of this Article.

(c) Any 2 or more entire contiguous unit districts may be organized into a combined unit district under the provisions of this Article.

(105 ILCS 5/11E-25 new)

Sec. 11E-25. Unit district formation.

(a) Any contiguous and compact territory, no part of which is included within any unit district, may be organized into a unit district as provided in this Article.

(b) The territory of one or more entire unit districts that are contiguous to each other, plus any contiguous and compact territory no part of which is included within any unit district, and the territory of which taken as a whole is compact may be organized into a unit district as provided in this Article.

(105 ILCS 5/11E-30 new)

Sec. 11E-30. Partial elementary unit district formation.

(a) One or more entire high school districts and one or more entire unit districts, all of which are contiguous, may be organized into a combined high school - unit district as provided in this Article. The combined high school - unit district shall serve all residents of the district for high school purposes and those residents residing in the portion of the territory included within the boundaries of the dissolved unit district or districts for elementary purposes.

(b) One or more contiguous unit districts may, as provided in this Article, dissolve and form a single new combined high school - unit district and one or more new elementary districts. The boundaries of the new elementary district or districts shall be based upon the boundaries of the dissolved unit district or districts electing to join the combined high school - unit district only for high school purposes. Territory included within the boundaries of the new elementary district or districts shall be served by the new combined high school - unit district only for high school purposes. All other territory within the combined high school - unit district shall be served by the combined high school - unit district for both high school and elementary purposes.

(c) A high school district and 2 or more elementary districts that collectively are substantially coterminous may seek to organize into an optional elementary unit district as provided in this Article. The optional elementary unit district shall serve all residents of the district for high school purposes. The optional elementary unit district shall serve residents of only those elementary districts electing to join the optional elementary unit district, as determined in accordance with subsection (b) of Section 11E-65 of this Code, for elementary purposes. The corporate existence of any elementary district electing not to join the optional elementary unit district in accordance with subsection (b) of Section 11E-65 of this Code shall not be affected by the formation of an optional elementary unit district, and an elementary district electing not to join the optional elementary unit district shall continue to serve residents of the district for elementary purposes.

(d)(1) For 5 years following the formation of an optional elementary unit district, any elementary district that elected not to join an optional elementary unit district for elementary purposes may elect to dissolve and combine with the optional elementary unit district by filing a petition that requests the submission of the proposition at a regularly scheduled election for the purpose of voting for or against joining the optional elementary unit district and that complies with the other provisions of this Article.

(2) Prior to dissolving and joining an optional elementary unit district in accordance with paragraph (1) of this subsection (d), an elementary district must first issue funding bonds pursuant to Sections 19-8 and 19-9 of this Code to liquidate any operational deficit or debt incurred or accumulated since the date of the election in which the proposition to form the optional elementary unit district passed. The elementary district shall not be required to comply with the backdoor referenda provisions of Section 19-9 of this Code nor the referenda requirements otherwise imposed by the provisions of the Property Tax Extension Limitation Law as a condition of issuing the funding bonds. Taxes levied to repay principal and interest on any long term debt incurred or accumulated between the date of the election in which the proposition to form the optional elementary unit district passed and the date of the elementary district's dissolution and joining the optional elementary unit district in accordance with paragraph (1) of this subsection (d) shall be levied and extended only against the territory of the elementary district as it existed prior to dissolution.

(3) If all eligible elementary districts elect to join an optional elementary unit district in accordance with this subsection (d), the optional elementary unit district shall thereafter be deemed a unit district for all purposes of this Code.

(105 ILCS 5/11E-35 new)

Sec. 11E-35. Petition filing.

(a) A petition shall be filed with the regional superintendent of schools of the educational service

region in which the territory described in the petition or that part of the territory with the greater percentage of equalized assessed valuation is situated. The petition must do the following:

(1) be signed by at least 50 legal resident voters or 10% of the legal resident voters, whichever is less, residing within each affected district; or

(2) be approved by the school board in each affected district.

(b) The petition shall contain all of the following:

(1) A request to submit the proposition at a regular scheduled election for the purpose of voting:

(A) for or against a high school - unit conversion;

(B) for or against a unit to dual conversion;

(C) for or against the establishment of a combined elementary district;

(D) for or against the establishment of a combined high school district;

(E) for or against the establishment of a combined unit district;

(F) for or against the establishment of a unit district from dual district territory exclusively;

(G) for or against the establishment of a unit district from both dual district and unit district territory;

(H) for or against the establishment of a combined high school - unit district from a combination of one or more high school districts and one or more unit districts;

(I) for or against the establishment of a combined high school - unit district and one or more new elementary districts through a multi-unit conversion;

(J) for or against the establishment of an optional elementary unit district from a combination of a substantially coterminous dual district; or

(K) for or against dissolving and becoming part of an optional elementary unit district.

(2) A description of the territory comprising the districts proposed to be dissolved and those to be created, which, for an entire district, may be a general reference to all of the territory included within that district.

(3) A specification of the maximum tax rates for various purposes the proposed district or districts shall be authorized to levy for various purposes in accordance with Section 11E-80 of this Code.

(4) A description of how supplementary State deficit difference payments made under subsection (c) of Section 11E-135 of this Code will be allocated among the new districts proposed to be formed.

(5) Where applicable, a division of assets and liabilities to be allocated to the proposed new or annexing school district or districts in the manner provided in Section 11E-105 of this Code.

(6) If desired, a request that at that same election as the reorganization proposition a school board or boards be elected on a separate ballot or ballots to serve as the school board or boards of the proposed new district or districts. Any election of board members at the same election at which the proposition to create the district or districts to be served by the board or boards is submitted to the voters shall proceed under the supervision of the regional superintendent of schools as provided in Section 11E-55 of this Code.

(7) If desired, a request that the referendum at which the proposition is submitted for the purpose of voting for or against the establishment of a unit district (other than a partial elementary unit district) include as part of the proposition the election of board members by school board district rather than at large. Any petition requesting the election of board members by district shall divide the proposed school district into 7 school board districts, each of which must be compact and contiguous and substantially equal in population to each other school board district. Any election of board members by school board district shall proceed under the supervision of the regional superintendent of schools as provided in Section 11E-55 of this Code.

(8) If desired, a request that the referendum at which the proposition is submitted for the purpose of voting for or against the establishment of a unit to dual conversion include as part of the proposition the election of board members for the new high school district (i) on an at large basis, (ii) with board members representing each of the forming elementary school districts, or (iii) a combination of both. The format for the election of the new high school board must be defined in the petition. When 4 or more unit school districts and a combination of board members representing each of the forming elementary school districts are involved and at large formats are used, one member must be elected from each of the forming elementary school districts. The remaining members may be elected on an at large basis, provided that none of the underlying elementary school districts have a majority on the resulting high school board. When 3 unit school districts and a combination of board members representing each of the forming elementary school districts are involved and at large formats are used, 2 members must be elected from each of the forming elementary school districts. The remaining member must be elected at large.

(9) If desired, a request that the referendum at which the proposition shall be submitted include a

proposition on a separate ballot authorizing the issuance of bonds by the district or districts when organized in accordance with this Article. The principal amount of the bonds and the purposes of issuance shall be stated in the petition and in all notices and propositions submitted thereunder.

(10) A designation of a committee of ten of the petitioners as attorney in fact for all petitioners, any 7 of whom may at any time, prior to the final decision of the regional superintendent of schools, amend the petition in all respects (except that, for a unit district formation, there may not be an increase or decrease of more than 25% of the territory to be included in the proposed district) and make binding stipulations on behalf of all petitioners as to any question with respect to the petition, including the power to stipulate to accountings or the waiver thereof between school districts.

(c) The regional superintendent of schools shall not accept for filing under the authority of this Section any petition that includes any territory already included as part of the territory described in another pending petition filed under the authority of this Section.

(d)(1) Those designated as the Committee of Ten shall serve in that capacity until such time as the regional superintendent of schools determines that, because of death, resignation, transfer of residency from the territory, failure to qualify, or any other reason, the office of a particular member of the Committee of Ten is vacant. Upon determination by the regional superintendent of schools that these vacancies exist, he or she shall declare the vacancies and shall notify the remaining members to appoint a petitioner or petitioners, as the case may be, to fill the vacancies in the Committee of Ten so designated. An appointment by the Committee of Ten to fill a vacancy shall be made by a simple majority vote of the designated remaining members.

(2) Failure of a person designated as a member of the Committee of Ten to sign the petition shall not disqualify that person as a member of the Committee of Ten, and that person may sign the petition at any time prior to final disposition of the petition and the conclusion of the proceedings to form a new school district or districts, including all litigation pertaining to the petition or proceedings.

(3) Except as stated in item (10) of subsection (b) of this Section, the Committee of Ten shall act by majority vote of the membership.

(4) The regional superintendent of schools may accept a stipulation made by the Committee of Ten instead of evidence or proof of the matter stipulated or may refuse to accept the stipulation, provided that the regional superintendent sets forth the basis for the refusal.

(5) The Committee of Ten may voluntarily dismiss its petition at any time before the petition is approved by either the regional superintendent of schools or State Superintendent of Education.

(105 ILCS 5/11E-40 new)

Sec. 11E-40. Notice and petition amendments.

(a) Upon the filing of a petition with the regional superintendent of schools as provided in Section 11E-35 of this Code, the regional superintendent shall do all of the following:

(1) Cause a copy of the petition to be given to each school board of the affected districts and the regional superintendent of schools of any other educational service region in which territory described in the petition is situated.

(2) Cause a notice thereof to be published at least once each week for 3 successive weeks in at least one newspaper having general circulation within the area of all of the territory of the proposed district or districts. The expense of publishing the notice shall be borne by the petitioners and paid on behalf of the petitioners by the Committee of Ten.

(b) The notice shall state all of the following:

(1) When and to whom the petition was presented.

(2) The prayer of the petition.

(3) A description of the territory comprising the districts proposed to be dissolved and those to be created, which, for an entire district, may be a general reference to all of the territory included within that district.

(4) If applicable, the proposition to elect, by separate ballot, school board members at the same election, indicating whether the board members are to be elected at-large or by school board district.

(5) If requested in the petition, the proposition to issue bonds, indicating the amount and purpose thereof.

(6) The day on which the hearing on the action proposed in the petition shall be held.

(c) The requirements of subsection (g) of Section 28-2 of the Election Code do not apply to any petition filed under this Article. Notwithstanding any provision to the contrary contained in the Election Code, the regional superintendent of schools shall make all determinations regarding the validity of the petition, including without limitation signatures on the petition, subject to State Superintendent and administrative review in accordance with Section 11E-50 of this Code.

(d) Prior to the hearing described in Section 11E-45 of this Code, the regional superintendent of

schools shall inform the Committee of Ten as to whether the petition, as amended or filed, is proper and in compliance with all applicable petition requirements set forth in the Election Code. If the regional superintendent determines that the petition is not in proper order or not in compliance with any applicable petition requirements set forth in the Election Code, the regional superintendent must identify the specific alleged defects in the petition and include specific recommendations to cure the alleged defects. The Committee of Ten may amend the petition to cure the alleged defects at any time prior to the receipt of the regional superintendent's written order made in accordance with subsection (a) of Section 11E-50 of this Code or may elect not to amend the petition, in which case the Committee of Ten may appeal a denial by the regional superintendent following the hearing in accordance with Section 11E-50 of this Code.

(105 ILCS 5/11E-45 new)

Sec. 11E-45. Hearing.

(a) No more than 15 days after the last date on which the required notice under Section 11E-40 of this Code is published, the regional superintendent of schools with whom the petition is required to be filed shall hold a hearing on the petition. Prior to the hearing, the Committee of Ten shall submit to the regional superintendent maps showing the districts involved and any other information deemed pertinent by the Committee of Ten to the proposed action. The regional superintendent of schools may adjourn the hearing from time to time or may continue the matter for want of sufficient notice or other good cause.

(b) At the hearing, the regional superintendent of schools shall allow public testimony on the action proposed in the petition. The regional superintendent shall present, or arrange for the presentation of all of the following:

(1) Evidence as to the school needs and conditions in the territory described in the petition and the area adjacent thereto.

(2) Evidence with respect to the ability of the proposed district or districts to meet standards of recognition as prescribed by the State Board of Education.

(3) A consideration of the division of funds and assets that will occur if the petition is approved.

(4) A description of the maximum tax rates the proposed district or districts is authorized to levy for various purposes in accordance with Section 11E-80 of this Code.

(c) Any regional superintendent of schools entitled under the provisions of this Article to be given a copy of the petition and any resident or representative of a school district in which any territory described in the petition is situated may appear in person or by an attorney at law to provide oral or written testimony or both in relation to the action proposed in the petition.

(d) The regional superintendent of schools shall arrange for a written transcript of the hearing. The expense of the written transcript shall be borne by the petitioners and paid on behalf of the petitioners by the Committee of Ten.

(105 ILCS 5/11E-50 new)

Sec. 11E-50. Approval or denial of the petition; administrative review.

(a) Within 14 days after the conclusion of the hearing under Section 11E-45 of this Code, the regional superintendent of schools shall take into consideration the school needs and conditions of the affected districts and in the area adjacent thereto, the division of funds and assets that will result from the action described in the petition, the best interests of the schools of the area, and the best interests and the educational welfare of the pupils residing therein and, through a written order, either approve or deny the petition. If the regional superintendent fails to act upon a petition within 14 days after the conclusion of the hearing, the regional superintendent shall be deemed to have denied the petition.

(b) Upon approving or denying the petition, the regional superintendent of schools shall submit the petition and all evidence to the State Superintendent of Education. The State Superintendent shall review the petition, the record of the hearing, and the written order of the regional superintendent, if any. Within 21 days after the receipt of the regional superintendent's decision, the State Superintendent shall take into consideration the school needs and conditions of the affected districts and in the area adjacent thereto, the division of funds and assets that will result from the action described in the petition, the best interests of the schools of the area, and the best interests and the educational welfare of the pupils residing therein and, through a written order, either approve or deny the petition. If the State Superintendent denies the petition, the State Superintendent shall set forth in writing the specific basis for the denial. The decision of the State Superintendent shall be deemed an administrative decision as defined in Section 3-101 of the Code of Civil Procedure. The State Superintendent shall provide a copy of the decision by certified mail, return receipt requested, to the Committee of Ten, any person appearing in support or opposition of the petition at the hearing, each school board of a district in which territory described in the petition is situated, the regional superintendent with whom the petition was filed, and the regional superintendent of schools of any other educational service region in which territory described in the petition is situated.

(c) Any resident of any territory described in the petition who appears in support of or opposition to the petition at the hearing or any petitioner or school board of any affected district in which territory described in the petition is situated may, within 35 days after a copy of the decision sought to be reviewed was served by certified mail, return receipt requested, upon the party affected thereby or upon the attorney of record for the party, apply for a review of an administrative decision of the State Superintendent of Education in accordance with the Administrative Review Law and any rules adopted pursuant to the Administrative Review Law. The commencement of any action for review shall operate as a supersedes, and no further proceedings shall be had until final disposition of the review. The circuit court of the county in which the petition is filed with the regional superintendent of schools shall have sole jurisdiction to entertain a complaint for the review.

(105 ILCS 5/11E-55 new)

Sec. 11E-55. Holding of elections.

(a) Elections provided by this Article shall be conducted in accordance with the general election law. The regional superintendent of schools shall perform the election duties assigned by law to the secretary of a school board for the election and shall certify the officers and candidates therefore pursuant to the general election law.

(b) Nomination papers filed under this Article are not valid unless the candidate named therein files with the regional superintendent of schools a receipt from the county clerk showing that the candidate has filed a statement of economic interests as required by the Illinois Governmental Ethics Act. This receipt shall be so filed either previously during the calendar year in which his or her nomination papers were filed or within the period for the filing of nomination papers in accordance with the general election law.

(c)(1) If the petition requests the election of school board members of the school district proposed to be created at the same election at which the proposition to establish that district is to be submitted to voters or if the regional superintendent of schools finds it to be in the best interest of the districts involved to elect school board members of the school district proposed to be created at a consolidated election or general primary election, then that fact shall be included in the notice of referendum.

(2) If the members of the school board of the school district proposed to be created are not to be elected at the same election at which the proposition to establish that district is to be submitted to the voters, then the regional superintendent of schools shall order an election to be held on the next regularly scheduled election date for the purpose of electing a school board for that district.

(3) In either event, the school board elected for a new school district or districts created under this Article shall consist of 7 members who shall have the terms and the powers and duties of school boards as provided by statute.

(d) All notices regarding propositions for reorganization or creation of new school districts under this Article shall be given in accordance with the general election law in substantially the following form:

(1) Notice in high school - unit conversion or unit to dual conversion:

NOTICE OF REFERENDUM TO DISSOLVE
CERTAIN SCHOOL DISTRICTS AND
ESTABLISH CERTAIN NEW SCHOOL DISTRICTS

NOTICE is hereby given that on (insert date), a referendum will be held in part(s) of ..... county (counties) for the purpose of voting for or against the proposition to dissolve (here identify the school districts to be dissolved by name and number) and to establish new school districts for the following described territory: A new (here specify elementary, high school, or unit) district shall be formed from (here describe the territory, which, for territory currently included in an entire school district, may be a general reference to all of the territory included within that particular school district). (Here repeat the territory information for each new school district.)

The election is called and will be held pursuant to an order of the Regional Superintendent dated on (insert date), which order states that if a majority of the voters in each of the affected districts voting on the proposition at the referendum vote in favor thereof, the tax rates for various purposes of the new districts shall be as follows: For the new (here specify elementary, high school, or unit) district formed from the territory of (here describe territory, which, for territory currently included in an entire school district, may be a general reference to all of the territory included within that particular district), the tax rates for various purposes shall be (here specify the maximum tax rates for various purposes the proposed school district is authorized to levy in accordance with Section 11E-80 of this Code). (Here repeat the tax rate information for each new school district.)

Dated (insert date).

Regional Superintendent of Schools .....

(2) Notice for combined school district formation:

NOTICE OF REFERENDUM
TO ESTABLISH COMBINED SCHOOL DISTRICT

NOTICE is hereby given that on (insert date), a referendum will be held in part(s) of ..... county (counties) for the purpose of voting for or against the proposition to establish a combined (here insert elementary, high school, or unit) school district for the following described territory: (here describe the territory, which, for territory currently included in an entire school district, may be a general reference to all of the territory included within that particular school district). The election is called and will be held pursuant to an order of the Regional Superintendent dated on (insert date), which order states that if a majority of the voters in each of the affected school districts voting on the proposition at the referendum vote in favor thereof, the tax rates for various purposes of the proposed combined school district shall be (here specify the maximum tax rates for various purposes the proposed combined school district is authorized to levy in accordance with Section 11E-80 of this Code).

Dated (insert date).

Regional Superintendent of Schools .....

(3) Notice for unit district formation (other than a partial elementary unit district):

NOTICE OF REFERENDUM TO ESTABLISH
A COMMUNITY UNIT DISTRICT

NOTICE is hereby given that on (insert date), a referendum will be held in part(s) of ..... county (counties) for the purpose of voting for or against the proposition to establish a unit district for the following described territory: (here describe the territory, which, for territory currently included in an entire school district, may be a general reference to all of the territory included within that particular school district). The election is called and will be held pursuant to an order of the Regional Superintendent dated on (insert date), which order states that if a majority of the voters in each of the affected school districts voting on the proposition at the referendum vote in favor thereof, the tax rates for various purposes for the proposed unit district shall be (here specify the maximum tax rates for various purposes the proposed unit district shall be authorized to levy in accordance with Section 11E-80 of this Code).

Dated (insert date).

Regional Superintendent of Schools .....

(4) Notice for combined high school - unit district formation:

NOTICE OF REFERENDUM
TO ESTABLISH COMBINED HIGH SCHOOL - UNIT DISTRICT

NOTICE is hereby given that on (insert date), a referendum will be held in part(s) of ..... county (counties) for the purpose of voting for or against the proposition to establish a combined high school - unit district for the following described territory: (here describe the territory, which, for territory currently included in an entire school district, may be a general reference to all of the territory included within that particular school district). The following described territory shall be included in the combined high school - unit district for high school purposes only: (here describe the territory that will be included only for high school purposes, which, for territory currently included in an entire school district, may be a general reference to all of the territory included within that particular school district). The election is called and will be held pursuant to an order of the Regional Superintendent dated on (insert date), which order states that if a majority of the voters in each of the affected school districts voting on the proposition at the referendum vote in favor thereof, the tax rates for various purposes for the proposed combined high school - unit district shall be (here specify the maximum tax rates for various purposes the proposed combined high school - unit district shall be authorized to levy in accordance with Sections 11E-80 and 11E-90 of this Code).

Dated (insert date).

Regional Superintendent of Schools .....

(5) Notice for multi-unit conversion:

NOTICE OF REFERENDUM TO DISSOLVE CERTAIN

UNIT SCHOOL DISTRICTS AND ESTABLISH CERTAIN NEW SCHOOL DISTRICTS

NOTICE is hereby given that on (insert date), a referendum will be held in part(s) of ..... county (counties) for the purpose of voting for or against the proposition to dissolve (here identify the districts to be dissolved by name and number) and to establish new school districts for the following described territory: A new (here specify elementary or combined high school - unit) district shall be formed from (here describe the territory, which, for territory currently included in an entire school district, may be a general reference to all of the territory included within that particular school district). (Here repeat the territory information for each new school district.) The following described territory shall be included in the proposed combined high school - unit district only for high school purposes: (here describe the territory that will only be included for high school purposes, which, for territory currently included in an entire school district, may be a general reference to all of the territory included within that particular school district).

The election is called and will be held pursuant to an order of the Regional Superintendent dated on (insert date), which order states that if a majority of the voters in each of the affected districts voting on the proposition at the referendum vote in favor thereof, the tax rates for various purposes of the new districts shall be as follows: For the new elementary district formed from the territory of (here identify the unit district by name and number) the tax rates for various purposes shall be (here specify the maximum tax rates for various purposes the proposed elementary district is authorized to levy in accordance with Section 11E-80 of this Code). (Here repeat the tax rate information for each new elementary district.) For the new combined high school - unit district, the tax rates for various purposes shall be (here specify the maximum tax rates for various purposes the proposed combined high school - unit district shall be authorized to levy in accordance with Sections 11E-80 and 11E-90 of this Code).

Dated (insert date).

Regional Superintendent of Schools .....

(6) Notice for optional elementary unit district formation:

NOTICE OF REFERENDUM TO ESTABLISH AN OPTIONAL ELEMENTARY UNIT DISTRICT

NOTICE is hereby given that on (insert date), a referendum will be held in part(s) of ..... county (counties) for the purpose of voting for or against the proposition to establish an optional elementary unit district for the following described territory: (here describe the elementary and high school district territory by name and number). If a majority of the voters in one or more of the affected elementary districts and in the affected high school district voting on the proposition at the referendum vote in favor thereof, all of the territory included within the affected high school district shall be included in the optional elementary unit district for high school purposes. However, only the territory of elementary districts in which a majority of the voters voting in the proposition at the referendum vote in favor thereof shall be included in the optional elementary unit district for elementary purposes. The election is called and will be held pursuant to an order of the Regional Superintendent dated on (insert date), which order states that if a majority of the voters in one or more of the affected elementary districts and in the affected high school district voting on the proposition at the referendum vote in favor thereof, the tax rates for various purposes for the proposed optional elementary unit district shall be (here list the maximum tax rates for various purposes the proposed optional elementary unit district is authorized to levy in accordance with Sections 11E-80 and 11E-95 of this Code).

Dated (insert date).

Regional Superintendent of Schools .....

(8) Notice for an elementary district to opt into a partial elementary unit district:

NOTICE OF REFERENDUM TO JOIN AN OPTIONAL ELEMENTARY UNIT DISTRICT

NOTICE is hereby given that on (insert date), a referendum will be held in part(s) of ..... county (counties) for the purpose of voting for or against the proposition to dissolve an elementary district and join an optional elementary unit district for kindergarten through 12 grade-level purposes for all of the territory included within (here identify the elementary district by name and number). The election is called and will be held pursuant to an order of the Regional Superintendent dated on (insert date), which order states that if a majority of the voters in the elementary school district voting on the proposition at the referendum vote in favor thereof, the tax rates for various purposes for the optional elementary unit

district shall be (here list the maximum tax rates for various purposes the optional elementary unit district is authorized to levy in accordance with Sections 11E-80 and 11E-95 of this Code).

Dated (insert date).

Regional Superintendent of Schools .....

(105 ILCS 5/11E-60 new)

Sec. 11E-60. Ballots.

(a) Separate ballots shall be used for the election in each affected district. If the petition requests the submission of a proposition for the issuance of bonds, then that question shall be submitted to the voters at the referendum on a separate ballot.

(b) Ballots for all reorganization propositions submitted under the provisions of this Article must be in substantially the following form:

(1) Ballot for high school - unit conversion or unit to dual conversion:

OFFICIAL BALLOT

Shall (here identify the districts to be dissolved by name and number) be dissolved and new school districts be established as follows: a new (here specify elementary, high school, or unit) district formed from all of the territory included within (here identify the existing school district by name and number), with the authority to levy taxes for various purposes as follows: (here specify the maximum tax rates for various purposes the new school district is authorized to levy in accordance with Section 11E-80 of this Code), each upon all of the taxable property of the school district at the value thereof, as equalized or assessed by the Department of Revenue, and a new (here repeat the information for each new school district)?

(2) Ballot for combined school district formation:

OFFICIAL BALLOT

Shall a combined (here insert elementary, high, or unit) school district, with the authority to levy taxes at the rate of (here specify the maximum tax rates for various purposes the new unit district is authorized to levy in accordance with Section 11E-80 of this Code), each upon all of the taxable property of the district at the value thereof, as equalized or assessed by the Department of Revenue, be established?

The election authority must record the votes "Yes" or "No".

(3) Ballot for unit district formation (other than a partial elementary unit district formation):

OFFICIAL BALLOT

Shall a unit district, with the authority to levy taxes at the rate of (here specify the maximum tax rates for various purposes the new unit district is authorized to levy in accordance with Section 11E-80 of this Code), each upon all of the taxable property of the district at the value thereof, as equalized or assessed by the Department of Revenue, be established?

The election authority must record the votes "Yes" or "No".

(4) Ballot for a combined high school - unit district formation:

OFFICIAL BALLOT

Shall a combined high school - unit district, with the authority to levy taxes at the rate of (here specify the maximum tax rates for various purposes the new optional elementary unit district is authorized to levy in accordance with Sections 11E-80 and 11E-95 of this Code), each upon all of the taxable property of the district at the value thereof, as equalized or assessed by the Department of Revenue, be established?

The election authority must record the votes "Yes" or "No".

(5) Ballot for an optional elementary unit district formation:

OFFICIAL BALLOT

Shall an optional elementary unit district, with the authority to levy taxes at the rate of (here specify the maximum tax rates for various purposes the new optional elementary unit district is authorized to levy in accordance with Sections 11E-80 and 11E-95 of this Code), each upon all of the taxable property of the district at the value thereof, as equalized or assessed by the Department of Revenue, be established?

The election authority must record the votes "Yes" or "No".

(6) Ballot for multi-unit conversion:

OFFICIAL BALLOT

Shall (here identify the districts to be dissolved by name and number) be dissolved and new school districts established as follows: a new elementary district formed from all of the territory included within (here identify the existing school district by name and number), with the authority to levy taxes for various purposes as follows: (here specify the maximum tax rates for various purposes the new school district is authorized to levy in accordance with Section 11E-80 of this Code), each upon all of the taxable property of the school district at the value thereof, as equalized or assessed by the Department of Revenue, (here repeat the information for each new elementary school district), and a new combined high school - unit district formed from all of the territory included within (here identify the existing school district by name and number), with the authority to levy taxes for various purposes as follows: (here specify the maximum tax rates for various purposes the new combined high school - unit district is authorized to levy in accordance with Sections 11E-80 and 11E-90 of this Code), each upon all of the taxable property of the school district at the value thereof, as equalized or assessed by the Department of Revenue?

The election authority must record the votes "Yes" or "No".

(7) Ballot for an elementary school district to dissolve and join an optional elementary unit district:

OFFICIAL BALLOT

Shall (here identify the elementary district by name and number) be dissolved and join (here identify the optional elementary unit district by name and number), with the authority to levy taxes at the rate of (here specify the maximum tax rates for various purposes the optional elementary unit district is authorized to levy in accordance with Sections 11E-80 and 11E-95 of this Code), each upon all of the taxable property of the district at the value thereof, as equalized or assessed by the Department of Revenue?

The election authority must record the votes "Yes" or "No".

(105 ILCS 5/11E-65 new)

Sec. 11E-65. Passage requirements.

(a) Except as otherwise provided in subsections (b) and (c) of this Section, if a majority of the electors voting at the election in each affected district vote in favor of the proposition submitted to them, then the proposition shall be deemed to have passed.

(b) In the case of an optional elementary unit district to be created as provided in subsection (c) of Section 11E-30 of this Code, if a majority of the electors voting in the high school district and a majority of the voters voting in at least one affected elementary district vote in favor of the proposition submitted to them, then the proposition shall be deemed to have passed and an optional elementary unit district shall be created for all of the territory included in the petition for high school purposes, and for the territory included in the affected elementary districts voting in favor of the proposition for elementary purposes.

(c) In the case of an elementary district electing to join an optional elementary unit district in accordance with subsection (d) of Section 11E-30 of this Code, a majority of the electors voting in that elementary district only must vote in favor of the proposition at a regularly scheduled election.

(d) (1) If a majority of the voters in at least 2 unit districts have voted in favor of a proposition to create a new unit district, but the proposition was not approved under the standards set forth in subsection (a) of this Section, then the members of the Committee of Ten shall submit an amended petition for consolidation to the school boards of those districts, as long as the territory involved is compact and contiguous. The petition submitted to the school boards shall be identical in form and substance to the petition previously approved by the regional superintendent of schools, with the sole exception that the territory comprising the proposed district shall be amended to include the compact and contiguous territory of those unit districts in which a majority of the voters voted in favor of the proposal.

(2) Each school board to which the petition is submitted shall meet and vote to approve or not approve the amended petition no more than 30 days after it has been filed with the school board. The regional superintendent of schools shall make available to each school board with which a petition has been filed all transcripts and records of the previous petition hearing. The school boards shall, by appropriate resolution, approve or disapprove the amended petition. No school board may approve an amended petition unless it first finds that the territory described in the petition is compact and contiguous.

(3) If a majority of the members of each school board to whom a petition is submitted votes in favor of the amended petition, then the approved petition shall be transmitted by the secretary of each school board to the State Superintendent of Education, who shall, within 30 days after receipt, approve or deny the amended petition based on the criteria stated in subsection (b) of Section 11E-50 of this Code. If approved by the State Superintendent of Education, the petition shall be placed on the ballot at the next regularly scheduled election.

(105 ILCS 5/11E-70 new)

Sec. 11E-70. Effective date of change.

(a) If a petition is filed under the authority of this Article, the change is granted and approved at election, and no appeal is taken, the change shall become effective after the time for appeal has run for the purpose of all elections; however, the change shall not affect the administration of the schools until July 1 following the date that the school board election is held for the new district or districts and the school boards of the districts as they existed prior to the change shall exercise the same power and authority over the territory until that date.

(b) If any school district is dissolved in accordance with this Article, upon the close of the then current school year, the terms of office of the school board of the dissolved district shall terminate.

(c) New districts shall be permitted to organize and elect officers within the time prescribed by the general election law. Additionally, between the date of the organization and the election of officers and the date on which the new district takes effect for all purposes, the new district shall also be permitted, with the stipulation of the districts from which the new district is formed and the approval of the regional superintendent of schools, to take all action necessary or appropriate to do the following:

(1) Establish the tax levy for the new district, in lieu of the levies by the districts from which the new district is formed, within the time generally provided by law and in accordance with this Article. The funds produced by the levy shall be transferred to the new district as generally provided by law at such time as they are received by the county collector.

(2) Enter into agreements with depositories and direct the deposit and investment of any funds received from the county collector or any other source, all as generally provided by law.

(3) Conduct a search for the superintendent of the new district and enter into a contract with the person selected to serve as the superintendent of the new district in accordance with the provisions of this Code generally applicable to the employment of a superintendent.

(4) Conduct a search for other administrators and staff of the new district and enter into a contract with these persons in accordance with the provisions of this Code generally applicable to the employment of administrators and other staff.

(5) Engage the services of accountants, architects, attorneys, and other consultants, including but not limited to consultants to assist in the search for the superintendent.

(6) Plan for the transition from the administration of the schools by the districts from which the new district is formed.

(7) Bargain collectively, pursuant to the Illinois Educational Labor Relations Act, with the certified exclusive bargaining representative or certified exclusive bargaining representatives of the new district's employees.

(8) Expend the funds received from the levy and any funds received from the districts from which the new district is formed to meet payroll and other essential operating expenses or otherwise in the exercise of the foregoing powers until the new district takes effect for all purposes.

(9) Issue bonds authorized in the proposition to form the new district or bonds pursuant to and in accordance with all of the requirements of Section 17-2.11 of this Code, levy taxes upon all of the taxable property within the new district to pay the principal of and interest on those bonds as provided by statute, expend the proceeds of the bonds and enter into any necessary contracts for the work financed therewith as authorized by statute, and avail itself of the provisions of other applicable law, including the Omnibus Bond Acts, in connection with the issuance of those bonds.

(d) After the granting of a petition has become final and approved at election, the date when the change becomes effective for purposes of administration and attendance may be accelerated or postponed by stipulation of the school board of each district affected and approval by the regional superintendent of schools with which the original petition is required to be filed.

(105 ILCS 5/11E-75 new)

Sec. 11E-75. Map showing change. Within 30 days after a new school district has been created or the boundaries of an existing district have been changed under the provisions of this Article, the regional superintendent of schools of any county involved shall make and file with the county clerk of his or her county a map of any districts changed by the action, whereupon the county clerk or county clerks, as the case may be, shall extend taxes against the territory in accordance therewith.

(105 ILCS 5/11E-80 new)

Sec. 11E-80. Specification of taxing purposes and rates. Whenever taxing purposes and rates are required to be specified or described under this Article for petition, hearing, notice, or ballot requirements, the purposes and rates shall be specified or described in accordance with this Section and, where applicable, shall also include a specification of the aggregate extension base and debt service extension base in accordance with the Property Tax Extension Limitation Law.

(1) For the formation of a district not subject to the Property Tax Extension Limitation Law, other than a partial elementary unit district, all of the following must be done:

(A) List the maximum rate at which the district will be authorized to levy a tax for educational purposes, operations and maintenance purposes, and pupil transportation purposes (such as ..... % for educational purposes, ...% for operations and maintenance purposes, and .....% for pupil transportation purposes), subject to the rate limitations specified in Sections 17-2 and 17-3 of this Code.

(B) If it is desired to secure authority to levy other taxes above the statutory permissive rate or, for a unit district, authority to levy taxes for capital improvement purposes at a rate authorized by Section 17-2 of this Code, then list the maximum rate at which the district will be authorized to levy a tax for each such purpose (such as .....% for special educational purposes, ...% for leasing educational facilities or computer technology purposes, ...% for capital improvement purposes, and .....% for fire prevention and safety purposes), subject to all applicable statutory rate limitations.

(2) For the formation of a district that is subject to the Property Tax Extension Limitation Law, other than a partial elementary unit district, all of the following must be done:

(A) List the purpose for each and every tax that the new district will be authorized to levy (such as educational purposes and operations and maintenance purposes).

(B) For each tax purpose listed, specify the maximum rate at which the district will be authorized to levy each tax (such as .....% for educational purposes and .....% for operations and maintenance purposes), subject to all applicable statutory rate limitations.

(C) Specify the aggregate extension base the district will seek to establish in conformity with the provisions of Section 18-210 of the Property Tax Code. Notwithstanding any provision to the contrary contained in the Property Tax Extension Limitation Law, no notice and referendum requirements other than those set forth in this Article shall be required to establish an aggregate extension base for a new district formed in accordance with this Article.

(D) If desired, specify the debt service extension base the district will seek to establish in accordance with Section 18-212 of the Property Tax Code. Notwithstanding any provision to the contrary contained in the Property Tax Extension Limitation Law, no notice and referendum requirements other than those set forth in this Article shall be required to establish a debt service extension base for a new district formed in accordance with this Article.

(3) For the formation of a partial elementary unit district not subject to the Property Tax Extension Limitation Law, the purposes and tax rate information required by subsection (b) of Section 11E-90 or subsection (b) of Section 11E-95 of this Code, as applicable, must be specified.

(4) For the formation of a partial elementary unit district that is subject to the Property Tax Extension Limitation Law, all of the following must be done:

(A) List the purpose for each and every tax that the new district will be authorized to levy, including an indication of whether the tax is for grade K through 8 or grade 9 through 12 purposes, to the extent required by Section 11E-90 or 11E-95 of this Code.

(B) For each tax purpose listed, list the maximum rate at which the district will be authorized to levy each tax, subject to the rate limitations specified in subsection (b) of Section 11E-90 or subsection (b) of Section 11E-95 of this Code, as applicable, and elsewhere in statute.

(C) Specify the aggregate extension base the district will seek to establish in conformity with the provisions of Section 18-210 of the Property Tax Code. Notwithstanding any provision to the contrary contained in the Property Tax Extension Limitation Law, no notice and referendum requirements other than those set forth in this Article shall be required to establish an aggregate extension base for a new district formed in accordance with this Article.

(D) If desired, specify the debt service extension base the district will seek to establish in accordance with Section 18-212 of the Property Tax Code. Notwithstanding any provision to the contrary contained in the Property Tax Extension Limitation Law, no notice and referendum requirements other than those set forth in this Article shall be required to establish a debt service extension base for a new district formed in accordance with this Article.

(105 ILCS 5/11E-85 new)

Sec. 11E-85. Tax levy and borrowing authority, bonds, and working cash funds; districts other than partial elementary unit districts. The school board of any district involved in a school district conversion or the school board of any new district created under the provisions of this Article other than a partial elementary unit district may do any of the following:

(1) Levy for the purposes and at not exceeding the rates specified in the petition with respect to each district, which rates thereafter may be increased or decreased in accordance with Sections 17-2 through 17-7 of this Code, and further levy taxes for other purposes as generally permitted by law.

(2) Borrow money and issue bonds as authorized in Articles 10 and 19 of this Code and as otherwise permitted by law.

(3) Establish, maintain, or re-create a working cash fund as authorized by Article 20 of this Code.

(105 ILCS 5/11E-90 new)

Sec. 11E-90. Classification of property, taxes, bonds, and funds for combined high school; unit districts.

(a) All real property included within the boundaries of a combined high school - unit district created in accordance with this Article shall be classified into either a high school only classification or elementary and high school classification as follows:

(1) Real property included within the high school only classification shall include all of the real property included within the boundaries of the combined high school - unit district and the boundaries of a separate school district organized and established for purposes of providing instruction up to and including grade 8.

(2) Real property included within the elementary and high school classification shall include all of the real property of the combined high school - unit district not included in the high school only classification.

(b) The petition to establish a combined high school - unit district shall set forth the maximum annual authorized tax rates for the proposed district as follows:

(1) The petition to establish a combined high school - unit district must include a maximum annual authorized tax rate for both grade K through 8 educational purposes and grade 9 through 12 educational purposes. The rate for grade K through 8 educational purposes shall not exceed 3.5%. The rate for grade 9 through 12 educational purposes shall not exceed 3.5%. The combined rate for both grade K through 8 and grade 9 through 12 educational purposes shall not exceed 4.0%.

(2) The petition to establish a combined high school - unit district must include a maximum annual authorized tax rate for both grade K through 8 operations and maintenance purposes and grade 9 through 12 operations and maintenance purposes. The rate for grade K through 8 operations and maintenance purposes shall not exceed 0.55%. The rate for grade 9 through 12 operations and maintenance purposes shall not exceed 0.55%. The combined rate for both grade K through 8 and grade 9 through 12 operations and maintenance purposes shall not exceed 0.75%.

(3) The petition to establish a combined high school - unit district must include a maximum annual authorized tax rate for both grade K through 8 special education purposes and grade 9 through 12 special education purposes. The rate for grade K through 8 special education purposes shall not exceed 0.40%. The rate for grade 9 through 12 special education purposes shall not exceed 0.40%.

(4) The petition to establish a combined high school - unit district must include a maximum annual authorized tax rate for transportation purposes.

(5) If it is desired to secure authority to levy other taxes above the permissive rate applicable to unit districts as specified elsewhere in statute, the petition must include the maximum annual authorized tax rate at which the district will be authorized to levy a tax for each such purpose, not to exceed the

maximum rate applicable to unit districts as specified elsewhere in statute.

(c) The school board of any new combined high school - unit district created under the provisions of this Article may levy a tax annually upon all of the taxable property of the district at the value as equalized or assessed by the Department of Revenue, as follows:

(1) For all real property within the district, rates not to exceed the maximum annual authorized grade 9 through 12 educational purposes rate established in accordance with subdivision (1) of subsection (b) of this Section, the maximum annual authorized grade 9 through 12 operation and maintenance purposes rate established in accordance with subdivision (2) of subsection (b) of this Section, the maximum annual authorized grade 9 through 12 special education purposes rate established in accordance with subdivision (3) of subsection (b) of this Section, the maximum annual authorized transportation purposes rate established in accordance with subdivision (4) of subsection (b) of this Section, and for all other purposes, the statutory permissive rate for unit districts or the maximum annual authorized rate for that purpose established in accordance with subdivision (5) of subsection (b) of this Section.

(2) For all real property in the district included within the elementary and high school classification, in addition to the rates authorized by subdivision (1) of this subsection (c), rates not to exceed the maximum annual authorized grade K through 8 educational purposes rate established in accordance with subdivision (1) of subsection (b) of this Section, the maximum annual authorized grade K through 8 operation and maintenance purposes rate established in accordance with subdivision (2) of subsection (b) of this Section, and the maximum annual authorized grade K through 8 special education purposes rate established in accordance with subdivision (3) of subsection (b) of this Section.

(d) The school board may, subsequent to the formation of the district and in accordance with Sections 17-2 through 17-7 of this Code, seek to increase the maximum annual authorized tax rates for any statutorily authorized purpose up to the maximum rate set forth in subsection (b) of this Section or otherwise applicable to unit districts as specified elsewhere in statute, whichever is less, subject to the following approval requirements:

(1) The school board may increase the following rates only after submitting a proper resolution to the voters of the district at any regular scheduled election and obtaining approval by both a majority of voters living in the portion of the territory included within the high school only classification voting on the proposition and a majority of voters living in the portion of the territory included within the elementary and high school classification voting on the proposition:

(A) The maximum annual authorized grade 9 through 12 educational purposes rate established in accordance with subdivision (1) of subsection (b) of this Section, as may be increased thereafter in accordance with this subsection (d).

(B) The maximum annual authorized grade 9 through 12 operation and maintenance purposes rate established in accordance with subdivision (2) of subsection (b) of this Section, as may be increased thereafter in accordance with this subsection (d).

(C) The maximum annual authorized grade 9 through 12 special education purposes rate established in accordance with subdivision (3) of subsection (b) of this Section, as may be increased thereafter in accordance with this Section.

(D) The maximum annual authorized transportation purposes rate established in accordance with subdivision (4) of subsection (b) of this Section, as may be increased thereafter in accordance with this subsection (d).

(E) For all other statutorily authorized purposes, any rate exceeding the statutory permissive rate for unit districts established in accordance with subdivision (5) of subsection (b) of this Section, as may be increased thereafter in accordance with this Section.

(2) The school board may increase the following rates only after submitting a proper resolution to the voters of the district living in the portion of the territory included within the elementary and high school classification at any regular scheduled election and obtaining approval by a majority of voters living in the portion of the territory included within the elementary and high school classification voting on the proposition:

(A) The maximum annual authorized grade K through 8 educational purposes rate established in accordance with subdivision (1) of subsection (b) of this Section, as may be increased thereafter in accordance with this subsection (d).

(B) The maximum annual authorized grade K through 8 operation and maintenance purposes rate established in accordance with subdivision (2) subsection (b) this Section, as may be increased thereafter in accordance with this subsection (d).

(C) The maximum annual authorized grade K through 8 special education purposes rate established in accordance with subdivision (3) of subsection (b) of this Section, as may be increased

thereafter in accordance with this Section.

(e) The school board may, after submitting a proper resolution to the voters of the district at any regular scheduled election, seek to do either of the following:

(1) Increase or decrease the maximum authorized annual tax rate for grade K through 8 educational purposes with an equal corresponding increase or decrease of the maximum authorized annual tax rate for grade 9 through 12 educational purposes, such that there is no change in the total combined maximum authorized annual tax rate for both purposes.

(2) Increase or decrease the maximum authorized annual tax rate for grade K through 8 operations and maintenance purposes with an equal corresponding increase or decrease of the maximum authorized annual tax rate for grade 9 through 12 operations and maintenance purposes, such that there is no change in the total combined maximum authorized annual tax rate for both purposes.

Any modification to maximum authorized annual tax rates pursuant to this subsection (e) must be approved by both a majority of voters living in the portion of the territory included within the high school only classification voting on the proposition and a majority of voters living in the portion of the territory included within the elementary and high school classification voting on the proposition. No maximum tax rate secured hereunder may exceed the maximum tax rate for a particular purpose specified elsewhere in statute.

(f) The school board may seek to do either of the following:

(1) Increase the maximum authorized annual tax rate for either grade K through 8 educational purposes or grade K through 8 operations and maintenance purposes with an equal corresponding decrease being effected to the maximum authorized tax rate for the other fund.

(2) Increase the maximum authorized annual tax rate for either grade 9 through 12 educational purposes or grade 9 through 12 operations and maintenance purposes with an equal corresponding decrease being effected to the maximum authorized tax rate for the other fund.

A proper resolution to increase and concurrently decrease the maximum authorized annual tax rates for grade K through 8 purposes in accordance with this subsection (f) shall be submitted to the voters of the district residing in the elementary and high school classification at any regular scheduled election and must be approved by a majority of voters living in the portion of the territory included within the elementary and high school classification voting on the proposition. A proper resolution to increase and concurrently decrease the maximum authorized annual tax rates for grade 9 through 12 purposes in accordance with this subsection (f) shall be submitted to all of the voters of the district at any regular scheduled election and must be approved by a majority of voters voting on the proposition. No maximum tax rate secured hereunder may exceed the maximum tax rate for a particular purpose specified elsewhere in statute. The terms and provisions of this subsection (f) shall apply instead of the terms and provisions of Section 17-6.1 of this Code to any concurrent equal increase and decrease in the maximum authorized rates for educational and operations and maintenance purposes by a combined high school - unit district.

(g) The school board may borrow money and issue bonds for elementary or high school purposes (but not K through 12 purposes) as authorized by Articles 10 and 19 of this Code and as otherwise permitted by law. All notices, resolutions, and ballots related to borrowing money and issuing bonds in accordance with this subsection (g) shall indicate whether the proposed action is for elementary or high school purposes. Taxes to pay the principal of, interest on, and premium, if any, on bonds issued for high school purposes shall be extended against the entire district, and taxes to pay the principal of, interest on, and premium, if any, on bonds issued for elementary purposes shall be extended only against property within the elementary and high school classification. The proposition to issue bonds for high school purposes must be submitted to and approved by a majority of voters of the district voting on the proposition. Subsequent to the formation of the district, the proposition to issue bonds for elementary purposes must only be submitted to and approved by a majority of voters living in the portion of the territory included within the elementary and high school classification voting on the proposition. Notwithstanding the terms and provisions of Section 19-4 of this Code, the board of a combined high school - unit district may not seek to designate any bonds issued for high school purposes as bonds issued for elementary purposes or designate any bonds issued for elementary purposes as bonds issued for high school purposes. Any petition filed in accordance with Section 19-9 of this Code requesting that the proposition to issue bonds for the payment of orders or claims for elementary purposes be submitted to the voters must be signed by 10% or more of the registered voters of the elementary and high school classification. If required pursuant to Section 19-9 of this Code, the proposition to issue bonds for the payment of orders or claims for elementary purposes must only be submitted to and approved by a majority of voters living in the portion of the territory included within the elementary and high school classification voting on the proposition. Taxes to pay the principal of, interest on, and premium, if any, on any refunding

bonds issued in accordance with Article 19 of this Code to refund bonds, coupons, or other evidences of indebtedness for bonds issued for high school purposes shall be extended against the entire district. Taxes to pay the principal of, interest on, and premium, if any, on any refunding bonds issued in accordance with Article 19 of this Code to refund bonds, coupons, or other evidences of indebtedness for bonds issued for elementary purposes shall only be extended against the property within the elementary and high school classification.

(h) The school board may establish, maintain, or re-create a working cash fund for elementary or high school purposes (but not K through 12 purposes) as authorized by Article 20 of this Code. All notices, resolutions, and ballots related to the establishment of a working cash fund shall indicate whether the working cash fund shall be for elementary or high school purposes. For purposes of Section 20-2 of this Code, taxes to pay the principal of, interest on, and premium, if any, on bonds issued to create a working cash fund for high school purposes shall be extended against the entire district, and taxes to pay the principal of, interest on, and premium, if any, on bonds issued to create a working cash fund for elementary purposes shall be extended only against property within the elementary and high school classification. Any petition filed in accordance with Section 20-7 of this Code requesting that the proposition to issue bonds to establish a working cash fund for elementary purposes be submitted to the voters must be signed by 10% or more of the registered voters of the elementary and high school classification. If required pursuant to Section 20-7 of this Code, the proposition to issue bonds for a working cash fund for elementary purposes must only be submitted to and approved by a majority of voters living in the portion of the territory included within the elementary and high school classification voting on the proposition. Upon the abolishment of the working cash fund for elementary purposes in accordance with Section 20-8 of this Code, the balance shall be transferred to the fund established for the receipt of proceeds from levies specified for grade K through 8 educational purposes. Upon the abolishment of the working cash fund for high school purposes in accordance with Section 20-8 of this Code, the balance shall be transferred to the fund established for the receipt of proceeds from levies specified for grade 9 through 12 educational purposes.

(i) The school board shall establish separate funds for the receipt of tax proceeds from levies specified for grade K through 8 purposes and grade 9 through 12 purposes in accordance with subdivisions (1) through (3) of subsection (b) of this Section and the receipt of tax and other proceeds from bond issuances for grade K through 8 purposes and grade 9 through 12 purposes in accordance with subsection (f) of this Section. Proceeds received from any levy or bond issuance specified for grade K through 8 purposes shall not be used to pay for any staff, equipment, materials, facilities, buildings, land, or services solely related to instruction in grades 9 through 12. Proceeds received from any levy or bond issuance specified for grade 9 through 12 purposes shall not be used to pay for any staff, equipment, materials, facilities, buildings, land, or services solely related to instruction in grades K through 8. Expenses related to staff, equipment, materials, facilities, buildings, land, or services related to instruction in both grades K through 8 and grades 9 through 12 may be paid from proceeds received from a levy or bond issuance specified for either grade K through 8 purposes or grade 9 through 12 purposes.

(j) The school board of a combined high school - unit district may abate or abolish any fund in accordance with this Code, provided that no funds may be transferred from an abated or abolished fund specified for grade K through 8 purposes to a fund specified for grade 9 through 12 purposes, and no funds may be transferred from an abated or abolished fund specified for grade 9 through 12 purposes to a fund specified for grade K through 8 purposes.

(k) To the extent the specific requirements for borrowing money, levying taxes, issuing bonds, establishing, maintaining, or recreating a working cash fund, and transferring funds by a combined high school - unit district set forth in this Section conflicts with any general requirements for school districts set forth in Article 10, 17, 19, or 20 of this Code, the requirements set forth in this Section shall control over any such general requirements.

(105 ILCS 5/11E-95 new)

Sec. 11E-95. Classification of property, taxes, bonds, and funds for optional elementary unit districts.

(a) All real property included within the boundaries of an optional elementary unit district created in accordance with this Article shall be classified into either a high school only classification or an elementary and high school classification as follows:

(1) Real property included within the high school only classification shall include all of the real property included within the boundaries of the optional elementary unit district and the boundaries of a separate school district organized and established for purposes of providing instruction up to and including grade 8 that did not elect to join the optional elementary unit district in accordance with this Article.

(2) Real property included within the elementary and high school classification shall include all real property of the optional elementary unit district not included in the high school only classification.

(b) The petition to establish an optional elementary unit district shall set forth the maximum annual authorized tax rates for the proposed district as follows:

(1) The petition must specify a maximum annual authorized tax rate for both grade K through 8 educational purposes and grade 9 through 12 educational purposes. The rate for grade K through 8 educational purposes shall not exceed the highest rate for educational purposes extended by any of the elementary districts included in the petition in the year immediately preceding the creation of the new district. The rate for grade 9 through 12 educational purposes shall be the rate for educational purposes extended by the high school district in the year immediately preceding the creation of the new district. Notwithstanding the foregoing limitations, if any resulting combined rate for both grade K through 8 and grade 9 through 12 educational purposes is less than 4.0%, then the petition may specify a rate for grade K through 8 educational purposes and a rate for grade 9 through 12 educational purposes that, collectively, do not exceed 4.0%.

(2) The petition must specify a maximum annual authorized tax rate for both grade K through 8 operations and maintenance purposes and grade 9 through 12 operations and maintenance purposes. The rate for grade K through 8 operations and maintenance purposes shall not exceed the highest rate for operations and maintenance purposes extended by any of the elementary districts included in the petition in the year immediately preceding the creation of the new district. The rate for grade 9 through 12 operations and maintenance purposes shall be the rate for operations and maintenance purposes extended by the high school district in the year immediately preceding the creation of the new district. Notwithstanding the foregoing limitations, if any resulting combined rate for both grade K through 8 and grade 9 through 12 operations and maintenance purposes is less than 0.75%, then the petition may specify a rate for grade K through 8 operations and maintenance purposes and a rate for grade 9 through 12 operations and maintenance purposes that, collectively, do not exceed 0.75%.

(3) If desired, the petition must specify a maximum annual authorized tax rate for both grade K through 8 capital improvement purposes and grade 9 through 12 capital improvement purposes, with the additional descriptive information required by Section 17-2.3 of this Code. The rate for grade K through 8 capital improvement purposes shall not exceed 0.75%. The rate for grade 9 through 12 capital improvement purposes shall not exceed 0.75%.

(4) The petition must specify a maximum annual authorized tax rate for both grade K through 8 special education purposes and grade 9 through 12 special education purposes. The rate for grade K through 8 special education purposes shall not exceed 0.40%. The rate for grade 9 through 12 special education purposes shall not exceed 0.40%.

(5) The petition must specify a maximum annual authorized tax rate for transportation purposes.

(6) If it is desired to secure authority to levy other taxes above the permissive rate applicable to unit districts as specified elsewhere in statute, the petition must specify the maximum annual authorized tax rate at which the district will be authorized to levy a tax for each such purpose, not to exceed the maximum annual authorized tax rate applicable to unit districts as specified elsewhere in statute.

(7) The petition may indicate a different rate of reduction for grade K through 8 and grade 9 through 12 educational purposes or grade K through 8 and grade 9 through 12 operations and maintenance purposes in accordance with and subject to subsection (d) of this Section.

(8) The aggregate of all rates specified in accordance with this subsection (b) shall not exceed the highest dual district rate, excluding rates for bond and interest levies, applicable to any territory within the high school district included in the petition in the year immediately preceding the creation of the new district.

(c) The school board of any new optional elementary unit district created under the provisions of this Article may levy a tax annually upon all of the taxable property of the district at the value as equalized or assessed by the Department of Revenue as follows:

(1) For all real property within the district, rates not to exceed the maximum annual authorized grade 9 through 12 educational purposes rate established in accordance with subdivision (1) of subsection (b) of this Section, the maximum annual authorized grade 9 through 12 operation and maintenance purposes rate established in accordance with subdivision (2) of subsection (b) of this Section, the maximum annual authorized grade 9 through 12 capital improvement purposes rate established in accordance with subdivision (3) of subsection (b) of this Section, the maximum annual authorized grade 9 through 12 special education purposes rate established in accordance with subdivision (4) of subsection (b) of this Section, the maximum annual authorized transportation purposes rate established in accordance with subdivision (5) of subsection (b) of this Section, and, for all other purposes, the statutory permissive rate for unit districts or the maximum annual authorized rate for that

purpose established in accordance with subdivision (6) of subsection (b) of this Section.

(2) For all real property in the district included within the elementary and high school classification, in addition to the rates authorized by subdivision (1) of this subsection (c), rates not to exceed the maximum annual authorized grade K through 8 educational purposes rate established in accordance with subdivision (1) of subsection (b) of this Section, the maximum annual authorized grade K through 8 operation and maintenance purposes rate established in accordance with subdivision (2) of subsection (b) of this Section, the maximum annual authorized grade K through 8 capital improvement purposes rate established in accordance with subdivision (3) of subsection (b) of this Section, and the maximum annual authorized grade K through 8 special education purposes rate established in accordance with subdivision (4) of subsection (b) of this Section.

(d)(1) If the combined maximum annual authorized rate for grade K through 8 educational purposes and grade 9 through 12 educational purposes exceeds 4.0%, then, beginning with the third year of operation of the new optional elementary unit district and in each subsequent year, the combined maximum annual authorized rate shall be reduced by 0.10% as described in this paragraph (1) or reduced to 4.0%, whichever is less. The annual percentage reduction applied to each rate shall be 0.05%, unless a different percentage reduction is specified in the petition or the rate of reduction is later modified in accordance with paragraph (4) of this subsection (d). If a different percentage reduction is specified in the petition, the combined percentage reduction must equal 0.10% each year.

(2) If the combined maximum annual authorized rate for grade K through 8 and grade 9 through 12 operations and maintenance purposes exceeds 0.75%, then, beginning with the third year of operation of the new optional elementary unit district and in each subsequent year, the combined maximum annual authorized rate shall be reduced by 0.04% as described in this paragraph (2) or reduced to 0.75%, whichever is less. The annual percentage reduction applied to each rate shall be 0.02%, unless a different percentage reduction is specified in the petition or the rate of reduction is later modified in accordance with paragraph (4) of this subsection (d). If a different percentage reduction is specified in the petition, the combined percentage reduction must equal 0.04% each year.

(3) If the combined maximum annual authorized rate for grade K through 8 and grade 9 through 12 capital improvement purposes exceeds 0.75%, then, beginning with the seventh year of operation of the new optional elementary unit district, the combined maximum annual authorized rate shall be reduced to 0.75%, with the reduction applied proportionately to the grade K through 8 capital improvement purposes rate and the grade 9 through 12 capital improvement purposes rate. Thereafter, the combined maximum annual authorized rate for grade K through 8 and grade 9 through 12 capital improvement purposes shall be 0.75%.

(4) The school board may, by proper resolution, cause to be submitted to the voters of the district at any regular scheduled election following the formation of the district a proposition to modify the percentage rate of reduction for grade K through 8 and grade 9 through 12 educational purposes or grade K through 8 and grade 9 through 12 operations and maintenance purposes set forth in this subsection (d), provided that the combined maximum annual authorized rate for educational purposes must be reduced by 0.10% each year and the combined maximum annual authorized rate for operations and maintenance purposes must be reduced by 0.04% each year. Any modification to the percentage rate of reduction pursuant to this paragraph (4) must be approved by both a majority of voters living in the portion of the territory included within the high school only classification voting on the proposition and a majority of voters living in the portion of the territory included within the elementary and high school classification voting on the proposition.

(5) The school board may, by proper resolution, cause to be submitted to the voters of the district at any regular scheduled election following the formation of the district a proposition to maintain, for a period not to exceed 2 years, any maximum annual authorized rate, subject to reduction in accordance with this subsection (d). If a majority of voters living in the district voting on the proposition are in favor thereof, the school board may thereafter, until the authority is revoked in like manner or expires without renewal, levy annually a tax as authorized.

(e) The school board may, subsequent to the formation of the district and in accordance with Sections 17-2 through 17-7 of this Code, seek to increase the maximum annual authorized tax rates of the district, subject to the following limitations:

(i) The combined educational purposes rates may not be increased to a combined rate exceeding 4.0%.

(ii) The combined operations and maintenance purposes rates may not be increased to a combined rate exceeding 0.75%.

(iii) The combined capital improvement purposes rates may not be increased to a combined rate exceeding 0.75%.

(iv) The grade K through 8 special education purposes rate may not be increased to a rate exceeding 0.4%.

(v) The grade 9 through 12 special education purposes rate may not be increased to a rate exceeding 0.4%.

(vi) All other rates may not be increased to a rate exceeding the maximum annual authorized tax rate for unit districts as specified elsewhere in statute.

Any such increase shall be subject to the following approval requirements:

(1) The school board may increase the following rates only after submitting a proper resolution to the voters of the district at any regular scheduled election and obtaining approval by both a majority of voters living in the portion of the territory included within the high school only classification voting on the proposition and a majority of voters living in the portion of the territory included within the elementary and high school classification voting on the proposition:

(A) The maximum annual authorized grade 9 through 12 educational purposes rate established in accordance with subdivision (1) of subsection (b) of this Section, as may be increased thereafter in accordance with this subsection (e).

(B) The maximum annual authorized grade 9 through 12 operation and maintenance purposes rate established in accordance with subdivision (2) of subsection (b) this Section, as may be increased thereafter in accordance with this subsection (e).

(C) The maximum annual authorized grades 9 through 12 capital improvement purposes rate established in accordance with subdivision (3) of subsection (b) of this Section, as may be increased thereafter in accordance with this subsection (e).

(D) The maximum annual authorized grade 9 through 12 special education purposes rate established in accordance with subdivision (4) of subsection (b) of this Section, as may be increased thereafter in accordance with this Section.

(E) The maximum annual authorized transportation purposes rate established in accordance with subdivision (5) of subsection (b) of this Section, as may be increased thereafter in accordance with this subsection (e).

(F) For all other statutorily authorized purposes, any rate exceeding the statutory permissive rate for unit districts established in accordance with subdivision (6) of subsection (b) of this Section, as may be increased thereafter in accordance with this Section.

(2) The school board may increase the following rates only after submitting a proper resolution to the voters of the district living in the portion of the territory included within the elementary and high school classification at any regular scheduled election and obtaining approval by a majority of voters living in the portion of the territory included within the elementary and high school classification voting on the proposition:

(A) The maximum annual authorized grade K through 8 educational purposes rate established in accordance with subdivision (1) of subsection (b) of this Section, as may be increased thereafter in accordance with this subsection (e).

(B) The maximum annual authorized grade K through 8 operation and maintenance purposes rate established in accordance with subdivision (2) subsection (b) this Section, as may be increased thereafter in accordance with this subsection (e).

(C) The maximum annual authorized grade K through 8 capital improvement purposes rate established in accordance with subdivision (3) of subsection (b) of this Section, as may be increased thereafter in accordance with this subsection (e).

(D) The maximum annual authorized grade K through 8 special education purposes rate established in accordance with subdivision (4) of subsection (b) of this Section, as may be increased thereafter in accordance with this Section.

(f) The school board may, after submitting a proper resolution to the voters of the district at any regular scheduled election, seek to do either of the following:

(1) Increase or decrease the maximum authorized annual tax rate for grade K through 8 educational purposes with an equal corresponding increase or decrease of the maximum authorized annual tax rate for grade 9 through 12 educational purposes, such that there is no change in the total combined maximum authorized annual tax rate for both purposes.

(2) Increase or decrease the maximum authorized annual tax rate for grade K through 8 operations and maintenance purposes with an equal corresponding increase or decrease of the maximum authorized annual tax rate for grade 9 through 12 operations and maintenance purposes, such that there is no change in the total combined maximum authorized annual tax rate for both purposes.

Any modification to maximum authorized annual tax rates pursuant to this subsection (f) must be approved by both a majority of voters living in the portion of the territory included within the high

school only classification voting on the proposition and a majority of voters living in the portion of the territory included within the elementary and high school classification voting on the proposition. No maximum tax rate secured hereunder may exceed the maximum tax rate for a particular purpose specified elsewhere in statute.

(g) The school board may seek to do either of the following:

(1) Increase the maximum authorized annual tax rate for either grade K through 8 educational purposes or grade K through 8 operations and maintenance purposes with an equal corresponding decrease being effected to the maximum authorized tax rate for the other fund.

(2) Increase the maximum authorized annual tax rate for either grade 9 through 12 educational purposes or grade 9 through 12 operations and maintenance purposes with an equal corresponding decrease being effected to the maximum authorized tax rate for the other fund.

A proper resolution to increase and concurrently decrease the maximum authorized annual tax rates for grade K through 8 purposes in accordance with this subsection (g) shall be submitted to the voters of the district residing in the elementary and high school classification at any regular scheduled election and must be approved by a majority of voters living in the portion of the territory included within the elementary and high school classification voting on the proposition. A proper resolution to increase and concurrently decrease the maximum authorized annual tax rates for grade 9 through 12 purposes in accordance with this subsection (g) shall be submitted to all of the voters of the district at any regular scheduled election and must be approved by a majority of voters voting on the proposition. No maximum tax rate secured hereunder may exceed the maximum tax rate for a particular purpose specified elsewhere in statute. The terms and provisions of this subsection (g) shall apply instead of the terms and provisions of Section 17-6.1 of this Code to any concurrent equal increase and decrease in the maximum authorized rates for educational and operations and maintenance purposes by an optional elementary unit district.

(h) The school board may borrow money and issue bonds for elementary or high school purposes (but not grade K through 12 purposes) as authorized by Articles 10 and 19 of this Code and as otherwise permitted by law. All notices, resolutions, and ballots related to borrowing money and issuing bonds in accordance with this subsection (h) shall indicate whether the proposed action is for elementary or high school purposes. Taxes to pay the principal of, interest on, and premium, if any, on bonds issued for high school purposes shall be extended against the entire district, and taxes to pay the principal of, interest on, and premium, if any, on bonds issued for elementary purposes shall be extended only against property within the elementary and high school classification. The proposition to issue bonds for high school purposes must be submitted to and approved by a majority of voters of the district voting on the proposition. Subsequent to the formation of the district, the proposition to issue bonds for elementary purposes must only be submitted to and approved by a majority of voters living in the portion of the territory included within the elementary and high school classification voting on the proposition. Notwithstanding the terms and provisions of Section 19-4 of this Code, the board of an optional elementary unit district may not seek to designate any bonds issued for high school purposes as bonds issued for elementary purposes or designate any bonds issued for elementary purposes as bonds issued for high school purposes. Any petition filed in accordance with Section 19-9 of this Code requesting that the proposition to issue bonds for the payment of orders or claims for elementary purposes be submitted to the voters must be signed by 10% or more of the registered voters of the elementary and high school classification. If required pursuant to Section 19-9 of this Code, the proposition to issue bonds for the payment of orders or claims for elementary purposes must only be submitted to and approved by a majority of voters living in the portion of the territory included within the elementary and high school classification voting on the proposition. Taxes to pay the principal of, interest on, and premium, if any, on any refunding bonds issued in accordance with Article 19 of this Code to refund bonds, coupons, or other evidences of indebtedness for bonds issued for high school purposes shall be extended against the entire district. Taxes to pay the principal of, interest on, and premium, if any, on any refunding bonds issued in accordance with Article 19 of this Code to refund bonds, coupons, or other evidences of indebtedness for bonds issued for elementary purposes shall only be extended against the property within the elementary and high school classification.

(i) The school board may establish, maintain, or re-create a working cash fund for elementary or high school purposes (but not grade K through 12 purposes) as authorized by Article 20 of this Code. All notices, resolutions, and ballots related to the establishment of a working cash fund shall indicate whether the working cash fund shall be for elementary or high school purposes. For purposes of Section 20-2 of this Code, taxes to pay the principal of, interest on, and premium, if any, on bonds issued to create a working cash fund for high school purposes shall be extended against the entire district, and taxes to pay the principal of, interest on, and premium, if any, on bonds issued to create a working cash

fund for elementary purposes shall be extended only against property within the elementary and high school classification. Any petition filed in accordance with Section 20-7 of this Code requesting that the proposition to issue bonds to establish a working cash fund for elementary purposes be submitted to the voters must be signed by 10% or more of the registered voters of the elementary and high school classification. If required pursuant to Section 20-7 of this Code, the proposition to issue bonds for a working cash fund for elementary purposes must only be submitted to and approved by a majority of voters living in the portion of the territory included within the elementary and high school classification voting on the proposition. Upon the abolishment of the working cash fund for elementary purposes in accordance with Section 20-8 of this Code, the balance shall be transferred to the fund established for the receipt of proceeds from levies specified for grade K through 8 educational purposes. Upon the abolishment of the working cash fund for high school purposes in accordance with Section 20-8 of this Code, the balance shall be transferred to the fund established for the receipt of proceeds from levies specified for grade 9 through 12 educational purposes.

(j) The school board shall establish separate funds for the receipt of tax proceeds from levies specified for grade K through 8 purposes and grade 9 through 12 purposes in accordance with subdivisions (1) through (4) of subsection (b) of this Section and the receipt of tax and other proceeds from bond issuances for grade K through 8 purposes and grade 9 through 12 purposes in accordance with subsection (g) of this Section. Proceeds received from any levy or bond issuance specified for grade K through 8 purposes shall not be used to pay for any staff, equipment, materials, facilities, buildings, land, or services solely related to instruction in grades 9 through 12. Proceeds received from any levy or bond issuance specified for grade 9 through 12 purposes shall not be used to pay for any staff, equipment, materials, facilities, buildings, land, or services solely related to instruction in grades K through 8. Expenses related to staff, equipment, materials, facilities, buildings, land, or services related to instruction in both grades K through 8 and grades 9 through 12 may be paid from proceeds received from a levy or bond issuance specified for either grade K through 8 purposes or grade 9 through 12 purposes.

(k) The school board of an optional elementary unit district may abate or abolish any fund in accordance with this Code, provided that no funds may be transferred from an abated or abolished fund specified for grade K through 8 purposes to a fund specified for grade 9 through 12 purposes, and no funds may be transferred from an abated or abolished fund specified for grade 9 through 12 purposes to a fund specified for grade K through 8 purposes.

(l) To the extent that the specific requirements for borrowing money, levying taxes, issuing bonds, establishing, maintaining, or recreating a working cash fund, and transferring funds by an optional elementary unit district set forth in this Section conflicts with any general requirements for school districts set forth in Article 10, 17, 19, or 20 of this Code, the requirements set forth in this Section shall control over any such general requirements.

(105 ILCS 5/11E-100 new)

Sec. 11E-100. Timing of extension of tax levies.

(a) If the election of the school board of the new district occurs at a regular election and the board of education makes its initial levy or levies in that same year, the county clerk shall extend the levy or levies, notwithstanding any other law that requires the adoption of a budget before the clerk may extend the levy. In addition, the districts from which the new district is formed, by joint agreement and with the approval of the regional superintendent of schools, shall be permitted to amend outstanding levies in the same calendar year in which the creation of the new district is approved at the rates specified in the petition.

(b) If the election of the board of education of the new district does not occur in the same calendar year that the proposition to create the new district is approved, the districts from which the new district or districts are formed, by joint agreement and with the approval of the regional superintendent of schools, shall be permitted to levy in the same calendar year in which the creation of the new district is approved at the rates specified in the petition. The county clerks shall extend any such levy notwithstanding any law that requires adoption of a budget before extension of the levy.

(105 ILCS 5/11E-105 new)

Sec. 11E-105. Assets, liabilities and bonded indebtedness; tax rate.

(a) Subject to the terms and provisions of subsections (b) and (c) of this Section, whenever a new district is created under any of the provisions of this Article, the outstanding bonded indebtedness shall be treated as provided in this subsection (a) and in Section 19-29 of this Code. The tax rate for bonded indebtedness shall be determined in the manner provided in Section 19-7 of this Code, and, notwithstanding the creation of any such district, the county clerk or clerks shall annually extend taxes, for each outstanding bond issue against all of the taxable property that was situated within the

boundaries of the district, as those boundaries existed at the time of the issuance of the bond issue, regardless of whether the property is still contained in that same district at the time of the extension of the taxes by the county clerk or clerks. Unless the petition, notice, and ballot provide otherwise, the debt service extension base of any dissolved district shall be apportioned among the existing or new districts in the same proportion as the debt service payments.

(b) For a unit district formation, whenever a part of a district is included within the boundaries of a newly created unit district, the regional superintendent of schools shall cause an accounting to be had between the districts affected by the change in boundaries as provided for in Article 11C of this Code. Whenever the entire territory of 2 or more school districts is organized into a unit district pursuant to a petition filed under this Article, the petition may provide that the entire territory of the new unit district shall assume the bonded indebtedness of the previously existing school districts. In that case, the tax rate for bonded indebtedness shall be determined in the manner provided in Section 19-7 of this Code, except that the county clerk shall annually extend taxes for each outstanding bond issue against all the taxable property situated in the new unit district as it exists after the organization.

(c)(1) For a high school-unit conversion, unit to dual conversion, or multi-unit conversion, upon the effective date of the change as provided in Section 11E-70 of this Code and subject to the provisions of paragraph (2) of this subsection (c), each newly created elementary district shall receive all of the assets and assume all of the liabilities and obligations of the dissolved unit district forming the boundary of the newly created elementary district.

(2) Notwithstanding the provisions of paragraph (1) of this subsection (c), upon the stipulation of the school board of the school district serving a newly created elementary district for high school purposes and either (i) the school board of the unit district prior to the effective date of its dissolution or (ii) thereafter the school board of the newly created elementary district and with the approval in either case of the regional superintendent of schools of the educational service region in which the territory described in the petition filed under this Article or the greater percentage of equalized assessed valuation of the territory is situated, the assets, liabilities, and obligations of the dissolved unit district may be divided and assumed between and by the newly created elementary district and the school district serving the newly created elementary district for high school purposes, in accordance with the terms and provisions of the stipulation and approval. In this event, the provisions of Section 19-29 shall be applied to determine the debt incurring power of the newly created elementary district and of the school district serving the newly created elementary district for high school purposes.

(3) Without regard to whether the receipt of assets and the assumption of liabilities and obligations of the dissolved unit district is determined pursuant to paragraph (1) or (2) of this subsection (c), the tax rate for bonded indebtedness shall be determined in the manner provided in Section 19-7, and, notwithstanding the creation of this new elementary district, the county clerk or clerks shall annually extend taxes for each outstanding bond issue against all of the taxable property that was situated within the boundaries of the dissolved unit district as those boundaries existed at the time of the issuance of the bond issue, regardless of whether the property was still contained in that unit district at the time of its dissolution and regardless of whether the property is contained in the newly created elementary district at the time of the extension of the taxes by the county clerk or clerks.

(105 ILCS 5/11E-110 new)

Sec. 11E-110. Teachers in contractual continued service.

(a) When a school district conversion or multi-unit conversion becomes effective for purposes of administration and attendance, as determined pursuant to Section 11E-70 of this Code, the provisions of Section 24-12 of this Code relative to the contractual continued service status of teachers having contractual continued service whose positions are transferred from one school board to the control of a new or different school board shall apply, and the positions held by teachers, as that term is defined in Section 24-11 of this Code, having contractual continued service with the unit district at the time of its dissolution shall be transferred on the following basis:

(1) positions of teachers in contractual continued service that, during the 5 school years immediately preceding the effective date of the change, as determined under Section 11E-70 of this Code, were full-time positions in which all of the time required of the position was spent in one or more of grades 9 through 12 shall be transferred to the control of the school board of the new high school district or combined high school - unit district, as the case may be;

(2) positions of teachers in contractual continued service that, during the 5 school years immediately preceding the effective date of the change, as determined under Section 11E-70 of this Code, were full-time positions in which all of the time required of the position was spent in one or more of grades kindergarten through 8 shall be transferred to the control of the school board of the newly created successor elementary district; and

(3) positions of teachers in contractual continued service that were full-time positions not required to be transferred to the control of the school board of the new high school district or combined high school - unit district, as the case may be, or the school board of the newly created successor elementary district under the provisions of subdivision (1) or (2) of this subsection (a) shall be transferred to the control of whichever of the boards the teacher shall request.

(4) With respect to each position to be transferred under the provisions of this subsection (a), the amount of time required of each position to be spent in one or more of grades kindergarten through 8 and 9 through 12 shall be determined with reference to the applicable records of the unit district being dissolved pursuant to stipulation of the school board of the unit district prior to the effective date of its dissolution or thereafter of the school board of the newly created districts and with the approval in either case of the regional superintendent of schools of the educational service region in which the territory described in the petition filed under this Article or the greater percentage of equalized assessed evaluation of the territory is situated; however, if no such stipulation can be agreed upon, the regional superintendent of schools, after hearing any additional relevant and material evidence that any school board desires to submit, shall make the determination.

(b) When the creation of a unit district or a combined school district becomes effective for purposes of administration and attendance, as determined pursuant to Section 11E-70 of this Code, the positions of teachers in contractual continued service in the districts involved in the creation of the new district are transferred to the newly created district pursuant to the provisions of Section 24-12 of this Code relative to teachers having contractual continued service status whose positions are transferred from one board to the control of a different board, and those provisions of Section 24-12 shall apply to these transferred teachers. The contractual continued service status of any teacher thereby transferred to the newly created district is not lost and the new school board is subject to this Code with respect to the transferred teacher in the same manner as if the teacher was that district's employee and had been its employee during the time the teacher was actually employed by the school board of the district from which the position was transferred.

(105 ILCS 5/11E-115 new)

Sec. 11E-115. Limitations on contesting boundary change. Neither the People of the State of Illinois, any person or corporation, private or public, nor any association of persons shall commence an action contesting either directly or indirectly the dissolution, division, annexation, or creation of any new school district under the provisions of this Article, unless the action is commenced within one year after the date of the election provided for in this Article if no proceedings to contest the election are duly instituted within the time permitted by law, or within one year after the final disposition of any proceedings that may be so instituted to contest the election; however, where a limitation of a shorter period is prescribed by statute, the shorter limitation shall apply, and the limitation set forth in this Section shall not apply to any order where the judge, body, or officer entering the order being challenged did not at the time of the entry of the order have jurisdiction of the subject matter.

(105 ILCS 5/11E-120 new)

Sec. 11E-120. Limitation on successive petitions.

(a) No affected district shall be again involved in proceedings under this Article for at least 2 years after a final non-procedural determination of the first proceeding, unless during that 2 year period a petition filed is substantially different than any other previously filed petition during the previous 2 years or if an affected district is placed on academic watch status or the financial watch list by the State Board of Education or is certified as being in financial difficulty during that 2 year period.

(b) Nothing contained in this Section shall be deemed to limit or restrict the ability of an elementary district to join an optional elementary unit district in accordance with the terms and provisions of subsection (d) of Section 11E-30 of this Code.

(105 ILCS 5/11E-125 new)

Sec. 11E-125. Districts not penalized for nonrecognition. Any school district included in a petition for reorganization as authorized under this Article shall not suffer loss of State aid as a result of being placed on nonrecognition status if the district continues to operate and the petition is granted.

(105 ILCS 5/11E-130 new)

Sec. 11E-130. Unit district formation and joint agreement vocational education program.

(a) If a unit district is established under the provisions of this Article and more than 50% of the territory of the unit district is territory that immediately prior to its inclusion in the unit district was included in a high school district or districts that were signatories under the same joint agreement vocational education program, pursuant to the provisions of this Code, then the unit district shall upon its establishment be deemed to be a member and signatory to the joint agreement and shall also have the right to continue to extend taxes under any previous authority to levy a tax under Section 17-2.4 of this

Code.

(b) In those instances, however, when more than 50% of the territory of any unit district was not, immediately prior to its establishment, included within the territory of a high school district that was a signatory to the same joint agreement vocational education program, then the unit district shall not be deemed upon its establishment to be a signatory to the joint agreement nor shall the unit district be deemed to have the special tax levy rights under Section 17-2.4 of this Code.

(c) Nothing in this Section shall be deemed to forbid the unit district from subsequently joining a joint agreement vocational education program and to thereafter levy a tax under Section 17-2.4 of this Code by following the provisions of Section 17-2.4. In the event that any such unit district should subsequently join any such joint agreement vocational education program, it shall be entitled to a fair credit, as computed by the State Board of Education, for any capital contributions previously made to the joint agreement vocational education program from taxes levied against the assessed valuation of property situated in any part of the territory included within the unit district.

(105 ILCS 5/11E-135 new)

Sec. 11E-135. Incentives. For districts reorganizing under this Article and for a district or districts that annex all of the territory of one or more entire other school districts in accordance with Article 7 of this Code, the following payments shall be made from appropriations made for these purposes:

(a)(1) For a combined school district, as defined in Section 11E-20 of this Code, or for a unit district, as defined in Section 11E-25 of this Code, for its first year of existence, the general State aid and supplemental general State aid calculated under Section 18-8.05 of this Code shall be computed for the new district and for the previously existing districts for which property is totally included within the new district. If the computation on the basis of the previously existing districts is greater, a supplementary payment equal to the difference shall be made for the first 4 years of existence of the new district.

(2) For a school district that annexes all of the territory of one or more entire other school districts as defined in Article 7 of this Code, for the first year during which the change of boundaries attributable to the annexation becomes effective for all purposes, as determined under Section 7-9 of this Code, the general State aid and supplemental general State aid calculated under Section 18-8.05 of this Code shall be computed for the annexing district as constituted after the annexation and for the annexing and each annexed district as constituted prior to the annexation; and if the computation on the basis of the annexing and annexed districts as constituted prior to the annexation is greater, then a supplementary payment equal to the difference shall be made for the first 4 years of existence of the annexing school district as constituted upon the annexation.

(3) For 2 or more school districts that annex all of the territory of one or more entire other school districts, as defined in Article 7 of this Code, for the first year during which the change of boundaries attributable to the annexation becomes effective for all purposes, as determined under Section 7-9 of this Code, the general State aid and supplemental general State aid calculated under Section 18-8.05 of this Code shall be computed for each annexing district as constituted after the annexation and for each annexing and annexed district as constituted prior to the annexation; and if the aggregate of the general State aid and supplemental general State aid as so computed for the annexing districts as constituted after the annexation is less than the aggregate of the general State aid and supplemental general State aid as so computed for the annexing and annexed districts, as constituted prior to the annexation, then a supplementary payment equal to the difference shall be made and allocated between or among the annexing districts, as constituted upon the annexation, for the first 4 years of their existence. The total difference payment shall be allocated between or among the annexing districts in the same ratio as the pupil enrollment from that portion of the annexed district or districts that is annexed to each annexing district bears to the total pupil enrollment from the entire annexed district or districts, as such pupil enrollment is determined for the school year last ending prior to the date when the change of boundaries attributable to the annexation becomes effective for all purposes. The amount of the total difference payment and the amount thereof to be allocated to the annexing districts shall be computed by the State Board of Education on the basis of pupil enrollment and other data that shall be certified to the State Board of Education, on forms that it shall provide for that purpose, by the regional superintendent of schools for each educational service region in which the annexing and annexed districts are located.

(4) For a school district conversion, as defined in Section 11E-15 of this Code, or a multi-unit conversion, as defined in subsection (b) of Section 11E-30 of this Code, if in their first year of existence the newly created elementary districts and the newly created high school district, from a school district conversion, or the newly created elementary district or districts and newly created combined high school - unit district, from a multi-unit conversion, qualify for less general State aid under Section 18-8.05 of this Code than would have been payable under Section 18-8.05 for that same year to the previously existing districts, then a supplementary payment equal to that difference shall be made for the first 4

years of existence of the newly created districts. The aggregate amount of each supplementary payment shall be allocated among the newly created districts in the proportion that the deemed pupil enrollment in each district during its first year of existence bears to the actual aggregate pupil enrollment in all of the districts during their first year of existence. For purposes of each allocation:

(A) the deemed pupil enrollment of the newly created high school district from a school district conversion shall be an amount equal to its actual pupil enrollment for its first year of existence multiplied by 1.25;

(B) the deemed pupil enrollment of each newly created elementary district from a school district conversion shall be an amount equal to its actual pupil enrollment for its first year of existence reduced by an amount equal to the product obtained when the amount by which the newly created high school district's deemed pupil enrollment exceeds its actual pupil enrollment for its first year of existence is multiplied by a fraction, the numerator of which is the actual pupil enrollment of the newly created elementary district for its first year of existence and the denominator of which is the actual aggregate pupil enrollment of all of the newly created elementary districts for their first year of existence;

(C) the deemed high school pupil enrollment of the newly created combined high school - unit district from a multi-unit conversion shall be an amount equal to its actual grades 9 through 12 pupil enrollment for its first year of existence multiplied by 1.25; and

(D) the deemed elementary pupil enrollment of each newly created district from a multi-unit conversion shall be an amount equal to each district's actual grade K through 8 pupil enrollment for its first year of existence, reduced by an amount equal to the product obtained when the amount by which the newly created combined high school - unit district's deemed high school pupil enrollment exceeds its actual grade 9 through 12 pupil enrollment for its first year of existence is multiplied by a fraction, the numerator of which is the actual grade K through 8 pupil enrollment of each newly created district for its first year of existence and the denominator of which is the actual aggregate grade K through 8 pupil enrollment of all such newly created districts for their first year of existence.

The aggregate amount of each supplementary payment under this subdivision (4) and the amount thereof to be allocated to the newly created districts shall be computed by the State Board of Education on the basis of pupil enrollment and other data, which shall be certified to the State Board of Education, on forms that it shall provide for that purpose, by the regional superintendent of schools for each educational service region in which the newly created districts are located.

(5) For a partial elementary unit district, as defined in subsection (a) or (c) of Section 11E-30 of this Code, if, in the first year of existence, the newly created partial elementary unit district qualifies for less general State aid and supplemental general State aid under Section 18-8.05 of this Code than would have been payable under that Section for that same year to the previously existing districts that formed the partial elementary unit district, then a supplementary payment equal to that difference shall be made to the partial elementary unit district for the first 4 years of existence of that newly created district.

(6) For an elementary opt-in, as described in subsection (d) of Section 11E-30 of this Code, the General State aid difference shall be computed in accordance with paragraph (5) of this subsection (a) as if the elementary opt-in was included in an optional elementary unit district at the optional elementary unit district's original effective date. If the calculation in this paragraph (6) is less than that calculated in paragraph (5) of this subsection (a) at the optional elementary unit district's original effective date, then no adjustments may be made. If the calculation in this paragraph (6) is more than that calculated in paragraph (5) of this subsection (a) at the optional elementary unit district's original effective date, then the excess must be paid as follows:

(A) If the effective date for the elementary opt-in is one year after the effective date for the optional elementary unit district, 100% of the calculated excess shall be paid to the optional elementary unit district in each of the first 4 years after the effective date of the elementary opt-in.

(B) If the effective date for the elementary opt-in is 2 years after the effective date for the optional elementary unit district, 75% of the calculated excess shall be paid to the optional elementary unit district in each of the first 4 years after the effective date of the elementary opt-in.

(C) If the effective date for the elementary opt-in is 3 years after the effective date for the optional elementary unit district, 50% of the calculated excess shall be paid to the optional elementary unit district in each of the first 4 years after the effective date of the elementary opt-in.

(D) If the effective date for the elementary opt-in is 4 years after the effective date for the optional elementary unit district, 25% of the calculated excess shall be paid to the optional elementary unit district in each of the first 4 years after the effective date of the elementary opt-in.

(E) If the effective date for the elementary opt-in is 5 years after the effective date for the optional elementary unit district, the optional elementary unit district is not eligible for any additional incentives due to the elementary opt-in.

(7) Claims for financial assistance under this subsection (a) may not be recomputed except as expressly provided under Section 18-8.05 of this Code.

(8) Any supplementary payment made under this subsection (a) must be treated as separate from all other payments made pursuant to Section 18-8.05 of this Code.

(b)(1) After the formation of a combined school district, as defined in Section 11E-20 of this Code, or a unit district, as defined in Section 11E-25 of this Code, a computation shall be made to determine the difference between the salaries effective in each of the previously existing districts on June 30, prior to the creation of the new district. For the first 4 years after the formation of the new district, a supplementary State aid reimbursement shall be paid to the new district equal to the difference between the sum of the salaries earned by each of the certificated members of the new district, while employed in one of the previously existing districts during the year immediately preceding the formation of the new district, and the sum of the salaries those certificated members would have been paid during the year immediately prior to the formation of the new district if placed on the salary schedule of the previously existing district with the highest salary schedule.

(2) After the territory of one or more school districts is annexed by one or more other school districts as defined in Article 7 of this Code, a computation shall be made to determine the difference between the salaries effective in each annexed district and in the annexing district or districts as they were each constituted on June 30 preceding the date when the change of boundaries attributable to the annexation became effective for all purposes, as determined under Section 7-9 of this Code. For the first 4 years after the annexation, a supplementary State aid reimbursement shall be paid to each annexing district as constituted after the annexation equal to the difference between the sum of the salaries earned by each of the certificated members of the annexing district as constituted after the annexation, while employed in an annexed or annexing district during the year immediately preceding the annexation, and the sum of the salaries those certificated members would have been paid during the immediately preceding year if placed on the salary schedule of whichever of the annexing or annexed districts had the highest salary schedule during the immediately preceding year.

(3) For each new high school district formed under a school district conversion, as defined in Section 11E-15 of this Code, the State shall make a supplementary payment for 4 years equal to the difference between the sum of the salaries earned by each certified member of the new high school district, while employed in one of the previously existing districts, and the sum of the salaries those certified members would have been paid if placed on the salary schedule of the previously existing district with the highest salary schedule.

(4) For each newly created partial elementary unit district, the State shall make a supplementary payment for 4 years equal to the difference between the sum of the salaries earned by each certified member of the newly created partial elementary unit district, while employed in one of the previously existing districts that formed the partial elementary unit district, and the sum of the salaries those certified members would have been paid if placed on the salary schedule of the previously existing district with the highest salary schedule. The salary schedules used in the calculation shall be those in effect in the previously existing districts for the school year prior to the creation of the new partial elementary unit district.

(5) For an elementary district opt-in, as described in subsection (d) of Section 11E-30 of this Code, the salary difference incentive shall be computed in accordance with paragraph (4) of this subsection (b) as if the opted-in elementary district was included in the optional elementary unit district at the optional elementary unit district's original effective date. If the calculation in this paragraph (5) is less than that calculated in paragraph (4) of this subsection (b) at the optional elementary unit district's original effective date, then no adjustments may be made. If the calculation in this paragraph (5) is more than that calculated in paragraph (4) of this subsection (b) at the optional elementary unit district's original effective date, then the excess must be paid as follows:

(A) If the effective date for the elementary opt-in is one year after the effective date for the optional elementary unit district, 100% of the calculated excess shall be paid to the optional elementary unit district in each of the first 4 years after the effective date of the elementary opt-in.

(B) If the effective date for the elementary opt-in is 2 years after the effective date for the optional elementary unit district, 75% of the calculated excess shall be paid to the optional elementary unit district in each of the first 4 years after the effective date of the elementary opt-in.

(C) If the effective date for the elementary opt-in is 3 years after the effective date for the optional elementary unit district, 50% of the calculated excess shall be paid to the optional elementary unit district in each of the first 4 years after the effective date of the elementary opt-in.

(D) If the effective date for the elementary opt-in is 4 years after the effective date for the partial elementary unit district, 25% of the calculated excess shall be paid to the optional elementary unit

district in each of the first 4 years after the effective date of the elementary opt-in.

(E) If the effective date for the elementary opt-in is 5 years after the effective date for the optional elementary unit district, the optional elementary unit district is not eligible for any additional incentives due to the elementary opt-in.

(6) The supplementary State aid reimbursement under this subsection (b) shall be treated as separate from all other payments made pursuant to Section 18-8.05 of this Code. In the case of the formation of a new district, reimbursement shall begin during the first year of operation of the new district, and in the case of an annexation of the territory of one or more school districts by one or more other school districts, reimbursement shall begin during the first year when the change in boundaries attributable to the annexation or division becomes effective for all purposes as determined pursuant to Section 7-9 of this Code. Each year that the new, annexing, or resulting district, as the case may be, is entitled to receive reimbursement, the number of eligible certified members who are employed on October 1 in the district shall be certified to the State Board of Education on prescribed forms by October 15 and payment shall be made on or before November 15 of that year.

(c)(1) For the first year after the formation of a combined school district, as defined in Section 11E-20 of this Code or a unit district, as defined in Section 11E-25 of this Code, a computation shall be made totaling each previously existing district's audited fund balances in the educational fund, working cash fund, operations and maintenance fund, and transportation fund for the year ending June 30 prior to the referendum for the creation of the new district. The new district shall be paid supplementary State aid equal to the sum of the differences between the deficit of the previously existing district with the smallest deficit and the deficits of each of the other previously existing districts.

(2) For the first year after the annexation of all of the territory of one or more entire school districts by another school district, as defined in Article 7 of this Code, computations shall be made, for the year ending June 30 prior to the date that the change of boundaries attributable to the annexation is allowed by the affirmative decision issued by the regional board of school trustees under Section 7-6 of this Code, notwithstanding any effort to seek administrative review of the decision, totaling the annexing district's and totaling each annexed district's audited fund balances in their respective educational, working cash, operations and maintenance, and transportation funds. The annexing district as constituted after the annexation shall be paid supplementary State aid equal to the sum of the differences between the deficit of whichever of the annexing or annexed districts as constituted prior to the annexation had the smallest deficit and the deficits of each of the other districts as constituted prior to the annexation.

(3) For the first year after the annexation of all of the territory of one or more entire school districts by 2 or more other school districts, as defined by Article 7 of this Code, computations shall be made, for the year ending June 30 prior to the date that the change of boundaries attributable to the annexation is allowed by the affirmative decision of the regional board of school trustees under Section 7-6 of this Code, notwithstanding any action for administrative review of the decision, totaling each annexing and annexed district's audited fund balances in their respective educational, working cash, operations and maintenance, and transportation funds. The annexing districts as constituted after the annexation shall be paid supplementary State aid, allocated as provided in this paragraph (3), in an aggregate amount equal to the sum of the differences between the deficit of whichever of the annexing or annexed districts as constituted prior to the annexation had the smallest deficit and the deficits of each of the other districts as constituted prior to the annexation. The aggregate amount of the supplementary State aid payable under this paragraph (3) shall be allocated between or among the annexing districts as follows:

(A) the regional superintendent of schools for each educational service region in which an annexed district is located prior to the annexation shall certify to the State Board of Education, on forms that it shall provide for that purpose, the value of all taxable property in each annexed district, as last equalized or assessed by the Department of Revenue prior to the annexation, and the equalized assessed value of each part of the annexed district that was annexed to or included as a part of an annexing district;

(B) using equalized assessed values as certified by the regional superintendent of schools under clause (A) of this paragraph (3), the combined audited fund balance deficit of each annexed district as determined under this Section shall be apportioned between or among the annexing districts in the same ratio as the equalized assessed value of that part of the annexed district that was annexed to or included as a part of an annexing district bears to the total equalized assessed value of the annexed district; and

(C) the aggregate supplementary State aid payment under this paragraph (3) shall be allocated between or among, and shall be paid to, the annexing districts in the same ratio as the sum of the combined audited fund balance deficit of each annexing district as constituted prior to the annexation, plus all combined audited fund balance deficit amounts apportioned to that annexing district under clause (B) of this subsection, bears to the aggregate of the combined audited fund balance deficits of all

of the annexing and annexed districts as constituted prior to the annexation.

(4) For the new elementary districts and new high school district formed through a school district conversion, as defined in subsection (b) of Section 11E-15 of this Code or the new elementary district or districts and new combined high school - unit district formed through a multi-unit conversion, as defined in subsection (b) of Section 11E-30 of this Code, a computation shall be made totaling each previously existing district's audited fund balances in the educational fund, working cash fund, operations and maintenance fund, and transportation fund for the year ending June 30 prior to the referendum establishing the new districts. In the first year of the new districts, the State shall make a one-time supplementary payment equal to the sum of the differences between the deficit of the previously existing district with the smallest deficit and the deficits of each of the other previously existing districts. A district with a combined balance among the 4 funds that is positive shall be considered to have a deficit of zero. The supplementary payment shall be allocated among the newly formed high school and elementary districts in the manner provided by the petition for the formation of the districts, in the form in which the petition is approved by the regional superintendent of schools or State Superintendent of Education under Section 11E-50 of this Code.

(5) For each newly created partial elementary unit district, as defined in subsection (a) or (c) of Section 11E-30 of this Code, a computation shall be made totaling the audited fund balances of each previously existing district that formed the new partial elementary unit district in the educational fund, working cash fund, operations and maintenance fund, and transportation fund for the year ending June 30 prior to the referendum for the formation of the partial elementary unit district. In the first year of the new partial elementary unit district, the State shall make a one-time supplementary payment to the new district equal to the sum of the differences between the deficit of the previously existing district with the smallest deficit and the deficits of each of the other previously existing districts. A district with a combined balance among the 4 funds that is positive shall be considered to have a deficit of zero.

(6) For an elementary opt-in as defined in subsection (d) of Section 11E-30 of this Code, the deficit fund balance incentive shall be computed in accordance with paragraph (5) of this subsection (c) as if the opted-in elementary was included in the optional elementary unit district at the optional elementary unit district's original effective date. If the calculation in this paragraph (6) is less than that calculated in paragraph (5) of this subsection (c) at the optional elementary unit district's original effective date, then no adjustments may be made. If the calculation in this paragraph (6) is more than that calculated in paragraph (5) of this subsection (c) at the optional elementary unit district's original effective date, then the excess must be paid as follows:

(A) If the effective date for the elementary opt-in is one year after the effective date for the optional elementary unit district, 100% of the calculated excess shall be paid to the optional elementary unit district in the first year after the effective date of the elementary opt-in.

(B) If the effective date for the elementary opt-in is 2 years after the effective date for the optional elementary unit district, 75% of the calculated excess shall be paid to the optional elementary unit district in the first year after the effective date of the elementary opt-in.

(C) If the effective date for the elementary opt-in is 3 years after the effective date for the optional elementary unit district, 50% of the calculated excess shall be paid to the optional elementary unit district in the first year after the effective date of the elementary opt-in.

(D) If the effective date for the elementary opt-in is 4 years after the effective date for the optional elementary unit district, 25% of the calculated excess shall be paid to the optional elementary unit district in the first year after the effective date of the elementary opt-in.

(E) If the effective date for the elementary opt-in is 5 years after the effective date for the optional elementary unit district, the optional elementary unit district is not eligible for any additional incentives due to the elementary opt-in.

(7) For purposes of any calculation required under paragraph (1), (2), (3), (4), (5), or (6) of this subsection (c), a district with a combined fund balance that is positive shall be considered to have a deficit of zero. For purposes of determining each district's audited fund balances in its educational fund, working cash fund, operations and maintenance fund, and transportation fund for the specified year ending June 30, as provided in paragraphs (1), (2), (3), (4), (5), and (6) of this subsection (c), the balance of each fund shall be deemed decreased by an amount equal to the amount of the annual property tax theretofore levied in the fund by the district for collection and payment to the district during the calendar year in which the June 30 fell, but only to the extent that the tax so levied in the fund actually was received by the district on or before or comprised a part of the fund on such June 30. For purposes of determining each district's audited fund balances, a calculation shall be made for each fund to determine the average for the 3 years prior to the specified year ending June 30, as provided in paragraphs (1), (2), (3), (4), (5), and (6) of this subsection (c), of the district's expenditures in the categories "purchased

services", "supplies and materials", and "capital outlay", as those categories are defined in rules of the State Board of Education. If this 3-year average is less than the district's expenditures in these categories for the specified year ending June 30, as provided in paragraphs (1), (2), (3), (4), (5), and (6) of this subsection (c), then the 3-year average shall be used in calculating the amounts payable under this Section in place of the amounts shown in these categories for the specified year ending June 30, as provided in paragraphs (1), (2), (3), (4), (5), and (6) of this subsection (c). Any deficit because of State aid not yet received may not be considered in determining the June 30 deficits. The same basis of accounting shall be used by all previously existing districts and by all annexing or annexed districts, as constituted prior to the annexation, in making any computation required under paragraphs (1), (2), (3), (4), (5), and (6) of this subsection (c).

(8) The supplementary State aid payments under this subsection (c) shall be treated as separate from all other payments made pursuant to Section 18-8.05 of this Code.

(d)(1) Following the formation of a combined school district, as defined in Section 11E-20 of this Code, a new elementary district or districts and a new high school district formed through a school district conversion, as defined in subsection (b) of Section 11E-15 of this Code, a new partial elementary unit district, as defined in Section 11E-30 of this Code, or a new elementary district or districts formed through a multi-unit conversion, as defined in subsection (b) of Section 11E-30 of this Code, or the annexation of all of the territory of one or more entire school districts by one or more other school districts, as defined in Article 7 of this Code, a supplementary State aid reimbursement shall be paid for the number of school years determined under the following table to each new or annexing district equal to the sum of $4,000 for each certified employee who is employed by the district on a full-time basis for the regular term of the school year:

Reorganized District's Rank by type of district (unit, high school, elementary) in Equalized Assessed Value Per Pupil by Quintile	Reorganized District's Rank in Average Daily Attendance by Quintile		
	1st Quintile	2nd Quintile	3rd, 4th, or 5th Quintile
1st Quintile	1 year	1 year	1 year
2nd Quintile	1 year	2 years	2 years
3rd Quintile	2 years	3 years	3 years
4th Quintile	2 years	3 years	3 years
5th Quintile	2 years	3 years	3 years

The State Board of Education shall make a one-time calculation of a reorganized district's quintile ranks. The average daily attendance used in this calculation shall be the best 3 months' average daily attendance for the district's first year. The equalized assessed value per pupil shall be the district's real property equalized assessed value used in calculating the district's first-year general State aid claim, under Section 18-8.05 of this Code, divided by the best 3 months' average daily attendance.

No annexing or resulting school district shall be entitled to supplementary State aid under this subsection (d) unless the district acquires at least 30% of the average daily attendance of the district from which the territory is being detached or divided.

If a district results from multiple reorganizations that would otherwise qualify the district for multiple payments under this subsection (d) in any year, then the district shall receive a single payment only for that year based solely on the most recent reorganization.

(2) For an elementary opt-in, as defined in subsection (d) of Section 11E-30 of this Code, the full-time certified staff incentive shall be computed in accordance with paragraph (1) of this subsection (d), equal to the sum of $4,000 for each certified employee of the elementary district that opts-in who is employed by the optional elementary unit district on a full-time basis for the regular term of the school year. The calculation from this paragraph (2) must be paid as follows:

(A) If the effective date for the elementary opt-in is one year after the effective date for the optional elementary unit district, 100% of the amount calculated in this paragraph (2) shall be paid to the optional elementary unit district for the number of years calculated in paragraph (1) of this subsection (d) at the optional elementary unit district's original effective date, starting in the second year after the effective date of the elementary opt-in.

(B) If the effective date for the elementary opt-in is 2 years after the effective date for the optional elementary unit district, 75% of the amount calculated in this paragraph (2) shall be paid to the optional elementary unit district for the number of years calculated in paragraph (1) of this subsection (d)

at the optional elementary unit district's original effective date, starting in the second year after the effective date of the elementary opt-in.

(C) If the effective date for the elementary opt-in is 3 years after the effective date for the optional elementary unit district, 50% of the amount calculated in this paragraph (2) shall be paid to the optional elementary unit district for the number of years calculated in paragraph (1) of this subsection (d) at the optional elementary unit district's original effective date, starting in the second year after the effective date of the elementary opt-in.

(D) If the effective date for the elementary opt-in is 4 years after the effective date for the optional elementary unit district, 25% of the amount calculated in this paragraph (2) shall be paid to the optional elementary unit district for the number of years calculated in paragraph (1) of this subsection (d) at the optional elementary unit district's original effective date, starting in the second year after the effective date of the elementary opt-in.

(E) If the effective date for the elementary opt-in is 5 years after the effective date for the optional elementary unit district, the optional elementary unit district is not eligible for any additional incentives due to the elementary opt-in.

(3) The supplementary State aid reimbursement payable under this subsection (d) shall be separate from and in addition to all other payments made to the district pursuant to any other Section of this Article.

(4) During May of each school year for which a supplementary State aid reimbursement is to be paid to a new or annexing school district pursuant to this subsection (d), the school board shall certify to the State Board of Education, on forms furnished to the school board by the State Board of Education for purposes of this subsection (d), the number of certified employees for which the district is entitled to reimbursement under this Section, together with the names, certificate numbers, and positions held by the certified employees.

(5) Upon certification by the State Board of Education to the State Comptroller of the amount of the supplementary State aid reimbursement to which a school district is entitled under this subsection (d), the State Comptroller shall draw his or her warrant upon the State Treasurer for the payment thereof to the school district and shall promptly transmit the payment to the school district through the appropriate school treasurer.

(105 ILCS 5/17-2) (from Ch. 122, par. 17-2)

Sec. 17-2. Tax levies; purposes; rates.

(a) Except as otherwise provided in Articles 12 and 13 of this Act, the following maximum rates shall apply to all taxes levied after August 10, 1965, in districts having a population of less than 500,000 inhabitants, including those districts organized under Article 11 of the School Code. The school board of any district having a population of less than 500,000 inhabitants may levy a tax annually, at not to exceed the maximum rates and for the specified purposes, upon all the taxable property of the district at the value, as equalized or assessed by the Department of Revenue as follows:

(1) districts maintaining only grades 1 through 8, .92% for educational purposes and .25% for operations and maintenance purposes;

(2) districts maintaining only grades 9 through 12, .92% for educational purposes and .25% for operations and maintenance purposes;

(3) districts maintaining grades 1 through 12, 1.63% for the 1985-86 school year, 1.68% for the 1986-87 school year, 1.75% for the 1987-88 school year and 1.84% for the 1988-89 school year and thereafter for educational purposes and .405% for the 1989-90 school year, .435% for the 1990-91 school year, .465% for the 1991-92 school year, and .50% for the 1992-93 school year and thereafter for operations and maintenance purposes;

(4) all districts, 0.75% for capital improvement purposes (which is in addition to the levy for operations and maintenance purposes), which tax is to be levied, accumulated for not more than 6 years, and spent for capital improvement purposes (including but not limited to the construction of a new school building or buildings or the purchase of school grounds on which any new school building is to be constructed or located, or both) only in accordance with Section 17-2.3 of this Act;

(5) districts maintaining only grades 1 through 8, .12% for transportation purposes, provided that districts maintaining only grades kindergarten through 8 which have an enrollment of at least 2600 students may levy, subject to Section 17-2.2, at not to exceed a maximum rate of .20% for transportation purposes for any school year in which the number of students requiring transportation in the district exceeds by at least 2% the number of students requiring transportation in the district during the preceding school year, as verified in the district's claim for pupil transportation and reimbursement and as certified by the State Board of Education to the county clerk of the county in which such district is located not later than November 15 following the submission of such claim;

districts maintaining only grades 9 through 12, .12% for transportation purposes; and districts maintaining grades 1 through 12, .14% for the 1985-86 school year, .16% for the 1986-87 school year, .18% for the 1987-88 school year and .20% for the 1988-89 school year and thereafter, for transportation purposes;

(6) districts providing summer classes, .15% for educational purposes, subject to Section 17-2.1 of this Act.

Whenever any special charter school district operating grades 1 through 12, has organized or shall organize under the general school law, the district so organized may continue to levy taxes at not to exceed the rate at which taxes were last actually extended by the special charter district, except that if such rate at which taxes were last actually extended by such special charter district was less than the maximum rate for districts maintaining grades 1 through 12 authorized under this Section, such special charter district nevertheless may levy taxes at a rate not to exceed the maximum rate for districts maintaining grades 1 through 12 authorized under this Section, and except that if any such district maintains only grades 1 through 8, the board may levy, for educational purposes, at a rate not to exceed the maximum rate for elementary districts authorized under this Section.

Maximum rates before or after established in excess of those prescribed shall not be affected by the amendatory Act of 1965.

(b) Notwithstanding the rate limitations prescribed in subsection (a) of this Section, whenever a new unit school district, other than a partial elementary unit district, is created from any combination of elementary and high school districts, the school board of the new unit district may levy taxes at a maximum rate for educational, operations and maintenance, and capital improvement purposes as follows, provided that the rates are specified in the petition to form the new unit district:

(1) The school board may levy taxes at a maximum rate for educational purposes determined by combining a rate not to exceed the highest rate for that purpose extended by any of the elementary districts included in the petition in the year immediately preceding the creation of the new district and a rate not to exceed the highest rate for that purpose extended by any of the high school districts included in the petition in the year immediately preceding the creation of the new district.

(2) The school board may levy taxes at a rate for operations and maintenance purposes determined by combining a rate not to exceed the highest rate for that purpose extended by any of the elementary districts included in the petition in the year immediately preceding the creation of the new district and a rate not to exceed the highest rate for that purpose extended by any of the high school districts included in the petition in the year immediately preceding the creation of the new district.

(3) The school board may levy taxes at a rate for capital improvement purposes at a rate not to exceed 1.5%.

(4) If any resulting combined elementary and high school rate authorized pursuant to this subsection (b) is less than the maximum rate otherwise applicable to unit districts as specified elsewhere in statute, then the rate may be specified in the petition and on the ballot at a rate not exceeding the maximum rate applicable to unit districts as specified elsewhere in statute.

(5) The aggregate of all rates specified in the petition and on the ballot, excluding rates for bond and interest levies, shall not exceed the highest dual district rate, excluding rates for bond and interest levies, applicable to any territory within the high school district included in the petition in the year immediately preceding the creation of the new district.

(c)(1) If a unit school district's maximum authorized rate for educational purposes determined in accordance with subsection (b) of this Section exceeds 4.0%, then, beginning with the third year of operation of the new unit district and in each subsequent year, the rate shall be reduced by 0.10% or reduced to 4.0%, whichever is less.

(2) If a unit district's maximum authorized rate for operations and maintenance purposes determined in accordance with subsection (b) of this Section exceeds 0.75%, then, beginning with the third year of operation of the new unit district and in each subsequent year, the rate shall be reduced by 0.04% or reduced to 0.75%, whichever is less.

(3) If a unit district's maximum authorized rate for capital improvement purposes determined in accordance with subsection (b) of this Section exceeds 0.75%, then, beginning with the seventh year of operation of the new unit district, the rate shall be reduced to 0.75%. Thereafter, the maximum authorized rate for capital improvement purposes shall be 0.75%.

(d) The school board of a unit school district may, by proper resolution, cause to be submitted to the voters of the district, at any regular scheduled election following the formation of the district, a proposition to maintain, for a period not to exceed 2 years, any rate determined pursuant to subdivisions (1) or (2) of subsection (b) of this Section, without any decrease required by subsection (c) of this Section. If a majority of the votes cast on the proposition is in favor thereof, the school board may

thereafter, until such authority is revoked in like manner or expires without renewal, levy annually a tax as authorized.

(e) In a combined school district formation involving one or more partial elementary unit districts and one or more unit districts that are not partial elementary unit districts, the new district may levy taxes at a maximum rate for a particular purpose that does not exceed the higher of the rate for that purpose of any partial elementary unit district involved in the combination in the year preceding the formation of the new district or the maximum rate for that purpose applicable to unit districts as specified elsewhere in statute.

(Source: P.A. 87-984; 87-1023; 88-45.)

(105 ILCS 5/17-3) (from Ch. 122, par. 17-3)

Sec. 17-3. Additional levies-Submission to voters. The school board in any district having a population of less than 500,000 inhabitants may, by proper resolution, cause a proposition to increase, for a limited period of not less than 3 nor more than 10 years or for an unlimited period, the annual tax rate for educational purposes to be submitted to the voters of such district at a regular scheduled election as follows:

(1) in districts maintaining grades 1 through 8, or grades 9 through 12, the maximum rate for educational purposes shall not exceed 3.5% of the value as equalized or assessed by the Department of Revenue;

(2) in districts maintaining grades 1 through 12 the maximum rate for educational purposes shall not exceed 4.00% of the value as equalized or assessed by the Department of Revenue, ~~except that if a single elementary district and a secondary district having boundaries that are coterminous form a community unit district on or after the effective date of this amendatory Act of the 94th General Assembly and the actual combined rate of the elementary district and secondary district prior to the formation of the community unit district is greater than 4.00%, then the maximum rate for educational purposes for such district shall be the following:~~

~~(A) For 2 years following the formation of the community unit district, the maximum rate shall equal the actual combined rate of the previous elementary district and secondary district.~~

~~(B) In each subsequent year, the maximum rate shall be reduced by 0.10% or reduced to 4.00%, whichever reduction is less. The school board may, by proper resolution, cause a proposition to increase the reduced rate, not to exceed the maximum rate in clause (A), to be submitted to the voters of the district at a regular scheduled election as provided under this Section. Nothing in this Section shall require that the maximum rate for educational purpose for a district maintaining grades one through 12 be reduced below 4.00%.~~

If the resolution of the school board seeks to increase the annual tax rate for educational purposes for a limited period of not less than 3 nor more than 10 years, the proposition shall so state and shall identify the years for which the tax increase is sought.

If a majority of the votes cast on the proposition is in favor thereof at an election for which the election authorities have given notice either (i) in accordance with Section 12-5 of the Election Code or (ii) by publication of a true and legible copy of the specimen ballot label containing the proposition in the form in which it appeared or will appear on the official ballot label on the day of the election at least 5 days before the day of the election in at least one newspaper published in and having a general circulation in the district, the school board may thereafter, until such authority is revoked in like manner, levy annually the tax so authorized; provided that if the proposition as approved limits the increase in the annual tax rate of the district for educational purposes to a period of not less than 3 nor more than 10 years, the district may, unless such authority is sooner revoked in like manner, levy annually the tax so authorized for the limited number of years approved by a majority of the votes cast on the proposition. Upon expiration of that limited period, the rate at which the district may annually levy its tax for educational purposes shall be the rate provided under Section 17-2, or the rate at which the district last levied its tax for educational purposes prior to approval of the proposition authorizing the levy of that tax at an increased rate, whichever is greater.

The school board shall certify the proposition to the proper election authorities in accordance with the general election law.

The provisions of this Section concerning notice of the tax rate increase referendum apply only to consolidated primary elections held prior to January 1, 2002 at which not less than 55% of the voters voting on the tax rate increase proposition voted in favor of the tax rate increase proposition.

(Source: P.A. 94-52, eff. 6-17-05.)

(105 ILCS 5/17-5) (from Ch. 122, par. 17-5)

Sec. 17-5. Increase tax rates for operations and maintenance purposes- Maximum. The school board in any district having a population of less than 500,000 inhabitants may, by proper resolution, cause a

proposition to increase the annual tax rate for operations and maintenance purposes to be submitted to the voters of the district at a regular scheduled election. The board shall certify the proposition to the proper election authority for submission to the elector in accordance with the general election law. In districts maintaining grades 1 through 8, or grades 9 through 12, the maximum rate for operations and maintenance purposes shall not exceed .55%; and in districts maintaining grades 1 through 12, the maximum rates for operations and maintenance purposes shall not exceed .75%~~, except that if a single elementary district and a secondary district having boundaries that are coterminous on the effective date of this amendatory Act form a community unit district as authorized under Section 11-6, the maximum rate for operation and maintenance purposes for such district shall not exceed 1.10% of the value as equalized or assessed by the Department of Revenue; and in such district maintaining grades 1 through 12, funds may, subject to the provisions of Section 17-5.1 accumulate to not more than 5% of the equalized assessed valuation of the district. No such accumulation shall ever be transferred or used for any other purpose~~. If a majority of the votes cast on the proposition is in favor thereof, the school board may thereafter, until such authority is revoked in like manner, levy annually a tax as authorized.
(Source: P.A. 86-1334.)

(105 ILCS 5/18-8.05)

Sec. 18-8.05. Basis for apportionment of general State financial aid and supplemental general State aid to the common schools for the 1998-1999 and subsequent school years.

(A) General Provisions.

(1) The provisions of this Section apply to the 1998-1999 and subsequent school years. The system of general State financial aid provided for in this Section is designed to assure that, through a combination of State financial aid and required local resources, the financial support provided each pupil in Average Daily Attendance equals or exceeds a prescribed per pupil Foundation Level. This formula approach imputes a level of per pupil Available Local Resources and provides for the basis to calculate a per pupil level of general State financial aid that, when added to Available Local Resources, equals or exceeds the Foundation Level. The amount of per pupil general State financial aid for school districts, in general, varies in inverse relation to Available Local Resources. Per pupil amounts are based upon each school district's Average Daily Attendance as that term is defined in this Section.

(2) In addition to general State financial aid, school districts with specified levels or concentrations of pupils from low income households are eligible to receive supplemental general State financial aid grants as provided pursuant to subsection (H). The supplemental State aid grants provided for school districts under subsection (H) shall be appropriated for distribution to school districts as part of the same line item in which the general State financial aid of school districts is appropriated under this Section.

(3) To receive financial assistance under this Section, school districts are required to file claims with the State Board of Education, subject to the following requirements:

(a) Any school district which fails for any given school year to maintain school as required by law, or to maintain a recognized school is not eligible to file for such school year any claim upon the Common School Fund. In case of nonrecognition of one or more attendance centers in a school district otherwise operating recognized schools, the claim of the district shall be reduced in the proportion which the Average Daily Attendance in the attendance center or centers bear to the Average Daily Attendance in the school district. A "recognized school" means any public school which meets the standards as established for recognition by the State Board of Education. A school district or attendance center not having recognition status at the end of a school term is entitled to receive State aid payments due upon a legal claim which was filed while it was recognized.

(b) School district claims filed under this Section are subject to Sections 18-9, 18-10, and 18-12, except as otherwise provided in this Section.

(c) If a school district operates a full year school under Section 10-19.1, the general State aid to the school district shall be determined by the State Board of Education in accordance with this Section as near as may be applicable.

(d) (Blank).

(4) Except as provided in subsections (H) and (L), the board of any district receiving any of the grants provided for in this Section may apply those funds to any fund so received for which that board is authorized to make expenditures by law.

School districts are not required to exert a minimum Operating Tax Rate in order to qualify for assistance under this Section.

(5) As used in this Section the following terms, when capitalized, shall have the meaning ascribed herein:

(a) "Average Daily Attendance": A count of pupil attendance in school, averaged as

provided for in subsection (C) and utilized in deriving per pupil financial support levels.

(b) "Available Local Resources": A computation of local financial support, calculated on the basis of Average Daily Attendance and derived as provided pursuant to subsection (D).

(c) "Corporate Personal Property Replacement Taxes": Funds paid to local school districts pursuant to "An Act in relation to the abolition of ad valorem personal property tax and the replacement of revenues lost thereby, and amending and repealing certain Acts and parts of Acts in connection therewith", certified August 14, 1979, as amended (Public Act 81-1st S.S.-1).

(d) "Foundation Level": A prescribed level of per pupil financial support as provided for in subsection (B).

(e) "Operating Tax Rate": All school district property taxes extended for all purposes, except Bond and Interest, Summer School, Rent, Capital Improvement, and Vocational Education Building purposes.

(B) Foundation Level.

(1) The Foundation Level is a figure established by the State representing the minimum level of per pupil financial support that should be available to provide for the basic education of each pupil in Average Daily Attendance. As set forth in this Section, each school district is assumed to exert a sufficient local taxing effort such that, in combination with the aggregate of general State financial aid provided the district, an aggregate of State and local resources are available to meet the basic education needs of pupils in the district.

(2) For the 1998-1999 school year, the Foundation Level of support is $4,225. For the 1999-2000 school year, the Foundation Level of support is $4,325. For the 2000-2001 school year, the Foundation Level of support is $4,425. For the 2001-2002 school year and 2002-2003 school year, the Foundation Level of support is $4,560. For the 2003-2004 school year, the Foundation Level of support is $4,810. For the 2004-2005 school year, the Foundation Level of support is $4,964.

(3) For the 2005-2006 school year and each school year thereafter, the Foundation Level of support is $5,164 or such greater amount as may be established by law by the General Assembly.

(C) Average Daily Attendance.

(1) For purposes of calculating general State aid pursuant to subsection (E), an Average Daily Attendance figure shall be utilized. The Average Daily Attendance figure for formula calculation purposes shall be the monthly average of the actual number of pupils in attendance of each school district, as further averaged for the best 3 months of pupil attendance for each school district. In compiling the figures for the number of pupils in attendance, school districts and the State Board of Education shall, for purposes of general State aid funding, conform attendance figures to the requirements of subsection (F).

(2) The Average Daily Attendance figures utilized in subsection (E) shall be the requisite attendance data for the school year immediately preceding the school year for which general State aid is being calculated or the average of the attendance data for the 3 preceding school years, whichever is greater. The Average Daily Attendance figures utilized in subsection (H) shall be the requisite attendance data for the school year immediately preceding the school year for which general State aid is being calculated.

(D) Available Local Resources.

(1) For purposes of calculating general State aid pursuant to subsection (E), a representation of Available Local Resources per pupil, as that term is defined and determined in this subsection, shall be utilized. Available Local Resources per pupil shall include a calculated dollar amount representing local school district revenues from local property taxes and from Corporate Personal Property Replacement Taxes, expressed on the basis of pupils in Average Daily Attendance. Calculation of Available Local Resources shall exclude any tax amnesty funds received as a result of Public Act 93-26.

(2) In determining a school district's revenue from local property taxes, the State Board of Education shall utilize the equalized assessed valuation of all taxable property of each school district as of September 30 of the previous year. The equalized assessed valuation utilized shall be obtained and determined as provided in subsection (G).

(3) For school districts maintaining grades kindergarten through 12, local property tax revenues per pupil shall be calculated as the product of the applicable equalized assessed valuation for the district multiplied by 3.00%, and divided by the district's Average Daily Attendance figure. For school districts maintaining grades kindergarten through 8, local property tax revenues per pupil shall be calculated as

the product of the applicable equalized assessed valuation for the district multiplied by 2.30%, and divided by the district's Average Daily Attendance figure. For school districts maintaining grades 9 through 12, local property tax revenues per pupil shall be the applicable equalized assessed valuation of the district multiplied by 1.05%, and divided by the district's Average Daily Attendance figure.

For partial elementary unit districts created pursuant to Article 11E of this Code, local property tax revenues per pupil shall be calculated as the product of the equalized assessed valuation for property within the elementary and high school classification of the partial elementary unit district multiplied by 2.06% and divided by the Average Daily Attendance figure for grades kindergarten through 8, plus the product of the equalized assessed valuation for property within the high school only classification of the partial elementary unit district multiplied by 0.94% and divided by the Average Daily Attendance figure for grades 9 through 12.

(4) The Corporate Personal Property Replacement Taxes paid to each school district during the calendar year 2 years before the calendar year in which a school year begins, divided by the Average Daily Attendance figure for that district, shall be added to the local property tax revenues per pupil as derived by the application of the immediately preceding paragraph (3). The sum of these per pupil figures for each school district shall constitute Available Local Resources as that term is utilized in subsection (E) in the calculation of general State aid.

(E) Computation of General State Aid.

(1) For each school year, the amount of general State aid allotted to a school district shall be computed by the State Board of Education as provided in this subsection.

(2) For any school district for which Available Local Resources per pupil is less than the product of 0.93 times the Foundation Level, general State aid for that district shall be calculated as an amount equal to the Foundation Level minus Available Local Resources, multiplied by the Average Daily Attendance of the school district.

(3) For any school district for which Available Local Resources per pupil is equal to or greater than the product of 0.93 times the Foundation Level and less than the product of 1.75 times the Foundation Level, the general State aid per pupil shall be a decimal proportion of the Foundation Level derived using a linear algorithm. Under this linear algorithm, the calculated general State aid per pupil shall decline in direct linear fashion from 0.07 times the Foundation Level for a school district with Available Local Resources equal to the product of 0.93 times the Foundation Level, to 0.05 times the Foundation Level for a school district with Available Local Resources equal to the product of 1.75 times the Foundation Level. The allocation of general State aid for school districts subject to this paragraph 3 shall be the calculated general State aid per pupil figure multiplied by the Average Daily Attendance of the school district.

(4) For any school district for which Available Local Resources per pupil equals or exceeds the product of 1.75 times the Foundation Level, the general State aid for the school district shall be calculated as the product of $218 multiplied by the Average Daily Attendance of the school district.

(5) The amount of general State aid allocated to a school district for the 1999-2000 school year meeting the requirements set forth in paragraph (4) of subsection (G) shall be increased by an amount equal to the general State aid that would have been received by the district for the 1998-1999 school year by utilizing the Extension Limitation Equalized Assessed Valuation as calculated in paragraph (4) of subsection (G) less the general State aid allotted for the 1998-1999 school year. This amount shall be deemed a one time increase, and shall not affect any future general State aid allocations.

(F) Compilation of Average Daily Attendance.

(1) Each school district shall, by July 1 of each year, submit to the State Board of Education, on forms prescribed by the State Board of Education, attendance figures for the school year that began in the preceding calendar year. The attendance information so transmitted shall identify the average daily attendance figures for each month of the school year. Beginning with the general State aid claim form for the 2002-2003 school year, districts shall calculate Average Daily Attendance as provided in subdivisions (a), (b), and (c) of this paragraph (1).

(a) In districts that do not hold year-round classes, days of attendance in August shall be added to the month of September and any days of attendance in June shall be added to the month of May.

(b) In districts in which all buildings hold year-round classes, days of attendance in July and August shall be added to the month of September and any days of attendance in June shall be added to the month of May.

(c) In districts in which some buildings, but not all, hold year-round classes, for the

non-year-round buildings, days of attendance in August shall be added to the month of September and any days of attendance in June shall be added to the month of May. The average daily attendance for the year-round buildings shall be computed as provided in subdivision (b) of this paragraph (1). To calculate the Average Daily Attendance for the district, the average daily attendance for the year-round buildings shall be multiplied by the days in session for the non-year-round buildings for each month and added to the monthly attendance of the non-year-round buildings.

Except as otherwise provided in this Section, days of attendance by pupils shall be counted only for sessions of not less than 5 clock hours of school work per day under direct supervision of: (i) teachers, or (ii) non-teaching personnel or volunteer personnel when engaging in non-teaching duties and supervising in those instances specified in subsection (a) of Section 10-22.34 and paragraph 10 of Section 34-18, with pupils of legal school age and in kindergarten and grades 1 through 12.

Days of attendance by tuition pupils shall be accredited only to the districts that pay the tuition to a recognized school.

(2) Days of attendance by pupils of less than 5 clock hours of school shall be subject to the following provisions in the compilation of Average Daily Attendance.

(a) Pupils regularly enrolled in a public school for only a part of the school day may be counted on the basis of 1/6 day for every class hour of instruction of 40 minutes or more attended pursuant to such enrollment, unless a pupil is enrolled in a block-schedule format of 80 minutes or more of instruction, in which case the pupil may be counted on the basis of the proportion of minutes of school work completed each day to the minimum number of minutes that school work is required to be held that day.

(b) Days of attendance may be less than 5 clock hours on the opening and closing of the school term, and upon the first day of pupil attendance, if preceded by a day or days utilized as an institute or teachers' workshop.

(c) A session of 4 or more clock hours may be counted as a day of attendance upon certification by the regional superintendent, and approved by the State Superintendent of Education to the extent that the district has been forced to use daily multiple sessions.

(d) A session of 3 or more clock hours may be counted as a day of attendance (1) when the remainder of the school day or at least 2 hours in the evening of that day is utilized for an in-service training program for teachers, up to a maximum of 5 days per school year of which a maximum of 4 days of such 5 days may be used for parent-teacher conferences, provided a district conducts an in-service training program for teachers which has been approved by the State Superintendent of Education; or, in lieu of 4 such days, 2 full days may be used, in which event each such day may be counted as a day of attendance; and (2) when days in addition to those provided in item (1) are scheduled by a school pursuant to its school improvement plan adopted under Article 34 or its revised or amended school improvement plan adopted under Article 2, provided that (i) such sessions of 3 or more clock hours are scheduled to occur at regular intervals, (ii) the remainder of the school days in which such sessions occur are utilized for in-service training programs or other staff development activities for teachers, and (iii) a sufficient number of minutes of school work under the direct supervision of teachers are added to the school days between such regularly scheduled sessions to accumulate not less than the number of minutes by which such sessions of 3 or more clock hours fall short of 5 clock hours. Any full days used for the purposes of this paragraph shall not be considered for computing average daily attendance. Days scheduled for in-service training programs, staff development activities, or parent-teacher conferences may be scheduled separately for different grade levels and different attendance centers of the district.

(e) A session of not less than one clock hour of teaching hospitalized or homebound pupils on-site or by telephone to the classroom may be counted as 1/2 day of attendance, however these pupils must receive 4 or more clock hours of instruction to be counted for a full day of attendance.

(f) A session of at least 4 clock hours may be counted as a day of attendance for first grade pupils, and pupils in full day kindergartens, and a session of 2 or more hours may be counted as 1/2 day of attendance by pupils in kindergartens which provide only 1/2 day of attendance.

(g) For children with disabilities who are below the age of 6 years and who cannot attend 2 or more clock hours because of their disability or immaturity, a session of not less than one clock hour may be counted as 1/2 day of attendance; however for such children whose educational needs so require a session of 4 or more clock hours may be counted as a full day of attendance.

(h) A recognized kindergarten which provides for only 1/2 day of attendance by each pupil shall not have more than 1/2 day of attendance counted in any one day. However, kindergartens may count 2 1/2 days of attendance in any 5 consecutive school days. When a pupil attends such a

kindergarten for 2 half days on any one school day, the pupil shall have the following day as a day absent from school, unless the school district obtains permission in writing from the State Superintendent of Education. Attendance at kindergartens which provide for a full day of attendance by each pupil shall be counted the same as attendance by first grade pupils. Only the first year of attendance in one kindergarten shall be counted, except in case of children who entered the kindergarten in their fifth year whose educational development requires a second year of kindergarten as determined under the rules and regulations of the State Board of Education.

(i) On the days when the Prairie State Achievement Examination is administered under subsection (c) of Section 2-3.64 of this Code, the day of attendance for a pupil whose school day must be shortened to accommodate required testing procedures may be less than 5 clock hours and shall be counted towards the 176 days of actual pupil attendance required under Section 10-19 of this Code, provided that a sufficient number of minutes of school work in excess of 5 clock hours are first completed on other school days to compensate for the loss of school work on the examination days.

(G) Equalized Assessed Valuation Data.

(1) For purposes of the calculation of Available Local Resources required pursuant to subsection (D), the State Board of Education shall secure from the Department of Revenue the value as equalized or assessed by the Department of Revenue of all taxable property of every school district, together with (i) the applicable tax rate used in extending taxes for the funds of the district as of September 30 of the previous year and (ii) the limiting rate for all school districts subject to property tax extension limitations as imposed under the Property Tax Extension Limitation Law.

The Department of Revenue shall add to the equalized assessed value of all taxable property of each school district situated entirely or partially within a county that is or was subject to the alternative general homestead exemption provisions of Section 15-176 of the Property Tax Code (a) an amount equal to the total amount by which the homestead exemption allowed under Section 15-176 of the Property Tax Code for real property situated in that school district exceeds the total amount that would have been allowed in that school district if the maximum reduction under Section 15-176 was (i) $4,500 in Cook County or $3,500 in all other counties in tax year 2003 or (ii) $5,000 in all counties in tax year 2004 and thereafter and (b) an amount equal to the aggregate amount for the taxable year of all additional exemptions under Section 15-175 of the Property Tax Code for owners with a household income of $30,000 or less. The county clerk of any county that is or was subject to the alternative general homestead exemption provisions of Section 15-176 of the Property Tax Code shall annually calculate and certify to the Department of Revenue for each school district all homestead exemption amounts under Section 15-176 of the Property Tax Code and all amounts of additional exemptions under Section 15-175 of the Property Tax Code for owners with a household income of $30,000 or less. It is the intent of this paragraph that if the general homestead exemption for a parcel of property is determined under Section 15-176 of the Property Tax Code rather than Section 15-175, then the calculation of Available Local Resources shall not be affected by the difference, if any, between the amount of the general homestead exemption allowed for that parcel of property under Section 15-176 of the Property Tax Code and the amount that would have been allowed had the general homestead exemption for that parcel of property been determined under Section 15-175 of the Property Tax Code. It is further the intent of this paragraph that if additional exemptions are allowed under Section 15-175 of the Property Tax Code for owners with a household income of less than $30,000, then the calculation of Available Local Resources shall not be affected by the difference, if any, because of those additional exemptions.

This equalized assessed valuation, as adjusted further by the requirements of this subsection, shall be utilized in the calculation of Available Local Resources.

(2) The equalized assessed valuation in paragraph (1) shall be adjusted, as applicable, in the following manner:

(a) For the purposes of calculating State aid under this Section, with respect to any part of a school district within a redevelopment project area in respect to which a municipality has adopted tax increment allocation financing pursuant to the Tax Increment Allocation Redevelopment Act, Sections 11-74.4-1 through 11-74.4-11 of the Illinois Municipal Code or the Industrial Jobs Recovery Law, Sections 11-74.6-1 through 11-74.6-50 of the Illinois Municipal Code, no part of the current equalized assessed valuation of real property located in any such project area which is attributable to an increase above the total initial equalized assessed valuation of such property shall be used as part of the equalized assessed valuation of the district, until such time as all redevelopment project costs have been paid, as provided in Section 11-74.4-8 of the Tax Increment Allocation

Redevelopment Act or in Section 11-74.6-35 of the Industrial Jobs Recovery Law. For the purpose of the equalized assessed valuation of the district, the total initial equalized assessed valuation or the current equalized assessed valuation, whichever is lower, shall be used until such time as all redevelopment project costs have been paid.

(b) The real property equalized assessed valuation for a school district shall be adjusted by subtracting from the real property value as equalized or assessed by the Department of Revenue for the district an amount computed by dividing the amount of any abatement of taxes under Section 18-170 of the Property Tax Code by 3.00% for a district maintaining grades kindergarten through 12, by 2.30% for a district maintaining grades kindergarten through 8, or by 1.05% for a district maintaining grades 9 through 12 and adjusted by an amount computed by dividing the amount of any abatement of taxes under subsection (a) of Section 18-165 of the Property Tax Code by the same percentage rates for district type as specified in this subparagraph (b).

(3) For the 1999-2000 school year and each school year thereafter, if a school district meets all of the criteria of this subsection (G)(3), the school district's Available Local Resources shall be calculated under subsection (D) using the district's Extension Limitation Equalized Assessed Valuation as calculated under this subsection (G)(3).

For purposes of this subsection (G)(3) the following terms shall have the following meanings:

"Budget Year": The school year for which general State aid is calculated and awarded under subsection (E).

"Base Tax Year": The property tax levy year used to calculate the Budget Year allocation of general State aid.

"Preceding Tax Year": The property tax levy year immediately preceding the Base Tax Year.

"Base Tax Year's Tax Extension": The product of the equalized assessed valuation utilized by the County Clerk in the Base Tax Year multiplied by the limiting rate as calculated by the County Clerk and defined in the Property Tax Extension Limitation Law.

"Preceding Tax Year's Tax Extension": The product of the equalized assessed valuation utilized by the County Clerk in the Preceding Tax Year multiplied by the Operating Tax Rate as defined in subsection (A).

"Extension Limitation Ratio": A numerical ratio, certified by the County Clerk, in which the numerator is the Base Tax Year's Tax Extension and the denominator is the Preceding Tax Year's Tax Extension.

"Operating Tax Rate": The operating tax rate as defined in subsection (A).

If a school district is subject to property tax extension limitations as imposed under the Property Tax Extension Limitation Law, the State Board of Education shall calculate the Extension Limitation Equalized Assessed Valuation of that district. For the 1999-2000 school year, the Extension Limitation Equalized Assessed Valuation of a school district as calculated by the State Board of Education shall be equal to the product of the district's 1996 Equalized Assessed Valuation and the district's Extension Limitation Ratio. For the 2000-2001 school year and each school year thereafter, the Extension Limitation Equalized Assessed Valuation of a school district as calculated by the State Board of Education shall be equal to the product of the Equalized Assessed Valuation last used in the calculation of general State aid and the district's Extension Limitation Ratio. If the Extension Limitation Equalized Assessed Valuation of a school district as calculated under this subsection (G)(3) is less than the district's equalized assessed valuation as calculated pursuant to subsections (G)(1) and (G)(2), then for purposes of calculating the district's general State aid for the Budget Year pursuant to subsection (E), that Extension Limitation Equalized Assessed Valuation shall be utilized to calculate the district's Available Local Resources under subsection (D).

Partial elementary unit districts created in accordance with Article 11E of this Code shall not be eligible for the adjustment in this subsection (G)(3) until the fifth year following the effective date of the reorganization.

(4) For the purposes of calculating general State aid for the 1999-2000 school year only, if a school district experienced a triennial reassessment on the equalized assessed valuation used in calculating its general State financial aid apportionment for the 1998-1999 school year, the State Board of Education shall calculate the Extension Limitation Equalized Assessed Valuation that would have been used to calculate the district's 1998-1999 general State aid. This amount shall equal the product of the equalized assessed valuation used to calculate general State aid for the 1997-1998 school year and the district's Extension Limitation Ratio. If the Extension Limitation Equalized Assessed Valuation of the school district as calculated under this paragraph (4) is less than the district's equalized assessed valuation utilized in calculating the district's 1998-1999 general State aid allocation, then for purposes of

calculating the district's general State aid pursuant to paragraph (5) of subsection (E), that Extension Limitation Equalized Assessed Valuation shall be utilized to calculate the district's Available Local Resources.

(5) For school districts having a majority of their equalized assessed valuation in any county except Cook, DuPage, Kane, Lake, McHenry, or Will, if the amount of general State aid allocated to the school district for the 1999-2000 school year under the provisions of subsection (E), (H), and (J) of this Section is less than the amount of general State aid allocated to the district for the 1998-1999 school year under these subsections, then the general State aid of the district for the 1999-2000 school year only shall be increased by the difference between these amounts. The total payments made under this paragraph (5) shall not exceed $14,000,000. Claims shall be prorated if they exceed $14,000,000.

(H) Supplemental General State Aid.

(1) In addition to the general State aid a school district is allotted pursuant to subsection (E), qualifying school districts shall receive a grant, paid in conjunction with a district's payments of general State aid, for supplemental general State aid based upon the concentration level of children from low-income households within the school district. Supplemental State aid grants provided for school districts under this subsection shall be appropriated for distribution to school districts as part of the same line item in which the general State financial aid of school districts is appropriated under this Section. If the appropriation in any fiscal year for general State aid and supplemental general State aid is insufficient to pay the amounts required under the general State aid and supplemental general State aid calculations, then the State Board of Education shall ensure that each school district receives the full amount due for general State aid and the remainder of the appropriation shall be used for supplemental general State aid, which the State Board of Education shall calculate and pay to eligible districts on a prorated basis.

(1.5) This paragraph (1.5) applies only to those school years preceding the 2003-2004 school year. For purposes of this subsection (H), the term "Low-Income Concentration Level" shall be the low-income eligible pupil count from the most recently available federal census divided by the Average Daily Attendance of the school district. If, however, (i) the percentage decrease from the 2 most recent federal censuses in the low-income eligible pupil count of a high school district with fewer than 400 students exceeds by 75% or more the percentage change in the total low-income eligible pupil count of contiguous elementary school districts, whose boundaries are coterminous with the high school district, or (ii) a high school district within 2 counties and serving 5 elementary school districts, whose boundaries are coterminous with the high school district, has a percentage decrease from the 2 most recent federal censuses in the low-income eligible pupil count and there is a percentage increase in the total low-income eligible pupil count of a majority of the elementary school districts in excess of 50% from the 2 most recent federal censuses, then the high school district's low-income eligible pupil count from the earlier federal census shall be the number used as the low-income eligible pupil count for the high school district, for purposes of this subsection (H). The changes made to this paragraph (1) by Public Act 92-28 shall apply to supplemental general State aid grants for school years preceding the 2003-2004 school year that are paid in fiscal year 1999 or thereafter and to any State aid payments made in fiscal year 1994 through fiscal year 1998 pursuant to subsection 1(n) of Section 18-8 of this Code (which was repealed on July 1, 1998), and any high school district that is affected by Public Act 92-28 is entitled to a recomputation of its supplemental general State aid grant or State aid paid in any of those fiscal years. This recomputation shall not be affected by any other funding.

(1.10) This paragraph (1.10) applies to the 2003-2004 school year and each school year thereafter. For purposes of this subsection (H), the term "Low-Income Concentration Level" shall, for each fiscal year, be the low-income eligible pupil count as of July 1 of the immediately preceding fiscal year (as determined by the Department of Human Services based on the number of pupils who are eligible for at least one of the following low income programs: Medicaid, KidCare, TANF, or Food Stamps, excluding pupils who are eligible for services provided by the Department of Children and Family Services, averaged over the 2 immediately preceding fiscal years for fiscal year 2004 and over the 3 immediately preceding fiscal years for each fiscal year thereafter) divided by the Average Daily Attendance of the school district.

(2) Supplemental general State aid pursuant to this subsection (H) shall be provided as follows for the 1998-1999, 1999-2000, and 2000-2001 school years only:

(a) For any school district with a Low Income Concentration Level of at least 20% and less than 35%, the grant for any school year shall be $800 multiplied by the low income eligible pupil count.

(b) For any school district with a Low Income Concentration Level of at least 35% and

less than 50%, the grant for the 1998-1999 school year shall be $1,100 multiplied by the low income eligible pupil count.

(c) For any school district with a Low Income Concentration Level of at least 50% and less than 60%, the grant for the 1998-99 school year shall be $1,500 multiplied by the low income eligible pupil count.

(d) For any school district with a Low Income Concentration Level of 60% or more, the grant for the 1998-99 school year shall be $1,900 multiplied by the low income eligible pupil count.

(e) For the 1999-2000 school year, the per pupil amount specified in subparagraphs (b), (c), and (d) immediately above shall be increased to $1,243, $1,600, and $2,000, respectively.

(f) For the 2000-2001 school year, the per pupil amounts specified in subparagraphs (b), (c), and (d) immediately above shall be $1,273, $1,640, and $2,050, respectively.

(2.5) Supplemental general State aid pursuant to this subsection (H) shall be provided as follows for the 2002-2003 school year:

(a) For any school district with a Low Income Concentration Level of less than 10%, the grant for each school year shall be $355 multiplied by the low income eligible pupil count.

(b) For any school district with a Low Income Concentration Level of at least 10% and less than 20%, the grant for each school year shall be $675 multiplied by the low income eligible pupil count.

(c) For any school district with a Low Income Concentration Level of at least 20% and less than 35%, the grant for each school year shall be $1,330 multiplied by the low income eligible pupil count.

(d) For any school district with a Low Income Concentration Level of at least 35% and less than 50%, the grant for each school year shall be $1,362 multiplied by the low income eligible pupil count.

(e) For any school district with a Low Income Concentration Level of at least 50% and less than 60%, the grant for each school year shall be $1,680 multiplied by the low income eligible pupil count.

(f) For any school district with a Low Income Concentration Level of 60% or more, the grant for each school year shall be $2,080 multiplied by the low income eligible pupil count.

(2.10) Except as otherwise provided, supplemental general State aid pursuant to this subsection (H) shall be provided as follows for the 2003-2004 school year and each school year thereafter:

(a) For any school district with a Low Income Concentration Level of 15% or less, the grant for each school year shall be $355 multiplied by the low income eligible pupil count.

(b) For any school district with a Low Income Concentration Level greater than 15%, the grant for each school year shall be $294.25 added to the product of $2,700 and the square of the Low Income Concentration Level, all multiplied by the low income eligible pupil count.

For the 2003-2004 school year, 2004-2005 school year, and 2005-2006 school year only, the grant shall be no less than the grant for the 2002-2003 school year. For the 2006-2007 school year only, the grant shall be no less than the grant for the 2002-2003 school year multiplied by 0.66. For the 2007-2008 school year only, the grant shall be no less than the grant for the 2002-2003 school year multiplied by 0.33. Notwithstanding the provisions of this paragraph to the contrary, if for any school year supplemental general State aid grants are prorated as provided in paragraph (1) of this subsection (H), then the grants under this paragraph shall be prorated.

For the 2003-2004 school year only, the grant shall be no greater than the grant received during the 2002-2003 school year added to the product of 0.25 multiplied by the difference between the grant amount calculated under subsection (a) or (b) of this paragraph (2.10), whichever is applicable, and the grant received during the 2002-2003 school year. For the 2004-2005 school year only, the grant shall be no greater than the grant received during the 2002-2003 school year added to the product of 0.50 multiplied by the difference between the grant amount calculated under subsection (a) or (b) of this paragraph (2.10), whichever is applicable, and the grant received during the 2002-2003 school year. For the 2005-2006 school year only, the grant shall be no greater than the grant received during the 2002-2003 school year added to the product of 0.75 multiplied by the difference between the grant amount calculated under subsection (a) or (b) of this paragraph (2.10), whichever is applicable, and the grant received during the 2002-2003 school year.

(3) School districts with an Average Daily Attendance of more than 1,000 and less than 50,000 that qualify for supplemental general State aid pursuant to this subsection shall submit a plan to the State Board of Education prior to October 30 of each year for the use of the funds resulting from this grant of supplemental general State aid for the improvement of instruction in which priority is given to meeting the education needs of disadvantaged children. Such plan shall be submitted in accordance with rules

and regulations promulgated by the State Board of Education.

(4) School districts with an Average Daily Attendance of 50,000 or more that qualify for supplemental general State aid pursuant to this subsection shall be required to distribute from funds available pursuant to this Section, no less than $261,000,000 in accordance with the following requirements:

(a) The required amounts shall be distributed to the attendance centers within the district in proportion to the number of pupils enrolled at each attendance center who are eligible to receive free or reduced-price lunches or breakfasts under the federal Child Nutrition Act of 1966 and under the National School Lunch Act during the immediately preceding school year.

(b) The distribution of these portions of supplemental and general State aid among attendance centers according to these requirements shall not be compensated for or contravened by adjustments of the total of other funds appropriated to any attendance centers, and the Board of Education shall utilize funding from one or several sources in order to fully implement this provision annually prior to the opening of school.

(c) Each attendance center shall be provided by the school district a distribution of noncategorical funds and other categorical funds to which an attendance center is entitled under law in order that the general State aid and supplemental general State aid provided by application of this subsection supplements rather than supplants the noncategorical funds and other categorical funds provided by the school district to the attendance centers.

(d) Any funds made available under this subsection that by reason of the provisions of this subsection are not required to be allocated and provided to attendance centers may be used and appropriated by the board of the district for any lawful school purpose.

(e) Funds received by an attendance center pursuant to this subsection shall be used by the attendance center at the discretion of the principal and local school council for programs to improve educational opportunities at qualifying schools through the following programs and services: early childhood education, reduced class size or improved adult to student classroom ratio, enrichment programs, remedial assistance, attendance improvement, and other educationally beneficial expenditures which supplement the regular and basic programs as determined by the State Board of Education. Funds provided shall not be expended for any political or lobbying purposes as defined by board rule.

(f) Each district subject to the provisions of this subdivision (H)(4) shall submit an acceptable plan to meet the educational needs of disadvantaged children, in compliance with the requirements of this paragraph, to the State Board of Education prior to July 15 of each year. This plan shall be consistent with the decisions of local school councils concerning the school expenditure plans developed in accordance with part 4 of Section 34-2.3. The State Board shall approve or reject the plan within 60 days after its submission. If the plan is rejected, the district shall give written notice of intent to modify the plan within 15 days of the notification of rejection and then submit a modified plan within 30 days after the date of the written notice of intent to modify. Districts may amend approved plans pursuant to rules promulgated by the State Board of Education.

Upon notification by the State Board of Education that the district has not submitted a plan prior to July 15 or a modified plan within the time period specified herein, the State aid funds affected by that plan or modified plan shall be withheld by the State Board of Education until a plan or modified plan is submitted.

If the district fails to distribute State aid to attendance centers in accordance with an approved plan, the plan for the following year shall allocate funds, in addition to the funds otherwise required by this subsection, to those attendance centers which were underfunded during the previous year in amounts equal to such underfunding.

For purposes of determining compliance with this subsection in relation to the requirements of attendance center funding, each district subject to the provisions of this subsection shall submit as a separate document by December 1 of each year a report of expenditure data for the prior year in addition to any modification of its current plan. If it is determined that there has been a failure to comply with the expenditure provisions of this subsection regarding contravention or supplanting, the State Superintendent of Education shall, within 60 days of receipt of the report, notify the district and any affected local school council. The district shall within 45 days of receipt of that notification inform the State Superintendent of Education of the remedial or corrective action to be taken, whether by amendment of the current plan, if feasible, or by adjustment in the plan for the following year. Failure to provide the expenditure report or the notification of remedial or corrective action in a timely manner shall result in a withholding of the affected funds.

The State Board of Education shall promulgate rules and regulations to implement the provisions of this subsection. No funds shall be released under this subdivision (H)(4) to any district

that has not submitted a plan that has been approved by the State Board of Education.

(I) (Blank). ~~General State Aid for Newly Configured School Districts.~~

~~(1) For a new school district formed by combining property included totally within 2 or more previously existing school districts, for its first year of existence the general State aid and supplemental general State aid calculated under this Section shall be computed for the new district and for the previously existing districts for which property is totally included within the new district. If the computation on the basis of the previously existing districts is greater, a supplementary payment equal to the difference shall be made for the first 4 years of existence of the new district.~~

~~(2) For a school district which annexes all of the territory of one or more entire other school districts, for the first year during which the change of boundaries attributable to such annexation becomes effective for all purposes as determined under Section 7-9 or 7A-8, the general State aid and supplemental general State aid calculated under this Section shall be computed for the annexing district as constituted after the annexation and for the annexing and each annexed district as constituted prior to the annexation; and if the computation on the basis of the annexing and annexed districts as constituted prior to the annexation is greater, a supplementary payment equal to the difference shall be made for the first 4 years of existence of the annexing school district as constituted upon such annexation.~~

~~(3) For 2 or more school districts which annex all of the territory of one or more entire other school districts, and for 2 or more community unit districts which result upon the division (pursuant to petition under Section 11A-2) of one or more other unit school districts into 2 or more parts and which together include all of the parts into which such other unit school district or districts are so divided, for the first year during which the change of boundaries attributable to such annexation or division becomes effective for all purposes as determined under Section 7-9 or 11A-10, as the case may be, the general State aid and supplemental general State aid calculated under this Section shall be computed for each annexing or resulting district as constituted after the annexation or division and for each annexing and annexed district, or for each resulting and divided district, as constituted prior to the annexation or division; and if the aggregate of the general State aid and supplemental general State aid as so computed for the annexing or resulting districts as constituted after the annexation or division is less than the aggregate of the general State aid and supplemental general State aid as so computed for the annexing and annexed districts, or for the resulting and divided districts, as constituted prior to the annexation or division, then a supplementary payment equal to the difference shall be made and allocated between or among the annexing or resulting districts, as constituted upon such annexation or division, for the first 4 years of their existence. The total difference payment shall be allocated between or among the annexing or resulting districts in the same ratio as the pupil enrollment from that portion of the annexed or divided district or districts which is annexed to or included in each such annexing or resulting district bears to the total pupil enrollment from the entire annexed or divided district or districts, as such pupil enrollment is determined for the school year last ending prior to the date when the change of boundaries attributable to the annexation or division becomes effective for all purposes. The amount of the total difference payment and the amount thereof to be allocated to the annexing or resulting districts shall be computed by the State Board of Education on the basis of pupil enrollment and other data which shall be certified to the State Board of Education, on forms which it shall provide for that purpose, by the regional superintendent of schools for each educational service region in which the annexing and annexed districts, or resulting and divided districts are located.~~

~~(3.5) Claims for financial assistance under this subsection (I) shall not be recomputed except as expressly provided under this Section.~~

~~(4) Any supplementary payment made under this subsection (I) shall be treated as separate from all other payments made pursuant to this Section.~~

(J) Supplementary Grants in Aid.

(1) Notwithstanding any other provisions of this Section, the amount of the aggregate general State aid in combination with supplemental general State aid under this Section for which each school district is eligible shall be no less than the amount of the aggregate general State aid entitlement that was received by the district under Section 18-8 (exclusive of amounts received under subsections 5(p) and 5(p-5) of that Section) for the 1997-98 school year, pursuant to the provisions of that Section as it was then in effect. If a school district qualifies to receive a supplementary payment made under this subsection (J), the amount of the aggregate general State aid in combination with supplemental general State aid under this Section which that district is eligible to receive for each school year shall be no less than the amount of the aggregate general State aid entitlement that was received by the district under Section 18-8

(exclusive of amounts received under subsections 5(p) and 5(p-5) of that Section) for the 1997-1998 school year, pursuant to the provisions of that Section as it was then in effect.

(2) If, as provided in paragraph (1) of this subsection (J), a school district is to receive aggregate general State aid in combination with supplemental general State aid under this Section for the 1998-99 school year and any subsequent school year that in any such school year is less than the amount of the aggregate general State aid entitlement that the district received for the 1997-98 school year, the school district shall also receive, from a separate appropriation made for purposes of this subsection (J), a supplementary payment that is equal to the amount of the difference in the aggregate State aid figures as described in paragraph (1).

(3) (Blank).

(K) Grants to Laboratory and Alternative Schools.

In calculating the amount to be paid to the governing board of a public university that operates a laboratory school under this Section or to any alternative school that is operated by a regional superintendent of schools, the State Board of Education shall require by rule such reporting requirements as it deems necessary.

As used in this Section, "laboratory school" means a public school which is created and operated by a public university and approved by the State Board of Education. The governing board of a public university which receives funds from the State Board under this subsection (K) may not increase the number of students enrolled in its laboratory school from a single district, if that district is already sending 50 or more students, except under a mutual agreement between the school board of a student's district of residence and the university which operates the laboratory school. A laboratory school may not have more than 1,000 students, excluding students with disabilities in a special education program.

As used in this Section, "alternative school" means a public school which is created and operated by a Regional Superintendent of Schools and approved by the State Board of Education. Such alternative schools may offer courses of instruction for which credit is given in regular school programs, courses to prepare students for the high school equivalency testing program or vocational and occupational training. A regional superintendent of schools may contract with a school district or a public community college district to operate an alternative school. An alternative school serving more than one educational service region may be established by the regional superintendents of schools of the affected educational service regions. An alternative school serving more than one educational service region may be operated under such terms as the regional superintendents of schools of those educational service regions may agree.

Each laboratory and alternative school shall file, on forms provided by the State Superintendent of Education, an annual State aid claim which states the Average Daily Attendance of the school's students by month. The best 3 months' Average Daily Attendance shall be computed for each school. The general State aid entitlement shall be computed by multiplying the applicable Average Daily Attendance by the Foundation Level as determined under this Section.

(L) Payments, Additional Grants in Aid and Other Requirements.

(1) For a school district operating under the financial supervision of an Authority created under Article 34A, the general State aid otherwise payable to that district under this Section, but not the supplemental general State aid, shall be reduced by an amount equal to the budget for the operations of the Authority as certified by the Authority to the State Board of Education, and an amount equal to such reduction shall be paid to the Authority created for such district for its operating expenses in the manner provided in Section 18-11. The remainder of general State school aid for any such district shall be paid in accordance with Article 34A when that Article provides for a disposition other than that provided by this Article.

(2) (Blank).

(3) Summer school. Summer school payments shall be made as provided in Section 18-4.3.

(M) Education Funding Advisory Board.

The Education Funding Advisory Board, hereinafter in this subsection (M) referred to as the "Board", is hereby created. The Board shall consist of 5 members who are appointed by the Governor, by and with the advice and consent of the Senate. The members appointed shall include representatives of education, business, and the general public. One of the members so appointed shall be designated by the Governor at the time the appointment is made as the chairperson of the Board. The initial members of the Board may be appointed any time after the effective date of this amendatory Act of 1997. The regular term of each member of the Board shall be for 4 years from the third Monday of January of the year in which the term of the member's appointment is to commence, except that of the 5 initial members appointed to

serve on the Board, the member who is appointed as the chairperson shall serve for a term that commences on the date of his or her appointment and expires on the third Monday of January, 2002, and the remaining 4 members, by lots drawn at the first meeting of the Board that is held after all 5 members are appointed, shall determine 2 of their number to serve for terms that commence on the date of their respective appointments and expire on the third Monday of January, 2001, and 2 of their number to serve for terms that commence on the date of their respective appointments and expire on the third Monday of January, 2000. All members appointed to serve on the Board shall serve until their respective successors are appointed and confirmed. Vacancies shall be filled in the same manner as original appointments. If a vacancy in membership occurs at a time when the Senate is not in session, the Governor shall make a temporary appointment until the next meeting of the Senate, when he or she shall appoint, by and with the advice and consent of the Senate, a person to fill that membership for the unexpired term. If the Senate is not in session when the initial appointments are made, those appointments shall be made as in the case of vacancies.

The Education Funding Advisory Board shall be deemed established, and the initial members appointed by the Governor to serve as members of the Board shall take office, on the date that the Governor makes his or her appointment of the fifth initial member of the Board, whether those initial members are then serving pursuant to appointment and confirmation or pursuant to temporary appointments that are made by the Governor as in the case of vacancies.

The State Board of Education shall provide such staff assistance to the Education Funding Advisory Board as is reasonably required for the proper performance by the Board of its responsibilities.

For school years after the 2000-2001 school year, the Education Funding Advisory Board, in consultation with the State Board of Education, shall make recommendations as provided in this subsection (M) to the General Assembly for the foundation level under subdivision (B)(3) of this Section and for the supplemental general State aid grant level under subsection (H) of this Section for districts with high concentrations of children from poverty. The recommended foundation level shall be determined based on a methodology which incorporates the basic education expenditures of low-spending schools exhibiting high academic performance. The Education Funding Advisory Board shall make such recommendations to the General Assembly on January 1 of odd numbered years, beginning January 1, 2001.

(N) (Blank).

(O) References.

(1) References in other laws to the various subdivisions of Section 18-8 as that Section existed before its repeal and replacement by this Section 18-8.05 shall be deemed to refer to the corresponding provisions of this Section 18-8.05, to the extent that those references remain applicable.

(2) References in other laws to State Chapter 1 funds shall be deemed to refer to the supplemental general State aid provided under subsection (H) of this Section.

(P) Public Act 93-838 and Public Act 93-808 make inconsistent changes to this Section. Under Section 6 of the Statute on Statutes there is an irreconcilable conflict between Public Act 93-808 and Public Act 93-838. Public Act 93-838, being the last acted upon, is controlling. The text of Public Act 93-838 is the law regardless of the text of Public Act 93-808.

(Source: P.A. 93-21, eff. 7-1-03; 93-715, eff. 7-12-04; 93-808, eff. 7-26-04; 93-838, eff. 7-30-04; 93-875, eff. 8-6-04; 94-69, eff. 7-1-05; 94-438, eff. 8-4-05; revised 8-22-05.)

(105 ILCS 5/19-1) (from Ch. 122, par. 19-1)

(Text of Section before amendment by P.A. 94-234)

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

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

No school districts maintaining grades K through 8 or 9 through 12 shall become indebted in any manner or for any purpose to an amount, including existing indebtedness, in the aggregate exceeding 6.9% on the value of the taxable property therein to be ascertained by the last assessment for State and county taxes or, until January 1, 1983, if greater, the sum that is produced by multiplying the school district's 1978 equalized assessed valuation by the debt limitation percentage in effect on January 1, 1979, previous to the incurring of such indebtedness.

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

purpose to an amount, including existing indebtedness, in the aggregate exceeding 13.8% on the value of the taxable property therein to be ascertained by the last assessment for State and county taxes or, until January 1, 1983, if greater, the sum that is produced by multiplying the school district's 1978 equalized assessed valuation by the debt limitation percentage in effect on January 1, 1979, previous to the incurring of such indebtedness.

No partial elementary unit district, as defined in Article 11E of this Code, shall become indebted in any manner or for any purpose in an amount, including existing indebtedness, in the aggregate exceeding 6.9% for that portion of the district included in the high school only classification nor in an amount, including existing indebtedness, in the aggregate exceeding 13.8% for that portion of the district included in the elementary and high school classification.

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

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

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

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

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

(4) Notwithstanding the provisions of paragraphs (1) through (3) of this subsection (b), if the school board determines that additional facilities are needed to provide a quality educational program and not less than 2/3 of those voting in an election called by the school board on the question approve the issuance of bonds for the construction of such facilities, the school district may issue bonds for this purpose; or

(5) Notwithstanding the provisions of paragraphs (1) through (3) of this subsection (b), if (i) the school district has previously availed itself of the provisions of paragraph (4) of this subsection (b) to enable it to issue bonds, (ii) the voters of the school district have not defeated a proposition for the issuance of bonds since the referendum described in paragraph (4) of this subsection (b) was held, (iii) the school board determines that additional facilities are needed to provide a quality educational program, and (iv) a majority of those voting in an election called by the school board on the question approve the issuance of bonds for the construction of such facilities, the school district may issue bonds for this purpose.

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

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

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

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

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

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

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

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

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

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

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

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

(5) Bonds issued by the financially distressed district under this subsection shall bear interest at a rate not to exceed the maximum rate authorized by law at the time of the making of the contract, shall mature within 40 years from their date of issue, and shall be signed by the president

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

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

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

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

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

Notwithstanding the provisions of subsection (a) of this Section or of any other law, a school district that has availed itself of the provisions of this subsection (f) prior to July 22, 2004 (the effective date of Public Act 93-799) may also issue bonds approved by referendum up to an amount, including existing indebtedness, not exceeding 25% of the equalized assessed value of the taxable property in the district if all of the conditions set forth in items (1), (2), and (3) of this subsection (f) are met.

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

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

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

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

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

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

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

(ii) The bonds are issued for the capital improvement, renovation, rehabilitation, or replacement of existing school buildings of the district, all of which buildings were originally

constructed not less than 40 years ago;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(iii) the voters of the district approve a proposition for the issuance of the bonds at

a referendum held on or after March 17, 1998; and

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(p) Notwithstanding any other provisions of this Section or the provisions of any other law, a

community unit school district maintaining grades K through 12 may issue bonds up to an amount, including indebtedness, not exceeding 27% of the equalized assessed value of the taxable property in the district if all of the following conditions are met:

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

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

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

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

(p-5) Notwithstanding any other provisions of this Section or the provisions of any other law, bonds issued by a community unit school district maintaining grades K through 12 shall not be considered indebtedness for purposes of any statutory limitation and may be issued in an amount or amounts, including existing indebtedness, in excess of any heretofore or hereafter imposed statutory limitation as to indebtedness, if all of the following conditions are met:

(i) For each of the 4 most recent years, residential property comprises more than 80% of the equalized assessed valuation of the district.

(ii) At least 2 school buildings that were constructed 40 or more years prior to the issuance of the bonds will be demolished and will be replaced by new buildings or additions to one or more existing buildings.

(iii) Voters of the district approve a proposition for the issuance of the bonds at a regularly scheduled election.

(iv) At the time of the sale of the bonds, the school board determines by resolution that the new buildings or building additions are needed because of an increase in enrollment projected by the school board.

(v) The principal amount of the bonds, including existing indebtedness, does not exceed 25% of the equalized assessed value of the taxable property in the district.

(vi) The bonds are issued prior to January 1, 2007, pursuant to Sections 19-2 through 19-7 of this Code.

(Source: P.A. 93-13, eff. 6-9-03; 93-799, eff. 7-22-04; 93-1045, eff. 10-15-04; 94-721, eff. 1-6-06.)

(Text of Section after amendment by P.A. 94-234)

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

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

No school districts maintaining grades K through 8 or 9 through 12 shall become indebted in any manner or for any purpose to an amount, including existing indebtedness, in the aggregate exceeding 6.9% on the value of the taxable property therein to be ascertained by the last assessment for State and county taxes or, until January 1, 1983, if greater, the sum that is produced by multiplying the school district's 1978 equalized assessed valuation by the debt limitation percentage in effect on January 1, 1979, previous to the incurring of such indebtedness.

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

No partial elementary unit district, as defined in Article 11E of this Code, shall become indebted in any manner or for any purpose in an amount, including existing indebtedness, in the aggregate exceeding 6.9% for that portion of the district included in the high school only classification nor in an amount, including existing indebtedness, in the aggregate exceeding 13.8% for that portion of the district included in the elementary and high school classification.

Notwithstanding the provisions of any other law to the contrary, in any case in which the voters of a school district have approved a proposition for the issuance of bonds of such school district at an

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

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

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

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

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

(4) Notwithstanding the provisions of paragraphs (1) through (3) of this subsection (b), if the school board determines that additional facilities are needed to provide a quality educational program and not less than 2/3 of those voting in an election called by the school board on the question approve the issuance of bonds for the construction of such facilities, the school district may issue bonds for this purpose; or

(5) Notwithstanding the provisions of paragraphs (1) through (3) of this subsection (b), if (i) the school district has previously availed itself of the provisions of paragraph (4) of this subsection (b) to enable it to issue bonds, (ii) the voters of the school district have not defeated a proposition for the issuance of bonds since the referendum described in paragraph (4) of this subsection (b) was held, (iii) the school board determines that additional facilities are needed to provide a quality educational program, and (iv) a majority of those voting in an election called by the school board on the question approve the issuance of bonds for the construction of such facilities, the school district may issue bonds for this purpose.

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

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

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

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

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

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

(e) (Blank).

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

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

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

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

Notwithstanding the provisions of subsection (a) of this Section or of any other law, a school district that has availed itself of the provisions of this subsection (f) prior to July 22, 2004 (the effective date of Public Act 93-799) may also issue bonds approved by referendum up to an amount, including existing indebtedness, not exceeding 25% of the equalized assessed value of the taxable property in the district if all of the conditions set forth in items (1), (2), and (3) of this subsection (f) are met.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(p) Notwithstanding any other provisions of this Section or the provisions of any other law, a community unit school district maintaining grades K through 12 may issue bonds up to an amount,

including indebtedness, not exceeding 27% of the equalized assessed value of the taxable property in the district if all of the following conditions are met:

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

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

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

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

(p-5) Notwithstanding any other provisions of this Section or the provisions of any other law, bonds issued by a community unit school district maintaining grades K through 12 shall not be considered indebtedness for purposes of any statutory limitation and may be issued in an amount or amounts, including existing indebtedness, in excess of any heretofore or hereafter imposed statutory limitation as to indebtedness, if all of the following conditions are met:

(i) For each of the 4 most recent years, residential property comprises more than 80% of the equalized assessed valuation of the district.

(ii) At least 2 school buildings that were constructed 40 or more years prior to the issuance of the bonds will be demolished and will be replaced by new buildings or additions to one or more existing buildings.

(iii) Voters of the district approve a proposition for the issuance of the bonds at a regularly scheduled election.

(iv) At the time of the sale of the bonds, the school board determines by resolution that the new buildings or building additions are needed because of an increase in enrollment projected by the school board.

(v) The principal amount of the bonds, including existing indebtedness, does not exceed 25% of the equalized assessed value of the taxable property in the district.

(vi) The bonds are issued prior to January 1, 2007, pursuant to Sections 19-2 through 19-7 of this Code.

(q) A school district must notify the State Board of Education prior to issuing any form of long-term or short-term debt that will result in outstanding debt that exceeds 75% of the debt limit specified in this Section or any other provision of law.

(Source: P.A. 93-13, eff. 6-9-03; 93-799, eff. 7-22-04; 93-1045, eff. 10-15-04; 94-234, eff. 7-1-06; 94-721, eff. 1-6-06.)

(105 ILCS 5/20-2) (from Ch. 122, par. 20-2)

(Text of Section before amendment by P.A. 94-234)

Sec. 20-2. Indebtedness and bonds. For the purpose of creating a working cash fund, the school board of any such district may incur an indebtedness and issue bonds as evidence thereof in an amount or amounts not exceeding in the aggregate 85% of the taxes permitted to be levied for educational purposes for the then current year to be determined by multiplying the maximum educational tax rate or rates applicable to such school district by the last assessed valuation or assessed valuations as determined at the time of the issue of said bonds plus 85% of the last known entitlement of such district to taxes as by law now or hereafter enacted or amended, imposed by the General Assembly of the State of Illinois to replace revenue lost by units of local government and school districts as a result of the abolition of ad valorem personal property taxes, pursuant to Article IX, Section 5, paragraph (c) of the Constitution of the State of Illinois, except that a district that is certified under Section 19-1.5 as a financially distressed district may incur an indebtedness and issue bonds as evidence thereof in an amount or amounts not exceeding in the aggregate 125% of the taxes permitted to be levied for educational purposes for the then current year to be determined by multiplying the maximum educational tax rate applicable to that school district by the last assessed valuation as determined at the time of the issuance of the bonds plus 125% of the last known entitlement of that district to taxes that by law now or hereafter enacted or amended are imposed by the General Assembly to replace revenue lost by units of local government and school districts as a result of the abolition of ad valorem personal property taxes, pursuant to Article IX, Section 5, paragraph (c) of the Constitution of the State of Illinois. The bonds shall bear interest at not more than the maximum rate authorized by the Bond Authorization Act, as amended at the time of the making of the contract, if issued before January 1, 1972 and not more than the maximum rate authorized by the Bond Authorization Act, as amended at the time of the making of the contract, if issued after January 1,

1972 and shall mature within 20 years from the date thereof. Subject to the foregoing limitations as to amount, the bonds may be issued in an amount including existing indebtedness which will not exceed the constitutional limitation as to debt, notwithstanding any statutory debt limitation to the contrary. When bonds have been issued under this Article by a school district that is certified as a financially distressed district under Section 19-1.5, the amount of those bonds, when and after they are issued, whether issued before or after such certification, shall not be considered debt under any statutory debt limitation and shall be excluded from the computation and determination of any statutory or other debt limitation applicable to the financially distressed district. The school board shall before or at the time of issuing the bonds provide for the collection of a direct annual tax upon all the taxable property within the district sufficient to pay the principal thereof at maturity and to pay the interest thereon as it falls due, which tax shall be in addition to the maximum amount of all other taxes, either educational; transportation; operations and maintenance; or fire prevention and safety fund taxes, now or hereafter authorized and in addition to any limitations upon the levy of taxes as provided by Sections 17-2 through 17-9. The bonds may be issued redeemable at the option of the school board of the district issuing them on any interest payment date on or after 5 years from date of issue.

With respect to instruments for the payment of money issued under this Section either before, on, or after the effective date of this amendatory Act of 1989, it is and always has been the intention of the General Assembly (i) that the Omnibus Bond Acts are and always have been supplementary grants of power to issue instruments in accordance with the Omnibus Bond Acts, regardless of any provision of this Act that may appear to be or to have been more restrictive than those Acts, (ii) that the provisions of this Section are not a limitation on the supplementary authority granted by the Omnibus Bond Acts, and (iii) that instruments issued under this Section within the supplementary authority granted by the Omnibus Bond Acts are not invalid because of any provision of this Act that may appear to be or to have been more restrictive than those Acts.

(Source: P.A. 87-984; 88-641, eff. 9-9-94.)

(Text of Section after amendment by P.A. 94-234)

Sec. 20-2. Indebtedness and bonds. For the purpose of creating a working cash fund, the school board of any such district may incur an indebtedness and issue bonds as evidence thereof in an amount or amounts not exceeding in the aggregate 85% of the taxes permitted to be levied for educational purposes for the then current year to be determined by multiplying the maximum educational tax rate or rates applicable to such school district by the last assessed valuation or assessed valuations as determined at the time of the issue of said bonds plus 85% of the last known entitlement of such district to taxes as by law now or hereafter enacted or amended, imposed by the General Assembly of the State of Illinois to replace revenue lost by units of local government and school districts as a result of the abolition of ad valorem personal property taxes, pursuant to Article IX, Section 5, paragraph (c) of the Constitution of the State of Illinois. The bonds shall bear interest at not more than the maximum rate authorized by the Bond Authorization Act, as amended at the time of the making of the contract, if issued before January 1, 1972 and not more than the maximum rate authorized by the Bond Authorization Act, as amended at the time of the making of the contract, if issued after January 1, 1972 and shall mature within 20 years from the date thereof. Subject to the foregoing limitations as to amount, the bonds may be issued in an amount including existing indebtedness which will not exceed the constitutional limitation as to debt, notwithstanding any statutory debt limitation to the contrary. The school board shall before or at the time of issuing the bonds provide for the collection of a direct annual tax upon all the taxable property within the district sufficient to pay the principal thereof at maturity and to pay the interest thereon as it falls due, which tax shall be in addition to the maximum amount of all other taxes, either educational; transportation; operations and maintenance; or fire prevention and safety fund taxes, now or hereafter authorized and in addition to any limitations upon the levy of taxes as provided by Sections 17-2 through 17-9. The bonds may be issued redeemable at the option of the school board of the district issuing them on any interest payment date on or after 5 years from date of issue.

With respect to instruments for the payment of money issued under this Section either before, on, or after the effective date of this amendatory Act of 1989, it is and always has been the intention of the General Assembly (i) that the Omnibus Bond Acts are and always have been supplementary grants of power to issue instruments in accordance with the Omnibus Bond Acts, regardless of any provision of this Act that may appear to be or to have been more restrictive than those Acts, (ii) that the provisions of this Section are not a limitation on the supplementary authority granted by the Omnibus Bond Acts, and (iii) that instruments issued under this Section within the supplementary authority granted by the Omnibus Bond Acts are not invalid because of any provision of this Act that may appear to be or to have been more restrictive than those Acts.

(Source: P.A. 94-234, eff. 7-1-06.)

(105 ILCS 5/Art. 7A rep.) (105 ILCS 5/Art. 11A rep.) (105 ILCS 5/Art. 11B rep.) (105 ILCS 5/Art. 11D rep.) (105 ILCS 5/18-8.2 rep.) (105 ILCS 5/18-8.3 rep.) (105 ILCS 5/18-8.5 rep.)

Section 15. The School Code is amended by repealing Articles 7A, 11A, 11B, and 11D and Sections 18-8.2, 18-8.3, and 18-8.5.

Section 20. The School District Validation (1995) Act is amended by changing Section 5 as follows:

(105 ILCS 555/5)

Sec. 5. Validation. In all cases in which, before the effective date of this Act, the regional superintendent of schools was required to publish notice of a referendum to establish a community unit school district in territory comprising 2 community unit school districts, 2 community consolidated school districts, and 2 community high school districts and such notice was not published by the regional superintendent of schools as required by Section 11A-5 of the School Code (now repealed) and a majority of the voters residing in each of the school districts comprising the proposed community unit school district voted in favor of the creation of such community unit school district in the general election held on November 8, 1994, and in which territory at a subsequent election similarly called and held a board of education has been chosen for such district, each such election is hereby made legal and valid and such territory is hereby declared legally and validly organized and established as a community unit school district, and a valid and existing school district.

(Source: P.A. 89-416, eff. 11-22-95.)

Section 90. Savings clause. Any repeal made by this Act shall not affect or impair any of the following: suits pending or rights existing at the time this Act takes effect; any grant or conveyance made or right acquired or cause of action now existing under any Section, Article, or Act repealed by this Act; the validity of any bonds or other obligations issued or sold and constituting valid obligations of the issuing authority at the time this Act takes effect; the validity of any contract; the validity of any tax levied under any law in effect prior to the effective date of this Act; any offense committed, act done, penalty, punishment, or forfeiture incurred or any claim, right, power, or remedy accrued under any law in effect prior to the effective date of this Act; or the corporate existence or powers of any school district lawfully validated under any law in effect prior to the effective date of this Act. For any petition filed with the regional superintendent of schools under Article 7A, 11A, 11B, or 11D of the School Code prior to the effective date of this Act, the proposed action described in the petition, including all notices, hearings, administrative decisions, ballots, elections, and passage requirements relating thereto, shall proceed and be in accordance with the law in effect at the date of the filing. If the petition is approved by voters at a regularly scheduled election, the resulting school districts are eligible for supplementary State aid payments in accordance with Section 11E-135 of the School Code as if the petition was filed and approved in accordance with Article 11E of the School Code. Any school district eligible for supplementary State aid payments in accordance with subsection (I) of Section 18-8.05 or Section 18-8.2, 18-8.3, or 18-8.5 of the School Code prior to the effective date of this Act must have those payments continued in accordance with Section 11E-135 of the School Code.

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

Senator Shadid offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 2795

AMENDMENT NO. 3. Amend Senate Bill 2795, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, as follows:

on page 41, line 8, after "10-10.5", by inserting ", 11E-35"; and

on page 41, line 15, after "10-10.5", by inserting ", 11E-35,"; and

on page 45, by replacing lines 4 through 7 with the following:
""Affected district" means any school district with territory included in a petition for reorganization under this Article that encompasses (i) 25% or more of the total land area of the district, (ii) more than 8% of the student enrollment of the district, or (iii) more than 8% of the equalized assessed valuation of the district."; and

on page 46, by deleting lines 20 through 23; and

on page 46, by replacing lines 26 and 27 with the following:
"boundaries or share the same boundaries except for territory encompassing, for a particular district, (i) less than 25% of the land area of the district, (ii) less than 8% of the student enrollment of the district, and (iii) less than 8% of the equalized assessed valuation of the district."; and

on page 50, by replacing lines 13 through 15 with the following:
"of Section 19-9 of this Code as a condition of issuing the"; and

on page 50, line 16, after "bonds.", by inserting "If applicable, the tax levy to pay the debt service on the funding bonds shall not be included in the district's aggregate extension base under Section 18-210 of the Property Tax Code."; and

on page 52, line 9, after "purposes", by inserting "and, if applicable, the specifications related to the Property Tax Extension Limitation Law,"; and

on page 54, line 1, after "Article.", by inserting "However, if the petition is submitted for the purpose of voting for or against the establishment of an optional elementary unit district, the petition may request only that the referendum at which the proposition is submitted include a proposition on a separate ballot authorizing the issuance of bonds for high school purposes (and not elementary purposes) by the district when organized in accordance with this Article."; and

on page 54, line 2, after "issuance", by inserting ", including a specification of elementary or high school purposes if the proposed issuance is to be made by a combined high school - unit district,"; and

on page 58, line 4, after "purposes", by inserting "and, if applicable, the specifications related to the Property Tax Extension Limitation Law,"; and

on page 59, line 27, by deleting "affected"; and

on page 62, line 16, after "levy", by inserting "and, if applicable, the specifications related to the Property Tax Extension Limitation Law,"; and

on page 63, line 10, after "levy", by inserting "and, if applicable, the specifications related to the Property Tax Extension Limitation Law,"; and

on page 64, line 3, after "levy", by inserting "and, if applicable, the specifications related to the Property Tax Extension Limitation Law,"; and

on page 65, line 4, after "levy", by inserting "and, if applicable, the specifications related to the Property Tax Extension Limitation Law,"; and

on page 66, line 11, after "levy", by inserting "and, if applicable, the specifications related to the Property Tax Extension Limitation Law,"; and

on page 66, line 13, after "rate", by inserting "and Property Tax Extension Limitation Law"; and

on page 66, line 17, after "levy", by inserting "and, if applicable, the specifications related to the Property Tax Extension Limitation Law,"; and

on page 67, line 20, after "levy", by inserting "and, if applicable, the specifications related to the Property Tax Extension Limitation Law,"; and

on page 67, line 24, by replacing "(8)" with "(7)"; and

on page 68, line 12, after "levy", by inserting "and, if applicable, the specifications related to the Property Tax Extension Limitation Law,"; and

on page 69, line 6, after "levy", by inserting "and, if applicable, the specifications related to the Property Tax Extension Limitation Law,"; and

on page 69, immediately below line 10, by inserting the following:

"The election authority must record the votes "Yes" or "No".";

and

on page 69, line 16, after "levy", by inserting "and, if applicable, the specifications related to the Property Tax Extension Limitation Law,"; and

on page 70, line 2, after "levy", by inserting "and, if applicable, the specifications related to the Property Tax Extension Limitation Law,"; and

on page 70, line 11, after "district", by inserting "formed from all of the territory included within (here identify existing school districts by name and number), serving the territory included within (here identify existing school district by name and number) only for high school purposes"; and

on page 70, line 12, by replacing "at the rate of" with "for various purposes as follows:" and

on page 70, lines 13 and 14, by replacing "optional elementary unit" with "combined high school - unit"; and

on page 70, line 14, after "levy", by inserting "and, if applicable, the specifications related to the Property Tax Extension Limitation Law,"; and

on page 71, line 1, after "levy", by inserting "and, if applicable, the specifications related to the Property Tax Extension Limitation Law,"; and

on page 71, line 17, after "levy", by inserting "and, if applicable, the specifications related to the Property Tax Extension Limitation Law,"; and

on page 71, line 28, after "levy", by inserting "and, if applicable, the specifications related to the Property Tax Extension Limitation Law,"; and

on page 72, line 13, after "levy", by inserting "and, if applicable, the specifications related to the Property Tax Extension Limitation Law,"; and

on page 80, line 32, by replacing "high school; unit" with "high school - unit"; and

on page 81, line 8, after "within", by inserting "both"; and

on page 87, line 14, after "19", by inserting "and Section 17-2.11"; and

on page 87, lines 27 and 28, by replacing "Subsequent to the formation of the district, the" with "The"; and

on page 87, line 30, after "territory", by inserting "proposed to be included or"; and

on page 88, line 18, by replacing "for high school purposes" with "by the combined high school - unit district for high school purposes or issued by a district that dissolved to form the combined high school -

unit district"; and

on page 88, line 22, after "issued", by inserting "by the combined high school - unit district"; and

on page 89, line 30, by replacing "(f)" with "(g)"; and

on page 91, line 4, after "within", by inserting "both"; and

on page 95, lines 4, 5, 8, 9, 17, 18, and 21, by replacing "percentage" each time it appears with "rate"; and

on page 96, lines 5 and 14, by replacing "percentage rate of" each time it appears with "rate"; and

on page 101, line 12, after "19", by inserting "and Section 17-2.11"; and

on page 101, lines 25 and 26, by replacing "Subsequent to the formation of the district, the" with "The"; and

on page 102, line 16, by replacing "for high school purposes" with "by the optional elementary unit district for high school purposes or issued by a district that dissolved to form the optional elementary unit district"; and

on page 102, line 20, after "issued", by inserting "by the optional elementary unit district"; and

on page 103, line 28, by replacing "(g)" with "(h)"; and

by replacing line 32 on page 105 through line 2 on page 106 with the following:
"clerks."; and

by replacing line 33 on page 172 through line 4 on page 173 with the following:
"the aggregate exceeding 6.9% of the value of the taxable property of the entire district, to be ascertained by the last assessment for State and county taxes, plus an amount, including existing indebtedness, in the aggregate exceeding 6.9% of the value of the taxable property of that portion of the district included in the elementary and high school classification, to be ascertained by the last assessment for State and county taxes. Moreover, no partial elementary unit district, as defined in Article 11E of this Code, shall become indebted on account of bonds issued by the district for high school purposes in the aggregate exceeding 6.9% of the value of the taxable property of the entire district, to be ascertained by the last assessment for State and county taxes, nor shall the district become indebted on account of bonds issued by the district for elementary purposes in the aggregate exceeding 6.9% of the value of the taxable property for that portion of the district included in the elementary and high school classification, to be ascertained by the last assessment for State and county taxes."; and

on page 189, by replacing lines 10 through 14 with the following:
"the aggregate exceeding 6.9% of the value of the taxable property of the entire district, to be ascertained by the last assessment for State and county taxes, plus an amount, including existing indebtedness, in the aggregate exceeding 6.9% of the value of the taxable property of that portion of the district included in the elementary and high school classification, to be ascertained by the last assessment for State and county taxes. Moreover, no partial elementary unit district, as defined in Article 11E of this Code, shall become indebted on account of bonds issued by the district for high school purposes in the aggregate exceeding 6.9% of the value of the taxable property of the entire district, to be ascertained by the last assessment for State and county taxes, nor shall the district become indebted on account of bonds issued by the district for elementary purposes in the aggregate exceeding 6.9% of the value of the taxable property for that portion of the district included in the elementary and high school classification, to be ascertained by the last assessment for State and county taxes.".

The motion prevailed.
And the amendment was adopted and ordered printed.
Senator Shadid offered the following amendment and moved its adoption:

AMENDMENT NO. 4 TO SENATE BILL 2795

AMENDMENT NO. 4. Amend Senate Bill 2795, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, as follows:

on page 46, immediately below line 19, by inserting the following:

""School needs" means the needs of the proposed school district and any districts in the area adjacent thereto in relation to, without limitation, providing a full range of high quality educational and extracurricular programs, maintaining a full complement of professional staff to deliver optimal educational services, meeting the program and staff needs of all students, including students with disabilities and students in career and technical education courses, maximizing community involvement in school governance, operating on an economically efficient basis, and maintaining a sufficient local tax base."; and

on page 50, by replacing lines 4 through 6 with the following:

"(2) After an election in which an elementary district votes to join an optional elementary unit district in accordance with paragraph (1) of this subsection (d), but prior to the dissolution of the elementary district, the elementary district must first"; and

on page 68, line 13, after "Code)", by inserting "and the elementary district, prior to dissolution, shall issue funding bonds pursuant to Sections 19-8 and 19-9 of the School Code to liquidate any operational deficit or debt incurred or accumulated since the date of the election in which the proposition to form the optional elementary unit district passed"; and

on page 72, line 17, after "Revenue", by inserting "and shall (here identify the elementary district by name and number), prior to dissolution, issue funding bonds pursuant to Sections 19-8 and 19-9 of the School Code to liquidate any operational deficit or debt incurred or accumulated since the date of the election in which the proposition to form (here identify the optional elementary unit district by name and number) passed".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendments Numbered 1, 3 and 4 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Schoenberg, **Senate Bill No. 2845** having been printed, was taken up, read by title a second time.

Senator Schoenberg offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 2845

AMENDMENT NO. 1. Amend Senate Bill 2845 by replacing everything after the enacting clause with the following:

"Section 5. The Environmental Protection Act is amended by adding Section 9.14 as follows:

(415 ILCS 5/9.14 new)

Sec. 9.14. Ban on waste burning or incineration at hospitals and related sites or facilities.

(a) Except as provided in subsection (b), on and after July 1, 2007, no person shall burn or incinerate at the following locations any waste generated at any hospital:

(1) any hospital;

(2) any site or facility owned or operated by any hospital; or

(3) any site or facility owned or operated by any owner or operator of any hospital.

(b) A hospital may, until July 1, 2011, continue to burn or incinerate at the hospital waste that is generated at the hospital if, by July 1, 2007, the hospital enters into a written agreement with the Agency to cease burning or incinerating such waste at the hospital by July 1, 2011. In no case shall waste generated at the hospital be burned or incinerated at the hospital on or after July 1, 2011.

(c) For purposes of this Section, the term "hospital" means a "hospital" as that term is defined in 35 Ill. Adm. Code 229.102 that is subject to the emission standards established under 35 Ill. Adm. Code 229.

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. 2869** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 2869

AMENDMENT NO. 1. Amend Senate Bill 2869 on page 5, line 18, by inserting after "substances" the following:

"or for security cameras used for the prevention or detection of violence".

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

Floor Amendment No. 3 was held in the Committee on Judiciary.

Senator Munoz offered the following amendment and moved its adoption:

AMENDMENT NO. 4 TO SENATE BILL 2869

AMENDMENT NO. 4. Amend Senate Bill 2869, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Cannabis Control Act is amended by changing Section 12 as follows:

(720 ILCS 550/12) (from Ch. 56 1/2, par. 712)

Sec. 12. (a) The following are subject to forfeiture:

(1) all substances containing cannabis which have been produced, manufactured, delivered, or possessed in violation of this Act;

(2) all raw materials, products and equipment of any kind which are produced, delivered, or possessed in connection with any substance containing cannabis in violation of this Act;

(3) all conveyances, including aircraft, vehicles or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of property described in paragraph (1) or (2) that constitutes a felony violation of the Act, but:

(i) no conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this Section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this Act;

(ii) no conveyance is subject to forfeiture under this Section by reason of any act or omission which the owner proves to have been committed or omitted without his knowledge or consent;

(iii) a forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he neither had knowledge of nor consented to the act or omission;

(4) all money, things of value, books, records, and research products and materials including formulas, microfilm, tapes, and data which are used, or intended for use in a felony violation of this Act;

(5) everything of value furnished or intended to be furnished by any person in exchange for a substance in violation of this Act, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used, or intended to be used, to commit or in any manner to facilitate any felony violation of this Act.

(b) Property subject to forfeiture under this Act may be seized by the Director or any peace officer upon process or seizure warrant issued by any court having jurisdiction over the property. Seizure by the Director or any peace officer without process may be made:

(1) if the property subject to seizure has been the subject of a prior judgment in favor of the State in a criminal proceeding or in an injunction or forfeiture proceeding based upon this Act or the Drug Asset Forfeiture Procedure Act;

(2) if there is probable cause to believe that the property is directly or indirectly

dangerous to health or safety;

(3) if there is probable cause to believe that the property is subject to forfeiture under this Act and the property is seized under circumstances in which a warrantless seizure or arrest would be reasonable; or

(4) in accordance with the Code of Criminal Procedure of 1963.

(c) In the event of seizure pursuant to subsection (b), forfeiture proceedings shall be instituted in accordance with the Drug Asset Forfeiture Procedure Act.

(d) Property taken or detained under this Section shall not be subject to replevin, but is deemed to be in the custody of the Director subject only to the order and judgments of the circuit court having jurisdiction over the forfeiture proceedings and the decisions of the State's Attorney under the Drug Asset Forfeiture Procedure Act. When property is seized under this Act, the seizing agency shall promptly conduct an inventory of the seized property, estimate the property's value, and shall forward a copy of the inventory of seized property and the estimate of the property's value to the Director. Upon receiving notice of seizure, the Director may:

(1) place the property under seal;

(2) remove the property to a place designated by him;

(3) keep the property in the possession of the seizing agency;

(4) remove the property to a storage area for safekeeping or, if the property is a negotiable instrument or money and is not needed for evidentiary purposes, deposit it in an interest bearing account;

(5) place the property under constructive seizure by posting notice of pending forfeiture on it, by giving notice of pending forfeiture to its owners and interest holders, or by filing notice of pending forfeiture in any appropriate public record relating to the property; or

(6) provide for another agency or custodian, including an owner, secured party, or lienholder, to take custody of the property upon the terms and conditions set by the Director.

(e) No disposition may be made of property under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court.

(f) When property is forfeited under this Act the Director shall sell all such property unless such property is required by law to be destroyed or is harmful to the public, and shall distribute the proceeds of the sale, together with any moneys forfeited or seized, in accordance with subsection (g). However, upon the application of the seizing agency or prosecutor who was responsible for the investigation, arrest or arrests and prosecution which lead to the forfeiture, the Director may return any item of forfeited property to the seizing agency or prosecutor for official use in the enforcement of laws relating to cannabis or controlled substances, if the agency or prosecutor can demonstrate that the item requested would be useful to the agency or prosecutor in their enforcement efforts. <u>When any forfeited conveyance, including an aircraft, vehicle, or vessel, is returned to the seizing agency or prosecutor, the conveyance may be used immediately in the enforcement of the criminal laws of this State. Upon disposal, all proceeds from the sale of the conveyance must be used for drug enforcement purposes.</u> When any real property returned to the seizing agency is sold by the agency or its unit of government, the proceeds of the sale shall be delivered to the Director and distributed in accordance with subsection (g).

(g) All monies and the sale proceeds of all other property forfeited and seized under this Act shall be distributed as follows:

(1) 65% shall be distributed to the metropolitan enforcement group, local, municipal, county, or state law enforcement agency or agencies which conducted or participated in the investigation resulting in the forfeiture. The distribution shall bear a reasonable relationship to the degree of direct participation of the law enforcement agency in the effort resulting in the forfeiture, taking into account the total value of the property forfeited and the total law enforcement effort with respect to the violation of the law upon which the forfeiture is based. Amounts distributed to the agency or agencies shall be used for the enforcement of laws governing cannabis and controlled substances <u>or for security cameras used for the prevention or detection of violence</u>, except that amounts distributed to the Secretary of State shall be deposited into the Secretary of State Evidence Fund to be used as provided in Section 2-115 of the Illinois Vehicle Code.

(2)(i) 12.5% shall be distributed to the Office of the State's Attorney of the county in which the prosecution resulting in the forfeiture was instituted, deposited in a special fund in the county treasury and appropriated to the State's Attorney for use in the enforcement of laws governing cannabis and controlled substances. In counties over 3,000,000 population, 25% will be distributed to the Office of the State's Attorney for use in the enforcement of laws governing

cannabis and controlled substances. If the prosecution is undertaken solely by the Attorney General, the portion provided hereunder shall be distributed to the Attorney General for use in the enforcement of laws governing cannabis and controlled substances.

(ii) 12.5% shall be distributed to the Office of the State's Attorneys Appellate Prosecutor and deposited in the Narcotics Profit Forfeiture Fund of that Office to be used for additional expenses incurred in the investigation, prosecution and appeal of cases arising under laws governing cannabis and controlled substances. The Office of the State's Attorneys Appellate Prosecutor shall not receive distribution from cases brought in counties with over 3,000,000 population.

(3) 10% shall be retained by the Department of State Police for expenses related to the administration and sale of seized and forfeited property.

(Source: P.A. 89-404, eff. 8-20-95; 90-593, eff. 6-19-98.)

Section 10. The Illinois Controlled Substances Act is amended by changing Section 505 as follows:

(720 ILCS 570/505) (from Ch. 56 1/2, par. 1505)

Sec. 505. (a) The following are subject to forfeiture:

(1) all substances which have been manufactured, distributed, dispensed, or possessed in violation of this Act;

(2) all raw materials, products and equipment of any kind which are used, or intended for use in manufacturing, distributing, dispensing, administering or possessing any substance in violation of this Act;

(3) all conveyances, including aircraft, vehicles or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of property described in paragraphs (1) and (2), but:

(i) no conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this Section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this Act;

(ii) no conveyance is subject to forfeiture under this Section by reason of any act or omission which the owner proves to have been committed or omitted without his knowledge or consent;

(iii) a forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he neither had knowledge of nor consented to the act or omission;

(4) all money, things of value, books, records, and research products and materials including formulas, microfilm, tapes, and data which are used, or intended to be used in violation of this Act;

(5) everything of value furnished, or intended to be furnished, in exchange for a substance in violation of this Act, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used, or intended to be used, to commit or in any manner to facilitate any violation of this Act;

(6) all real property, including any right, title, and interest (including, but not limited to, any leasehold interest or the beneficial interest in a land trust) in the whole of any lot or tract of land and any appurtenances or improvements, which is used or intended to be used, in any manner or part, to commit, or in any manner to facilitate the commission of, any violation or act that constitutes a violation of Section 401 or 405 of this Act or that is the proceeds of any violation or act that constitutes a violation of Section 401 or 405 of this Act.

(b) Property subject to forfeiture under this Act may be seized by the Director or any peace officer upon process or seizure warrant issued by any court having jurisdiction over the property. Seizure by the Director or any peace officer without process may be made:

(1) if the seizure is incident to inspection under an administrative inspection warrant;

(2) if the property subject to seizure has been the subject of a prior judgment in favor of the State in a criminal proceeding, or in an injunction or forfeiture proceeding based upon this Act or the Drug Asset Forfeiture Procedure Act;

(3) if there is probable cause to believe that the property is directly or indirectly dangerous to health or safety;

(4) if there is probable cause to believe that the property is subject to forfeiture under this Act and the property is seized under circumstances in which a warrantless seizure or arrest would be reasonable; or

(5) in accordance with the Code of Criminal Procedure of 1963.

(c) In the event of seizure pursuant to subsection (b), forfeiture proceedings shall be instituted in accordance with the Drug Asset Forfeiture Procedure Act.

(d) Property taken or detained under this Section shall not be subject to replevin, but is deemed to be in the custody of the Director subject only to the order and judgments of the circuit court having jurisdiction over the forfeiture proceedings and the decisions of the State's Attorney under the Drug Asset Forfeiture Procedure Act. When property is seized under this Act, the seizing agency shall promptly conduct an inventory of the seized property and estimate the property's value, and shall forward a copy of the inventory of seized property and the estimate of the property's value to the Director. Upon receiving notice of seizure, the Director may:

(1) place the property under seal;

(2) remove the property to a place designated by the Director;

(3) keep the property in the possession of the seizing agency;

(4) remove the property to a storage area for safekeeping or, if the property is a negotiable instrument or money and is not needed for evidentiary purposes, deposit it in an interest bearing account;

(5) place the property under constructive seizure by posting notice of pending forfeiture on it, by giving notice of pending forfeiture to its owners and interest holders, or by filing notice of pending forfeiture in any appropriate public record relating to the property; or

(6) provide for another agency or custodian, including an owner, secured party, or lienholder, to take custody of the property upon the terms and conditions set by the Director.

(e) If the Department of Professional Regulation suspends or revokes a registration, all controlled substances owned or possessed by the registrant at the time of suspension or the effective date of the revocation order may be placed under seal. No disposition may be made of substances under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court. Upon a revocation rule becoming final, all substances may be forfeited to the Department of Professional Regulation.

(f) When property is forfeited under this Act the Director shall sell all such property unless such property is required by law to be destroyed or is harmful to the public, and shall distribute the proceeds of the sale, together with any moneys forfeited or seized, in accordance with subsection (g). However, upon the application of the seizing agency or prosecutor who was responsible for the investigation, arrest or arrests and prosecution which lead to the forfeiture, the Director may return any item of forfeited property to the seizing agency or prosecutor for official use in the enforcement of laws relating to cannabis or controlled substances, if the agency or prosecutor can demonstrate that the item requested would be useful to the agency or prosecutor in their enforcement efforts. <u>When any forfeited conveyance, including an aircraft, vehicle, or vessel, is returned to the seizing agency or prosecutor, the conveyance may be used immediately in the enforcement of the criminal laws of this State. Upon disposal, all proceeds from the sale of the conveyance must be used for drug enforcement purposes.</u> When any real property returned to the seizing agency is sold by the agency or its unit of government, the proceeds of the sale shall be delivered to the Director and distributed in accordance with subsection (g).

(g) All monies and the sale proceeds of all other property forfeited and seized under this Act shall be distributed as follows:

(1) 65% shall be distributed to the metropolitan enforcement group, local, municipal, county, or state law enforcement agency or agencies which conducted or participated in the investigation resulting in the forfeiture. The distribution shall bear a reasonable relationship to the degree of direct participation of the law enforcement agency in the effort resulting in the forfeiture, taking into account the total value of the property forfeited and the total law enforcement effort with respect to the violation of the law upon which the forfeiture is based. Amounts distributed to the agency or agencies shall be used for the enforcement of laws governing cannabis and controlled substances <u>or for security cameras used for the prevention or detection of violence</u>, except that amounts distributed to the Secretary of State shall be deposited into the Secretary of State Evidence Fund to be used as provided in Section 2-115 of the Illinois Vehicle Code.

(2) (i) 12.5% shall be distributed to the Office of the State's Attorney of the county in which the prosecution resulting in the forfeiture was instituted, deposited in a special fund in the county treasury and appropriated to the State's Attorney for use in the enforcement of laws governing cannabis and controlled substances. In counties over 3,000,000 population, 25% will be distributed to the Office of the State's Attorney for use in the enforcement of laws governing cannabis and

controlled substances. If the prosecution is undertaken solely by the Attorney General, the portion provided hereunder shall be distributed to the Attorney General for use in the enforcement of laws governing cannabis and controlled substances.

(ii) 12.5% shall be distributed to the Office of the State's Attorneys Appellate Prosecutor and deposited in the Narcotics Profit Forfeiture Fund of that office to be used for additional expenses incurred in the investigation, prosecution and appeal of cases arising under laws governing cannabis and controlled substances. The Office of the State's Attorneys Appellate Prosecutor shall not receive distribution from cases brought in counties with over 3,000,000 population.

(3) 10% shall be retained by the Department of State Police for expenses related to the administration and sale of seized and forfeited property.

(h) Species of plants from which controlled substances in Schedules I and II may be derived which have been planted or cultivated in violation of this Act, or of which the owners or cultivators are unknown, or which are wild growths, may be seized and summarily forfeited to the State. The failure, upon demand by the Director or any peace officer, of the person in occupancy or in control of land or premises upon which the species of plants are growing or being stored, to produce registration, or proof that he is the holder thereof, constitutes authority for the seizure and forfeiture of the plants.
(Source: P.A. 89-404, eff. 8-20-95; 90-593, eff. 6-19-98.)

Section 15. The Methamphetamine Control and Community Protection Act is amended by changing Section 85 as follows:

(720 ILCS 646/85)

Sec. 85. Forfeiture.

(a) The following are subject to forfeiture:

(1) all substances containing methamphetamine which have been produced, manufactured, delivered, or possessed in violation of this Act;

(2) all methamphetamine manufacturing materials which have been produced, delivered, or possessed in connection with any substance containing methamphetamine in violation of this Act;

(3) all conveyances, including aircraft, vehicles or vessels, which are used, or intended for use, to transport, or in any manner to facilitate the transportation, sale, receipt, possession, or concealment of property described in paragraph (1) or (2) that constitutes a felony violation of the Act, but:

(i) no conveyance used by any person as a common carrier in the transaction of business as a common carrier is subject to forfeiture under this Section unless it appears that the owner or other person in charge of the conveyance is a consenting party or privy to a violation of this Act;

(ii) no conveyance is subject to forfeiture under this Section by reason of any act or omission which the owner proves to have been committed or omitted without his or her knowledge or consent;

(iii) a forfeiture of a conveyance encumbered by a bona fide security interest is subject to the interest of the secured party if he or she neither had knowledge of nor consented to the act or omission;

(4) all money, things of value, books, records, and research products and materials including formulas, microfilm, tapes, and data which are used, or intended for use in a felony violation of this Act;

(5) everything of value furnished or intended to be furnished by any person in exchange for a substance in violation of this Act, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used, or intended to be used, to commit or in any manner to facilitate any felony violation of this Act.

(6) all real property, including any right, title, and interest (including, but not limited to, any leasehold interest or the beneficial interest in a land trust) in the whole of any lot or tract of land and any appurtenances or improvements, which is used, or intended to be used, in any manner or part, to commit, or in any manner to facilitate the commission of, any violation or act that constitutes a violation of this Act or that is the proceeds of any violation or act that constitutes a violation of this Act.

(b) Property subject to forfeiture under this Act may be seized by the Director or any peace officer upon process or seizure warrant issued by any court having jurisdiction over the property. Seizure by the Director or any peace officer without process may be made:

(1) if the property subject to seizure has been the subject of a prior judgment in

favor of the State in a criminal proceeding or in an injunction or forfeiture proceeding based upon this Act or the Drug Asset Forfeiture Procedure Act;

(2) if there is probable cause to believe that the property is directly or indirectly dangerous to health or safety;

(3) if there is probable cause to believe that the property is subject to forfeiture under this Act and the property is seized under circumstances in which a warrantless seizure or arrest would be reasonable; or

(4) in accordance with the Code of Criminal Procedure of 1963.

(c) In the event of seizure pursuant to subsection (b), forfeiture proceedings shall be instituted in accordance with the Drug Asset Forfeiture Procedure Act.

(d) Property taken or detained under this Section is not subject to replevin, but is deemed to be in the custody of the Director subject only to the order and judgments of the circuit court having jurisdiction over the forfeiture proceedings and the decisions of the State's Attorney under the Drug Asset Forfeiture Procedure Act. When property is seized under this Act, the seizing agency shall promptly conduct an inventory of the seized property, estimate the property's value, and forward a copy of the inventory of seized property and the estimate of the property's value to the Director. Upon receiving notice of seizure, the Director may:

(1) place the property under seal;

(2) remove the property to a place designated by him or her;

(3) keep the property in the possession of the seizing agency;

(4) remove the property to a storage area for safekeeping or, if the property is a negotiable instrument or money and is not needed for evidentiary purposes, deposit it in an interest bearing account;

(5) place the property under constructive seizure by posting notice of pending forfeiture on it, by giving notice of pending forfeiture to its owners and interest holders, or by filing notice of pending forfeiture in any appropriate public record relating to the property; or

(6) provide for another agency or custodian, including an owner, secured party, or lienholder, to take custody of the property upon the terms and conditions set by the Director.

(e) No disposition may be made of property under seal until the time for taking an appeal has elapsed or until all appeals have been concluded unless a court, upon application therefor, orders the sale of perishable substances and the deposit of the proceeds of the sale with the court.

(f) When property is forfeited under this Act, the Director shall sell the property unless the property is required by law to be destroyed or is harmful to the public, and shall distribute the proceeds of the sale, together with any moneys forfeited or seized, in accordance with subsection (g). However, upon the application of the seizing agency or prosecutor who was responsible for the investigation, arrest or arrests and prosecution which lead to the forfeiture, the Director may return any item of forfeited property to the seizing agency or prosecutor for official use in the enforcement of laws relating to methamphetamine, cannabis, or controlled substances, if the agency or prosecutor demonstrates that the item requested would be useful to the agency or prosecutor in their enforcement efforts. <u>When any forfeited conveyance, including an aircraft, vehicle, or vessel, is returned to the seizing agency or prosecutor, the conveyance may be used immediately in the enforcement of the criminal laws of this State. Upon disposal, all proceeds from the sale of the conveyance must be used for drug enforcement purposes.</u> When any real property returned to the seizing agency is sold by the agency or its unit of government, the proceeds of the sale shall be delivered to the Director and distributed in accordance with subsection (g).

(g) All moneys and the sale proceeds of all other property forfeited and seized under this Act shall be distributed as follows:

(1) 65% shall be distributed to the metropolitan enforcement group, local, municipal, county, or State law enforcement agency or agencies which conducted or participated in the investigation resulting in the forfeiture. The distribution shall bear a reasonable relationship to the degree of direct participation of the law enforcement agency in the effort resulting in the forfeiture, taking into account the total value of the property forfeited and the total law enforcement effort with respect to the violation of the law upon which the forfeiture is based. Amounts distributed to the agency or agencies shall be used for the enforcement of laws governing methamphetamine, cannabis, and controlled substances <u>or for security cameras used for the prevention or detection of violence</u>, except that amounts distributed to the Secretary of State shall be deposited into the Secretary of State Evidence Fund to be used as provided in Section 2-115 of the Illinois Vehicle Code.

(2)(i) 12.5% shall be distributed to the Office of the State's Attorney of the county in which the prosecution resulting in the forfeiture was instituted, deposited in a special fund in

the county treasury and appropriated to the State's Attorney for use in the enforcement of laws governing methamphetamine, cannabis, and controlled substances. In counties with a population over 3,000,000, 25% shall be distributed to the Office of the State's Attorney for use in the enforcement of laws governing methamphetamine, cannabis, and controlled substances. If the prosecution is undertaken solely by the Attorney General, the portion provided hereunder shall be distributed to the Attorney General for use in the enforcement of laws governing methamphetamine, cannabis, and controlled substances.

(ii) 12.5% shall be distributed to the Office of the State's Attorneys Appellate Prosecutor and deposited in the Narcotics Profit Forfeiture Fund of that Office to be used for additional expenses incurred in the investigation, prosecution and appeal of cases arising under laws governing methamphetamine, cannabis, and controlled substances. The Office of the State's Attorneys Appellate Prosecutor shall not receive distribution from cases brought in counties with a population over 3,000,000.

(3) 10% shall be retained by the Department of State Police for expenses related to the administration and sale of seized and forfeited property.

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

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 Amendments Numbered 1 and 4 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Petka, **Senate Bill No. 2962** having been printed, was taken up, read by title a second time.

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

AMENDMENT NO. 1 TO SENATE BILL 2962

AMENDMENT NO. 1. Amend Senate Bill 2962 on page 1, line 7, by inserting "or suspension" after "revocation"; and

on page 2, line 23, by replacing "revoke" with "suspend"; and

on page 2, line 26, by replacing "and" with "or"; and

on page 2, line 30, by replacing "revoke" with "suspend"; and

on page 8, line 6, by replacing "revoked" with "suspended".

Senator Petka offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 2962

AMENDMENT NO. 2. Amend Senate Bill 2962, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Sections 6-101, 6-115, 6-201, and 6-206 as follows:

(625 ILCS 5/6-101) (from Ch. 95 1/2, par. 6-101)

Sec. 6-101. Drivers must have licenses or permits.

(a) No person, except those expressly exempted by Section 6-102, shall drive any motor vehicle upon a highway in this State unless such person has a valid license or permit, or a restricted driving permit, issued under the provisions of this Act.

(b) No person shall drive a motor vehicle unless he holds a valid license or permit, or a restricted driving permit issued under the provisions of Section 6-205, 6-206, or 6-113 of this Act. Any person to whom a license is issued under the provisions of this Act must surrender to the Secretary of State all valid licenses or permits. No drivers license shall be issued to any person who holds a valid Foreign State license, identification card, or permit unless such person first surrenders to the Secretary of State

any such valid Foreign State license, identification card, or permit.

(b-5) Any person who commits a violation of subsection (a) or (b) of this Section is guilty of a Class A misdemeanor, if at the time of the violation the person's driver's license or permit was cancelled under clause (a)9 of Section 6-201 of this Code.

(c) Any person licensed as a driver hereunder shall not be required by any city, village, incorporated town or other municipal corporation to obtain any other license to exercise the privilege thereby granted.

(d) In addition to other penalties imposed under this Section, any person in violation of this Section who is also in violation of Section 7-601 of this Code relating to mandatory insurance requirements shall have his or her motor vehicle immediately impounded by the arresting law enforcement officer. The motor vehicle may be released to any licensed driver upon a showing of proof of insurance for the motor vehicle that was impounded and the notarized written consent for the release by the vehicle owner.

(e) In addition to other penalties imposed under this Section, the vehicle of any person in violation of this Section who is also in violation of Section 7-601 of this Code relating to mandatory insurance requirements and who, in violating this Section, has caused death or personal injury to another person is subject to forfeiture under Sections 36-1 and 36-2 of the Criminal Code of 1961. For the purposes of this Section, a personal injury shall include any type A injury as indicated on the traffic accident report completed by a law enforcement officer that requires immediate professional attention in either a doctor's office or a medical facility. A type A injury shall include severely bleeding wounds, distorted extremities, and injuries that require the injured party to be carried from the scene.

(Source: P.A. 93-187, eff. 7-11-03; 93-895, eff. 1-1-05.)

(625 ILCS 5/6-115) (from Ch. 95 1/2, par. 6-115)

Sec. 6-115. Expiration of driver's license.

(a) Except as provided elsewhere in this Section, every driver's license issued under the provisions of this Code shall expire 4 years from the date of its issuance, or at such later date, as the Secretary of State may by proper rule and regulation designate, not to exceed 12 calendar months; in the event that an applicant for renewal of a driver's license fails to apply prior to the expiration date of the previous driver's license, the renewal driver's license shall expire 4 years from the expiration date of the previous driver's license, or at such later date as the Secretary of State may by proper rule and regulation designate, not to exceed 12 calendar months.

The Secretary of State may, however, issue to a person not previously licensed as a driver in Illinois a driver's license which will expire not less than 4 years nor more than 5 years from date of issuance, except as provided elsewhere in this Section.

The Secretary of State is authorized to issue driver's licenses during the years 1984 through 1987 which shall expire not less than 3 years nor more than 5 years from the date of issuance, except as provided elsewhere in this Section, for the purpose of converting all driver's licenses issued under this Code to a 4 year expiration. Provided that all original driver's licenses, except as provided elsewhere in this Section, shall expire not less than 4 years nor more than 5 years from the date of issuance.

(b) Before the expiration of a driver's license, except those licenses expiring on the individual's 21st birthday, or 3 months after the individual's 21st birthday, the holder thereof may apply for a renewal thereof, subject to all the provisions of Section 6-103, and the Secretary of State may require an examination of the applicant. A licensee whose driver's license expires on his 21st birthday, or 3 months after his 21st birthday, may not apply for a renewal of his driving privileges until he reaches the age of 21.

(c) The Secretary of State shall, 30 days prior to the expiration of a driver's license, forward to each person whose license is to expire a notification of the expiration of said license which may be presented at the time of renewal of said license.

There may be included with such notification information explaining the anatomical gift and Emergency Medical Information Card provisions of Section 6-110. The format and text of such information shall be prescribed by the Secretary.

There shall be included with such notification, for a period of 4 years beginning January 1, 2000 information regarding the Illinois Adoption Registry and Medical Information Exchange established in Section 18.1 of the Adoption Act.

(d) The Secretary may defer the expiration of the driver's license of a licensee, spouse, and dependent children who are living with such licensee while on active duty, serving in the Armed Forces of the United States outside of the State of Illinois, and 45 days thereafter, upon such terms and conditions as the Secretary may prescribe.

(e) The Secretary of State may decline to process a renewal of a driver's license of any person who has not paid any fee or tax due under this Code and is not paid upon reasonable notice and demand.

(f) The Secretary shall provide that each original or renewal driver's license issued to a licensee under

21 years of age shall expire 3 months after the licensee's 21st birthday. Persons whose current driver's licenses expire on their 21st birthday on or after January 1, 1986 shall not renew their driver's license before their 21st birthday, and their current driver's license will be extended for an additional term of 3 months beyond their 21st birthday. Thereafter, the expiration and term of the driver's license shall be governed by subsection (a) hereof.

(g) The Secretary shall provide that each original or renewal driver's license issued to a licensee 81 years of age through age 86 shall expire 2 years from the date of issuance, or at such later date as the Secretary may by rule and regulation designate, not to exceed an additional 12 calendar months. The Secretary shall also provide that each original or renewal driver's license issued to a licensee 87 years of age or older shall expire 12 months from the date of issuance, or at such later date as the Secretary may by rule and regulation designate, not to exceed an additional 12 calendar months.

(h) The Secretary of State shall provide that each special restricted driver's license issued under subsection (g) of Section 6-113 of this Code shall expire 12 months from the date of issuance. The Secretary shall adopt rules defining renewal requirements.

(i) The Secretary of State shall provide that each driver's license issued to a person convicted of a sex offense as defined in Section 2 of the Sex Offender Registration Act shall expire 12 months form the date of issuance or at such date as the Secretary may by rule designate, not to exceed an additional 12 calendar months. The Secretary may adopt rules defining renewal requirements.

(Source: P.A. 91-417, eff. 1-1-00; 92-274, eff. 1-1-02.)

(625 ILCS 5/6-201) (from Ch. 95 1/2, par. 6-201)

Sec. 6-201. Authority to cancel licenses and permits.

(a) The Secretary of State is authorized to cancel any license or permit upon determining that the holder thereof:

1. was not entitled to the issuance thereof hereunder; or

2. failed to give the required or correct information in his application; or

3. failed to pay any fees, civil penalties owed to the Illinois Commerce Commission, or taxes due under this Act and upon reasonable notice and demand; or

4. committed any fraud in the making of such application; or

5. is ineligible therefor under the provisions of Section 6-103 of this Act, as amended; or

6. has refused or neglected to submit an alcohol, drug, and intoxicating compound evaluation or to submit to examination or re-examination as required under this Act; or

7. has been convicted of violating the Cannabis Control Act, the Illinois Controlled Substances Act, the Methamphetamine Control and Community Protection Act, or the Use of Intoxicating Compounds Act while that individual was in actual physical control of a motor vehicle. For purposes of this Section, any person placed on probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act shall not be considered convicted. Any person found guilty of this offense, while in actual physical control of a motor vehicle, shall have an entry made in the court record by the judge that this offense did occur while the person was in actual physical control of a motor vehicle and order the clerk of the court to report the violation to the Secretary of State as such. After the cancellation, the Secretary of State shall not issue a new license or permit for a period of one year after the date of cancellation. However, upon application, the Secretary of State may, if satisfied that the person applying will not endanger the public safety, or welfare, issue a restricted driving permit granting the privilege of driving a motor vehicle between the person's residence and person's place of employment or within the scope of the person's employment related duties, or to allow transportation for the person or a household member of the person's family for the receipt of necessary medical care or, if the professional evaluation indicates, provide transportation for the petitioner for alcohol remedial or rehabilitative activity, or for the person to attend classes, as a student, in an accredited educational institution; if the person is able to demonstrate that no alternative means of transportation is reasonably available; provided that the Secretary's discretion shall be limited to cases where undue hardship would result from a failure to issue such restricted driving permit. In each case the Secretary of State may issue such restricted driving permit for such period as he deems appropriate, except that such permit shall expire within one year from the date of issuance. A restricted driving permit issued hereunder shall be subject to cancellation, revocation and suspension by the Secretary of State in like manner and for like cause as a driver's license issued hereunder may be cancelled, revoked or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension or cancellation of a restricted driving permit.

The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a driver remedial or rehabilitative program; ~~or~~

8. failed to submit a report as required by Section 6-116.5 of this Code; or ~~.~~

9. has been convicted of a sex offense as defined in the Sex Offender Registration Act. The driver's license shall remain cancelled until the driver registers as a sex offender as required by the Sex Offender Registration Act, proof of the registration is furnished to the Secretary of State and the sex offender provides proof of current address to the Secretary.

(b) Upon such cancellation the licensee or permittee must surrender the license or permit so cancelled to the Secretary of State.

(c) Except as provided in Sections 6-206.1 and 7-702.1, the Secretary of State shall have exclusive authority to grant, issue, deny, cancel, suspend and revoke driving privileges, drivers' licenses and restricted driving permits.

(d) The Secretary of State may adopt rules to implement this Section.

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

(625 ILCS 5/6-206) (from Ch. 95 1/2, par. 6-206)

Sec. 6-206. Discretionary authority to suspend or revoke license or permit; Right to a hearing.

(a) The Secretary of State is authorized to suspend or revoke the driving privileges of any person without preliminary hearing upon a showing of the person's records or other sufficient evidence that the person:

1. Has committed an offense for which mandatory revocation of a driver's license or permit is required upon conviction;

2. Has been convicted of not less than 3 offenses against traffic regulations governing the movement of vehicles committed within any 12 month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction;

3. Has been repeatedly involved as a driver in motor vehicle collisions or has been repeatedly convicted of offenses against laws and ordinances regulating the movement of traffic, to a degree that indicates lack of ability to exercise ordinary and reasonable care in the safe operation of a motor vehicle or disrespect for the traffic laws and the safety of other persons upon the highway;

4. Has by the unlawful operation of a motor vehicle caused or contributed to an accident resulting in death or injury requiring immediate professional treatment in a medical facility or doctor's office to any person, except that any suspension or revocation imposed by the Secretary of State under the provisions of this subsection shall start no later than 6 months after being convicted of violating a law or ordinance regulating the movement of traffic, which violation is related to the accident, or shall start not more than one year after the date of the accident, whichever date occurs later;

5. Has permitted an unlawful or fraudulent use of a driver's license, identification card, or permit;

6. Has been lawfully convicted of an offense or offenses in another state, including the authorization contained in Section 6-203.1, which if committed within this State would be grounds for suspension or revocation;

7. Has refused or failed to submit to an examination provided for by Section 6-207 or has failed to pass the examination;

8. Is ineligible for a driver's license or permit under the provisions of Section 6-103;

9. Has made a false statement or knowingly concealed a material fact or has used false information or identification in any application for a license, identification card, or permit;

10. Has possessed, displayed, or attempted to fraudulently use any license, identification card, or permit not issued to the person;

11. Has operated a motor vehicle upon a highway of this State when the person's driving privilege or privilege to obtain a driver's license or permit was revoked or suspended unless the operation was authorized by a judicial driving permit, probationary license to drive, or a restricted driving permit issued under this Code;

12. Has submitted to any portion of the application process for another person or has obtained the services of another person to submit to any portion of the application process for the purpose of obtaining a license, identification card, or permit for some other person;

13. Has operated a motor vehicle upon a highway of this State when the person's driver's license or permit was invalid under the provisions of Sections 6-107.1 and 6-110;

14. Has committed a violation of Section 6-301, 6-301.1, or 6-301.2 of this Act, or Section 14, 14A, or 14B of the Illinois Identification Card Act;

15. Has been convicted of violating Section 21-2 of the Criminal Code of 1961 relating

to criminal trespass to vehicles in which case, the suspension shall be for one year;

16. Has been convicted of violating Section 11-204 of this Code relating to fleeing from a peace officer;

17. Has refused to submit to a test, or tests, as required under Section 11-501.1 of this Code and the person has not sought a hearing as provided for in Section 11-501.1;

18. Has, since issuance of a driver's license or permit, been adjudged to be afflicted with or suffering from any mental disability or disease;

19. Has committed a violation of paragraph (a) or (b) of Section 6-101 relating to driving without a driver's license;

20. Has been convicted of violating Section 6-104 relating to classification of driver's license;

21. Has been convicted of violating Section 11-402 of this Code relating to leaving the scene of an accident resulting in damage to a vehicle in excess of $1,000, in which case the suspension shall be for one year;

22. Has used a motor vehicle in violating paragraph (3), (4), (7), or (9) of subsection (a) of Section 24-1 of the Criminal Code of 1961 relating to unlawful use of weapons, in which case the suspension shall be for one year;

23. Has, as a driver, been convicted of committing a violation of paragraph (a) of Section 11-502 of this Code for a second or subsequent time within one year of a similar violation;

24. Has been convicted by a court-martial or punished by non-judicial punishment by military authorities of the United States at a military installation in Illinois of or for a traffic related offense that is the same as or similar to an offense specified under Section 6-205 or 6-206 of this Code;

25. Has permitted any form of identification to be used by another in the application process in order to obtain or attempt to obtain a license, identification card, or permit;

26. Has altered or attempted to alter a license or has possessed an altered license, identification card, or permit;

27. Has violated Section 6-16 of the Liquor Control Act of 1934;

28. Has been convicted of the illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the Illinois Controlled Substances Act, any cannabis prohibited under the Cannabis Control Act, or any methamphetamine prohibited under the Methamphetamine Control and Community Protection Act, in which case the person's driving privileges shall be suspended for one year, and any driver who is convicted of a second or subsequent offense, within 5 years of a previous conviction, for the illegal possession, while operating or in actual physical control, as a driver, of a motor vehicle, of any controlled substance prohibited under the Illinois Controlled Substances Act, any cannabis prohibited under the Cannabis Control Act, or any methamphetamine prohibited under the Methamphetamine Control and Community Protection Act shall be suspended for 5 years. Any defendant found guilty of this offense while operating a motor vehicle, shall have an entry made in the court record by the presiding judge that this offense did occur while the defendant was operating a motor vehicle and order the clerk of the court to report the violation to the Secretary of State;

29. Has been convicted of the following offenses that were committed while the person was operating or in actual physical control, as a driver, of a motor vehicle: criminal sexual assault, predatory criminal sexual assault of a child, aggravated criminal sexual assault, criminal sexual abuse, aggravated criminal sexual abuse, juvenile pimping, soliciting for a juvenile prostitute and the manufacture, sale or delivery of controlled substances or instruments used for illegal drug use or abuse in which case the driver's driving privileges shall be suspended for one year;

30. Has been convicted a second or subsequent time for any combination of the offenses named in paragraph 29 of this subsection, in which case the person's driving privileges shall be suspended for 5 years;

31. Has refused to submit to a test as required by Section 11-501.6 or has submitted to a test resulting in an alcohol concentration of 0.08 or more or any amount of a drug, substance, or compound resulting from the unlawful use or consumption of cannabis as listed in the Cannabis Control Act, a controlled substance as listed in the Illinois Controlled Substances Act, or an intoxicating compound as listed in the Use of Intoxicating Compounds Act, in which case the penalty shall be as prescribed in Section 6-208.1;

32. Has been convicted of Section 24-1.2 of the Criminal Code of 1961 relating to the aggravated discharge of a firearm if the offender was located in a motor vehicle at the time the firearm was discharged, in which case the suspension shall be for 3 years;

33. Has as a driver, who was less than 21 years of age on the date of the offense, been convicted a first time of a violation of paragraph (a) of Section 11-502 of this Code or a similar provision of a local ordinance;

34. Has committed a violation of Section 11-1301.5 of this Code;

35. Has committed a violation of Section 11-1301.6 of this Code;

36. Is under the age of 21 years at the time of arrest and has been convicted of not less than 2 offenses against traffic regulations governing the movement of vehicles committed within any 24 month period. No revocation or suspension shall be entered more than 6 months after the date of last conviction;

37. Has committed a violation of subsection (c) of Section 11-907 of this Code;

38. Has been convicted of a violation of Section 6-20 of the Liquor Control Act of 1934 or a similar provision of a local ordinance;

39. Has committed a second or subsequent violation of Section 11-1201 of this Code;

40. Has committed a violation of subsection (a-1) of Section 11-908 of this Code; ~~or~~

41. Has committed a second or subsequent violation of Section 11-605.1 of this Code within 2 years of the date of the previous violation, in which case the suspension shall be for 90 days; or -

42. Has failed to comply with the annual renewal provisions for driver's licenses issued to sex offenders.

For purposes of paragraphs 5, 9, 10, 12, 14, 19, 25, 26, and 27 of this subsection, license means any driver's license, any traffic ticket issued when the person's driver's license is deposited in lieu of bail, a suspension notice issued by the Secretary of State, a duplicate or corrected driver's license, a probationary driver's license or a temporary driver's license.

(b) If any conviction forming the basis of a suspension or revocation authorized under this Section is appealed, the Secretary of State may rescind or withhold the entry of the order of suspension or revocation, as the case may be, provided that a certified copy of a stay order of a court is filed with the Secretary of State. If the conviction is affirmed on appeal, the date of the conviction shall relate back to the time the original judgment of conviction was entered and the 6 month limitation prescribed shall not apply.

(c) 1. Upon suspending or revoking the driver's license or permit of any person as authorized in this Section, the Secretary of State shall immediately notify the person in writing of the revocation or suspension. The notice to be deposited in the United States mail, postage prepaid, to the last known address of the person.

2. If the Secretary of State suspends the driver's license of a person under subsection 2 of paragraph (a) of this Section, a person's privilege to operate a vehicle as an occupation shall not be suspended, provided an affidavit is properly completed, the appropriate fee received, and a permit issued prior to the effective date of the suspension, unless 5 offenses were committed, at least 2 of which occurred while operating a commercial vehicle in connection with the driver's regular occupation. All other driving privileges shall be suspended by the Secretary of State. Any driver prior to operating a vehicle for occupational purposes only must submit the affidavit on forms to be provided by the Secretary of State setting forth the facts of the person's occupation. The affidavit shall also state the number of offenses committed while operating a vehicle in connection with the driver's regular occupation. The affidavit shall be accompanied by the driver's license. Upon receipt of a properly completed affidavit, the Secretary of State shall issue the driver a permit to operate a vehicle in connection with the driver's regular occupation only. Unless the permit is issued by the Secretary of State prior to the date of suspension, the privilege to drive any motor vehicle shall be suspended as set forth in the notice that was mailed under this Section. If an affidavit is received subsequent to the effective date of this suspension, a permit may be issued for the remainder of the suspension period.

The provisions of this subparagraph shall not apply to any driver required to possess a CDL for the purpose of operating a commercial motor vehicle.

Any person who falsely states any fact in the affidavit required herein shall be guilty of perjury under Section 6-302 and upon conviction thereof shall have all driving privileges revoked without further rights.

3. At the conclusion of a hearing under Section 2-118 of this Code, the Secretary of State shall either rescind or continue an order of revocation or shall substitute an order of suspension; or, good cause appearing therefor, rescind, continue, change, or extend the order of suspension. If the Secretary of State does not rescind the order, the Secretary may upon application, to relieve undue hardship, issue a restricted driving permit granting the privilege of driving a motor vehicle between the petitioner's residence and petitioner's place of employment or within the scope of his employment

related duties, or to allow transportation for the petitioner, or a household member of the petitioner's family, to receive necessary medical care and if the professional evaluation indicates, provide transportation for alcohol remedial or rehabilitative activity, or for the petitioner to attend classes, as a student, in an accredited educational institution; if the petitioner is able to demonstrate that no alternative means of transportation is reasonably available and the petitioner will not endanger the public safety or welfare.

If a person's license or permit has been revoked or suspended due to 2 or more convictions of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1.

If a person's license or permit has been revoked or suspended 2 or more times within a 10 year period due to a single conviction of violating Section 11-501 of this Code or a similar provision of a local ordinance or a similar out-of-state offense, and a statutory summary suspension under Section 11-501.1, or 2 or more statutory summary suspensions, or combination of 2 offenses, or of an offense and a statutory summary suspension, arising out of separate occurrences, that person, if issued a restricted driving permit, may not operate a vehicle unless it has been equipped with an ignition interlock device as defined in Section 1-129.1. The person must pay to the Secretary of State DUI Administration Fund an amount not to exceed $20 per month. The Secretary shall establish by rule the amount and the procedures, terms, and conditions relating to these fees. If the restricted driving permit was issued for employment purposes, then this provision does not apply to the operation of an occupational vehicle owned or leased by that person's employer. In each case the Secretary may issue a restricted driving permit for a period deemed appropriate, except that all permits shall expire within one year from the date of issuance. The Secretary may not, however, issue a restricted driving permit to any person whose current revocation is the result of a second or subsequent conviction for a violation of Section 11-501 of this Code or a similar provision of a local ordinance relating to the offense of operating or being in physical control of a motor vehicle while under the influence of alcohol, other drug or drugs, intoxicating compound or compounds, or any similar out-of-state offense, or any combination of those offenses, until the expiration of at least one year from the date of the revocation. A restricted driving permit issued under this Section shall be subject to cancellation, revocation, and suspension by the Secretary of State in like manner and for like cause as a driver's license issued under this Code may be cancelled, revoked, or suspended; except that a conviction upon one or more offenses against laws or ordinances regulating the movement of traffic shall be deemed sufficient cause for the revocation, suspension, or cancellation of a restricted driving permit. The Secretary of State may, as a condition to the issuance of a restricted driving permit, require the applicant to participate in a designated driver remedial or rehabilitative program. The Secretary of State is authorized to cancel a restricted driving permit if the permit holder does not successfully complete the program.

(c-5) The Secretary of State may, as a condition of the reissuance of a driver's license or permit to an applicant whose driver's license or permit has been suspended before he or she reached the age of 18 years pursuant to any of the provisions of this Section, require the applicant to participate in a driver remedial education course and be retested under Section 6-109 of this Code.

(d) This Section is subject to the provisions of the Drivers License Compact.

(e) The Secretary of State shall not issue a restricted driving permit to a person under the age of 16 years whose driving privileges have been suspended or revoked under any provisions of this Code.

(f) In accordance with 49 C.F.R. 384, the Secretary of State may not issue a restricted driving permit for the operation of a commercial motor vehicle to a person holding a CDL whose driving privileges have been revoked under any provisions of this Code.

(Source: P.A. 93-120, eff. 1-1-04; 93-667, eff. 3-19-04; 93-788, eff. 1-1-05; 93-955, eff. 8-19-04; 94-307, eff. 9-30-05; 94-556, eff. 9-11-05; revised 8-19-05.)

Section 10. The Unified Code of Corrections is amended by changing Section 5-5-3 as follows:

(730 ILCS 5/5-5-3) (from Ch. 38, par. 1005-5-3)

Sec. 5-5-3. Disposition.

(a) Except as provided in Section 11-501 of the Illinois Vehicle Code, every person convicted of an offense shall be sentenced as provided in this Section.

(b) The following options shall be appropriate dispositions, alone or in combination, for all felonies and misdemeanors other than those identified in subsection (c) of this Section:

(1) A period of probation.

(2) A term of periodic imprisonment.
(3) A term of conditional discharge.
(4) A term of imprisonment.
(5) An order directing the offender to clean up and repair the damage, if the offender was convicted under paragraph (h) of Section 21-1 of the Criminal Code of 1961 (now repealed).
(6) A fine.
(7) An order directing the offender to make restitution to the victim under Section 5-5-6 of this Code.
(8) A sentence of participation in a county impact incarceration program under Section 5-8-1.2 of this Code.
(9) A term of imprisonment in combination with a term of probation when the offender has been admitted into a drug court program under Section 20 of the Drug Court Treatment Act.

Neither a fine nor restitution shall be the sole disposition for a felony and either or both may be imposed only in conjunction with another disposition.

(c) (1) When a defendant is found guilty of first degree murder the State may either seek a sentence of imprisonment under Section 5-8-1 of this Code, or where appropriate seek a sentence of death under Section 9-1 of the Criminal Code of 1961.

(2) A period of probation, a term of periodic imprisonment or conditional discharge shall not be imposed for the following offenses. The court shall sentence the offender to not less than the minimum term of imprisonment set forth in this Code for the following offenses, and may order a fine or restitution or both in conjunction with such term of imprisonment:

(A) First degree murder where the death penalty is not imposed.
(B) Attempted first degree murder.
(C) A Class X felony.
(D) A violation of Section 401.1 or 407 of the Illinois Controlled Substances Act, or a violation of subdivision (c)(1) or (c)(2) of Section 401 of that Act which relates to more than 5 grams of a substance containing heroin or cocaine or an analog thereof.
(E) A violation of Section 5.1 or 9 of the Cannabis Control Act.
(F) A Class 2 or greater felony if the offender had been convicted of a Class 2 or greater felony within 10 years of the date on which the offender committed the offense for which he or she is being sentenced, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.
(F-5) A violation of Section 24-1, 24-1.1, or 24-1.6 of the Criminal Code of 1961 for which imprisonment is prescribed in those Sections.
(G) Residential burglary, except as otherwise provided in Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.
(H) Criminal sexual assault.
(I) Aggravated battery of a senior citizen.
(J) A forcible felony if the offense was related to the activities of an organized gang.

Before July 1, 1994, for the purposes of this paragraph, "organized gang" means an association of 5 or more persons, with an established hierarchy, that encourages members of the association to perpetrate crimes or provides support to the members of the association who do commit crimes.

Beginning July 1, 1994, for the purposes of this paragraph, "organized gang" has the meaning ascribed to it in Section 10 of the Illinois Streetgang Terrorism Omnibus Prevention Act.

(K) Vehicular hijacking.
(L) A second or subsequent conviction for the offense of hate crime when the underlying offense upon which the hate crime is based is felony aggravated assault or felony mob action.
(M) A second or subsequent conviction for the offense of institutional vandalism if the damage to the property exceeds $300.
(N) A Class 3 felony violation of paragraph (1) of subsection (a) of Section 2 of the Firearm Owners Identification Card Act.
(O) A violation of Section 12-6.1 of the Criminal Code of 1961.
(P) A violation of paragraph (1), (2), (3), (4), (5), or (7) of subsection (a) of Section 11-20.1 of the Criminal Code of 1961.
(Q) A violation of Section 20-1.2 or 20-1.3 of the Criminal Code of 1961.

(R) A violation of Section 24-3A of the Criminal Code of 1961.

(S) (Blank).

(T) A second or subsequent violation of the Methamphetamine Control and Community Protection Act.

(3) (Blank).

(4) A minimum term of imprisonment of not less than 10 consecutive days or 30 days of community service shall be imposed for a violation of paragraph (c) of Section 6-303 of the Illinois Vehicle Code.

(4.1) (Blank).

(4.2) Except as provided in paragraph (4.3) of this subsection (c), a minimum of 100 hours of community service shall be imposed for a second violation of Section 6-303 of the Illinois Vehicle Code.

(4.3) A minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a second violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.4) Except as provided in paragraph (4.5) and paragraph (4.6) of this subsection (c), a minimum term of imprisonment of 30 days or 300 hours of community service, as determined by the court, shall be imposed for a third or subsequent violation of Section 6-303 of the Illinois Vehicle Code.

(4.5) A minimum term of imprisonment of 30 days shall be imposed for a third violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(4.6) A minimum term of imprisonment of 180 days shall be imposed for a fourth or subsequent violation of subsection (c) of Section 6-303 of the Illinois Vehicle Code.

(5) The court may sentence an offender convicted of a business offense or a petty offense or a corporation or unincorporated association convicted of any offense to:

(A) a period of conditional discharge;

(B) a fine;

(C) make restitution to the victim under Section 5-5-6 of this Code.

(5.1) In addition to any penalties imposed under paragraph (5) of this subsection (c), and except as provided in paragraph (5.2) or (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 90 days but not more than one year, if the violation resulted in damage to the property of another person.

(5.2) In addition to any penalties imposed under paragraph (5) of this subsection (c), and except as provided in paragraph (5.3), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for at least 180 days but not more than 2 years, if the violation resulted in injury to another person.

(5.3) In addition to any penalties imposed under paragraph (5) of this subsection (c), a person convicted of violating subsection (c) of Section 11-907 of the Illinois Vehicle Code shall have his or her driver's license, permit, or privileges suspended for 2 years, if the violation resulted in the death of another person.

(6) In no case shall an offender be eligible for a disposition of probation or conditional discharge for a Class 1 felony committed while he was serving a term of probation or conditional discharge for a felony.

(7) When a defendant is adjudged a habitual criminal under Article 33B of the Criminal Code of 1961, the court shall sentence the defendant to a term of natural life imprisonment.

(8) When a defendant, over the age of 21 years, is convicted of a Class 1 or Class 2 felony, after having twice been convicted in any state or federal court of an offense that contains the same elements as an offense now classified in Illinois as a Class 2 or greater Class felony and such charges are separately brought and tried and arise out of different series of acts, such defendant shall be sentenced as a Class X offender. This paragraph shall not apply unless (1) the first felony was committed after the effective date of this amendatory Act of 1977; and (2) the second felony was committed after conviction on the first; and (3) the third felony was committed after conviction on the second. A person sentenced as a Class X offender under this paragraph is not eligible to apply for treatment as a condition of probation as provided by Section 40-10 of the Alcoholism and Other Drug Abuse and Dependency Act.

(9) A defendant convicted of a second or subsequent offense of ritualized abuse of a child may be sentenced to a term of natural life imprisonment.

(10) (Blank).

(11) The court shall impose a minimum fine of $1,000 for a first offense and $2,000 for a second or subsequent offense upon a person convicted of or placed on supervision for battery when the individual harmed was a sports official or coach at any level of competition and the act causing harm to the sports official or coach occurred within an athletic facility or within the immediate vicinity of the athletic facility at which the sports official or coach was an active participant of the athletic contest held at the athletic facility. For the purposes of this paragraph (11), "sports official" means a person at an athletic contest who enforces the rules of the contest, such as an umpire or referee; "athletic facility" means an indoor or outdoor playing field or recreational area where sports activities are conducted; and "coach" means a person recognized as a coach by the sanctioning authority that conducted the sporting event.

(12) A person may not receive a disposition of court supervision for a violation of Section 5-16 of the Boat Registration and Safety Act if that person has previously received a disposition of court supervision for a violation of that Section.

(d) In any case in which a sentence originally imposed is vacated, the case shall be remanded to the trial court. The trial court shall hold a hearing under Section 5-4-1 of the Unified Code of Corrections which may include evidence of the defendant's life, moral character and occupation during the time since the original sentence was passed. The trial court shall then impose sentence upon the defendant. The trial court may impose any sentence which could have been imposed at the original trial subject to Section 5-5-4 of the Unified Code of Corrections. If a sentence is vacated on appeal or on collateral attack due to the failure of the trier of fact at trial to determine beyond a reasonable doubt the existence of a fact (other than a prior conviction) necessary to increase the punishment for the offense beyond the statutory maximum otherwise applicable, either the defendant may be re-sentenced to a term within the range otherwise provided or, if the State files notice of its intention to again seek the extended sentence, the defendant shall be afforded a new trial.

(e) In cases where prosecution for aggravated criminal sexual abuse under Section 12-16 of the Criminal Code of 1961 results in conviction of a defendant who was a family member of the victim at the time of the commission of the offense, the court shall consider the safety and welfare of the victim and may impose a sentence of probation only where:

(1) the court finds (A) or (B) or both are appropriate:

(A) the defendant is willing to undergo a court approved counseling program for a minimum duration of 2 years; or

(B) the defendant is willing to participate in a court approved plan including but not limited to the defendant's:

(i) removal from the household;

(ii) restricted contact with the victim;

(iii) continued financial support of the family;

(iv) restitution for harm done to the victim; and

(v) compliance with any other measures that the court may deem appropriate; and

(2) the court orders the defendant to pay for the victim's counseling services, to the extent that the court finds, after considering the defendant's income and assets, that the defendant is financially capable of paying for such services, if the victim was under 18 years of age at the time the offense was committed and requires counseling as a result of the offense.

Probation may be revoked or modified pursuant to Section 5-6-4; except where the court determines at the hearing that the defendant violated a condition of his or her probation restricting contact with the victim or other family members or commits another offense with the victim or other family members, the court shall revoke the defendant's probation and impose a term of imprisonment.

For the purposes of this Section, "family member" and "victim" shall have the meanings ascribed to them in Section 12-12 of the Criminal Code of 1961.

(f) This Article shall not deprive a court in other proceedings to order a forfeiture of property, to suspend or cancel a license, to remove a person from office, or to impose any other civil penalty.

(g) Whenever a defendant is convicted of an offense under Sections 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 12-13, 12-14, 12-14.1, 12-15 or 12-16 of the Criminal Code of 1961, the defendant shall undergo medical testing to determine whether the defendant has any sexually transmissible disease, including a test for infection with human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Any such medical test shall be performed only by appropriately licensed medical practitioners and may include an analysis of any bodily fluids as well as an examination of the defendant's person. Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel

involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the victim and the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of the test results. The court shall also notify the victim if requested by the victim, and if the victim is under the age of 15 and if requested by the victim's parents or legal guardian, the court shall notify the victim's parents or legal guardian of the test results. The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(g-5) When an inmate is tested for an airborne communicable disease, as determined by the Illinois Department of Public Health including but not limited to tuberculosis, the results of the test shall be personally delivered by the warden or his or her designee in a sealed envelope to the judge of the court in which the inmate must appear for the judge's inspection in camera if requested by the judge. Acting in accordance with the best interests of those in the courtroom, the judge shall have the discretion to determine what if any precautions need to be taken to prevent transmission of the disease in the courtroom.

(h) Whenever a defendant is convicted of an offense under Section 1 or 2 of the Hypodermic Syringes and Needles Act, the defendant shall undergo medical testing to determine whether the defendant has been exposed to human immunodeficiency virus (HIV) or any other identified causative agent of acquired immunodeficiency syndrome (AIDS). Except as otherwise provided by law, the results of such test shall be kept strictly confidential by all medical personnel involved in the testing and must be personally delivered in a sealed envelope to the judge of the court in which the conviction was entered for the judge's inspection in camera. Acting in accordance with the best interests of the public, the judge shall have the discretion to determine to whom, if anyone, the results of the testing may be revealed. The court shall notify the defendant of a positive test showing an infection with the human immunodeficiency virus (HIV). The court shall provide information on the availability of HIV testing and counseling at Department of Public Health facilities to all parties to whom the results of the testing are revealed and shall direct the State's Attorney to provide the information to the victim when possible. A State's Attorney may petition the court to obtain the results of any HIV test administered under this Section, and the court shall grant the disclosure if the State's Attorney shows it is relevant in order to prosecute a charge of criminal transmission of HIV under Section 12-16.2 of the Criminal Code of 1961 against the defendant. The court shall order that the cost of any such test shall be paid by the county and may be taxed as costs against the convicted defendant.

(i) All fines and penalties imposed under this Section for any violation of Chapters 3, 4, 6, and 11 of the Illinois Vehicle Code, or a similar provision of a local ordinance, and any violation of the Child Passenger Protection Act, or a similar provision of a local ordinance, shall be collected and disbursed by the circuit clerk as provided under Section 27.5 of the Clerks of Courts Act.

(j) In cases when prosecution for any violation of Section 11-6, 11-8, 11-9, 11-11, 11-14, 11-15, 11-15.1, 11-16, 11-17, 11-17.1, 11-18, 11-18.1, 11-19, 11-19.1, 11-19.2, 11-20.1, 11-21, 12-13, 12-14, 12-14.1, 12-15, or 12-16 of the Criminal Code of 1961, any violation of the Illinois Controlled Substances Act, any violation of the Cannabis Control Act, or any violation of the Methamphetamine Control and Community Protection Act results in conviction, a disposition of court supervision, or an order of probation granted under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substance Act, or Section 70 of the Methamphetamine Control and Community Protection Act of a defendant, the court shall determine whether the defendant is employed by a facility or center as defined under the Child Care Act of 1969, a public or private elementary or secondary school, or otherwise works with children under 18 years of age on a daily basis. When a defendant is so employed, the court shall order the Clerk of the Court to send a copy of the judgment of conviction or order of supervision or probation to the defendant's employer by certified mail. If the employer of the defendant is a school, the Clerk of the Court shall direct the mailing of a copy of the judgment of conviction or order of supervision or probation to the appropriate regional superintendent of schools. The regional superintendent of schools shall notify the State Board of Education of any notification under this subsection.

(j-5) A defendant at least 17 years of age who is convicted of a felony and who has not been

previously convicted of a misdemeanor or felony and who is sentenced to a term of imprisonment in the Illinois Department of Corrections shall as a condition of his or her sentence be required by the court to attend educational courses designed to prepare the defendant for a high school diploma and to work toward a high school diploma or to work toward passing the high school level Test of General Educational Development (GED) or to work toward completing a vocational training program offered by the Department of Corrections. If a defendant fails to complete the educational training required by his or her sentence during the term of incarceration, the Prisoner Review Board shall, as a condition of mandatory supervised release, require the defendant, at his or her own expense, to pursue a course of study toward a high school diploma or passage of the GED test. The Prisoner Review Board shall revoke the mandatory supervised release of a defendant who wilfully fails to comply with this subsection (j-5) upon his or her release from confinement in a penal institution while serving a mandatory supervised release term; however, the inability of the defendant after making a good faith effort to obtain financial aid or pay for the educational training shall not be deemed a wilful failure to comply. The Prisoner Review Board shall recommit the defendant whose mandatory supervised release term has been revoked under this subsection (j-5) as provided in Section 3-3-9. This subsection (j-5) does not apply to a defendant who has a high school diploma or has successfully passed the GED test. This subsection (j-5) does not apply to a defendant who is determined by the court to be developmentally disabled or otherwise mentally incapable of completing the educational or vocational program.

(k) A court may not impose a sentence or disposition for a felony or misdemeanor that requires the defendant to be implanted or injected with or to use any form of birth control.

(l) (A) Except as provided in paragraph (C) of subsection (l), whenever a defendant, who is an alien as defined by the Immigration and Nationality Act, is convicted of any felony or misdemeanor offense, the court after sentencing the defendant may, upon motion of the State's Attorney, hold sentence in abeyance and remand the defendant to the custody of the Attorney General of the United States or his or her designated agent to be deported when:

(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

Otherwise, the defendant shall be sentenced as provided in this Chapter V.

(B) If the defendant has already been sentenced for a felony or misdemeanor offense, or has been placed on probation under Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, or Section 70 of the Methamphetamine Control and Community Protection Act, the court may, upon motion of the State's Attorney to suspend the sentence imposed, commit the defendant to the custody of the Attorney General of the United States or his or her designated agent when:

(1) a final order of deportation has been issued against the defendant pursuant to proceedings under the Immigration and Nationality Act, and

(2) the deportation of the defendant would not deprecate the seriousness of the defendant's conduct and would not be inconsistent with the ends of justice.

(C) This subsection (l) does not apply to offenders who are subject to the provisions of paragraph (2) of subsection (a) of Section 3-6-3.

(D) Upon motion of the State's Attorney, if a defendant sentenced under this Section returns to the jurisdiction of the United States, the defendant shall be recommitted to the custody of the county from which he or she was sentenced. Thereafter, the defendant shall be brought before the sentencing court, which may impose any sentence that was available under Section 5-5-3 at the time of initial sentencing. In addition, the defendant shall not be eligible for additional good conduct credit for meritorious service as provided under Section 3-6-6.

(m) A person convicted of criminal defacement of property under Section 21-1.3 of the Criminal Code of 1961, in which the property damage exceeds $300 and the property damaged is a school building, shall be ordered to perform community service that may include cleanup, removal, or painting over the defacement.

(n) The court may sentence a person convicted of a violation of Section 12-19, 12-21, or 16-1.3 of the Criminal Code of 1961 (i) to an impact incarceration program if the person is otherwise eligible for that program under Section 5-8-1.1, (ii) to community service, or (iii) if the person is an addict or alcoholic, as defined in the Alcoholism and Other Drug Abuse and Dependency Act, to a substance or alcohol abuse program licensed under that Act.

(o) Whenever a person is convicted of a sex offense as defined in Section 2 of the Sex Offender Registration Act, the defendant's driver's license or permit shall be subject to renewal on an annual basis

in accordance with the provisions of license renewal established by the Secretary of State.
(Source: P.A. 93-44, eff. 7-1-03; 93-156, eff. 1-1-04; 93-169, eff. 7-10-03; 93-301, eff. 1-1-04; 93-419, eff. 1-1-04; 93-546, eff. 1-1-04; 93-694, eff. 7-9-04; 93-782, eff. 1-1-05; 93-800, eff. 1-1-05; 93-1014, eff. 1-1-05; 94-72, eff. 1-1-06; 94-556, eff. 9-11-05; revised 8-19-05.)

Section 99. Effective date. This Act takes effect on January 1, 2007.".

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 Silverstein, **Senate Bill No. 2998,** having been printed, was taken up, read by title a second time.

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

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

On motion of Senator Crotty, **Senate Bill No. 3046** having been printed, was taken up, read by title a second time.

Senator Crotty offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 3046

AMENDMENT NO. 1. Amend Senate Bill 3046 by replacing everything after the enacting clause with the following:

"Section 5. The Intergovernmental Cooperation Act is amended by changing Section 3.1 as follows:
(5 ILCS 220/3.1) (from Ch. 127, par. 743.1)

Sec. 3.1. Municipal Joint Action Water Agency.

(a) Any municipality or municipalities of this State, any county or counties of this State, any township in a county with a population under 700,000 of this State, any public water district or districts of this State, any body corporate and politic, or any combination thereof may, by intergovernmental agreement, establish a Municipal Joint Action Water Agency to provide adequate supplies of water on an economical and efficient basis for member municipalities, public water districts and other incorporated and unincorporated areas within such counties. ~~For purposes of this Act, the water supply may only be derived from Lake Michigan, the Mississippi River, the Missouri River, or the Sangamon River Valley Alluvium.~~ Any such Agency shall itself be a municipal corporation, public body politic and corporate. A Municipal Joint Action Water Agency so created shall not itself have taxing power except as hereinafter provided.

A Municipal Joint Action Water Agency shall be established by an intergovernmental agreement among the various member municipalities, public water districts, townships, bodies corporate and politic, and counties, upon approval by an ordinance adopted by the corporate authorities of each member municipality, public water district, township, body corporate and politic, or county. This agreement may be amended at any time upon the adoption of concurring ordinances by the corporate authorities of all member municipalities, public water districts, townships, bodies corporate and politic, and counties. The agreement may provide for additional municipalities, public water districts, any body corporate and politic, townships in counties with a population under 700,000, or counties to join the Agency upon adoption of an ordinance by the corporate authorities of the joining municipality, public water district, township, or county, and upon such consents, conditions and approvals of the governing body of the Municipal Joint Action Water Agency and of existing member municipalities, public water districts, townships, bodies corporate and politic, and counties as shall be provided in the agreement. The agreement shall provide the manner and terms on which any municipality, public water district, township, or county may withdraw from membership in the Municipal Joint Action Water Agency and on which the Agency may terminate and dissolve in whole or in part. The agreement shall set forth the corporate name of the Municipal Joint Action Water Agency and its duration. Promptly upon any agreement establishing a Municipal Joint Action Water Agency being entered into, or upon the amending of any such agreement, a copy of such agreement or amendment shall be filed in the office of the Secretary of State of Illinois. Promptly upon the addition or withdrawal of any municipality, public water district, township in a county with a population under 700,000, or county, or upon the dissolution of a Municipal Joint Action Water Agency, that fact shall be certified by an officer of the Agency to the

Secretary of State of Illinois.

(b) The governing body of any Municipal Joint Action Water Agency established pursuant to this Section 3.1 shall be a Board of Directors. There shall be one Director from each member municipality, public water district, township, body corporate and politic, and county of the Municipal Joint Action Water Agency appointed by ordinance of the corporate authorities of the municipality, public water district, township, or county. Each Director shall have one vote. Each Director shall be the Mayor or President of the member municipality, or the chairman of the board of trustees of the member public water district, the supervisor of the member township, the appointee of the body corporate and politic, or the chairman of the county board or chief executive officer of the member county or a county board member appointed by the chairman of the county board of the member county, appointing the Director; an elected member of the corporate authorities of that municipality, public water district, township, or county; or other elected official of the appointing municipality, public water district, township, or county. Any agreement establishing a Municipal Joint Action Water Agency shall specify the period during which a Director shall hold office and may provide for the appointment of Alternate Directors from member municipalities, public water districts, townships, or counties. The Board of Directors shall elect one Director to serve as Chairman, and shall elect persons, who need not be Directors, to such other offices as shall be designated in the agreement.

The Board of Directors shall determine the general policy of the Municipal Joint Action Water Agency, shall approve the annual budget, shall make all appropriations (which may include appropriations made at any time in addition to those made in any annual appropriation document), shall approve all contracts for the purchase or sale of water, shall adopt any resolutions providing for the issuance of bonds or notes by the Agency, shall adopt its by-laws, rules and regulations, and shall have such other powers and duties as may be prescribed in the agreement. Such agreement may further specify those powers and actions of the Municipal Joint Action Water Agency which shall be authorized only upon votes of greater than a majority of all Directors or only upon consents of the corporate authorities of a certain number of member municipalities, public water districts, townships, bodies corporate and politic, or counties.

The agreement may provide for the establishment of an Executive Committee to consist of the municipal manager or other elected or appointed official of each member municipality, public water district, township, body corporate and politic, or county, as designated by ordinance or other official action, from time to time by the corporate authorities of the member municipality, public water district, township, body corporate and politic, or county, and may prescribe powers and duties of the Executive Committee for the efficient administration of the Agency.

(c) A Municipal Joint Action Water Agency established pursuant to this Section 3.1 may plan, construct, improve, extend, acquire, finance (including the issuance of revenue bonds or notes as provided in this Section 3.1), operate, maintain, and contract for a joint waterworks or water supply system which may include, or may consist of, without limitation, facilities for receiving, storing, and transmitting water from any source for supplying water to member municipalities, public water districts, townships, or counties (including county special service areas created under the Special Service Area Tax Act and county service areas authorized under the Counties Code), or other public agencies, persons, or corporations. Facilities of the Municipal Joint Action Water Agency may be located within or without the corporate limits of any member municipality.

A Municipal Joint Action Water Agency shall have such powers as shall be provided in the agreement establishing it, which may include, but need not be limited to, the following powers:

(i) to sue or be sued;

(ii) to apply for and accept gifts or grants or loans of funds or property or financial or other aid from any public agency or private entity;

(iii) to acquire, hold, sell, lease as lessor or lessee, transfer or dispose of such real or personal property, or interests therein, as it deems appropriate in the exercise of its powers, and to provide for the use thereof by any member municipality, public water district, township, or county;

(iv) to make and execute all contracts and other instruments necessary or convenient to the exercise of its powers (including contracts with member municipalities, with public water districts, with townships, and with counties on behalf of county service areas); and

(v) to employ agents and employees and to delegate by resolution to one or more of its Directors or officers such powers as it may deem proper.

Member municipalities, public water districts, townships, bodies corporate and politic, or counties may, for the purposes of, and upon request by, the Municipal Joint Action Water Agency, exercise the power of eminent domain available to them, convey property so acquired to the Agency for the cost of acquisition, and be reimbursed for all expenses related to this exercise of eminent domain power on

behalf of the Agency.

All property, income and receipts of or transactions by a Municipal Joint Action Water Agency shall be exempt from all taxation, the same as if it were the property, income or receipts of or transaction by the member municipalities, public water districts, townships, bodies corporate and politic, or counties.

(d) A Municipal Joint Action Water Agency established pursuant to this Section 3.1 shall have the power to buy water and to enter into contracts with any person, corporation or public agency (including any member municipality, public water district, township, or county) for that purpose. Any such contract made by an Agency for a supply of water may contain provisions whereby the Agency is obligated to pay for the supply of water without setoff or counterclaim and irrespective of whether the supply of water is ever furnished, made available or delivered to the Agency or whether any project for the supply of water contemplated by any such contract is completed, operable or operating and notwithstanding any suspension, interruption, interference, reduction or curtailment of the supply of water from such project. Any such contract may provide that if one or more of the other purchasers defaults in the payment of its obligations under such contract or a similar contract made with the supplier of the water one or more of the remaining purchasers party to such contract or such similar contract shall be required to pay for all or a portion of the obligations of the defaulting purchasers. No such contract may have a term in excess of 50 years.

A Municipal Joint Action Water Agency shall have the power to sell water and to enter into contracts with any person, corporation or public agency (including any member municipality, any public water district, any township, any body corporate and politic, or any county on behalf of a county service area as set forth in this Section) for that purpose. No such contract may have a term in excess of 50 years. Any such contract entered into to sell water to a public agency may provide that the payments to be made thereunder by such public agency shall be made solely from revenues to be derived by such public agency from the operation of its waterworks system or its combined waterworks and sewerage system. Any public agency so contracting to purchase water shall establish from time to time such fees and charges for its water service or combined water and sewer service as will produce revenues sufficient at all times to pay its obligations to the Agency under the purchase contract. Any such contract so providing shall not constitute indebtedness of such public agency so contracting to buy water within the meaning of any statutory or constitutional limitation. Any such contract of a public agency to buy water shall be a continuing, valid and binding obligation of such public agency payable from such revenues.

A Municipal Joint Action Water Agency shall establish fees and charges for the purchase of water from it or for the use of its facilities. No prior appropriation shall be required by either the Municipal Joint Action Water Agency or any public agency before entering into any contract authorized by this paragraph (d).

The changes in this Section made by this amendatory Act of 1984 are intended to be declarative of existing law.

(e) 1. A Municipal Joint Action Water Agency established pursuant to this Section 3.1 may, from time to time, borrow money and, in evidence of its obligation to repay the borrowing, issue its negotiable water revenue bonds or notes pursuant to this paragraph (e) for any of the following purposes: for paying costs of constructing, acquiring, improving or extending a joint waterworks or water supply system; for paying other expenses incident to or incurred in connection with such construction, acquisition, improvement or extension; for repaying advances made to or by the Agency for such purposes; for paying interest on the bonds or notes until the estimated date of completion of any such construction, acquisition, improvement or extension and for such period after the estimated completion date as the Board of Directors of the Agency shall determine; for paying financial, legal, administrative and other expenses of the authorization, issuance, sale or delivery of bonds or notes; for paying costs of insuring payment of the bonds or notes; for providing or increasing a debt service reserve fund with respect to any or all of the Agency's bonds or notes; and for paying, refunding or redeeming any of the Agency's bonds or notes before, after or at their maturity, including paying redemption premiums or interest accruing or to accrue on such bonds or notes being paid or redeemed or for paying any other costs in connection with any such payment or redemption.

2. Any bonds or notes issued pursuant to this paragraph (e) by a Municipal Joint Action Water Agency shall be authorized by a resolution of the Board of Directors of the Agency adopted by the affirmative vote of Directors from a majority of the member municipalities, public water districts, townships, bodies corporate and politic, and counties, and any additional requirements as may be set forth in the agreement establishing the Agency. The authorizing resolution may be effective immediately upon its adoption. The authorizing resolution shall describe in a general way any project contemplated to be financed by the bonds or notes, shall set forth the estimated cost of the project and shall determine its period of usefulness. The authorizing resolution shall determine the maturity or maturities of the bonds or notes,

the rate or rates at which the bonds or notes are to bear interest and all the other terms and details of the bonds or notes. All such bonds or notes shall mature within the period of estimated usefulness of the project with respect to which such bonds or notes are issued, as determined by the Board of Directors, but in any event not more than 50 years from their date of issue. The bonds and notes may bear interest, payable at such times, at a rate or rates not exceeding the maximum rate established in the Bond Authorization Act, as from time to time in effect. Bonds or notes of a Municipal Joint Action Water Agency shall be sold in such manner as the Board of Directors of the Agency shall determine, either at par or at a premium or discount, but such that the effective interest cost (excluding any redemption premium) to the Agency of the bonds or notes shall not exceed a rate equal to the rate of interest specified in the Act referred to in the preceding sentence.

The resolution authorizing the issuance of any bonds or notes pursuant to this paragraph (e) shall constitute a contract with the holders of the bonds and notes. The resolution may contain such covenants and restrictions with respect to the purchase or sale of water by the Agency and the contracts for such purchases or sales, the operation of the joint waterworks system or water supply system, the issuance of additional bonds or notes by the Agency, the security for the bonds and notes, and any other matters, as may be deemed necessary or advisable by the Board of Directors to assure the payment of the bonds or notes of the Agency.

3. The resolution authorizing the issuance of bonds or notes by a Municipal Joint Action Water Agency shall pledge and provide for the application of revenues derived from the operation of the Agency's joint waterworks or water supply system (including from contracts for the sale of water by the Agency) and investment earnings thereon to the payment of the cost of operation and maintenance of the system (including costs of purchasing water), to provision of adequate depreciation, reserve or replacement funds with respect to the system or the bonds or notes, and to the payment of principal, premium, if any, and interest on the bonds or notes of the Agency (including amounts for the purchase of such bonds or notes). The resolution shall provide that revenues of the Municipal Joint Action Water Agency so derived from the operation of the system, sufficient (together with other receipts of the Agency which may be applied to such purposes) to provide for such purposes, shall be set aside as collected in a separate fund or funds and used for such purposes. The resolution may provide that revenues not required for such purposes may be used for any proper purpose of the Agency or may be returned to member municipalities.

Any notes of a Municipal Joint Action Water Agency issued in anticipation of the issuance of bonds by it may, in addition, be secured by a pledge of proceeds of bonds to be issued by the Agency, as specified in the resolution authorizing the issuance of such notes.

4. (i) Except as provided in clauses (ii) and (iii) of this subparagraph 4 of this paragraph (e), all bonds and notes of the Municipal Joint Action Water Agency issued pursuant to this paragraph (e) shall be revenue bonds or notes. Such revenue bonds or notes shall have no claim for payment other than from revenues of the Agency derived from the operation of its joint waterworks or water supply system (including from contracts for the sale of water by the Agency) and investment earnings thereon, from bond or note proceeds and investment earnings thereon, or from such other receipts of the Agency as the agreement establishing the Agency may authorize to be pledged to the payment of revenue bonds or notes, all as and to the extent as provided in the resolution of the Board of Directors authorizing the issuance of the revenue bonds or notes. Revenue bonds or notes issued by a Municipal Joint Action Water Agency pursuant to this paragraph (e) shall not constitute an indebtedness of the Agency or of any member municipality, public water district, township, or county within the meaning of any constitutional or statutory limitation. It shall be plainly stated on each revenue bond and note that it does not constitute an indebtedness of the Municipal Joint Action Water Agency or of any member municipality, public water district, township, or county within the meaning of any constitutional or statutory limitation.

(ii) If the Agreement so provides and subject to the referendum provided for in clause (iii) of this subparagraph 4 of this paragraph (e), the Municipal Joint Action Water Agency may borrow money for corporate purposes on the credit of the Municipal Joint Action Water Agency, and issue general obligation bonds therefor, in such amounts and form and on such conditions as it shall prescribe, but shall not become indebted in any manner or for any purpose in an amount including existing indebtedness in the aggregate which exceeds 5.75% of the aggregate value of the taxable property within the boundaries of the participating municipalities, public water districts, townships, and county service areas within a member county determined by the governing body of the county by resolution to be served by the Municipal Joint Action Water Agency (including any territory added to the Agency after the issuance of such general obligation bonds), collectively defined as the "Service Area", as equalized and assessed by the Department of Revenue and as most recently available at the time of the issue of said bonds. Before or at the time of incurring any such general obligation indebtedness, the Municipal

Joint Action Water Agency shall provide for the collection of a direct annual tax, which shall be unlimited as to rate or amount, sufficient to pay the interest on such debt as it falls due and also to pay and discharge the principal thereof at maturity, which shall be within 40 years after the date of issue thereof. Such tax shall be levied upon and collected from all of the taxable property within the territorial boundaries of such Service Area at the time of the referendum provided for in clause (iii) and shall be levied upon and collected from all taxable property within the boundaries of any territory subsequently added to the Service Area. Dissolution of the Municipal Joint Action Water Agency for any reason shall not relieve the taxable property within such Service Area from liability for such tax. Liability for such tax for property transferred to or released from such Service Area shall be determined in the same manner as for general obligation bonds of such county, if in an unincorporated area, and of such municipality, if within the boundaries thereof. The clerk or other officer of the Municipal Joint Action Water Agency shall file a certified copy of the resolution or ordinance by which such bonds are authorized to be issued and such tax is levied with the County Clerk or Clerks of the county or counties containing the Service Area, and such filing shall constitute, without the doing of any other act, full and complete authority for such County Clerk or Clerks to extend such tax for collection upon all the taxable property within the Service Area subject to such tax in each and every year, as required, in amounts sufficient to pay the principal of and interest on such bonds, as aforesaid, without limit as to rate or amount. Such tax shall be in addition to and in excess of all other taxes authorized to be levied by the Municipal Joint Action Water Agency or by such county, municipality, township, or public water district. The issuance of such general obligation bonds shall be subject to the other provisions of this paragraph (e), except for the provisions of clause (i) of this subparagraph 4.

(iii) No issue of general obligation bonds of the Municipal Joint Action Water Agency (except bonds to refund an existing bonded indebtedness) shall be authorized unless the Municipal Joint Action Water Agency certifies the proposition of issuing such bonds to the proper election authorities, who shall submit the proposition to the voters in the Service Area at an election in accordance with the general election law, and the proposition has been approved by a majority of those voting on the proposition.

The proposition shall be substantially in the following form:

Shall general obligation bonds for the purpose of (state purpose), in the sum not to exceed $....(insert amount), be issued by the ..... (insert corporate name of the Municipal Joint Action Water Agency)?

Yes

No

---

5. As long as any bonds or notes of a Municipal Joint Action Water Agency created pursuant to this Section 3.1 are outstanding and unpaid, the Agency shall not terminate or dissolve and, except as permitted by the resolution or resolutions authorizing outstanding bonds or notes, no member municipality, public water district, township, or county may withdraw from the Agency. While any such bonds or notes are outstanding, all contracts for the sale of water by the Agency to member municipalities, public water districts, townships, or counties shall be irrevocable except as permitted by the resolution or resolutions authorizing such bonds or notes. The Agency shall establish fees and charges for its operations sufficient to provide adequate revenues to meet all of the requirements under its various resolutions authorizing bonds or notes.

6. A holder of any bond or note issued pursuant to this paragraph (e) may, in any civil action, mandamus or other proceeding, enforce and compel performance of all duties required to be performed by the Agency or such counties, as provided in the authorizing resolution, or by any of the public agencies contracting with the Agency to purchase water, including the imposition of fees and charges, the collection of sufficient revenues and the proper application of revenues as provided in this paragraph (e) and the levying, extension and collection of such taxes.

7. In addition, the resolution authorizing any bonds or notes issued pursuant to this paragraph (e) may provide for a pledge, assignment, lien or security interest, for the benefit of the holders of any or all bonds or notes of the Agency, (i) on any or all revenues derived from the operation of the joint waterworks or water supply system (including from contracts for the sale of water) and investment earnings thereon or (ii) on funds or accounts securing the payment of the bonds or notes as provided in the authorizing resolution. In addition, such a pledge, assignment, lien or security interest may be made with respect to any receipts of the Agency which the agreement establishing the Agency authorizes it to

apply to payment of bonds or notes. Any such pledge, assignment, lien or security interest for the benefit of holders of bonds or notes shall be valid and binding from the time the bonds or notes are issued, without any physical delivery or further act, and shall be valid and binding as against or prior to any claims of any other party having any claims of any kind against the Agency irrespective of whether such other parties have notice of such pledge, assignment, lien or security interest.

A resolution of a Municipal Joint Water Agency authorizing the issuance of bonds or notes pursuant to this paragraph (e) may provide for the appointment of a corporate trustee with respect to any or all of such bonds or notes (which trustee may be any trust company or state or national bank having the power of a trust company within Illinois). In that event, the resolution shall prescribe the rights, duties and powers of the trustee to be exercised for the benefit of the Agency and the protection of the holders of such bonds or notes. The resolution may provide for the trustee to hold in trust, invest and use amounts in funds and accounts created as provided in the resolution. The resolution authorizing the bonds or notes may provide for the assignment and direct payment to the trustee of amounts owed by public agencies to the Municipal Joint Action Water Agency under water sales contracts for application by the trustee to the purposes for which such revenues are to be used as provided in this paragraph (e) and as provided in the authorizing resolution. Upon receipt of notice of such assignment, the public agency shall thereafter make the assigned payments directly to such trustee.

Nothing in this Section authorizes a Joint Action Water Agency to provide water service directly to residents within a municipality or in territory within one mile or less of the corporate limits of a municipality that operates a public water supply unless the municipality has consented in writing to such service being provided.

(Source: P.A. 90-210, eff. 7-25-97; 90-595, eff. 1-1-99; 91-134, eff. 1-1-00.)

Section 10. The Illinois Municipal Code is amended by adding Section 11-124-5 as follows:

(65 ILCS 5/11-124-5 new)

Sec. 11-124-5. Acquisition of water systems by eminent domain.

(a) In addition to other provisions providing for the acquisition of water systems or water works, whenever a public utility subject to the Public Utilities Act utilizes public property (including, but not limited to, right-of-way) of a municipality for the installation or maintenance of all or part of its water distribution system, the municipality has the right to exercise eminent domain to acquire the entirety of the water system, in accordance with this Section. Unless it complies with the provisions set forth in this Section, a municipality is not permitted to acquire by eminent domain that portion of a system located in another incorporated municipality without agreement of that municipality, but this provision shall not prevent the acquisition of that portion of the water system existing within the acquiring municipality.

(b) Where a water system that is owned by a public utility (as defined in the Public Utilities Act) provides water to customers located entirely in 2 or more municipalities, the system may be acquired by either or both of the municipalities by eminent domain if there is in existence an intergovernmental agreement between the municipalities served providing for acquisition.

(c) If a water system that is owned by a public utility provides water to customers located in one or more adjacent municipalities and also to customers in an unincorporated area and if at least 70% of the customers of the system or portion thereof are located within the municipality or municipalities, then the system, or portion thereof as determined by the corporate authorities, may be acquired, using eminent domain or otherwise, by either a municipality under subsection (a) or an entity created by agreement between municipalities where at least 70% of the customers reside. For the purposes of determining "customers of the system", only retail customers directly billed by the company shall be included in the computation. The number of customers of the system most recently reported to the Illinois Commerce Commission for any calendar year preceding the year a resolution is passed by a municipality or municipalities expressing preliminary intent to purchase the water system or portion thereof shall be presumed to be the total number of customers within the system. The public utility shall provide information relative to the number of customers within each municipality and within the system within 60 days of any such request by a municipality.

(d) In the case of acquisition by a municipality or municipalities or entity created by law to own or operate a water system under this Section, service must be provided to all retail customers of the system at the time of acquisition without discrimination in rates based on whether the customer is located within or outside the boundaries of the acquiring municipality or municipalities or entity.

(e) For the purposes of this Section, "system" includes all assets reasonably necessary to provide water service to a contiguous or compact geographical service area and include, but are not limited to, interests in real estate, all wells, pipes, treatment plants, pumps and other physical apparatus, data and records of facilities and customers, fire hydrants, equipment, or vehicles and also includes service agreements and

obligations derived from use of the assets, whether or not the assets are contiguous to the municipality, municipalities, or entity created for the purpose of owning or operating a water system.

(f) After a municipality adopts a resolution of intent to study the feasibility of purchasing any water system or waterworks, the municipality is entitled to review and inspect all of the financial and other records and both tangible and intangible assets of the utility related to the operation of the system or waterworks in order to determine the feasibility of the purchase. The utility must cooperate with any reasonable request by the municipality related to the municipality's study of the feasibility of the purchase. Additionally, the utility must make its employees or employees of related corporations or service providers available to the municipality in order to respond to inquiries related to the purchase. Information obtained by the municipality under this Section is not a public record and must be treated as confidential by the municipality and used only for the purpose of determining the feasibility of the purchase of the water system or waterworks.

(g) The valuation of all systems or waterworks acquired under this Section and any other Division of this Article 11 may be pursuant to the formulas set forth in Section 11-139-12. In determining just compensation for a water system or waterworks system in an eminent domain action under this Section, the court must consider the amount of any land donations, impact fees, or similar payments by parties other than the utility used in the construction of the system or waterworks.

(h) Notwithstanding any other provision of law, the Illinois Commerce Commission has no approval authority of any eminent domain action brought by any governmental entity or combination of such entities to acquire water systems or water works.

Section 15. 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 , property to be acquired in furtherance of actions under ~~or~~ Article 11, Divisions 124, 126,

128, 130, 135, 136, and ~~Division~~ 139, of the Illinois Municipal Code , property to be acquired in furtherance of actions under Section 3.1 of the Intergovernmental Cooperation Act, property that is a water system or waterworks pursuant to the home rule powers of a unit of local government, 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.)".

The motion prevailed.
And the amendment was adopted and ordered printed.
Senator Crotty offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 3046

AMENDMENT NO. 2. Amend Senate Bill 3046, AS AMENDED, with reference to page and line numbers of Senate Amendment No. 1, on page 18, line 1, by changing "must" to "may".

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 Amendments Numbered 1 and 2 were ordered engrossed, and the bill, as amended, was ordered to a third reading.

On motion of Senator Trotter, **Senate Bill No. 3053,** having been printed, was taken up, read by title a second time and ordered to a third reading.

SENATE BILL RECALLED

On motion of Senator Clayborne, **Senate Bill No. 619** was recalled from the order of third reading to the order of second reading.
Senator Clayborne offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 619

AMENDMENT NO. 1. Amend Senate Bill 619 by replacing everything after the enacting clause with the following:

"Section 5. The Department of Commerce and Economic Opportunity Law of the Civil Administrative Code of Illinois is amended by changing Section 605-332 as follows:
(20 ILCS 605/605-332)
Sec. 605-332. Financial assistance to energy generation facilities.
(a) As used in this Section:
"New electric generating facility" means a newly-constructed electric generation plant or a newly constructed generation capacity expansion at an existing facility, including the transmission lines and associated equipment that transfers electricity from points of supply to points of delivery, and for which foundation construction commenced not sooner than July 1, 2001, which is designed to provide baseload electric generation operating on a continuous basis throughout the year and:
(1) has an aggregate rated generating capacity of at least 400 megawatts for all new units at one site, uses coal or gases derived from coal as its primary fuel source, and supports the creation of at least 150 new Illinois coal mining jobs; or
(2) is funded through a federal Department of Energy grant before July 1, 2006 and supports the creation of Illinois coal-mining jobs; or
(3) uses coal gasification or integrated gasification-combined cycle units that generate electricity or chemicals, or both, and supports the creation of Illinois coal-mining jobs.
"New gasification facility" means a newly constructed coal gasification facility that generates chemical feedstocks or transportation fuels derived from coal (which may include, but are not limited to,

methane, methanol, and nitrogen fertilizer), that supports the creation or retention of Illinois coal-mining jobs, and that qualifies for financial assistance from the Department before December 31, 2007. ~~2006. A new gasification facility does not include a pilot project located within Jefferson County or within a county adjacent to Jefferson County for synthetic natural gas from coal.~~

"New facility" means a new electric generating facility or a new gasification facility. ~~A new facility does not include a pilot project located within Jefferson County or within a county adjacent to Jefferson County for synthetic natural gas from coal.~~

"Eligible business" means an entity that proposes to construct a new facility and that has applied to the Department to receive financial assistance pursuant to this Section. With respect to use and occupation taxes, wherever there is a reference to taxes, that reference means only those taxes paid on Illinois-mined coal used in a new facility.

"Department" means the Illinois Department of Commerce and Economic Opportunity.

(b) The Department is authorized to provide financial assistance to eligible businesses for new facilities from funds appropriated by the General Assembly as further provided in this Section.

An eligible business seeking qualification for financial assistance for a new facility, for purposes of this Section only, shall apply to the Department in the manner specified by the Department. Any projections provided by an eligible business as part of the application shall be independently verified in a manner as set forth by the Department. An application shall include, but not be limited to:

(1) the projected or actual completion date of the new facility for which financial assistance is sought;

(2) copies of documentation deemed acceptable by the Department establishing either (i) the total State occupation and use taxes paid on Illinois-mined coal used at the new facility for a minimum of 4 preceding calendar quarters or (ii) the projected amount of State occupation and use taxes paid on Illinois-mined coal used at the new facility in 4 calendar year quarters after completion of the new facility. Bond proceeds subject to this Section shall not be allocated to an eligible business until the eligible business has demonstrated the revenue stream sufficient to service the debt on the bonds; and

(3) the actual or projected amount of capital investment by the eligible business in the new facility.

The Department shall determine the maximum amount of financial assistance for eligible businesses in accordance with this paragraph. The Department shall not provide financial assistance from general obligation bond funds to any eligible business unless it receives a written certification from the Director of the Bureau of the Budget (now Governor's Office of Management and Budget) that 80% of the State occupation and use tax receipts for a minimum of the preceding 4 calendar quarters for all eligible businesses or as included in projections on approved applications by eligible businesses equal or exceed 110% of the maximum annual debt service required with respect to general obligation bonds issued for that purpose. The Department may provide financial assistance not to exceed the amount of State general obligation debt calculated as above, the amount of actual or projected capital investment in the facility, or $100,000,000, whichever is less. Financial assistance received pursuant to this Section may be used for capital facilities consisting of buildings, structures, durable equipment, and land at the new facility. Subject to the provisions of the agreement covering the financial assistance, a portion of the financial assistance may be required to be repaid to the State if certain conditions for the governmental purpose of the assistance were not met.

An eligible business shall file a monthly report with the Illinois Department of Revenue stating the amount of Illinois-mined coal purchased during the previous month for use in the new facility, the purchase price of that coal, the amount of State occupation and use taxes paid on that purchase to the seller of the Illinois-mined coal, and such other information as that Department may reasonably require. In sales of Illinois-mined coal between related parties, the purchase price of the coal must have been determined in an arms-length transaction. The report shall be filed with the Illinois Department of Revenue on or before the 20th day of each month on a form provided by that Department. However, no report need be filed by an eligible business in a month when it made no reportable purchases of coal in the previous month. The Illinois Department of Revenue shall provide a summary of such reports to the Governor's Office of Management and Budget.

Upon granting financial assistance to an eligible business, the Department shall certify the name of the eligible business to the Illinois Department of Revenue. Beginning with the receipt of the first report of State occupation and use taxes paid by an eligible business and continuing for a 25-year period, the Illinois Department of Revenue shall each month pay into the Energy Infrastructure Fund 80% of the net revenue realized from the 6.25% general rate on the selling price of Illinois-mined coal that was sold to an eligible business.

(Source: P.A. 93-167, eff. 7-10-03; 93-1064, eff. 1-13-05; 94-65, eff. 6-21-05.)

Section 10. The Illinois Enterprise Zone Act is amended by changing Section 5.5 as follows:
(20 ILCS 655/5.5) (from Ch. 67 1/2, par. 609.1)
Sec. 5.5. High Impact Business.

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

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

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

(3) the business intends to do one or more of the following:

(A) the business intends to make a minimum investment of $12,000,000 which will be placed in service in qualified property and intends to create 500 full-time equivalent jobs at a designated location in Illinois or intends to make a minimum investment of $30,000,000 which will be placed in service in qualified property and intends to retain 1,500 full-time jobs at a designated location in Illinois. The business must certify in writing that the investments would not be placed in service in qualified property and the job creation or job retention would not occur without the tax credits and exemptions set forth in subsection (b) of this Section. The terms "placed in service" and "qualified property" have the same meanings as described in subsection (h) of Section 201 of the Illinois Income Tax Act; or

(B) the business intends to establish a new electric generating facility at a designated location in Illinois. "New electric generating facility", for purposes of this Section, means a newly-constructed electric generation plant or a newly-constructed generation capacity expansion at an existing electric generation plant, including the transmission lines and associated equipment that transfers electricity from points of supply to points of delivery, and for which such new foundation construction commenced not sooner than July 1, 2001. Such facility shall be designed to provide baseload electric generation and shall operate on a continuous basis throughout the year; and (i) shall have an aggregate rated generating capacity of at least 1,000 megawatts for all new units at one site if it uses natural gas as its primary fuel and foundation construction of the facility is commenced on or before December 31, 2004, or shall have an aggregate rated generating capacity of at least 400 megawatts for all new units at one site if it uses coal or gases derived from coal as its primary fuel and shall support the creation of at least 150 new Illinois coal mining jobs, or (ii) shall be funded through a federal Department of Energy grant before July 1, 2006 and shall support the creation of Illinois coal-mining jobs, or (iii) shall use coal gasification or integrated gasification-combined cycle units that generate electricity or chemicals, or both, and shall support the creation of Illinois coal-mining jobs. The business must certify in writing that the investments necessary to establish a new electric generating facility would not be placed in service and the job creation in the case of a coal-fueled plant would not occur without the tax credits and exemptions set forth in subsection (b-5) of this Section. The term "placed in service" has the same meaning as described in subsection (h) of Section 201 of the Illinois Income Tax Act; or

(B-5) the business intends to establish a new gasification facility at a designated location in Illinois. As used in this Section, "new gasification facility" means a newly constructed coal gasification facility that generates chemical feedstocks or transportation fuels derived from coal (which may include, but are not limited to, methane, methanol, and nitrogen fertilizer), that supports the creation or retention of Illinois coal-mining jobs, and that qualifies for financial assistance from the Department before December 31, 2007 ~~2006. A new gasification facility does not include a pilot project located within Jefferson County or within a county adjacent to Jefferson County for synthetic natural gas from coal~~; or

(C) the business intends to establish production operations at a new coal mine, re-establish production operations at a closed coal mine, or expand production at an existing coal mine at a designated location in Illinois not sooner than July 1, 2001; provided that the production operations result in the creation of 150 new Illinois coal mining jobs as described in subdivision (a)(3)(B) of this Section, and further provided that the coal extracted from such mine is utilized as the predominant source for a new electric generating facility. The business must certify in writing that the investments necessary to establish a new, expanded, or reopened coal mine would not be placed in service and the job creation would not occur without the tax credits and exemptions set forth in subsection (b-5) of this Section. The term "placed in service" has the same meaning as

described in subsection (h) of Section 201 of the Illinois Income Tax Act; or

(D) the business intends to construct new transmission facilities or upgrade existing transmission facilities at designated locations in Illinois, for which construction commenced not sooner than July 1, 2001. For the purposes of this Section, "transmission facilities" means transmission lines with a voltage rating of 115 kilovolts or above, including associated equipment, that transfer electricity from points of supply to points of delivery and that transmit a majority of the electricity generated by a new electric generating facility designated as a High Impact Business in accordance with this Section. The business must certify in writing that the investments necessary to construct new transmission facilities or upgrade existing transmission facilities would not be placed in service without the tax credits and exemptions set forth in subsection (b-5) of this Section. The term "placed in service" has the same meaning as described in subsection (h) of Section 201 of the Illinois Income Tax Act; and

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

(b) Businesses designated as High Impact Businesses pursuant to subdivision (a)(3)(A) of this Section shall qualify for the credits and exemptions described in the following Acts: Section 9-222 and Section 9-222.1A of the Public Utilities Act, subsection (h) of Section 201 of the Illinois Income Tax Act, and Section 1d of the Retailers' Occupation Tax Act; provided that these credits and exemptions described in these Acts shall not be authorized until the minimum investments set forth in subdivision (a)(3)(A) of this Section have been placed in service in qualified properties and, in the case of the exemptions described in the Public Utilities Act and Section 1d of the Retailers' Occupation Tax Act, the minimum full-time equivalent jobs or full-time jobs set forth in subdivision (a)(3)(A) of this Section have been created or retained. Businesses designated as High Impact Businesses under this Section shall also qualify for the exemption described in Section 5l of the Retailers' Occupation Tax Act. The credit provided in subsection (h) of Section 201 of the Illinois Income Tax Act shall be applicable to investments in qualified property as set forth in subdivision (a)(3)(A) of this Section.

(b-5) Businesses designated as High Impact Businesses pursuant to subdivisions (a)(3)(B), (a)(3)(B-5), (a)(3)(C), and (a)(3)(D) of this Section shall qualify for the credits and exemptions described in the following Acts: Section 51 of the Retailers' Occupation Tax Act, Section 9-222 and Section 9-222.1A of the Public Utilities Act, and subsection (h) of Section 201 of the Illinois Income Tax Act; however, the credits and exemptions authorized under Section 9-222 and Section 9-222.1A of the Public Utilities Act, and subsection (h) of Section 201 of the Illinois Income Tax Act shall not be authorized until the new electric generating facility, the new gasification facility, the new transmission facility, or the new, expanded, or reopened coal mine is operational, except that a new electric generating facility whose primary fuel source is natural gas is eligible only for the exemption under Section 5l of the Retailers' Occupation Tax Act.

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

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

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

(f) In the event that a business is designated a High Impact Business and it is later determined after reasonable notice and an opportunity for a hearing as provided under the Illinois Administrative Procedure Act, that the business would have placed in service in qualified property the investments and created or retained the requisite number of jobs without the benefits of the High Impact Business designation, the Department shall be required to immediately revoke the designation and notify the Director of the Department of Revenue who shall begin proceedings to recover all wrongfully exempted State taxes with interest. The business shall also be ineligible for all State funded Department programs for a period of 10 years.

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

(h) Prior to designating a business, the Department shall provide the members of the General Assembly and Commission on Government Forecasting and Accountability with a report setting forth

the terms and conditions of the designation and guarantees that have been received by the Department in relation to the proposed business being designated.
(Source: P.A. 93-1064, eff. 1-13-05; 93-1067, eff. 1-15-05; 94-65, eff. 6-21-05.)

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. 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 Clayborne, **Senate Bill No. 619**, 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 57; Nays None.

The following voted in the affirmative:

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

SENATE BILLS RECALLED

On motion of Senator Sullivan, **Senate Bill No. 621** was recalled from the order of third reading to the order of second reading.

Senator Sullivan offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 621

AMENDMENT NO. 1. Amend Senate Bill 621 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Renewable Fuels Development Program Act is amended by changing Section 10 as follows:

(20 ILCS 689/10)

Sec. 10. Definitions. As used in this Act:

"Biodiesel" means a fuel comprised of mono-alkyl esters of long chain fatty acids derived from vegetable oils or animal fats, designated B100, and meeting the requirements of the most current version of ASTM D 6751 ~~renewable diesel fuel derived from biomass that is intended for use in diesel engines~~.

"Biodiesel blend" means a blend of biodiesel fuel meeting the most current version of ASTM D 6751 with petroleum-based diesel fuel, designated BXX, where XX represents the volume percentage of biodiesel fuel in the blend ~~with petroleum based diesel fuel in which the resultant product contains no less than 1% and no more than 99% biodiesel~~.

~~"Biomass" means non-fossil organic materials that have an intrinsic chemical energy content. "Biomass" includes, but is not limited to, soybean oil, other vegetable oils, and ethanol.~~

"Department" means the Department of Commerce and Economic Opportunity ~~Community Affairs~~.

"Diesel fuel" means any product intended for use or offered for sale as a fuel for engines in which the fuel is injected into the combustion chamber and ignited by pressure without electric spark.

"Director" means the Director of Commerce and Economic Opportunity ~~Community Affairs~~.

"Ethanol" means a product produced from agricultural commodities or by-products used as a fuel or to be blended with other fuels for use in motor vehicles.

"Fuel" means fuel as defined in Section 1.19 of the Motor Fuel Tax Law.

"Gasohol" means motor fuel that is no more than 90% gasoline and at least 10% denatured ethanol that contains no more than 1.25% water by weight.

"Gasoline" means all products commonly or commercially known or sold as gasoline (including casing head and absorption or natural gasoline).

"Illinois agricultural product" means any agricultural commodity grown in Illinois that is used by a production facility to produce renewable fuel in Illinois, including, but not limited to, corn, barley, and soy beans.

"Labor Organization" means any organization defined as a "labor organization" under Section 2 of the National Labor Relations Act (29 U.S.C. 152).

"Majority blended ethanol fuel" means motor fuel that contains no less than 70% and no more than 90% denatured ethanol and no less than 10% and no more than 30% gasoline.

"Motor vehicles" means motor vehicles as defined in the Illinois Vehicle Code and watercraft propelled by an internal combustion engine.

"Owner" means any individual, sole proprietorship, limited partnership, co-partnership, joint venture, corporation, cooperative, or other legal entity, including its agents, that operates or will operate a plant located within the State of Illinois.

"Plant" means a production facility that produces a renewable fuel. "Plant" includes land, any building or other improvement on or to land, and any personal properties deemed necessary or suitable for use, whether or not now in existence, in the processing of fuel from agricultural commodities or by-products.

"Renewable fuel" means ethanol, gasohol, majority blended ethanol fuel, biodiesel blend fuel, and biodiesel.

(Source: P.A. 93-15, eff. 6-11-03; 93-618, eff. 12-11-03; revised 12-6-03.)

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

On motion of Senator Wilhelmi, **Senate Bill No. 701** 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 701

AMENDMENT NO. 1. Amend Senate Bill 701 by replacing everything after the enacting clause with the following:

"Section 5. The Property Tax Code is amended by changing Section 18-165 as follows:

(35 ILCS 200/18-165)

Sec. 18-165. Abatement of taxes.

(a) Any taxing district, upon a majority vote of its governing authority, may, after the determination of

the assessed valuation of its property, order the clerk of that county to abate any portion of its taxes on the following types of property:

(1) Commercial and industrial.

(A) The property of any commercial or industrial firm, including but not limited to the property of (i) any firm that is used for collecting, separating, storing, or processing recyclable materials, locating within the taxing district during the immediately preceding year from another state, territory, or country, or having been newly created within this State during the immediately preceding year, or expanding an existing facility, or (ii) any firm that is used for the generation and transmission of electricity locating within the taxing district during the immediately preceding year or expanding its presence within the taxing district during the immediately preceding year by construction of a new electric generating facility that uses natural gas as its fuel, or any firm that is used for production operations at a new, expanded, or reopened coal mine within the taxing district, that has been certified as a High Impact Business by the Illinois Department of Commerce and Economic Opportunity ~~Community Affairs~~. The property of any firm used for the generation and transmission of electricity shall include all property of the firm used for transmission facilities as defined in Section 5.5 of the Illinois Enterprise Zone Act. The abatement shall not exceed a period of 10 years and the aggregate amount of abated taxes for all taxing districts combined shall not exceed $4,000,000.

(A-5) Any property in the taxing district of a new electric generating facility, as defined in Section 605-332 of the Department of Commerce and Economic Opportunity ~~Community Affairs~~ Law of the Civil Administrative Code of Illinois. The abatement shall not exceed a period of 10 years. The abatement shall be subject to the following limitations:

(i) if the equalized assessed valuation of the new electric generating facility is equal to or greater than $25,000,000 but less than $50,000,000, then the abatement may not exceed (i) over the entire term of the abatement, 5% of the taxing district's aggregate taxes from the new electric generating facility and (ii) in any one year of abatement, 20% of the taxing district's taxes from the new electric generating facility;

(ii) if the equalized assessed valuation of the new electric generating facility is equal to or greater than $50,000,000 but less than $75,000,000, then the abatement may not exceed (i) over the entire term of the abatement, 10% of the taxing district's aggregate taxes from the new electric generating facility and (ii) in any one year of abatement, 35% of the taxing district's taxes from the new electric generating facility;

(iii) if the equalized assessed valuation of the new electric generating facility is equal to or greater than $75,000,000 but less than $100,000,000, then the abatement may not exceed (i) over the entire term of the abatement, 20% of the taxing district's aggregate taxes from the new electric generating facility and (ii) in any one year of abatement, 50% of the taxing district's taxes from the new electric generating facility;

(iv) if the equalized assessed valuation of the new electric generating facility is equal to or greater than $100,000,000 but less than $125,000,000, then the abatement may not exceed (i) over the entire term of the abatement, 30% of the taxing district's aggregate taxes from the new electric generating facility and (ii) in any one year of abatement, 60% of the taxing district's taxes from the new electric generating facility;

(v) if the equalized assessed valuation of the new electric generating facility is equal to or greater than $125,000,000 but less than $150,000,000, then the abatement may not exceed (i) over the entire term of the abatement, 40% of the taxing district's aggregate taxes from the new electric generating facility and (ii) in any one year of abatement, 60% of the taxing district's taxes from the new electric generating facility;

(vi) if the equalized assessed valuation of the new electric generating facility is equal to or greater than $150,000,000, then the abatement may not exceed (i) over the entire term of the abatement, 50% of the taxing district's aggregate taxes from the new electric generating facility and (ii) in any one year of abatement, 60% of the taxing district's taxes from the new electric generating facility.

The abatement is not effective unless the owner of the new electric generating facility agrees to repay to the taxing district all amounts previously abated, together with interest computed at the rate and in the manner provided for delinquent taxes, in the event that the owner of the new electric generating facility closes the new electric generating facility before the expiration of the entire term of the abatement.

The authorization of taxing districts to abate taxes under this subdivision (a)(1)(A-5) expires on January 1, 2010.

(B) The property of any commercial or industrial development of at least 500 acres having been created within the taxing district. The abatement shall not exceed a period of 20 years and the aggregate amount of abated taxes for all taxing districts combined shall not exceed $12,000,000. For the commercial or industrial development, however, of at least 500 acres on undeveloped land that was transferred by the Secretary of the Army pursuant to the federal Illinois Land Conservation Act and that is owned by the Joliet Arsenal Development Authority or undeveloped land subsequently acquired by the Joliet Arsenal Development Authority, the abatement may not exceed a period of 20 years and the aggregate amount of the abated taxes for all taxing districts combined may not exceed $38,000,000.

(C) The property of any commercial or industrial firm currently located in the taxing district that expands a facility or its number of employees. The abatement shall not exceed a period of 10 years and the aggregate amount of abated taxes for all taxing districts combined shall not exceed $4,000,000. The abatement period may be renewed at the option of the taxing districts.

(2) Horse racing. Any property in the taxing district which is used for the racing of horses and upon which capital improvements consisting of expansion, improvement or replacement of existing facilities have been made since July 1, 1987. The combined abatements for such property from all taxing districts in any county shall not exceed $5,000,000 annually and shall not exceed a period of 10 years.

(3) Auto racing. Any property designed exclusively for the racing of motor vehicles. Such abatement shall not exceed a period of 10 years.

(4) Academic or research institute. The property of any academic or research institute in the taxing district that (i) is an exempt organization under paragraph (3) of Section 501(c) of the Internal Revenue Code, (ii) operates for the benefit of the public by actually and exclusively performing scientific research and making the results of the research available to the interested public on a non-discriminatory basis, and (iii) employs more than 100 employees. An abatement granted under this paragraph shall be for at least 15 years and the aggregate amount of abated taxes for all taxing districts combined shall not exceed $5,000,000.

(5) Housing for older persons. Any property in the taxing district that is devoted exclusively to affordable housing for older households. For purposes of this paragraph, "older households" means those households (i) living in housing provided under any State or federal program that the Department of Human Rights determines is specifically designed and operated to assist elderly persons and is solely occupied by persons 55 years of age or older and (ii) whose annual income does not exceed 80% of the area gross median income, adjusted for family size, as such gross income and median income are determined from time to time by the United States Department of Housing and Urban Development. The abatement shall not exceed a period of 15 years, and the aggregate amount of abated taxes for all taxing districts shall not exceed $3,000,000.

(6) Historical society. For assessment years 1998 through 2008, the property of an historical society qualifying as an exempt organization under Section 501(c)(3) of the federal Internal Revenue Code.

(7) Recreational facilities. Any property in the taxing district (i) that is used for a municipal airport, (ii) that is subject to a leasehold assessment under Section 9-195 of this Code and (iii) which is sublet from a park district that is leasing the property from a municipality, but only if the property is used exclusively for recreational facilities or for parking lots used exclusively for those facilities. The abatement shall not exceed a period of 10 years.

(8) Relocated corporate headquarters. If approval occurs within 5 years after the effective date of this amendatory Act of the 92nd General Assembly, any property or a portion of any property in a taxing district that is used by an eligible business for a corporate headquarters as defined in the Corporate Headquarters Relocation Act. Instead of an abatement under this paragraph (8), a taxing district may enter into an agreement with an eligible business to make annual payments to that eligible business in an amount not to exceed the property taxes paid directly or indirectly by that eligible business to the taxing district and any other taxing districts for premises occupied pursuant to a written lease and may make those payments without the need for an annual appropriation. No school district, however, may enter into an agreement with, or abate taxes for, an eligible business unless the municipality in which the corporate headquarters is located agrees to provide funding to the school district in an amount equal to the amount abated or paid by the school district as provided in this paragraph (8). Any abatement ordered or agreement entered into under this paragraph (8) may be effective for the entire term specified by the taxing district, except the term of the abatement or annual payments may not exceed 20 years.

(b) Upon a majority vote of its governing authority, any municipality may, after the determination of

the assessed valuation of its property, order the county clerk to abate any portion of its taxes on any property that is located within the corporate limits of the municipality in accordance with Section 8-3-18 of the Illinois Municipal Code.
(Source: P.A. 92-12, eff. 7-1-01; 92-207, eff. 8-1-01; 92-247, eff. 8-3-01; 92-651, eff. 7-11-02; 93-270, eff. 7-22-03; revised 12-6-03.)".

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

The motion prevailed.

And the amendment was adopted and ordered printed.

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

READING OF BILL OF THE SENATE A THIRD TIME

On motion of Senator Wilhelmi, **Senate Bill No. 701**, 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 56; Nays None; Present 1.

The following voted in the affirmative:

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

The following voted present:

Dillard

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 BILL RECALLED

On motion of Senator Haine, **Senate Bill No. 819** 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. 1 TO SENATE BILL 819

AMENDMENT NO. 1. Amend Senate Bill 819 by replacing everything after the enacting clause

with the following:

"Section 5. The Illinois Municipal Code is amended by changing Sections 11-74.4-3 and 11-74.4-7 as follows:

(65 ILCS 5/11-74.4-3) (from Ch. 24, par. 11-74.4-3)

(Text of Section before amendment by P.A. 94-702 and 94-711)

Sec. 11-74.4-3. Definitions. The following terms, wherever used or referred to in this Division 74.4 shall have the following respective meanings, unless in any case a different meaning clearly appears from the context.

(a) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "blighted area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "blighted area" means any improved or vacant area within the boundaries of a redevelopment project area located within the territorial limits of the municipality where:

(1) If improved, industrial, commercial, and residential buildings or improvements are detrimental to the public safety, health, or welfare because of a combination of 5 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the improved part of the redevelopment project area:

(A) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

(B) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(C) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(D) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(E) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(F) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(G) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(H) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(I) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: (i) the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and (ii) the presence of multiple buildings on a single parcel. For there to be a

finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(J) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(K) Environmental clean-up. The proposed redevelopment project area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(L) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(M) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(2) If vacant, the sound growth of the redevelopment project area is impaired by a combination of 2 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) Obsolete platting of vacant land that results in parcels of limited or narrow size or configurations of parcels of irregular size or shape that would be difficult to develop on a planned basis and in a manner compatible with contemporary standards and requirements, or platting that failed to create rights-of-ways for streets or alleys or that created inadequate right-of-way widths for streets, alleys, or other public rights-of-way or that omitted easements for public utilities.

(B) Diversity of ownership of parcels of vacant land sufficient in number to retard or impede the ability to assemble the land for development.

(C) Tax and special assessment delinquencies exist or the property has been the subject of tax sales under the Property Tax Code within the last 5 years.

(D) Deterioration of structures or site improvements in neighboring areas adjacent to the vacant land.

(E) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(F) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in

which the redevelopment project area is designated.

(3) If vacant, the sound growth of the redevelopment project area is impaired by one of the following factors that (i) is present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) is reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) The area consists of one or more unused quarries, mines, or strip mine ponds.

(B) The area consists of unused rail yards, rail tracks, or railroad rights-of-way.

(C) The area, prior to its designation, is subject to (i) chronic flooding that adversely impacts on real property in the area as certified by a registered professional engineer or appropriate regulatory agency or (ii) surface water that discharges from all or a part of the area and contributes to flooding within the same watershed, but only if the redevelopment project provides for facilities or improvements to contribute to the alleviation of all or part of the flooding.

(D) The area consists of an unused or illegal disposal site containing earth, stone, building debris, or similar materials that were removed from construction, demolition, excavation, or dredge sites.

(E) Prior to November 1, 1999, the area is not less than 50 nor more than 100 acres and 75% of which is vacant (notwithstanding that the area has been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area), and the area meets at least one of the factors itemized in paragraph (1) of this subsection, the area has been designated as a town or village center by ordinance or comprehensive plan adopted prior to January 1, 1982, and the area has not been developed for that designated purpose.

(F) The area qualified as a blighted improved area immediately prior to becoming vacant, unless there has been substantial private investment in the immediately surrounding area.

(b) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "conservation area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "conservation area" means any improved area within the boundaries of a redevelopment project area located within the territorial limits of the municipality in which 50% or more of the structures in the area have an age of 35 years or more. Such an area is not yet a blighted area but because of a combination of 3 or more of the following factors is detrimental to the public safety, health, morals or welfare and such an area may become a blighted area:

(1) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

(2) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(3) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(4) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(5) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(6) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(7) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence or inadequacy of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and

kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(8) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(9) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(10) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(11) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(12) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(13) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years for which information is available.

(c) "Industrial park" means an area in a blighted or conservation area suitable for use by any manufacturing, industrial, research or transportation enterprise, of facilities to include but not be limited to factories, mills, processing plants, assembly plants, packing plants, fabricating plants, industrial distribution centers, warehouses, repair overhaul or service facilities, freight terminals, research facilities, test facilities or railroad facilities.

(d) "Industrial park conservation area" means an area within the boundaries of a redevelopment project area located within the territorial limits of a municipality that is a labor surplus municipality or within 1 1/2 miles of the territorial limits of a municipality that is a labor surplus municipality if the area is annexed to the municipality; which area is zoned as industrial no later than at the time the municipality by ordinance designates the redevelopment project area, and which area includes both vacant land suitable for use as an industrial park and a blighted area or conservation area contiguous to such vacant land.

(e) "Labor surplus municipality" means a municipality in which, at any time during the 6 months before the municipality by ordinance designates an industrial park conservation area, the unemployment rate was over 6% and was also 100% or more of the national average unemployment rate for that same time as published in the United States Department of Labor Bureau of Labor Statistics publication entitled "The Employment Situation" or its successor publication. For the purpose of this subsection, if unemployment rate statistics for the municipality are not available, the unemployment rate in the municipality shall be deemed to be the same as the unemployment rate in the principal county in which the municipality is located.

(f) "Municipality" shall mean a city, village, incorporated town, or a township that is located in the unincorporated portion of a county with 3 million or more inhabitants, if the county adopted an ordinance that approved the township's redevelopment plan.

(g) "Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located in a State Sales Tax Boundary during the calendar year 1985.

(g-1) "Revised Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located within the State Sales Tax Boundary revised pursuant to Section 11-74.4-8a(9) of this Act.

(h) "Municipal Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid to a municipality from the Local Government Tax Fund arising from sales by retailers and servicemen within the redevelopment project area or State Sales Tax Boundary, as the case may be, for as long as the redevelopment project area or State Sales Tax Boundary, as the case may be, exist over and above the aggregate amount of taxes as certified by the Illinois Department of Revenue and paid under the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act by retailers and servicemen, on transactions at places of business located in the redevelopment project area or State Sales Tax Boundary, as the case may be, during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall determine the Initial Sales Tax Amounts for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amounts". For purposes of determining the Municipal Sales Tax Increment, the Department of Revenue shall for each period subtract from the amount paid to the municipality from the Local Government Tax Fund arising from sales by retailers and servicemen on transactions located in the redevelopment project area or the State Sales Tax Boundary, as the case may be, the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act. For the State Fiscal Year 1989, this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, to June 30, 1989, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending June 30 to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts, as the case may be.

(i) "Net State Sales Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; and (c) 40% of all amounts in excess of $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary. If, however, a municipality established a tax increment financing district in a county with a population in excess of 3,000,000 before January 1, 1986, and the municipality entered into a contract or issued bonds after January 1, 1986, but before December 31, 1986, to finance redevelopment project costs within a State Sales Tax Boundary, then the Net State Sales Tax Increment means, for the fiscal years beginning July 1, 1990, and July 1, 1991, 100% of the State Sales Tax Increment annually generated within a State Sales Tax Boundary; and notwithstanding any other provision of this Act, for those fiscal years the Department of Revenue shall distribute to those municipalities 100% of their Net State Sales Tax Increment before any distribution to any other municipality and regardless of whether or not those other municipalities will receive 100% of

their Net State Sales Tax Increment. For Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a State Sales Tax Boundary, the Net State Sales Tax Increment shall be calculated as follows: By multiplying the Net State Sales Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter.

Municipalities that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991, or that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988, shall continue to receive their proportional share of the Illinois Tax Increment Fund distribution until the date on which the redevelopment project is completed or terminated. If, however, a municipality that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991 retires the bonds prior to June 30, 2007 or a municipality that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988 completes the contracts prior to June 30, 2007, then so long as the redevelopment project is not completed or is not terminated, the Net State Sales Tax Increment shall be calculated, beginning on the date on which the bonds are retired or the contracts are completed, as follows: By multiplying the Net State Sales Tax Increment by 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter. Refunding of any bonds issued prior to July 29, 1991, shall not alter the Net State Sales Tax Increment.

(j) "State Utility Tax Increment Amount" means an amount equal to the aggregate increase in State electric and gas tax charges imposed on owners and tenants, other than residential customers, of properties located within the redevelopment project area under Section 9-222 of the Public Utilities Act, over and above the aggregate of such charges as certified by the Department of Revenue and paid by owners and tenants, other than residential customers, of properties within the redevelopment project area during the base year, which shall be the calendar year immediately prior to the year of the adoption of the ordinance authorizing tax increment allocation financing.

(k) "Net State Utility Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Utility Tax Increment annually generated by a redevelopment project area; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of the State Utility Tax Increment annually generated by a redevelopment project area; and (c) 40% of all amounts in excess of $500,000 of State Utility Tax Increment annually generated by a redevelopment project area. For the State Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a redevelopment project area, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for the State Fiscal Year 2008 and thereafter.

Municipalities that issue bonds in connection with the redevelopment project during the period from June 1, 1988 until 3 years after the effective date of this Amendatory Act of 1988 shall receive the Net State Utility Tax Increment, subject to appropriation, for 15 State Fiscal Years after the issuance of such bonds. For the 16th through the 20th State Fiscal Years after issuance of the bonds, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in year 16; 80% in year 17; 70% in year 18; 60% in year 19; and 50% in year 20. Refunding of any bonds issued prior to June 1, 1988, shall not alter the revised Net State Utility Tax Increment payments set forth above.

(l) "Obligations" mean bonds, loans, debentures, notes, special certificates or other evidence of indebtedness issued by the municipality to carry out a redevelopment project or to refund outstanding obligations.

(m) "Payment in lieu of taxes" means those estimated tax revenues from real property in a redevelopment project area derived from real property that has been acquired by a municipality which according to the redevelopment project or plan is to be used for a private use which taxing districts would have received had a municipality not acquired the real property and adopted tax increment

allocation financing and which would result from levies made after the time of the adoption of tax increment allocation financing to the time the current equalized value of real property in the redevelopment project area exceeds the total initial equalized value of real property in said area.

(n) "Redevelopment plan" means the comprehensive program of the municipality for development or redevelopment intended by the payment of redevelopment project costs to reduce or eliminate those conditions the existence of which qualified the redevelopment project area as a "blighted area" or "conservation area" or combination thereof or "industrial park conservation area," and thereby to enhance the tax bases of the taxing districts which extend into the redevelopment project area. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting. Each redevelopment plan shall set forth in writing the program to be undertaken to accomplish the objectives and shall include but not be limited to:

(A) an itemized list of estimated redevelopment project costs;

(B) evidence indicating that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise;

(C) an assessment of any financial impact of the redevelopment project area on or any increased demand for services from any taxing district affected by the plan and any program to address such financial impact or increased demand;

(D) the sources of funds to pay costs;

(E) the nature and term of the obligations to be issued;

(F) the most recent equalized assessed valuation of the redevelopment project area;

(G) an estimate as to the equalized assessed valuation after redevelopment and the general land uses to apply in the redevelopment project area;

(H) a commitment to fair employment practices and an affirmative action plan;

(I) if it concerns an industrial park conservation area, the plan shall also include a general description of any proposed developer, user and tenant of any property, a description of the type, structure and general character of the facilities to be developed, a description of the type, class and number of new employees to be employed in the operation of the facilities to be developed; and

(J) if property is to be annexed to the municipality, the plan shall include the terms of the annexation agreement.

The provisions of items (B) and (C) of this subsection (n) shall not apply to a municipality that before March 14, 1994 (the effective date of Public Act 88-537) had fixed, either by its corporate authorities or by a commission designated under subsection (k) of Section 11-74.4-4, a time and place for a public hearing as required by subsection (a) of Section 11-74.4-5. No redevelopment plan shall be adopted unless a municipality complies with all of the following requirements:

(1) The municipality finds that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of the redevelopment plan.

(2) The municipality finds that the redevelopment plan and project conform to the comprehensive plan for the development of the municipality as a whole, or, for municipalities with a population of 100,000 or more, regardless of when the redevelopment plan and project was adopted, the redevelopment plan and project either: (i) conforms to the strategic economic development or redevelopment plan issued by the designated planning authority of the municipality, or (ii) includes land uses that have been approved by the planning commission of the municipality.

(3) The redevelopment plan establishes the estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs. Those dates: shall not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981; shall not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-third calendar year after the year in which the ordinance approving the redevelopment project area if the ordinance was adopted on May 20, 1985 by the Village of Wheeling; and shall not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with

respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted:

(A) if the ordinance was adopted before January 15, 1981, or

(B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or

(C) if the ordinance was adopted in December 1987 and the redevelopment project is located within one mile of Midway Airport, or

(D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or

(E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or

(F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or

(G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or

(H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or if the ordinance was adopted on December 29, 1986 by East St. Louis, or

(I) if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or

(J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or

(K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or

(L) if the ordinance was adopted in September 1988 by Sauk Village, or

(M) if the ordinance was adopted in October 1993 by Sauk Village, or

(N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or

(O) if the ordinance was adopted in March 1991 by the City of Centreville, or

(P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or

(Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or

(R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or

(S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or

(T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or

(U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or

(V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or

(W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville, or

(X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or

(Y) if the ordinance was adopted on September 14, 1994 by the City of Alton, or

(Z) if the ordinance was adopted on November 11, 1996 by the City of Lexington, or

(AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or

(BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham, or

(CC) if the ordinance was adopted on November 11, 1986 by the City of Pekin, or

(DD) if the ordinance was adopted on December 15, 1981 by the City of Champaign, or

(EE) if the ordinance was adopted on December 15, 1986 by the City of Urbana, or

(FF) if the ordinance was adopted on December 15, 1986 by the Village of Heyworth, or

(GG) if the ordinance was adopted on February 24, 1992 by the Village of Heyworth, or

(HH) if the ordinance was adopted on March 16, 1995 by the Village of Heyworth, or

(II) if the ordinance was adopted on December 23, 1986 by the Town of Cicero, or

(JJ) if the ordinance was adopted on December 30, 1986 by the City of Effingham, or

(KK) if the ordinance was adopted on May 9, 1991 by the Village of Tilton, or

(LL) if the ordinance was adopted on October 20, 1986 by the City of Elmhurst, or

(MM) if the ordinance was adopted on January 19, 1988 by the City of Waukegan, or

(NN) if the ordinance was adopted on September 21, 1998 by the City of Waukegan, or

(OO) if the ordinance was adopted on December 31, 1986 by the City of Sullivan, or

(PP) if the ordinance was adopted on December 23, 1991 by the City of Sullivan, or ~~-~~

(QQ) ~~(OO)~~ if the ordinance was adopted on December 31, 1986 by the City of Oglesby , or ~~-~~

(RR) ~~(OO)~~ if the ordinance was adopted on July 28, 1987 by the City of Marion, or

(SS) ~~(PP)~~ if the ordinance was adopted on April 23, 1990 by the City of Marion , or ~~.~~

(TT) if the ordinance was adopted on July 1, 1986 by the City of Granite City.

However, for redevelopment project areas for which bonds were issued before July 29, 1991, or for which contracts were entered into before June 1, 1988, in connection with a redevelopment project in the area within the State Sales Tax Boundary, the estimated dates of completion of the redevelopment project and retirement of obligations to finance redevelopment project costs may be extended by municipal ordinance to December 31, 2013. The termination procedures of subsection (b) of Section 11-74.4-8 are not required for these redevelopment project areas in 2009 but are required in 2013. The extension allowed by this amendatory Act of 1993 shall not apply to real property tax increment allocation financing under Section 11-74.4-8.

A municipality may by municipal ordinance amend an existing redevelopment plan to conform to this paragraph (3) as amended by Public Act 91-478, which municipal ordinance may be adopted without further hearing or notice and without complying with the procedures provided in this Act pertaining to an amendment to or the initial approval of a redevelopment plan and project and designation of a redevelopment project area.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were adopted on or after December 16, 1986 and for which at least $8 million worth of municipal bonds were authorized on or after December 19, 1989 but before January 1, 1990; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were established on or after December 1, 1981 but before January 1, 1982 and for which at least $1,500,000 worth of tax increment revenue bonds were authorized on or after September 30, 1990 but before July 1, 1991; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

(3.5) The municipality finds, in the case of an industrial park conservation area, also that the municipality is a labor surplus municipality and that the implementation of the redevelopment plan will reduce unemployment, create new jobs and by the provision of new facilities enhance the tax base of the taxing districts that extend into the redevelopment project area.

(4) If any incremental revenues are being utilized under Section 8(a)(1) or 8(a)(2) of this Act in redevelopment project areas approved by ordinance after January 1, 1986, the municipality finds: (a) that the redevelopment project area would not reasonably be developed without the use of such incremental revenues, and (b) that such incremental revenues will be exclusively utilized for the development of the redevelopment project area.

(5) If the redevelopment plan will not result in displacement of residents from 10 or more inhabited residential units, and the municipality certifies in the plan that such displacement will not result from the plan, a housing impact study need not be performed. If, however, the redevelopment plan would result in the displacement of residents from 10 or more inhabited residential units, or if the redevelopment project area contains 75 or more inhabited residential units and no certification is made, then the municipality shall prepare, as part of the separate feasibility report required by subsection (a) of Section 11-74.4-5, a housing impact study.

Part I of the housing impact study shall include (i) data as to whether the residential units are single family or multi-family units, (ii) the number and type of rooms within the units, if that information is available, (iii) whether the units are inhabited or uninhabited, as determined not less than 45 days before the date that the ordinance or resolution required by subsection (a) of Section 11-74.4-5 is passed, and (iv) data as to the racial and ethnic composition of the residents in the inhabited residential units. The data requirement as to the racial and ethnic composition of the residents in the inhabited residential units shall be deemed to be fully satisfied by data from the most recent federal census.

Part II of the housing impact study shall identify the inhabited residential units in the proposed redevelopment project area that are to be or may be removed. If inhabited residential units are to be removed, then the housing impact study shall identify (i) the number and location of those units that will or may be removed, (ii) the municipality's plans for relocation assistance for those

residents in the proposed redevelopment project area whose residences are to be removed, (iii) the availability of replacement housing for those residents whose residences are to be removed, and shall identify the type, location, and cost of the housing, and (iv) the type and extent of relocation assistance to be provided.

(6) On and after November 1, 1999, the housing impact study required by paragraph (5) shall be incorporated in the redevelopment plan for the redevelopment project area.

(7) On and after November 1, 1999, no redevelopment plan shall be adopted, nor an existing plan amended, nor shall residential housing that is occupied by households of low-income and very low-income persons in currently existing redevelopment project areas be removed after November 1, 1999 unless the redevelopment plan provides, with respect to inhabited housing units that are to be removed for households of low-income and very low-income persons, affordable housing and relocation assistance not less than that which would be provided under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and the regulations under that Act, including the eligibility criteria. Affordable housing may be either existing or newly constructed housing. For purposes of this paragraph (7), "low-income households", "very low-income households", and "affordable housing" have the meanings set forth in the Illinois Affordable Housing Act. The municipality shall make a good faith effort to ensure that this affordable housing is located in or near the redevelopment project area within the municipality.

(8) On and after November 1, 1999, if, after the adoption of the redevelopment plan for the redevelopment project area, any municipality desires to amend its redevelopment plan to remove more inhabited residential units than specified in its original redevelopment plan, that change shall be made in accordance with the procedures in subsection (c) of Section 11-74.4-5.

(9) For redevelopment project areas designated prior to November 1, 1999, the redevelopment plan may be amended without further joint review board meeting or hearing, provided that the municipality shall give notice of any such changes by mail to each affected taxing district and registrant on the interested party registry, to authorize the municipality to expend tax increment revenues for redevelopment project costs defined by paragraphs (5) and (7.5), subparagraphs (E) and (F) of paragraph (11), and paragraph (11.5) of subsection (q) of Section 11-74.4-3, so long as the changes do not increase the total estimated redevelopment project costs set out in the redevelopment plan by more than 5% after adjustment for inflation from the date the plan was adopted.

(o) "Redevelopment project" means any public and private development project in furtherance of the objectives of a redevelopment plan. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting.

(p) "Redevelopment project area" means an area designated by the municipality, which is not less in the aggregate than 1 1/2 acres and in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as an industrial park conservation area or a blighted area or a conservation area, or a combination of both blighted areas and conservation areas.

(q) "Redevelopment project costs" mean and include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to a redevelopment plan and a redevelopment project. Such costs include, without limitation, the following:

(1) Costs of studies, surveys, development of plans, and specifications, implementation and administration of the redevelopment plan including but not limited to staff and professional service costs for architectural, engineering, legal, financial, planning or other services, provided however that no charges for professional services may be based on a percentage of the tax increment collected; except that on and after November 1, 1999 (the effective date of Public Act 91-478), no contracts for professional services, excluding architectural and engineering services, may be entered into if the terms of the contract extend beyond a period of 3 years. In addition, "redevelopment project costs" shall not include lobbying expenses. After consultation with the municipality, each tax increment consultant or advisor to a municipality that plans to designate or has designated a redevelopment project area shall inform the municipality in writing of any contracts that the consultant or advisor has entered into with entities or individuals that have received, or are receiving, payments financed by tax increment revenues produced by the redevelopment project area with respect to which the consultant or advisor has performed, or will be performing, service for the municipality. This requirement shall be satisfied by the consultant or advisor before the commencement of services for the municipality and thereafter whenever any other contracts with

those individuals or entities are executed by the consultant or advisor;

(1.5) After July 1, 1999, annual administrative costs shall not include general overhead or administrative costs of the municipality that would still have been incurred by the municipality if the municipality had not designated a redevelopment project area or approved a redevelopment plan;

(1.6) The cost of marketing sites within the redevelopment project area to prospective businesses, developers, and investors;

(2) Property assembly costs, including but not limited to acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, site preparation, site improvements that serve as an engineered barrier addressing ground level or below ground environmental contamination, including, but not limited to parking lots and other concrete or asphalt barriers, and the clearing and grading of land;

(3) Costs of rehabilitation, reconstruction or repair or remodeling of existing public or private buildings, fixtures, and leasehold improvements; and the cost of replacing an existing public building if pursuant to the implementation of a redevelopment project the existing public building is to be demolished to use the site for private investment or devoted to a different use requiring private investment;

(4) Costs of the construction of public works or improvements, except that on and after November 1, 1999, redevelopment project costs shall not include the cost of constructing a new municipal public building principally used to provide offices, storage space, or conference facilities or vehicle storage, maintenance, or repair for administrative, public safety, or public works personnel and that is not intended to replace an existing public building as provided under paragraph (3) of subsection (q) of Section 11-74.4-3 unless either (i) the construction of the new municipal building implements a redevelopment project that was included in a redevelopment plan that was adopted by the municipality prior to November 1, 1999 or (ii) the municipality makes a reasonable determination in the redevelopment plan, supported by information that provides the basis for that determination, that the new municipal building is required to meet an increase in the need for public safety purposes anticipated to result from the implementation of the redevelopment plan;

(5) Costs of job training and retraining projects, including the cost of "welfare to work" programs implemented by businesses located within the redevelopment project area;

(6) Financing costs, including but not limited to all necessary and incidental expenses related to the issuance of obligations and which may include payment of interest on any obligations issued hereunder including interest accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not exceeding 36 months thereafter and including reasonable reserves related thereto;

(7) To the extent the municipality by written agreement accepts and approves the same, all or a portion of a taxing district's capital costs resulting from the redevelopment project necessarily incurred or to be incurred within a taxing district in furtherance of the objectives of the redevelopment plan and project.

(7.5) For redevelopment project areas designated (or redevelopment project areas amended to add or increase the number of tax-increment-financing assisted housing units) on or after November 1, 1999, an elementary, secondary, or unit school district's increased costs attributable to assisted housing units located within the redevelopment project area for which the developer or redeveloper receives financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the assisted housing sites necessary for the completion of that housing as authorized by this Act, and which costs shall be paid by the municipality from the Special Tax Allocation Fund when the tax increment revenue is received as a result of the assisted housing units and shall be calculated annually as follows:

(A) for foundation districts, excluding any school district in a municipality with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general State aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 25% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

(ii) for elementary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 17% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

(iii) for secondary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 8% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(B) For alternate method districts, flat grant districts, and foundation districts with a district average 1995-96 Per Capita Tuition Charge equal to or more than $5,900, excluding any school district with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general state aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts, no more than 40% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

(ii) for elementary school districts, no more than 27% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

(iii) for secondary school districts, no more than 13% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(C) For any school district in a municipality with a population in excess of 1,000,000, the following restrictions shall apply to the reimbursement of increased costs under this paragraph (7.5):

(i) no increased costs shall be reimbursed unless the school district certifies that each of the schools affected by the assisted housing project is at or over its student capacity;

(ii) the amount reimbursable shall be reduced by the value of any land donated to the school district by the municipality or developer, and by the value of any physical improvements made to the schools by the municipality or developer; and

(iii) the amount reimbursed may not affect amounts otherwise obligated by the terms of any bonds, notes, or other funding instruments, or the terms of any redevelopment agreement.

Any school district seeking payment under this paragraph (7.5) shall, after July 1 and before September 30 of each year, provide the municipality with reasonable evidence to support its claim for reimbursement before the municipality shall be required to approve or make the payment to the school district. If the school district fails to provide the information during this period in any year, it shall forfeit any claim to reimbursement for that year. School districts may adopt a resolution waiving the right to all or a portion of the reimbursement otherwise required by this paragraph (7.5). By acceptance of this reimbursement the school district waives the right to directly or indirectly set aside, modify, or contest in any manner the establishment of the redevelopment project area or projects;

(7.7) For redevelopment project areas designated (or redevelopment project areas amended to add or increase the number of tax-increment-financing assisted housing units) on or after January 1, 2005 (the effective date of Public Act 93-961), a public library district's increased costs attributable to assisted housing units located within the redevelopment project area for which the developer or redeveloper receives financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the assisted housing sites necessary for the completion of that housing as authorized by this Act shall be

paid to the library district by the municipality from the Special Tax Allocation Fund when the tax increment revenue is received as a result of the assisted housing units. This paragraph (7.7) applies only if (i) the library district is located in a county that is subject to the Property Tax Extension Limitation Law or (ii) the library district is not located in a county that is subject to the Property Tax Extension Limitation Law but the district is prohibited by any other law from increasing its tax levy rate without a prior voter referendum.

The amount paid to a library district under this paragraph (7.7) shall be calculated by multiplying (i) the net increase in the number of persons eligible to obtain a library card in that district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by (ii) the per-patron cost of providing library services so long as it does not exceed $120. The per-patron cost shall be the Total Operating Expenditures Per Capita as stated in the most recent Illinois Public Library Statistics produced by the Library Research Center at the University of Illinois. The municipality may deduct from the amount that it must pay to a library district under this paragraph any amount that it has voluntarily paid to the library district from the tax increment revenue. The amount paid to a library district under this paragraph (7.7) shall be no more than 2% of the amount produced by the assisted housing units and deposited into the Special Tax Allocation Fund.

A library district is not eligible for any payment under this paragraph (7.7) unless the library district has experienced an increase in the number of patrons from the municipality that created the tax-increment-financing district since the designation of the redevelopment project area.

Any library district seeking payment under this paragraph (7.7) shall, after July 1 and before September 30 of each year, provide the municipality with convincing evidence to support its claim for reimbursement before the municipality shall be required to approve or make the payment to the library district. If the library district fails to provide the information during this period in any year, it shall forfeit any claim to reimbursement for that year. Library districts may adopt a resolution waiving the right to all or a portion of the reimbursement otherwise required by this paragraph (7.7). By acceptance of such reimbursement, the library district shall forfeit any right to directly or indirectly set aside, modify, or contest in any manner whatsoever the establishment of the redevelopment project area or projects;

(8) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or is required to make payment of relocation costs by federal or State law or in order to satisfy subparagraph (7) of subsection (n);

(9) Payment in lieu of taxes;

(10) Costs of job training, retraining, advanced vocational education or career education, including but not limited to courses in occupational, semi-technical or technical fields leading directly to employment, incurred by one or more taxing districts, provided that such costs (i) are related to the establishment and maintenance of additional job training, advanced vocational education or career education programs for persons employed or to be employed by employers located in a redevelopment project area; and (ii) when incurred by a taxing district or taxing districts other than the municipality, are set forth in a written agreement by or among the municipality and the taxing district or taxing districts, which agreement describes the program to be undertaken, including but not limited to the number of employees to be trained, a description of the training and services to be provided, the number and type of positions available or to be available, itemized costs of the program and sources of funds to pay for the same, and the term of the agreement. Such costs include, specifically, the payment by community college districts of costs pursuant to Sections 3-37, 3-38, 3-40 and 3-40.1 of the Public Community College Act and by school districts of costs pursuant to Sections 10-22.20a and 10-23.3a of The School Code;

(11) Interest cost incurred by a redeveloper related to the construction, renovation or rehabilitation of a redevelopment project provided that:

(A) such costs are to be paid directly from the special tax allocation fund established pursuant to this Act;

(B) such payments in any one year may not exceed 30% of the annual interest costs incurred by the redeveloper with regard to the redevelopment project during that year;

(C) if there are not sufficient funds available in the special tax allocation fund to make the payment pursuant to this paragraph (11) then the amounts so due shall accrue and be payable when sufficient funds are available in the special tax allocation fund;

(D) the total of such interest payments paid pursuant to this Act may not exceed 30% of the total (i) cost paid or incurred by the redeveloper for the redevelopment project plus (ii) redevelopment project costs excluding any property assembly costs and any relocation costs incurred by a municipality pursuant to this Act; and

(E) the cost limits set forth in subparagraphs (B) and (D) of paragraph (11) shall be modified for the financing of rehabilitated or new housing units for low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act. The percentage of 75% shall be substituted for 30% in subparagraphs (B) and (D) of paragraph (11).

(F) Instead of the eligible costs provided by subparagraphs (B) and (D) of paragraph (11), as modified by this subparagraph, and notwithstanding any other provisions of this Act to the contrary, the municipality may pay from tax increment revenues up to 50% of the cost of construction of new housing units to be occupied by low-income households and very low-income households as defined in Section 3 of the Illinois Affordable Housing Act. The cost of construction of those units may be derived from the proceeds of bonds issued by the municipality under this Act or other constitutional or statutory authority or from other sources of municipal revenue that may be reimbursed from tax increment revenues or the proceeds of bonds issued to finance the construction of that housing.

The eligible costs provided under this subparagraph (F) of paragraph (11) shall be an eligible cost for the construction, renovation, and rehabilitation of all low and very low-income housing units, as defined in Section 3 of the Illinois Affordable Housing Act, within the redevelopment project area. If the low and very low-income units are part of a residential redevelopment project that includes units not affordable to low and very low-income households, only the low and very low-income units shall be eligible for benefits under subparagraph (F) of paragraph (11). The standards for maintaining the occupancy by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, of those units constructed with eligible costs made available under the provisions of this subparagraph (F) of paragraph (11) shall be established by guidelines adopted by the municipality. The responsibility for annually documenting the initial occupancy of the units by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, shall be that of the then current owner of the property. For ownership units, the guidelines will provide, at a minimum, for a reasonable recapture of funds, or other appropriate methods designed to preserve the original affordability of the ownership units. For rental units, the guidelines will provide, at a minimum, for the affordability of rent to low and very low-income households. As units become available, they shall be rented to income-eligible tenants. The municipality may modify these guidelines from time to time; the guidelines, however, shall be in effect for as long as tax increment revenue is being used to pay for costs associated with the units or for the retirement of bonds issued to finance the units or for the life of the redevelopment project area, whichever is later.

(11.5) If the redevelopment project area is located within a municipality with a population of more than 100,000, the cost of day care services for children of employees from low-income families working for businesses located within the redevelopment project area and all or a portion of the cost of operation of day care centers established by redevelopment project area businesses to serve employees from low-income families working in businesses located in the redevelopment project area. For the purposes of this paragraph, "low-income families" means families whose annual income does not exceed 80% of the municipal, county, or regional median income, adjusted for family size, as the annual income and municipal, county, or regional median income are determined from time to time by the United States Department of Housing and Urban Development.

(12) Unless explicitly stated herein the cost of construction of new privately-owned buildings shall not be an eligible redevelopment project cost.

(13) After November 1, 1999 (the effective date of Public Act 91-478), none of the redevelopment project costs enumerated in this subsection shall be eligible redevelopment project costs if those costs would provide direct financial support to a retail entity initiating operations in the redevelopment project area while terminating operations at another Illinois location within 10 miles of the redevelopment project area but outside the boundaries of the redevelopment project area municipality. For purposes of this paragraph, termination means a closing of a retail operation that is directly related to the opening of the same operation or like retail entity owned or operated by more than 50% of the original ownership in a redevelopment project area, but it does not mean closing an operation for reasons beyond the control of the retail entity, as documented by the retail entity, subject to a reasonable finding by the municipality that the current location contained inadequate space, had become economically obsolete, or was no longer a viable location for the retailer or serviceman.

If a special service area has been established pursuant to the Special Service Area Tax Act or Special Service Area Tax Law, then any tax increment revenues derived from the tax imposed pursuant to the Special Service Area Tax Act or Special Service Area Tax Law may be used within the redevelopment project area for the purposes permitted by that Act or Law as well as the purposes permitted by this Act.

(r) "State Sales Tax Boundary" means the redevelopment project area or the amended redevelopment project area boundaries which are determined pursuant to subsection (9) of Section 11-74.4-8a of this Act. The Department of Revenue shall certify pursuant to subsection (9) of Section 11-74.4-8a the appropriate boundaries eligible for the determination of State Sales Tax Increment.

(s) "State Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid by retailers and servicemen, other than retailers and servicemen subject to the Public Utilities Act, on transactions at places of business located within a State Sales Tax Boundary pursuant to the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act, and the Service Occupation Tax Act, except such portion of such increase that is paid into the State and Local Sales Tax Reform Fund, the Local Government Distributive Fund, the Local Government Tax Fund and the County and Mass Transit District Fund, for as long as State participation exists, over and above the Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for such taxes as certified by the Department of Revenue and paid under those Acts by retailers and servicemen on transactions at places of business located within the State Sales Tax Boundary during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing, less 3.0% of such amounts generated under the Retailers' Occupation Tax Act, Use Tax Act and Service Use Tax Act and the Service Occupation Tax Act, which sum shall be appropriated to the Department of Revenue to cover its costs of administering and enforcing this Section. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall compute the Initial Sales Tax Amount for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amount". For purposes of determining the State Sales Tax Increment the Department of Revenue shall for each period subtract from the tax amounts received from retailers and servicemen on transactions located in the State Sales Tax Boundary, the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or Revised Initial Sales Tax Amounts for the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act and the Service Occupation Tax Act. For the State Fiscal Year 1989 this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, until June 30, 1989, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial State Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending on June 30, to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts. Municipalities intending to receive a distribution of State Sales Tax Increment must report a list of retailers to the Department of Revenue by October 31, 1988 and by July 31, of each year thereafter.

(t) "Taxing districts" means counties, townships, cities and incorporated towns and villages, school, road, park, sanitary, mosquito abatement, forest preserve, public health, fire protection, river conservancy, tuberculosis sanitarium and any other municipal corporations or districts with the power to levy taxes.

(u) "Taxing districts' capital costs" means those costs of taxing districts for capital improvements that are found by the municipal corporate authorities to be necessary and directly result from the redevelopment project.

(v) As used in subsection (a) of Section 11-74.4-3 of this Act, "vacant land" means any parcel or combination of parcels of real property without industrial, commercial, and residential buildings which has not been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area, unless the parcel is included in an industrial park conservation area or the parcel has been subdivided; provided that if the parcel was part of a larger tract that has been divided into 3 or more smaller tracts that were accepted for recording during the period from 1950 to 1990, then

the parcel shall be deemed to have been subdivided, and all proceedings and actions of the municipality taken in that connection with respect to any previously approved or designated redevelopment project area or amended redevelopment project area are hereby validated and hereby declared to be legally sufficient for all purposes of this Act. For purposes of this Section and only for land subject to the subdivision requirements of the Plat Act, land is subdivided when the original plat of the proposed Redevelopment Project Area or relevant portion thereof has been properly certified, acknowledged, approved, and recorded or filed in accordance with the Plat Act and a preliminary plat, if any, for any subsequent phases of the proposed Redevelopment Project Area or relevant portion thereof has been properly approved and filed in accordance with the applicable ordinance of the municipality.

(w) "Annual Total Increment" means the sum of each municipality's annual Net Sales Tax Increment and each municipality's annual Net Utility Tax Increment. The ratio of the Annual Total Increment of each municipality to the Annual Total Increment for all municipalities, as most recently calculated by the Department, shall determine the proportional shares of the Illinois Tax Increment Fund to be distributed to each municipality.

(Source: P.A. 93-298, eff. 7-23-03; 93-708, eff. 1-1-05; 93-747, eff. 7-15-04; 93-924, eff. 8-12-04; 93-961, eff. 1-1-05; 93-983, eff. 8-23-04; 93-984, eff. 8-23-04; 93-985, eff. 8-23-04; 93-986, eff. 8-23-04; 93-987, eff. 8-23-04; 93-995, eff. 8-23-04; 93-1024, eff. 8-25-04; 93-1076, eff. 1-18-05; 94-260, eff. 7-19-05; 94-268, eff. 7-19-05; 94-297, eff. 7-21-05; 94-302, eff. 7-21-05; 94-704, eff. 12-5-05; revised 12-9-05.)

(Text of Section after amendment by P.A. 94-702 and 94-711)

Sec. 11-74.4-3. Definitions. The following terms, wherever used or referred to in this Division 74.4 shall have the following respective meanings, unless in any case a different meaning clearly appears from the context.

(a) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "blighted area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "blighted area" means any improved or vacant area within the boundaries of a redevelopment project area located within the territorial limits of the municipality where:

(1) If improved, industrial, commercial, and residential buildings or improvements are detrimental to the public safety, health, or welfare because of a combination of 5 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the improved part of the redevelopment project area:

(A) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

(B) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(C) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(D) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(E) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(F) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(G) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence of skylights or windows for interior spaces or rooms and improper

window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(H) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(I) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: (i) the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and (ii) the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(J) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(K) Environmental clean-up. The proposed redevelopment project area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(L) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(M) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(2) If vacant, the sound growth of the redevelopment project area is impaired by a combination of 2 or more of the following factors, each of which is (i) present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) Obsolete platting of vacant land that results in parcels of limited or narrow size or configurations of parcels of irregular size or shape that would be difficult to develop on a planned basis and in a manner compatible with contemporary standards and requirements, or platting that failed to create rights-of-ways for streets or alleys or that created inadequate right-of-way widths for streets, alleys, or other public rights-of-way or that omitted easements for public utilities.

(B) Diversity of ownership of parcels of vacant land sufficient in number to retard or impede the ability to assemble the land for development.

(C) Tax and special assessment delinquencies exist or the property has been the

subject of tax sales under the Property Tax Code within the last 5 years.

(D) Deterioration of structures or site improvements in neighboring areas adjacent to the vacant land.

(E) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(F) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years prior to the year in which the redevelopment project area is designated.

(3) If vacant, the sound growth of the redevelopment project area is impaired by one of the following factors that (i) is present, with that presence documented, to a meaningful extent so that a municipality may reasonably find that the factor is clearly present within the intent of the Act and (ii) is reasonably distributed throughout the vacant part of the redevelopment project area to which it pertains:

(A) The area consists of one or more unused quarries, mines, or strip mine ponds.

(B) The area consists of unused rail yards, rail tracks, or railroad rights-of-way.

(C) The area, prior to its designation, is subject to (i) chronic flooding that adversely impacts on real property in the area as certified by a registered professional engineer or appropriate regulatory agency or (ii) surface water that discharges from all or a part of the area and contributes to flooding within the same watershed, but only if the redevelopment project provides for facilities or improvements to contribute to the alleviation of all or part of the flooding.

(D) The area consists of an unused or illegal disposal site containing earth, stone, building debris, or similar materials that were removed from construction, demolition, excavation, or dredge sites.

(E) Prior to November 1, 1999, the area is not less than 50 nor more than 100 acres and 75% of which is vacant (notwithstanding that the area has been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area), and the area meets at least one of the factors itemized in paragraph (1) of this subsection, the area has been designated as a town or village center by ordinance or comprehensive plan adopted prior to January 1, 1982, and the area has not been developed for that designated purpose.

(F) The area qualified as a blighted improved area immediately prior to becoming vacant, unless there has been substantial private investment in the immediately surrounding area.

(b) For any redevelopment project area that has been designated pursuant to this Section by an ordinance adopted prior to November 1, 1999 (the effective date of Public Act 91-478), "conservation area" shall have the meaning set forth in this Section prior to that date.

On and after November 1, 1999, "conservation area" means any improved area within the boundaries of a redevelopment project area located within the territorial limits of the municipality in which 50% or more of the structures in the area have an age of 35 years or more. Such an area is not yet a blighted area but because of a combination of 3 or more of the following factors is detrimental to the public safety, health, morals or welfare and such an area may become a blighted area:

(1) Dilapidation. An advanced state of disrepair or neglect of necessary repairs to the primary structural components of buildings or improvements in such a combination that a documented building condition analysis determines that major repair is required or the defects are so serious and so extensive that the buildings must be removed.

(2) Obsolescence. The condition or process of falling into disuse. Structures have become ill-suited for the original use.

(3) Deterioration. With respect to buildings, defects including, but not limited to, major defects in the secondary building components such as doors, windows, porches, gutters and downspouts, and fascia. With respect to surface improvements, that the condition of roadways, alleys, curbs, gutters, sidewalks, off-street parking, and surface storage areas evidence deterioration, including, but not limited to, surface cracking, crumbling, potholes, depressions, loose paving material, and weeds protruding through paved surfaces.

(4) Presence of structures below minimum code standards. All structures that do not meet the standards of zoning, subdivision, building, fire, and other governmental codes applicable to property, but not including housing and property maintenance codes.

(5) Illegal use of individual structures. The use of structures in violation of applicable federal, State, or local laws, exclusive of those applicable to the presence of structures below minimum code standards.

(6) Excessive vacancies. The presence of buildings that are unoccupied or under-utilized and that represent an adverse influence on the area because of the frequency, extent, or duration of the vacancies.

(7) Lack of ventilation, light, or sanitary facilities. The absence of adequate ventilation for light or air circulation in spaces or rooms without windows, or that require the removal of dust, odor, gas, smoke, or other noxious airborne materials. Inadequate natural light and ventilation means the absence or inadequacy of skylights or windows for interior spaces or rooms and improper window sizes and amounts by room area to window area ratios. Inadequate sanitary facilities refers to the absence or inadequacy of garbage storage and enclosure, bathroom facilities, hot water and kitchens, and structural inadequacies preventing ingress and egress to and from all rooms and units within a building.

(8) Inadequate utilities. Underground and overhead utilities such as storm sewers and storm drainage, sanitary sewers, water lines, and gas, telephone, and electrical services that are shown to be inadequate. Inadequate utilities are those that are: (i) of insufficient capacity to serve the uses in the redevelopment project area, (ii) deteriorated, antiquated, obsolete, or in disrepair, or (iii) lacking within the redevelopment project area.

(9) Excessive land coverage and overcrowding of structures and community facilities. The over-intensive use of property and the crowding of buildings and accessory facilities onto a site. Examples of problem conditions warranting the designation of an area as one exhibiting excessive land coverage are: the presence of buildings either improperly situated on parcels or located on parcels of inadequate size and shape in relation to present-day standards of development for health and safety and the presence of multiple buildings on a single parcel. For there to be a finding of excessive land coverage, these parcels must exhibit one or more of the following conditions: insufficient provision for light and air within or around buildings, increased threat of spread of fire due to the close proximity of buildings, lack of adequate or proper access to a public right-of-way, lack of reasonably required off-street parking, or inadequate provision for loading and service.

(10) Deleterious land use or layout. The existence of incompatible land-use relationships, buildings occupied by inappropriate mixed-uses, or uses considered to be noxious, offensive, or unsuitable for the surrounding area.

(11) Lack of community planning. The proposed redevelopment project area was developed prior to or without the benefit or guidance of a community plan. This means that the development occurred prior to the adoption by the municipality of a comprehensive or other community plan or that the plan was not followed at the time of the area's development. This factor must be documented by evidence of adverse or incompatible land-use relationships, inadequate street layout, improper subdivision, parcels of inadequate shape and size to meet contemporary development standards, or other evidence demonstrating an absence of effective community planning.

(12) The area has incurred Illinois Environmental Protection Agency or United States Environmental Protection Agency remediation costs for, or a study conducted by an independent consultant recognized as having expertise in environmental remediation has determined a need for, the clean-up of hazardous waste, hazardous substances, or underground storage tanks required by State or federal law, provided that the remediation costs constitute a material impediment to the development or redevelopment of the redevelopment project area.

(13) The total equalized assessed value of the proposed redevelopment project area has declined for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the balance of the municipality for 3 of the last 5 calendar years for which information is available or is increasing at an annual rate that is less than the Consumer Price Index for All Urban Consumers published by the United States Department of Labor or successor agency for 3 of the last 5 calendar years for which information is available.

(c) "Industrial park" means an area in a blighted or conservation area suitable for use by any manufacturing, industrial, research or transportation enterprise, of facilities to include but not be limited to factories, mills, processing plants, assembly plants, packing plants, fabricating plants, industrial distribution centers, warehouses, repair overhaul or service facilities, freight terminals, research facilities, test facilities or railroad facilities.

(d) "Industrial park conservation area" means an area within the boundaries of a redevelopment project area located within the territorial limits of a municipality that is a labor surplus municipality or within 1 1/2 miles of the territorial limits of a municipality that is a labor surplus municipality if the area is annexed to the municipality; which area is zoned as industrial no later than at the time the municipality by ordinance designates the redevelopment project area, and which area includes both vacant land suitable for use as an industrial park and a blighted area or conservation area contiguous to such vacant land.

(e) "Labor surplus municipality" means a municipality in which, at any time during the 6 months before the municipality by ordinance designates an industrial park conservation area, the unemployment rate was over 6% and was also 100% or more of the national average unemployment rate for that same time as published in the United States Department of Labor Bureau of Labor Statistics publication entitled "The Employment Situation" or its successor publication. For the purpose of this subsection, if unemployment rate statistics for the municipality are not available, the unemployment rate in the municipality shall be deemed to be the same as the unemployment rate in the principal county in which the municipality is located.

(f) "Municipality" shall mean a city, village, incorporated town, or a township that is located in the unincorporated portion of a county with 3 million or more inhabitants, if the county adopted an ordinance that approved the township's redevelopment plan.

(g) "Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located in a State Sales Tax Boundary during the calendar year 1985.

(g-1) "Revised Initial Sales Tax Amounts" means the amount of taxes paid under the Retailers' Occupation Tax Act, Use Tax Act, Service Use Tax Act, the Service Occupation Tax Act, the Municipal Retailers' Occupation Tax Act, and the Municipal Service Occupation Tax Act by retailers and servicemen on transactions at places located within the State Sales Tax Boundary revised pursuant to Section 11-74.4-8a(9) of this Act.

(h) "Municipal Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid to a municipality from the Local Government Tax Fund arising from sales by retailers and servicemen within the redevelopment project area or State Sales Tax Boundary, as the case may be, for as long as the redevelopment project area or State Sales Tax Boundary, as the case may be, exist over and above the aggregate amount of taxes as certified by the Illinois Department of Revenue and paid under the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act by retailers and servicemen, on transactions at places of business located in the redevelopment project area or State Sales Tax Boundary, as the case may be, during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall determine the Initial Sales Tax Amounts for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amounts". For purposes of determining the Municipal Sales Tax Increment, the Department of Revenue shall for each period subtract from the amount paid to the municipality from the Local Government Tax Fund arising from sales by retailers and servicemen on transactions located in the redevelopment project area or the State Sales Tax Boundary, as the case may be, the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for the Municipal Retailers' Occupation Tax Act and the Municipal Service Occupation Tax Act. For the State Fiscal Year 1989, this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, to June 30, 1989, to determine the tax amounts received from retailers and servicemen pursuant to the Municipal Retailers' Occupation Tax and the Municipal Service Occupation Tax Act which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and ending June 30 to determine the tax amounts received which shall have

deducted therefrom the certified Initial Sales Tax Amounts, the Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts, as the case may be.

(i) "Net State Sales Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary; and (c) 40% of all amounts in excess of $500,000 of State Sales Tax Increment annually generated within a State Sales Tax Boundary. If, however, a municipality established a tax increment financing district in a county with a population in excess of 3,000,000 before January 1, 1986, and the municipality entered into a contract or issued bonds after January 1, 1986, but before December 31, 1986, to finance redevelopment project costs within a State Sales Tax Boundary, then the Net State Sales Tax Increment means, for the fiscal years beginning July 1, 1990, and July 1, 1991, 100% of the State Sales Tax Increment annually generated within a State Sales Tax Boundary; and notwithstanding any other provision of this Act, for those fiscal years the Department of Revenue shall distribute to those municipalities 100% of their Net State Sales Tax Increment before any distribution to any other municipality and regardless of whether or not those other municipalities will receive 100% of their Net State Sales Tax Increment. For Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a State Sales Tax Boundary, the Net State Sales Tax Increment shall be calculated as follows: By multiplying the Net State Sales Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter.

Municipalities that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991, or that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988, shall continue to receive their proportional share of the Illinois Tax Increment Fund distribution until the date on which the redevelopment project is completed or terminated. If, however, a municipality that issued bonds in connection with a redevelopment project in a redevelopment project area within the State Sales Tax Boundary prior to July 29, 1991 retires the bonds prior to June 30, 2007 or a municipality that entered into contracts in connection with a redevelopment project in a redevelopment project area before June 1, 1988 completes the contracts prior to June 30, 2007, then so long as the redevelopment project is not completed or is not terminated, the Net State Sales Tax Increment shall be calculated, beginning on the date on which the bonds are retired or the contracts are completed, as follows: By multiplying the Net State Sales Tax Increment by 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for State Fiscal Year 2008 and thereafter. Refunding of any bonds issued prior to July 29, 1991, shall not alter the Net State Sales Tax Increment.

(j) "State Utility Tax Increment Amount" means an amount equal to the aggregate increase in State electric and gas tax charges imposed on owners and tenants, other than residential customers, of properties located within the redevelopment project area under Section 9-222 of the Public Utilities Act, over and above the aggregate of such charges as certified by the Department of Revenue and paid by owners and tenants, other than residential customers, of properties within the redevelopment project area during the base year, which shall be the calendar year immediately prior to the year of the adoption of the ordinance authorizing tax increment allocation financing.

(k) "Net State Utility Tax Increment" means the sum of the following: (a) 80% of the first $100,000 of State Utility Tax Increment annually generated by a redevelopment project area; (b) 60% of the amount in excess of $100,000 but not exceeding $500,000 of the State Utility Tax Increment annually generated by a redevelopment project area; and (c) 40% of all amounts in excess of $500,000 of State Utility Tax Increment annually generated by a redevelopment project area. For the State Fiscal Year 1999, and every year thereafter until the year 2007, for any municipality that has not entered into a contract or has not issued bonds prior to June 1, 1988 to finance redevelopment project costs within a redevelopment project area, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in the State Fiscal Year 1999; 80% in the State Fiscal Year 2000; 70% in the State Fiscal Year 2001; 60% in the State Fiscal Year 2002; 50% in the State Fiscal Year 2003; 40% in the State Fiscal Year 2004; 30% in the State Fiscal Year 2005; 20% in the State Fiscal Year 2006; and 10% in the State Fiscal Year 2007. No payment shall be made for the State Fiscal Year 2008 and thereafter.

Municipalities that issue bonds in connection with the redevelopment project during the period from June 1, 1988 until 3 years after the effective date of this Amendatory Act of 1988 shall receive the Net State Utility Tax Increment, subject to appropriation, for 15 State Fiscal Years after the issuance of such bonds. For the 16th through the 20th State Fiscal Years after issuance of the bonds, the Net State Utility Tax Increment shall be calculated as follows: By multiplying the Net State Utility Tax Increment by 90% in year 16; 80% in year 17; 70% in year 18; 60% in year 19; and 50% in year 20. Refunding of any bonds issued prior to June 1, 1988, shall not alter the revised Net State Utility Tax Increment payments set forth above.

(l) "Obligations" mean bonds, loans, debentures, notes, special certificates or other evidence of indebtedness issued by the municipality to carry out a redevelopment project or to refund outstanding obligations.

(m) "Payment in lieu of taxes" means those estimated tax revenues from real property in a redevelopment project area derived from real property that has been acquired by a municipality which according to the redevelopment project or plan is to be used for a private use which taxing districts would have received had a municipality not acquired the real property and adopted tax increment allocation financing and which would result from levies made after the time of the adoption of tax increment allocation financing to the time the current equalized value of real property in the redevelopment project area exceeds the total initial equalized value of real property in said area.

(n) "Redevelopment plan" means the comprehensive program of the municipality for development or redevelopment intended by the payment of redevelopment project costs to reduce or eliminate those conditions the existence of which qualified the redevelopment project area as a "blighted area" or "conservation area" or combination thereof or "industrial park conservation area," and thereby to enhance the tax bases of the taxing districts which extend into the redevelopment project area. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting. Each redevelopment plan shall set forth in writing the program to be undertaken to accomplish the objectives and shall include but not be limited to:

(A) an itemized list of estimated redevelopment project costs;

(B) evidence indicating that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise;

(C) an assessment of any financial impact of the redevelopment project area on or any increased demand for services from any taxing district affected by the plan and any program to address such financial impact or increased demand;

(D) the sources of funds to pay costs;

(E) the nature and term of the obligations to be issued;

(F) the most recent equalized assessed valuation of the redevelopment project area;

(G) an estimate as to the equalized assessed valuation after redevelopment and the general land uses to apply in the redevelopment project area;

(H) a commitment to fair employment practices and an affirmative action plan;

(I) if it concerns an industrial park conservation area, the plan shall also include a general description of any proposed developer, user and tenant of any property, a description of the type, structure and general character of the facilities to be developed, a description of the type, class and number of new employees to be employed in the operation of the facilities to be developed; and

(J) if property is to be annexed to the municipality, the plan shall include the terms of the annexation agreement.

The provisions of items (B) and (C) of this subsection (n) shall not apply to a municipality that before March 14, 1994 (the effective date of Public Act 88-537) had fixed, either by its corporate authorities or by a commission designated under subsection (k) of Section 11-74.4-4, a time and place for a public hearing as required by subsection (a) of Section 11-74.4-5. No redevelopment plan shall be adopted unless a municipality complies with all of the following requirements:

(1) The municipality finds that the redevelopment project area on the whole has not been subject to growth and development through investment by private enterprise and would not reasonably be anticipated to be developed without the adoption of the redevelopment plan.

(2) The municipality finds that the redevelopment plan and project conform to the comprehensive plan for the development of the municipality as a whole, or, for municipalities with a population of 100,000 or more, regardless of when the redevelopment plan and project was adopted,

the redevelopment plan and project either: (i) conforms to the strategic economic development or redevelopment plan issued by the designated planning authority of the municipality, or (ii) includes land uses that have been approved by the planning commission of the municipality.

(3) The redevelopment plan establishes the estimated dates of completion of the redevelopment project and retirement of obligations issued to finance redevelopment project costs. Those dates: shall not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981; shall not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-third calendar year after the year in which the ordinance approving the redevelopment project area if the ordinance was adopted on May 20, 1985 by the Village of Wheeling; and shall not be later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted:

(A) if the ordinance was adopted before January 15, 1981, or

(B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or

(C) if the ordinance was adopted in December 1987 and the redevelopment project is located within one mile of Midway Airport, or

(D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or

(E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or

(F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or

(G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or

(H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or if the ordinance was adopted on December 29, 1986 by East St. Louis, or

(I) if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or

(J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or

(K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or

(L) if the ordinance was adopted in September 1988 by Sauk Village, or

(M) if the ordinance was adopted in October 1993 by Sauk Village, or

(N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or

(O) if the ordinance was adopted in March 1991 by the City of Centreville, or

(P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or

(Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or

(R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or

(S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or

(T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or

(U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or

(V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or

(W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville, or

(X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or

(Y) if the ordinance was adopted on September 14, 1994 by the City of Alton, or

(Z) if the ordinance was adopted on November 11, 1996 by the City of Lexington, or

(AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or

(BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham, or

(CC) if the ordinance was adopted on November 11, 1986 by the City of Pekin, or

(DD) if the ordinance was adopted on December 15, 1981 by the City of Champaign, or
(EE) if the ordinance was adopted on December 15, 1986 by the City of Urbana, or
(FF) if the ordinance was adopted on December 15, 1986 by the Village of Heyworth, or
(GG) if the ordinance was adopted on February 24, 1992 by the Village of Heyworth, or
(HH) if the ordinance was adopted on March 16, 1995 by the Village of Heyworth, or
(II) if the ordinance was adopted on December 23, 1986 by the Town of Cicero, or
(JJ) if the ordinance was adopted on December 30, 1986 by the City of Effingham, or
(KK) if the ordinance was adopted on May 9, 1991 by the Village of Tilton, or
(LL) if the ordinance was adopted on October 20, 1986 by the City of Elmhurst, or
(MM) if the ordinance was adopted on January 19, 1988 by the City of Waukegan, or
(NN) if the ordinance was adopted on September 21, 1998 by the City of Waukegan, or
(OO) if the ordinance was adopted on December 31, 1986 by the City of Sullivan, or
(PP) if the ordinance was adopted on December 23, 1991 by the City of Sullivan, or
(QQ) ~~(OO)~~ if the ordinance was adopted on December 31, 1986 by the City of Oglesby , or
(RR) ~~(OO)~~ if the ordinance was adopted on July 28, 1987 by the City of Marion, or
(SS) ~~(PP)~~ if the ordinance was adopted on April 23, 1990 by the City of Marion , or
(TT) ~~(OO)~~ if the ordinance was adopted on August 20, 1985 by the Village of Mount Prospect , or
(UU) ~~(OO)~~ if the ordinance was adopted on February 2, 1998 by the Village of Woodhull , or
(VV) if the ordinance was adopted on July 1, 1986 by the City of Granite City.

However, for redevelopment project areas for which bonds were issued before July 29, 1991, or for which contracts were entered into before June 1, 1988, in connection with a redevelopment project in the area within the State Sales Tax Boundary, the estimated dates of completion of the redevelopment project and retirement of obligations to finance redevelopment project costs may be extended by municipal ordinance to December 31, 2013. The termination procedures of subsection (b) of Section 11-74.4-8 are not required for these redevelopment project areas in 2009 but are required in 2013. The extension allowed by this amendatory Act of 1993 shall not apply to real property tax increment allocation financing under Section 11-74.4-8.

A municipality may by municipal ordinance amend an existing redevelopment plan to conform to this paragraph (3) as amended by Public Act 91-478, which municipal ordinance may be adopted without further hearing or notice and without complying with the procedures provided in this Act pertaining to an amendment to or the initial approval of a redevelopment plan and project and designation of a redevelopment project area.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were adopted on or after December 16, 1986 and for which at least $8 million worth of municipal bonds were authorized on or after December 19, 1989 but before January 1, 1990; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

Those dates, for purposes of real property tax increment allocation financing pursuant to Section 11-74.4-8 only, shall be not more than 35 years for redevelopment project areas that were established on or after December 1, 1981 but before January 1, 1982 and for which at least $1,500,000 worth of tax increment revenue bonds were authorized on or after September 30, 1990 but before July 1, 1991; provided that the municipality elects to extend the life of the redevelopment project area to 35 years by the adoption of an ordinance after at least 14 but not more than 30 days' written notice to the taxing bodies, that would otherwise constitute the joint review board for the redevelopment project area, before the adoption of the ordinance.

(3.5) The municipality finds, in the case of an industrial park conservation area, also that the municipality is a labor surplus municipality and that the implementation of the redevelopment plan will reduce unemployment, create new jobs and by the provision of new facilities enhance the tax base of the taxing districts that extend into the redevelopment project area.

(4) If any incremental revenues are being utilized under Section 8(a)(1) or 8(a)(2) of this Act in redevelopment project areas approved by ordinance after January 1, 1986, the municipality finds: (a) that the redevelopment project area would not reasonably be developed without the use of such incremental revenues, and (b) that such incremental revenues will be exclusively utilized for the development of the redevelopment project area.

(5) If the redevelopment plan will not result in displacement of residents from 10 or

more inhabited residential units, and the municipality certifies in the plan that such displacement will not result from the plan, a housing impact study need not be performed. If, however, the redevelopment plan would result in the displacement of residents from 10 or more inhabited residential units, or if the redevelopment project area contains 75 or more inhabited residential units and no certification is made, then the municipality shall prepare, as part of the separate feasibility report required by subsection (a) of Section 11-74.4-5, a housing impact study.

Part I of the housing impact study shall include (i) data as to whether the residential units are single family or multi-family units, (ii) the number and type of rooms within the units, if that information is available, (iii) whether the units are inhabited or uninhabited, as determined not less than 45 days before the date that the ordinance or resolution required by subsection (a) of Section 11-74.4-5 is passed, and (iv) data as to the racial and ethnic composition of the residents in the inhabited residential units. The data requirement as to the racial and ethnic composition of the residents in the inhabited residential units shall be deemed to be fully satisfied by data from the most recent federal census.

Part II of the housing impact study shall identify the inhabited residential units in the proposed redevelopment project area that are to be or may be removed. If inhabited residential units are to be removed, then the housing impact study shall identify (i) the number and location of those units that will or may be removed, (ii) the municipality's plans for relocation assistance for those residents in the proposed redevelopment project area whose residences are to be removed, (iii) the availability of replacement housing for those residents whose residences are to be removed, and shall identify the type, location, and cost of the housing, and (iv) the type and extent of relocation assistance to be provided.

(6) On and after November 1, 1999, the housing impact study required by paragraph (5) shall be incorporated in the redevelopment plan for the redevelopment project area.

(7) On and after November 1, 1999, no redevelopment plan shall be adopted, nor an existing plan amended, nor shall residential housing that is occupied by households of low-income and very low-income persons in currently existing redevelopment project areas be removed after November 1, 1999 unless the redevelopment plan provides, with respect to inhabited housing units that are to be removed for households of low-income and very low-income persons, affordable housing and relocation assistance not less than that which would be provided under the federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 and the regulations under that Act, including the eligibility criteria. Affordable housing may be either existing or newly constructed housing. For purposes of this paragraph (7), "low-income households", "very low-income households", and "affordable housing" have the meanings set forth in the Illinois Affordable Housing Act. The municipality shall make a good faith effort to ensure that this affordable housing is located in or near the redevelopment project area within the municipality.

(8) On and after November 1, 1999, if, after the adoption of the redevelopment plan for the redevelopment project area, any municipality desires to amend its redevelopment plan to remove more inhabited residential units than specified in its original redevelopment plan, that change shall be made in accordance with the procedures in subsection (c) of Section 11-74.4-5.

(9) For redevelopment project areas designated prior to November 1, 1999, the redevelopment plan may be amended without further joint review board meeting or hearing, provided that the municipality shall give notice of any such changes by mail to each affected taxing district and registrant on the interested party registry, to authorize the municipality to expend tax increment revenues for redevelopment project costs defined by paragraphs (5) and (7.5), subparagraphs (E) and (F) of paragraph (11), and paragraph (11.5) of subsection (q) of Section 11-74.4-3, so long as the changes do not increase the total estimated redevelopment project costs set out in the redevelopment plan by more than 5% after adjustment for inflation from the date the plan was adopted.

(o) "Redevelopment project" means any public and private development project in furtherance of the objectives of a redevelopment plan. On and after November 1, 1999 (the effective date of Public Act 91-478), no redevelopment plan may be approved or amended that includes the development of vacant land (i) with a golf course and related clubhouse and other facilities or (ii) designated by federal, State, county, or municipal government as public land for outdoor recreational activities or for nature preserves and used for that purpose within 5 years prior to the adoption of the redevelopment plan. For the purpose of this subsection, "recreational activities" is limited to mean camping and hunting.

(p) "Redevelopment project area" means an area designated by the municipality, which is not less in the aggregate than 1 1/2 acres and in respect to which the municipality has made a finding that there exist conditions which cause the area to be classified as an industrial park conservation area or a blighted area or a conservation area, or a combination of both blighted areas and conservation areas.

(q) "Redevelopment project costs" mean and include the sum total of all reasonable or necessary costs incurred or estimated to be incurred, and any such costs incidental to a redevelopment plan and a redevelopment project. Such costs include, without limitation, the following:

(1) Costs of studies, surveys, development of plans, and specifications, implementation and administration of the redevelopment plan including but not limited to staff and professional service costs for architectural, engineering, legal, financial, planning or other services, provided however that no charges for professional services may be based on a percentage of the tax increment collected; except that on and after November 1, 1999 (the effective date of Public Act 91-478), no contracts for professional services, excluding architectural and engineering services, may be entered into if the terms of the contract extend beyond a period of 3 years. In addition, "redevelopment project costs" shall not include lobbying expenses. After consultation with the municipality, each tax increment consultant or advisor to a municipality that plans to designate or has designated a redevelopment project area shall inform the municipality in writing of any contracts that the consultant or advisor has entered into with entities or individuals that have received, or are receiving, payments financed by tax increment revenues produced by the redevelopment project area with respect to which the consultant or advisor has performed, or will be performing, service for the municipality. This requirement shall be satisfied by the consultant or advisor before the commencement of services for the municipality and thereafter whenever any other contracts with those individuals or entities are executed by the consultant or advisor;

(1.5) After July 1, 1999, annual administrative costs shall not include general overhead or administrative costs of the municipality that would still have been incurred by the municipality if the municipality had not designated a redevelopment project area or approved a redevelopment plan;

(1.6) The cost of marketing sites within the redevelopment project area to prospective businesses, developers, and investors;

(2) Property assembly costs, including but not limited to acquisition of land and other property, real or personal, or rights or interests therein, demolition of buildings, site preparation, site improvements that serve as an engineered barrier addressing ground level or below ground environmental contamination, including, but not limited to parking lots and other concrete or asphalt barriers, and the clearing and grading of land;

(3) Costs of rehabilitation, reconstruction or repair or remodeling of existing public or private buildings, fixtures, and leasehold improvements; and the cost of replacing an existing public building if pursuant to the implementation of a redevelopment project the existing public building is to be demolished to use the site for private investment or devoted to a different use requiring private investment;

(4) Costs of the construction of public works or improvements, except that on and after November 1, 1999, redevelopment project costs shall not include the cost of constructing a new municipal public building principally used to provide offices, storage space, or conference facilities or vehicle storage, maintenance, or repair for administrative, public safety, or public works personnel and that is not intended to replace an existing public building as provided under paragraph (3) of subsection (q) of Section 11-74.4-3 unless either (i) the construction of the new municipal building implements a redevelopment project that was included in a redevelopment plan that was adopted by the municipality prior to November 1, 1999 or (ii) the municipality makes a reasonable determination in the redevelopment plan, supported by information that provides the basis for that determination, that the new municipal building is required to meet an increase in the need for public safety purposes anticipated to result from the implementation of the redevelopment plan;

(5) Costs of job training and retraining projects, including the cost of "welfare to work" programs implemented by businesses located within the redevelopment project area;

(6) Financing costs, including but not limited to all necessary and incidental expenses related to the issuance of obligations and which may include payment of interest on any obligations issued hereunder including interest accruing during the estimated period of construction of any redevelopment project for which such obligations are issued and for not exceeding 36 months thereafter and including reasonable reserves related thereto;

(7) To the extent the municipality by written agreement accepts and approves the same, all or a portion of a taxing district's capital costs resulting from the redevelopment project necessarily incurred or to be incurred within a taxing district in furtherance of the objectives of the redevelopment plan and project.

(7.5) For redevelopment project areas designated (or redevelopment project areas amended to add or increase the number of tax-increment-financing assisted housing units) on or after

November 1, 1999, an elementary, secondary, or unit school district's increased costs attributable to assisted housing units located within the redevelopment project area for which the developer or redeveloper receives financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the assisted housing sites necessary for the completion of that housing as authorized by this Act, and which costs shall be paid by the municipality from the Special Tax Allocation Fund when the tax increment revenue is received as a result of the assisted housing units and shall be calculated annually as follows:

(A) for foundation districts, excluding any school district in a municipality with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general State aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 25% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

(ii) for elementary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 17% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

(iii) for secondary school districts with a district average 1995-96 Per Capita Tuition Charge of less than $5,900, no more than 8% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(B) For alternate method districts, flat grant districts, and foundation districts with a district average 1995-96 Per Capita Tuition Charge equal to or more than $5,900, excluding any school district with a population in excess of 1,000,000, by multiplying the district's increase in attendance resulting from the net increase in new students enrolled in that school district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by the most recently available per capita tuition cost as defined in Section 10-20.12a of the School Code less any increase in general state aid as defined in Section 18-8.05 of the School Code attributable to these added new students subject to the following annual limitations:

(i) for unit school districts, no more than 40% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act;

(ii) for elementary school districts, no more than 27% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act; and

(iii) for secondary school districts, no more than 13% of the total amount of property tax increment revenue produced by those housing units that have received tax increment finance assistance under this Act.

(C) For any school district in a municipality with a population in excess of 1,000,000, the following restrictions shall apply to the reimbursement of increased costs under this paragraph (7.5):

(i) no increased costs shall be reimbursed unless the school district certifies that each of the schools affected by the assisted housing project is at or over its student capacity;

(ii) the amount reimbursable shall be reduced by the value of any land donated to the school district by the municipality or developer, and by the value of any physical improvements made to the schools by the municipality or developer; and

(iii) the amount reimbursed may not affect amounts otherwise obligated by the

terms of any bonds, notes, or other funding instruments, or the terms of any redevelopment agreement.

Any school district seeking payment under this paragraph (7.5) shall, after July 1 and before September 30 of each year, provide the municipality with reasonable evidence to support its claim for reimbursement before the municipality shall be required to approve or make the payment to the school district. If the school district fails to provide the information during this period in any year, it shall forfeit any claim to reimbursement for that year. School districts may adopt a resolution waiving the right to all or a portion of the reimbursement otherwise required by this paragraph (7.5). By acceptance of this reimbursement the school district waives the right to directly or indirectly set aside, modify, or contest in any manner the establishment of the redevelopment project area or projects;

(7.7) For redevelopment project areas designated (or redevelopment project areas amended to add or increase the number of tax-increment-financing assisted housing units) on or after January 1, 2005 (the effective date of Public Act 93-961), a public library district's increased costs attributable to assisted housing units located within the redevelopment project area for which the developer or redeveloper receives financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the assisted housing sites necessary for the completion of that housing as authorized by this Act shall be paid to the library district by the municipality from the Special Tax Allocation Fund when the tax increment revenue is received as a result of the assisted housing units. This paragraph (7.7) applies only if (i) the library district is located in a county that is subject to the Property Tax Extension Limitation Law or (ii) the library district is not located in a county that is subject to the Property Tax Extension Limitation Law but the district is prohibited by any other law from increasing its tax levy rate without a prior voter referendum.

The amount paid to a library district under this paragraph (7.7) shall be calculated by multiplying (i) the net increase in the number of persons eligible to obtain a library card in that district who reside in housing units within the redevelopment project area that have received financial assistance through an agreement with the municipality or because the municipality incurs the cost of necessary infrastructure improvements within the boundaries of the housing sites necessary for the completion of that housing as authorized by this Act since the designation of the redevelopment project area by (ii) the per-patron cost of providing library services so long as it does not exceed $120. The per-patron cost shall be the Total Operating Expenditures Per Capita as stated in the most recent Illinois Public Library Statistics produced by the Library Research Center at the University of Illinois. The municipality may deduct from the amount that it must pay to a library district under this paragraph any amount that it has voluntarily paid to the library district from the tax increment revenue. The amount paid to a library district under this paragraph (7.7) shall be no more than 2% of the amount produced by the assisted housing units and deposited into the Special Tax Allocation Fund.

A library district is not eligible for any payment under this paragraph (7.7) unless the library district has experienced an increase in the number of patrons from the municipality that created the tax-increment-financing district since the designation of the redevelopment project area.

Any library district seeking payment under this paragraph (7.7) shall, after July 1 and before September 30 of each year, provide the municipality with convincing evidence to support its claim for reimbursement before the municipality shall be required to approve or make the payment to the library district. If the library district fails to provide the information during this period in any year, it shall forfeit any claim to reimbursement for that year. Library districts may adopt a resolution waiving the right to all or a portion of the reimbursement otherwise required by this paragraph (7.7). By acceptance of such reimbursement, the library district shall forfeit any right to directly or indirectly set aside, modify, or contest in any manner whatsoever the establishment of the redevelopment project area or projects;

(8) Relocation costs to the extent that a municipality determines that relocation costs shall be paid or is required to make payment of relocation costs by federal or State law or in order to satisfy subparagraph (7) of subsection (n);

(9) Payment in lieu of taxes;

(10) Costs of job training, retraining, advanced vocational education or career education, including but not limited to courses in occupational, semi-technical or technical fields leading directly to employment, incurred by one or more taxing districts, provided that such costs (i) are related to the establishment and maintenance of additional job training, advanced vocational education or career education programs for persons employed or to be employed by employers located

in a redevelopment project area; and (ii) when incurred by a taxing district or taxing districts other than the municipality, are set forth in a written agreement by or among the municipality and the taxing district or taxing districts, which agreement describes the program to be undertaken, including but not limited to the number of employees to be trained, a description of the training and services to be provided, the number and type of positions available or to be available, itemized costs of the program and sources of funds to pay for the same, and the term of the agreement. Such costs include, specifically, the payment by community college districts of costs pursuant to Sections 3-37, 3-38, 3-40 and 3-40.1 of the Public Community College Act and by school districts of costs pursuant to Sections 10-22.20a and 10-23.3a of The School Code;

(11) Interest cost incurred by a redeveloper related to the construction, renovation or rehabilitation of a redevelopment project provided that:

(A) such costs are to be paid directly from the special tax allocation fund established pursuant to this Act;

(B) such payments in any one year may not exceed 30% of the annual interest costs incurred by the redeveloper with regard to the redevelopment project during that year;

(C) if there are not sufficient funds available in the special tax allocation fund to make the payment pursuant to this paragraph (11) then the amounts so due shall accrue and be payable when sufficient funds are available in the special tax allocation fund;

(D) the total of such interest payments paid pursuant to this Act may not exceed 30% of the total (i) cost paid or incurred by the redeveloper for the redevelopment project plus (ii) redevelopment project costs excluding any property assembly costs and any relocation costs incurred by a municipality pursuant to this Act; and

(E) the cost limits set forth in subparagraphs (B) and (D) of paragraph (11) shall be modified for the financing of rehabilitated or new housing units for low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act. The percentage of 75% shall be substituted for 30% in subparagraphs (B) and (D) of paragraph (11).

(F) Instead of the eligible costs provided by subparagraphs (B) and (D) of paragraph (11), as modified by this subparagraph, and notwithstanding any other provisions of this Act to the contrary, the municipality may pay from tax increment revenues up to 50% of the cost of construction of new housing units to be occupied by low-income households and very low-income households as defined in Section 3 of the Illinois Affordable Housing Act. The cost of construction of those units may be derived from the proceeds of bonds issued by the municipality under this Act or other constitutional or statutory authority or from other sources of municipal revenue that may be reimbursed from tax increment revenues or the proceeds of bonds issued to finance the construction of that housing.

The eligible costs provided under this subparagraph (F) of paragraph (11) shall be an eligible cost for the construction, renovation, and rehabilitation of all low and very low-income housing units, as defined in Section 3 of the Illinois Affordable Housing Act, within the redevelopment project area. If the low and very low-income units are part of a residential redevelopment project that includes units not affordable to low and very low-income households, only the low and very low-income units shall be eligible for benefits under subparagraph (F) of paragraph (11). The standards for maintaining the occupancy by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, of those units constructed with eligible costs made available under the provisions of this subparagraph (F) of paragraph (11) shall be established by guidelines adopted by the municipality. The responsibility for annually documenting the initial occupancy of the units by low-income households and very low-income households, as defined in Section 3 of the Illinois Affordable Housing Act, shall be that of the then current owner of the property. For ownership units, the guidelines will provide, at a minimum, for a reasonable recapture of funds, or other appropriate methods designed to preserve the original affordability of the ownership units. For rental units, the guidelines will provide, at a minimum, for the affordability of rent to low and very low-income households. As units become available, they shall be rented to income-eligible tenants. The municipality may modify these guidelines from time to time; the guidelines, however, shall be in effect for as long as tax increment revenue is being used to pay for costs associated with the units or for the retirement of bonds issued to finance the units or for the life of the redevelopment project area, whichever is later.

(11.5) If the redevelopment project area is located within a municipality with a population of more than 100,000, the cost of day care services for children of employees from low-income families working for businesses located within the redevelopment project area and all or a portion of the cost of operation of day care centers established by redevelopment project area

businesses to serve employees from low-income families working in businesses located in the redevelopment project area. For the purposes of this paragraph, "low-income families" means families whose annual income does not exceed 80% of the municipal, county, or regional median income, adjusted for family size, as the annual income and municipal, county, or regional median income are determined from time to time by the United States Department of Housing and Urban Development.

(12) Unless explicitly stated herein the cost of construction of new privately-owned buildings shall not be an eligible redevelopment project cost.

(13) After November 1, 1999 (the effective date of Public Act 91-478), none of the redevelopment project costs enumerated in this subsection shall be eligible redevelopment project costs if those costs would provide direct financial support to a retail entity initiating operations in the redevelopment project area while terminating operations at another Illinois location within 10 miles of the redevelopment project area but outside the boundaries of the redevelopment project area municipality. For purposes of this paragraph, termination means a closing of a retail operation that is directly related to the opening of the same operation or like retail entity owned or operated by more than 50% of the original ownership in a redevelopment project area, but it does not mean closing an operation for reasons beyond the control of the retail entity, as documented by the retail entity, subject to a reasonable finding by the municipality that the current location contained inadequate space, had become economically obsolete, or was no longer a viable location for the retailer or serviceman.

If a special service area has been established pursuant to the Special Service Area Tax Act or Special Service Area Tax Law, then any tax increment revenues derived from the tax imposed pursuant to the Special Service Area Tax Act or Special Service Area Tax Law may be used within the redevelopment project area for the purposes permitted by that Act or Law as well as the purposes permitted by this Act.

(r) "State Sales Tax Boundary" means the redevelopment project area or the amended redevelopment project area boundaries which are determined pursuant to subsection (9) of Section 11-74.4-8a of this Act. The Department of Revenue shall certify pursuant to subsection (9) of Section 11-74.4-8a the appropriate boundaries eligible for the determination of State Sales Tax Increment.

(s) "State Sales Tax Increment" means an amount equal to the increase in the aggregate amount of taxes paid by retailers and servicemen, other than retailers and servicemen subject to the Public Utilities Act, on transactions at places of business located within a State Sales Tax Boundary pursuant to the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act, and the Service Occupation Tax Act, except such portion of such increase that is paid into the State and Local Sales Tax Reform Fund, the Local Government Distributive Fund, the Local Government Tax Fund and the County and Mass Transit District Fund, for as long as State participation exists, over and above the Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts for such taxes as certified by the Department of Revenue and paid under those Acts by retailers and servicemen on transactions at places of business located within the State Sales Tax Boundary during the base year which shall be the calendar year immediately prior to the year in which the municipality adopted tax increment allocation financing, less 3.0% of such amounts generated under the Retailers' Occupation Tax Act, Use Tax Act and Service Use Tax Act and the Service Occupation Tax Act, which sum shall be appropriated to the Department of Revenue to cover its costs of administering and enforcing this Section. For purposes of computing the aggregate amount of such taxes for base years occurring prior to 1985, the Department of Revenue shall compute the Initial Sales Tax Amount for such taxes and deduct therefrom an amount equal to 4% of the aggregate amount of taxes per year for each year the base year is prior to 1985, but not to exceed a total deduction of 12%. The amount so determined shall be known as the "Adjusted Initial Sales Tax Amount". For purposes of determining the State Sales Tax Increment the Department of Revenue shall for each period subtract from the tax amounts received from retailers and servicemen on transactions located in the State Sales Tax Boundary, the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or Revised Initial Sales Tax Amounts for the Retailers' Occupation Tax Act, the Use Tax Act, the Service Use Tax Act and the Service Occupation Tax Act. For the State Fiscal Year 1989 this calculation shall be made by utilizing the calendar year 1987 to determine the tax amounts received. For the State Fiscal Year 1990, this calculation shall be made by utilizing the period from January 1, 1988, until September 30, 1988, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For the State Fiscal Year 1991, this calculation shall be made by utilizing the period from October 1, 1988, until June 30, 1989, to determine the tax amounts received from retailers and servicemen, which shall have deducted therefrom nine-twelfths of the certified Initial State Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts as appropriate. For every State Fiscal Year thereafter, the applicable period shall be the 12 months beginning July 1 and

ending on June 30, to determine the tax amounts received which shall have deducted therefrom the certified Initial Sales Tax Amounts, Adjusted Initial Sales Tax Amounts or the Revised Initial Sales Tax Amounts. Municipalities intending to receive a distribution of State Sales Tax Increment must report a list of retailers to the Department of Revenue by October 31, 1988 and by July 31, of each year thereafter.

(t) "Taxing districts" means counties, townships, cities and incorporated towns and villages, school, road, park, sanitary, mosquito abatement, forest preserve, public health, fire protection, river conservancy, tuberculosis sanitarium and any other municipal corporations or districts with the power to levy taxes.

(u) "Taxing districts' capital costs" means those costs of taxing districts for capital improvements that are found by the municipal corporate authorities to be necessary and directly result from the redevelopment project.

(v) As used in subsection (a) of Section 11-74.4-3 of this Act, "vacant land" means any parcel or combination of parcels of real property without industrial, commercial, and residential buildings which has not been used for commercial agricultural purposes within 5 years prior to the designation of the redevelopment project area, unless the parcel is included in an industrial park conservation area or the parcel has been subdivided; provided that if the parcel was part of a larger tract that has been divided into 3 or more smaller tracts that were accepted for recording during the period from 1950 to 1990, then the parcel shall be deemed to have been subdivided, and all proceedings and actions of the municipality taken in that connection with respect to any previously approved or designated redevelopment project area or amended redevelopment project area are hereby validated and hereby declared to be legally sufficient for all purposes of this Act. For purposes of this Section and only for land subject to the subdivision requirements of the Plat Act, land is subdivided when the original plat of the proposed Redevelopment Project Area or relevant portion thereof has been properly certified, acknowledged, approved, and recorded or filed in accordance with the Plat Act and a preliminary plat, if any, for any subsequent phases of the proposed Redevelopment Project Area or relevant portion thereof has been properly approved and filed in accordance with the applicable ordinance of the municipality.

(w) "Annual Total Increment" means the sum of each municipality's annual Net Sales Tax Increment and each municipality's annual Net Utility Tax Increment. The ratio of the Annual Total Increment of each municipality to the Annual Total Increment for all municipalities, as most recently calculated by the Department, shall determine the proportional shares of the Illinois Tax Increment Fund to be distributed to each municipality.

(Source: P.A. 93-298, eff. 7-23-03; 93-708, eff. 1-1-05; 93-747, eff. 7-15-04; 93-924, eff. 8-12-04; 93-961, eff. 1-1-05; 93-983, eff. 8-23-04; 93-984, eff. 8-23-04; 93-985, eff. 8-23-04; 93-986, eff. 8-23-04; 93-987, eff. 8-23-04; 93-995, eff. 8-23-04; 93-1024, eff. 8-25-04; 93-1076, eff. 1-18-05; 94-260, eff. 7-19-05; 94-268, eff. 7-19-05; 94-297, eff. 7-21-05; 94-302, eff. 7-21-05; 94-702, eff. 6-1-06; 94-704, eff. 12-5-05; 94-711, eff. 6-1-06; revised 12-9-05.)

(65 ILCS 5/11-74.4-7) (from Ch. 24, par. 11-74.4-7)

(Text of Section before amendment by P.A. 94-702 and 94-711)

Sec. 11-74.4-7. Obligations secured by the special tax allocation fund set forth in Section 11-74.4-8 for the redevelopment project area may be issued to provide for redevelopment project costs. Such obligations, when so issued, shall be retired in the manner provided in the ordinance authorizing the issuance of such obligations by the receipts of taxes levied as specified in Section 11-74.4-9 against the taxable property included in the area, by revenues as specified by Section 11-74.4-8a and other revenue designated by the municipality. A municipality may in the ordinance pledge all or any part of the funds in and to be deposited in the special tax allocation fund created pursuant to Section 11-74.4-8 to the payment of the redevelopment project costs and obligations. Any pledge of funds in the special tax allocation fund shall provide for distribution to the taxing districts and to the Illinois Department of Revenue of moneys not required, pledged, earmarked, or otherwise designated for payment and securing of the obligations and anticipated redevelopment project costs and such excess funds shall be calculated annually and deemed to be "surplus" funds. In the event a municipality only applies or pledges a portion of the funds in the special tax allocation fund for the payment or securing of anticipated redevelopment project costs or of obligations, any such funds remaining in the special tax allocation fund after complying with the requirements of the application or pledge, shall also be calculated annually and deemed "surplus" funds. All surplus funds in the special tax allocation fund shall be distributed annually within 180 days after the close of the municipality's fiscal year by being paid by the municipal treasurer to the County Collector, to the Department of Revenue and to the municipality in direct proportion to the tax incremental revenue received as a result of an increase in the equalized assessed value of property in the redevelopment project area, tax incremental revenue received from the State and tax incremental

revenue received from the municipality, but not to exceed as to each such source the total incremental revenue received from that source. The County Collector shall thereafter make distribution to the respective taxing districts in the same manner and proportion as the most recent distribution by the county collector to the affected districts of real property taxes from real property in the redevelopment project area.

Without limiting the foregoing in this Section, the municipality may in addition to obligations secured by the special tax allocation fund pledge for a period not greater than the term of the obligations towards payment of such obligations any part or any combination of the following: (a) net revenues of all or part of any redevelopment project; (b) taxes levied and collected on any or all property in the municipality; (c) the full faith and credit of the municipality; (d) a mortgage on part or all of the redevelopment project; or (e) any other taxes or anticipated receipts that the municipality may lawfully pledge.

Such obligations may be issued in one or more series bearing interest at such rate or rates as the corporate authorities of the municipality shall determine by ordinance. Such obligations shall bear such date or dates, mature at such time or times not exceeding 20 years from their respective dates, be in such denomination, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such place or places, contain such covenants, terms and conditions, and be subject to redemption as such ordinance shall provide. Obligations issued pursuant to this Act may be sold at public or private sale at such price as shall be determined by the corporate authorities of the municipalities. No referendum approval of the electors shall be required as a condition to the issuance of obligations pursuant to this Division except as provided in this Section.

In the event the municipality authorizes issuance of obligations pursuant to the authority of this Division secured by the full faith and credit of the municipality, which obligations are other than obligations which may be issued under home rule powers provided by Article VII, Section 6 of the Illinois Constitution, or pledges taxes pursuant to (b) or (c) of the second paragraph of this section, the ordinance authorizing the issuance of such obligations or pledging such taxes shall be published within 10 days after such ordinance has been passed in one or more newspapers, with general circulation within such municipality. The publication of the ordinance shall be accompanied by a notice of (1) the specific number of voters required to sign a petition requesting the question of the issuance of such obligations or pledging taxes to be submitted to the electors; (2) the time in which such petition must be filed; and (3) the date of the prospective referendum. The municipal clerk shall provide a petition form to any individual requesting one.

If no petition is filed with the municipal clerk, as hereinafter provided in this Section, within 30 days after the publication of the ordinance, the ordinance shall be in effect. But, if within that 30 day period a petition is filed with the municipal clerk, signed by electors in the municipality numbering 10% or more of the number of registered voters in the municipality, asking that the question of issuing obligations using full faith and credit of the municipality as security for the cost of paying for redevelopment project costs, or of pledging taxes for the payment of such obligations, or both, be submitted to the electors of the municipality, the corporate authorities of the municipality shall call a special election in the manner provided by law to vote upon that question, or, if a general, State or municipal election is to be held within a period of not less than 30 or more than 90 days from the date such petition is filed, shall submit the question at the next general, State or municipal election. If it appears upon the canvass of the election by the corporate authorities that a majority of electors voting upon the question voted in favor thereof, the ordinance shall be in effect, but if a majority of the electors voting upon the question are not in favor thereof, the ordinance shall not take effect.

The ordinance authorizing the obligations may provide that the obligations shall contain a recital that they are issued pursuant to this Division, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

In the event the municipality authorizes issuance of obligations pursuant to this Section secured by the full faith and credit of the municipality, the ordinance authorizing the obligations may provide for the levy and collection of a direct annual tax upon all taxable property within the municipality sufficient to pay the principal thereof and interest thereon as it matures, which levy may be in addition to and exclusive of the maximum of all other taxes authorized to be levied by the municipality, which levy, however, shall be abated to the extent that monies from other sources are available for payment of the obligations and the municipality certifies the amount of said monies available to the county clerk.

A certified copy of such ordinance shall be filed with the county clerk of each county in which any portion of the municipality is situated, and shall constitute the authority for the extension and collection of the taxes to be deposited in the special tax allocation fund.

A municipality may also issue its obligations to refund in whole or in part, obligations theretofore issued by such municipality under the authority of this Act, whether at or prior to maturity, provided

however, that the last maturity of the refunding obligations shall not be expressed to mature later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981, not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-third calendar year after the year in which the ordinance approving the redevelopment project area if the ordinance was adopted on May 20, 1985 by the Village of Wheeling, and not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted (A) if the ordinance was adopted before January 15, 1981, or (B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or (C) if the ordinance was adopted in December, 1987 and the redevelopment project is located within one mile of Midway Airport, or (D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or (E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or (F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or (G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or (H) if the ordinance was adopted on October 5, 1982 by the City of Kankakee, or (I) if the ordinance was adopted on December 29, 1986 by East St. Louis, or if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or (J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or (K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or (L) if the ordinance was adopted in September 1988 by Sauk Village, or (M) if the ordinance was adopted in October 1993 by Sauk Village, or (N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or (O) if the ordinance was adopted in March 1991 by the City of Centreville, or (P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or (Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or (R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or (S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or (T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or (U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or (V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or (W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville, or (X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or (Y) if the ordinance was adopted on September 14, 1994 by the City of Alton, or (Z) if the ordinance was adopted on November 11, 1996 by the City of Lexington, or (AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or (BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham, or (CC) if the ordinance was adopted on November 11, 1986 by the City of Pekin, or (DD) if the ordinance was adopted on December 15, 1981 by the City of Champaign, or (EE) if the ordinance was adopted on December 15, 1986 by the City of Urbana, or (FF) if the ordinance was adopted on December 15, 1986 by the Village of Heyworth, or (GG) if the ordinance was adopted on February 24, 1992 by the Village of Heyworth, or (HH) if the ordinance was adopted on March 16, 1995 by the Village of Heyworth, or (II) if the ordinance was adopted on December 23, 1986 by the Town of Cicero, or (JJ) if the ordinance was adopted on December 30, 1986 by the City of Effingham, or (KK) if the ordinance was adopted on May 9, 1991 by the Village of Tilton, or (LL) if the ordinance was adopted on October 20, 1986 by the City of Elmhurst, or (MM) if the ordinance was adopted on January 19, 1988 by the City of Waukegan, or (NN) if the ordinance was adopted on September 21, 1998 by the City of Waukegan, or (OO) if the ordinance was adopted on December 31, 1986 by the City of Sullivan, or (PP) if the ordinance was adopted on December 23, 1991 by the City of Sullivan, or (QQ) ~~(OO)~~ if the ordinance was adopted on December 31, 1986 by the City of Oglesby, or (RR) ~~(OO)~~ if the ordinance was adopted on July 28, 1987 by the City of Marion, or (SS) ~~(PP)~~ if the ordinance was adopted on April 23, 1990 by the City of Marion , or (TT) if the ordinance was adopted on July 1, 1986 by the City of Granite City and, for redevelopment project areas for which bonds were issued before July 29, 1991, in connection with a redevelopment project in the area within the State Sales Tax Boundary and which were extended by municipal ordinance under subsection (n) of Section 11-74.4-3, the last maturity of the refunding obligations shall not be expressed to mature later

than the date on which the redevelopment project area is terminated or December 31, 2013, whichever date occurs first.

In the event a municipality issues obligations under home rule powers or other legislative authority the proceeds of which are pledged to pay for redevelopment project costs, the municipality may, if it has followed the procedures in conformance with this division, retire said obligations from funds in the special tax allocation fund in amounts and in such manner as if such obligations had been issued pursuant to the provisions of this division.

All obligations heretofore or hereafter issued pursuant to this Act shall not be regarded as indebtedness of the municipality issuing such obligations or any other taxing district for the purpose of any limitation imposed by law.

(Source: P.A. 93-298, eff. 7-23-03; 93-708, eff. 1-1-05; 93-747, eff. 7-15-04; 93-924, eff. 8-12-04; 93-983, eff. 8-23-04; 93-984, eff. 8-23-04; 93-985, eff. 8-23-04; 93-986, eff. 8-23-04; 93-987, eff. 8-23-04; 93-995, eff. 8-23-04; 93-1024, eff. 8-25-04; 93-1076, eff. 1-18-05; 94-260, eff. 7-19-05; 94-297, eff. 7-21-05; 94-302, eff. 7-21-05; 94-704, eff. 12-5-05; revised 12-9-05.)

(Text of Section after amendment by P.A. 94-702 and 94-711)

Sec. 11-74.4-7. Obligations secured by the special tax allocation fund set forth in Section 11-74.4-8 for the redevelopment project area may be issued to provide for redevelopment project costs. Such obligations, when so issued, shall be retired in the manner provided in the ordinance authorizing the issuance of such obligations by the receipts of taxes levied as specified in Section 11-74.4-9 against the taxable property included in the area, by revenues as specified by Section 11-74.4-8a and other revenue designated by the municipality. A municipality may in the ordinance pledge all or any part of the funds in and to be deposited in the special tax allocation fund created pursuant to Section 11-74.4-8 to the payment of the redevelopment project costs and obligations. Any pledge of funds in the special tax allocation fund shall provide for distribution to the taxing districts and to the Illinois Department of Revenue of moneys not required, pledged, earmarked, or otherwise designated for payment and securing of the obligations and anticipated redevelopment project costs and such excess funds shall be calculated annually and deemed to be "surplus" funds. In the event a municipality only applies or pledges a portion of the funds in the special tax allocation fund for the payment or securing of anticipated redevelopment project costs or of obligations, any such funds remaining in the special tax allocation fund after complying with the requirements of the application or pledge, shall also be calculated annually and deemed "surplus" funds. All surplus funds in the special tax allocation fund shall be distributed annually within 180 days after the close of the municipality's fiscal year by being paid by the municipal treasurer to the County Collector, to the Department of Revenue and to the municipality in direct proportion to the tax incremental revenue received as a result of an increase in the equalized assessed value of property in the redevelopment project area, tax incremental revenue received from the State and tax incremental revenue received from the municipality, but not to exceed as to each such source the total incremental revenue received from that source. The County Collector shall thereafter make distribution to the respective taxing districts in the same manner and proportion as the most recent distribution by the county collector to the affected districts of real property taxes from real property in the redevelopment project area.

Without limiting the foregoing in this Section, the municipality may in addition to obligations secured by the special tax allocation fund pledge for a period not greater than the term of the obligations towards payment of such obligations any part or any combination of the following: (a) net revenues of all or part of any redevelopment project; (b) taxes levied and collected on any or all property in the municipality; (c) the full faith and credit of the municipality; (d) a mortgage on part or all of the redevelopment project; or (e) any other taxes or anticipated receipts that the municipality may lawfully pledge.

Such obligations may be issued in one or more series bearing interest at such rate or rates as the corporate authorities of the municipality shall determine by ordinance. Such obligations shall bear such date or dates, mature at such time or times not exceeding 20 years from their respective dates, be in such denomination, carry such registration privileges, be executed in such manner, be payable in such medium of payment at such place or places, contain such covenants, terms and conditions, and be subject to redemption as such ordinance shall provide. Obligations issued pursuant to this Act may be sold at public or private sale at such price as shall be determined by the corporate authorities of the municipalities. No referendum approval of the electors shall be required as a condition to the issuance of obligations pursuant to this Division except as provided in this Section.

In the event the municipality authorizes issuance of obligations pursuant to the authority of this Division secured by the full faith and credit of the municipality, which obligations are other than obligations which may be issued under home rule powers provided by Article VII, Section 6 of the

Illinois Constitution, or pledges taxes pursuant to (b) or (c) of the second paragraph of this section, the ordinance authorizing the issuance of such obligations or pledging such taxes shall be published within 10 days after such ordinance has been passed in one or more newspapers, with general circulation within such municipality. The publication of the ordinance shall be accompanied by a notice of (1) the specific number of voters required to sign a petition requesting the question of the issuance of such obligations or pledging taxes to be submitted to the electors; (2) the time in which such petition must be filed; and (3) the date of the prospective referendum. The municipal clerk shall provide a petition form to any individual requesting one.

If no petition is filed with the municipal clerk, as hereinafter provided in this Section, within 30 days after the publication of the ordinance, the ordinance shall be in effect. But, if within that 30 day period a petition is filed with the municipal clerk, signed by electors in the municipality numbering 10% or more of the number of registered voters in the municipality, asking that the question of issuing obligations using full faith and credit of the municipality as security for the cost of paying for redevelopment project costs, or of pledging taxes for the payment of such obligations, or both, be submitted to the electors of the municipality, the corporate authorities of the municipality shall call a special election in the manner provided by law to vote upon that question, or, if a general, State or municipal election is to be held within a period of not less than 30 or more than 90 days from the date such petition is filed, shall submit the question at the next general, State or municipal election. If it appears upon the canvass of the election by the corporate authorities that a majority of electors voting upon the question voted in favor thereof, the ordinance shall be in effect, but if a majority of the electors voting upon the question are not in favor thereof, the ordinance shall not take effect.

The ordinance authorizing the obligations may provide that the obligations shall contain a recital that they are issued pursuant to this Division, which recital shall be conclusive evidence of their validity and of the regularity of their issuance.

In the event the municipality authorizes issuance of obligations pursuant to this Section secured by the full faith and credit of the municipality, the ordinance authorizing the obligations may provide for the levy and collection of a direct annual tax upon all taxable property within the municipality sufficient to pay the principal thereof and interest thereon as it matures, which levy may be in addition to and exclusive of the maximum of all other taxes authorized to be levied by the municipality, which levy, however, shall be abated to the extent that monies from other sources are available for payment of the obligations and the municipality certifies the amount of said monies available to the county clerk.

A certified copy of such ordinance shall be filed with the county clerk of each county in which any portion of the municipality is situated, and shall constitute the authority for the extension and collection of the taxes to be deposited in the special tax allocation fund.

A municipality may also issue its obligations to refund in whole or in part, obligations theretofore issued by such municipality under the authority of this Act, whether at or prior to maturity, provided however, that the last maturity of the refunding obligations shall not be expressed to mature later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the twenty-third calendar year after the year in which the ordinance approving the redevelopment project area is adopted if the ordinance was adopted on or after January 15, 1981, not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-third calendar year after the year in which the ordinance approving the redevelopment project area if the ordinance was adopted on May 20, 1985 by the Village of Wheeling, and not later than December 31 of the year in which the payment to the municipal treasurer as provided in subsection (b) of Section 11-74.4-8 of this Act is to be made with respect to ad valorem taxes levied in the thirty-fifth calendar year after the year in which the ordinance approving the redevelopment project area is adopted (A) if the ordinance was adopted before January 15, 1981, or (B) if the ordinance was adopted in December 1983, April 1984, July 1985, or December 1989, or (C) if the ordinance was adopted in December, 1987 and the redevelopment project is located within one mile of Midway Airport, or (D) if the ordinance was adopted before January 1, 1987 by a municipality in Mason County, or (E) if the municipality is subject to the Local Government Financial Planning and Supervision Act or the Financially Distressed City Law, or (F) if the ordinance was adopted in December 1984 by the Village of Rosemont, or (G) if the ordinance was adopted on December 31, 1986 by a municipality located in Clinton County for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or if the ordinance was adopted on December 31, 1986 by a municipality with a population in 1990 of less than 3,600 that is located in a county with a population in 1990 of less than 34,000 and for which at least $250,000 of tax increment bonds were authorized on June 17, 1997, or (H) if the ordinance was adopted on October 5, 1982 by the City of

Kankakee, or (I) if the ordinance was adopted on December 29, 1986 by East St. Louis, or if the ordinance was adopted on November 12, 1991 by the Village of Sauget, or (J) if the ordinance was adopted on February 11, 1985 by the City of Rock Island, or (K) if the ordinance was adopted before December 18, 1986 by the City of Moline, or (L) if the ordinance was adopted in September 1988 by Sauk Village, or (M) if the ordinance was adopted in October 1993 by Sauk Village, or (N) if the ordinance was adopted on December 29, 1986 by the City of Galva, or (O) if the ordinance was adopted in March 1991 by the City of Centreville, or (P) if the ordinance was adopted on January 23, 1991 by the City of East St. Louis, or (Q) if the ordinance was adopted on December 22, 1986 by the City of Aledo, or (R) if the ordinance was adopted on February 5, 1990 by the City of Clinton, or (S) if the ordinance was adopted on September 6, 1994 by the City of Freeport, or (T) if the ordinance was adopted on December 22, 1986 by the City of Tuscola, or (U) if the ordinance was adopted on December 23, 1986 by the City of Sparta, or (V) if the ordinance was adopted on December 23, 1986 by the City of Beardstown, or (W) if the ordinance was adopted on April 27, 1981, October 21, 1985, or December 30, 1986 by the City of Belleville, or (X) if the ordinance was adopted on December 29, 1986 by the City of Collinsville, or (Y) if the ordinance was adopted on September 14, 1994 by the City of Alton, or (Z) if the ordinance was adopted on November 11, 1996 by the City of Lexington, or (AA) if the ordinance was adopted on November 5, 1984 by the City of LeRoy, or (BB) if the ordinance was adopted on April 3, 1991 or June 3, 1992 by the City of Markham, or (CC) if the ordinance was adopted on November 11, 1986 by the City of Pekin, or (DD) if the ordinance was adopted on December 15, 1981 by the City of Champaign, or (EE) if the ordinance was adopted on December 15, 1986 by the City of Urbana, or (FF) if the ordinance was adopted on December 15, 1986 by the Village of Heyworth, or (GG) if the ordinance was adopted on February 24, 1992 by the Village of Heyworth, or (HH) if the ordinance was adopted on March 16, 1995 by the Village of Heyworth, or (II) if the ordinance was adopted on December 23, 1986 by the Town of Cicero, or (JJ) if the ordinance was adopted on December 30, 1986 by the City of Effingham, or (KK) if the ordinance was adopted on May 9, 1991 by the Village of Tilton, or (LL) if the ordinance was adopted on October 20, 1986 by the City of Elmhurst, or (MM) if the ordinance was adopted on January 19, 1988 by the City of Waukegan, or (NN) if the ordinance was adopted on September 21, 1998 by the City of Waukegan, or (OO) if the ordinance was adopted on December 31, 1986 by the City of Sullivan, or (PP) if the ordinance was adopted on December 23, 1991 by the City of Sullivan, or (QQ) ~~(OO)~~ if the ordinance was adopted on December 31, 1986 by the City of Oglesby, or (RR) ~~(OO)~~ if the ordinance was adopted on July 28, 1987 by the City of Marion, or (SS) ~~(PP)~~ if the ordinance was adopted on April 23, 1990 by the City of Marion, or (TT) ~~(OO)~~ if the ordinance was adopted on August 20, 1985 by the Village of Mount Prospect, or (UU) ~~(OO)~~ if the ordinance was adopted on February 2, 1998 by the Village of Woodhull , or (VV) if the ordinance was adopted on July 1, 1986 by the City of Granite City and, for redevelopment project areas for which bonds were issued before July 29, 1991, in connection with a redevelopment project in the area within the State Sales Tax Boundary and which were extended by municipal ordinance under subsection (n) of Section 11-74.4-3, the last maturity of the refunding obligations shall not be expressed to mature later than the date on which the redevelopment project area is terminated or December 31, 2013, whichever date occurs first.

In the event a municipality issues obligations under home rule powers or other legislative authority the proceeds of which are pledged to pay for redevelopment project costs, the municipality may, if it has followed the procedures in conformance with this division, retire said obligations from funds in the special tax allocation fund in amounts and in such manner as if such obligations had been issued pursuant to the provisions of this division.

All obligations heretofore or hereafter issued pursuant to this Act shall not be regarded as indebtedness of the municipality issuing such obligations or any other taxing district for the purpose of any limitation imposed by law.

(Source: P.A. 93-298, eff. 7-23-03; 93-708, eff. 1-1-05; 93-747, eff. 7-15-04; 93-924, eff. 8-12-04; 93-983, eff. 8-23-04; 93-984, eff. 8-23-04; 93-985, eff. 8-23-04; 93-986, eff. 8-23-04; 93-987, eff. 8-23-04; 93-995, eff. 8-23-04; 93-1024, eff. 8-25-04; 93-1076, eff. 1-18-05; 94-260, eff. 7-19-05; 94-297, eff. 7-21-05; 94-302, eff. 7-21-05; 94-702, eff. 6-1-06; 94-704, eff. 12-5-05; 94-711, eff. 6-1-06; revised 12-9-05.)

Section 95. No acceleration or delay. Where this Act makes changes in a statute that is represented in this Act by text that is not yet or no longer in effect (for example, a Section represented by multiple versions), the use of that text does not accelerate or delay the taking effect of (i) the changes made by this Act or (ii) provisions derived from any other Public Act.

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 BILL OF THE SENATE A THIRD TIME

On motion of Senator Haine, **Senate Bill No. 819**, 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 57; Nays None.

The following voted in the affirmative:

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

SENATE BILL RECALLED

On motion of Senator Hendon, **Senate Bill No. 820** was recalled from the order of third reading to the order of second reading.

Senator Hendon offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 820

AMENDMENT NO. __1__. Amend Senate Bill 820 by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Public Building Surveillance Camera Act.

Section 5. Surveillance cameras; installation. Any municipality with a population greater than 500,000, that has enacted an ordinance or resolution requiring any business to install one or more surveillance cameras based on the business's hours of operation must install and operate surveillance cameras at all locations owned or leased by the municipality where the municipality collects fees or payments or where official action is taken regarding expenditure of public funds. If a municipality is required to install surveillance cameras under this Section, installation must be completed within the

time period specified in the ordinance or resolution for the installation of surveillance cameras by the businesses. The municipality must also comply with any other provisions of the ordinance or resolution related to the installation and operation of surveillance cameras.

Section 10. Home Rule. This Act is a limitation under subsection (i) of Section 6 of Article VII of the Illinois Constitution on the concurrent exercise by home rule units of power and functions exercised by the State.

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.

READING OF BILL OF THE SENATE A THIRD TIME

On motion of Senator Hendon, **Senate Bill No. 820**, 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 56; Nays None.

The following voted in the affirmative:

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

SENATE BILL RECALLED

On motion of Senator Trotter, **Senate Bill No. 821** was recalled from the order of third reading to the order of second reading.

Senator Trotter offered the following amendment and moved its adoption:

AMENDMENT NO. 2 TO SENATE BILL 821

AMENDMENT NO. 2. Amend Senate Bill 821 by replacing everything after the enacting clause with the following:

"Section 5. The Counties Code is amended by changing Section 5-41010 as follows:
(55 ILCS 5/5-41010)
Sec. 5-41010. Code hearing unit. The county board in any county ~~having a population of less than 3,000,000 inhabitants~~ may establish by ordinance a code hearing unit within an existing code enforcement agency or as a separate and independent agency in county government. A county may establish a code hearing unit and administrative adjudication process only under the provisions of this Division 5-41. The function of the code hearing unit shall be to expedite the prosecution and correction of code violations as provided in this Division 5-41.
(Source: P.A. 90-517, eff. 8-22-97.)

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. 2 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 Trotter, **Senate Bill No. 821**, 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 57; Nays None.

The following voted in the affirmative:

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

SENATE BILL RECALLED

On motion of Senator Forby, **Senate Bill No. 835** was recalled from the order of third reading to the order of second reading.

Senator Forby offered the following amendment and moved its adoption:

AMENDMENT NO. 3 TO SENATE BILL 835

AMENDMENT NO. 3. Amend Senate Bill 835 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Municipal Code is amended by changing Section 7-1-1 as follows:

(65 ILCS 5/7-1-1) (from Ch. 24, par. 7-1-1)

Sec. 7-1-1. Annexation of contiguous territory. Any territory that is not within the corporate limits of any municipality but is contiguous to a municipality may be annexed to the municipality as provided in this Article. For the purposes of this Article any territory to be annexed to a municipality shall be considered to be contiguous to the municipality notwithstanding that the territory is separated from the municipality by a strip parcel, railroad or public utility right-of-way, or former railroad right-of-way that has been converted to a recreational trail, but upon annexation the area included within that strip parcel, right-of-way, or former right-of-way shall not be considered to be annexed to the municipality. For purposes of this Section, "strip parcel" means a separation no wider than 30 feet between the territory to be annexed and the municipal boundary.

Except in counties with a population of more than 600,000 but less than 3,000,000, territory which is not contiguous to a municipality but is separated therefrom only by a forest preserve district, federal wildlife refuge, or open land or open space that is part of an open space program, as defined in Section 115-5 of the Township Code, may be annexed to the municipality pursuant to Section 7-1-7 or 7-1-8, but only if the annexing municipality can show that the forest preserve district, federal wildlife refuge, open land, or open space creates an artificial barrier preventing the annexation and that the location of the forest preserve district, federal wildlife refuge, open land, or open space property prevents the orderly natural growth of the annexing municipality. It shall be conclusively presumed that the forest preserve district, federal wildlife refuge, open land, or open space does not create an artificial barrier if the property sought to be annexed is bounded on at least 3 sides by (i) one or more other municipalities (other than the municipality seeking annexation through the existing forest preserve district, federal wildlife refuge, open land, or open space), (ii) forest preserve district property, federal wildlife refuge, open land, or open space, or (iii) a combination of other municipalities and forest preserve district property, federal wildlife refuge property, open land, or open space. It shall also be conclusively presumed that the forest preserve district, federal wildlife refuge, open land, or open space does not create an artificial barrier if the municipality seeking annexation is not the closest municipality within the county to the property to be annexed. The territory included within such forest preserve district, federal wildlife refuge, open land, or open space shall not be annexed to the municipality nor shall the territory of the forest preserve district, federal wildlife refuge, open land, or open space be subject to rights-of-way for access or services between the parts of the municipality separated by the forest preserve district, federal wildlife refuge, open land, or open space without the consent of the governing body of the forest preserve district or federal wildlife refuge. The changes made to this Section by this amendatory Act of 91st General Assembly are declaratory of existing law and shall not be construed as a new enactment.

In counties that are contiguous to the Mississippi River with populations of more than 200,000 but less than 255,000, a municipality that is partially located in territory that is wholly surrounded by the Mississippi River and a canal, connected at both ends to the Mississippi River and located on property owned by the United States of America, may annex noncontiguous territory in the surrounded territory under Sections 7-1-7, 7-1-8, or 7-1-9 if that territory is separated from the municipality by property owned by the United States of America, but that federal property shall not be annexed without the consent of the federal government.

For the purposes of this Article, any territory to be annexed to a municipality that is located in a county with more than 500,000 inhabitants shall be considered to be contiguous to the municipality if only a river and a national heritage corridor separate the territory from the municipality. Upon annexation, no river or national heritage corridor shall be considered annexed to the municipality.

When any land proposed to be annexed is part of any Fire Protection District or of any Public Library District and the annexing municipality provides fire protection or a public library, as the case may be, the Trustees of each District shall be notified in writing by certified or registered mail before any court hearing or other action is taken for annexation. The notice shall be served 10 days in advance. An affidavit that service of notice has been had as provided by this Section must be filed with the clerk of

the court in which the annexation proceedings are pending or will be instituted or, when no court proceedings are involved, with the recorder for the county where the land is situated. No annexation of that land is effective unless service is had and the affidavit filed as provided in this Section.

The new boundary shall extend to the far side of any adjacent highway and shall include all of every highway within the area annexed. These highways shall be considered to be annexed even though not included in the legal description set forth in the petition for annexation. When any land proposed to be annexed includes any highway under the jurisdiction of any township, the Township Commissioner of Highways and the Board of Town Trustees shall be notified in writing by certified or registered mail before any court hearing or other action is taken for annexation. In the event that a municipality fails to notify the Township Commissioner of Highways and the Board of Town Trustees of the annexation of an area within the township, the municipality shall reimburse that township for any loss or liability caused by the failure to give notice. If any municipality has annexed any area before October 1, 1975, and the legal description in the petition for annexation did not include the entire adjacent highway, any such annexation shall be valid and any highway adjacent to the area annexed shall be considered to be annexed notwithstanding the failure of the petition to annex to include the description of the entire adjacent highway.

Any annexation, disconnection and annexation, or disconnection under this Article of any territory must be reported by certified or registered mail by the corporate authority initiating the action to the election authorities having jurisdiction in the territory and the post office branches serving the territory within 30 days of the annexation, disconnection and annexation, or disconnection.

Failure to give notice to the required election authorities or post office branches will not invalidate the annexation or disconnection. For purposes of this Section "election authorities" means the county clerk where the clerk acts as the clerk of elections or the clerk of the election commission having jurisdiction.

No annexation, disconnection and annexation, or disconnection under this Article of territory having electors residing therein made (1) before any primary election to be held within the municipality affected thereby and after the time for filing petitions as a candidate for nomination to any office to be chosen at the primary election or (2) within 60 days before any general election to be held within the municipality shall be effective until the day after the date of the primary or general election, as the case may be.

For the purpose of this Section, a toll highway or connection between parcels via an overpass bridge over a toll highway shall not be considered a deterrent to the definition of contiguous territory.

When territory is proposed to be annexed by court order under this Article, the corporate authorities or petitioners initiating the action shall notify each person who pays real estate taxes on property within that territory unless the person is a petitioner. The notice shall be served by certified or registered mail, return receipt requested, at least 20 days before a court hearing or other court action. If the person who pays real estate taxes on the property is not the owner of record, then the payor shall notify the owner of record of the proposed annexation.

(Source: P.A. 93-1098, eff. 1-1-06; 94-361, 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. 3 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 Forby, **Senate Bill No. 835**, 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 56; Nays None.

The following voted in the affirmative:

Axley	Garrett	Martinez	Schoenberg

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

SENATE BILL RECALLED

On motion of Senator Trotter, **Senate Bill No. 841** was recalled from the order of third reading to the order of second reading.

Senator Trotter offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 841

AMENDMENT NO. 1. Amend Senate Bill 841 by replacing everything after the enacting clause with the following:

"Section 5. The Cook County Forest Preserve District Act is amended by changing Section 14 as follows:

(70 ILCS 810/14) (from Ch. 96 1/2, par. 6417)

Sec. 14. The board, as corporate authority of a forest preserve district, shall have power to pass and enforce all necessary ordinances, rules and regulations for the management of the property and conduct of the business of such district. The president of such board shall have power to appoint a secretary and an assistant secretary, and treasurer and an assistant treasurer and such other officers and such employees as may be necessary, all of whom, excepting the treasurer and attorneys, shall be under civil service rules and regulations, as provided in Section 17 of this Act. The assistant secretary and assistant treasurer shall perform the duties of the secretary and treasurer, respectively, in case of death of said officers or when said officers are unable to perform the duties of their respective offices because of absence or inability to act. All contracts for supplies, material or work involving an expenditure by forest preserve districts in excess of $25,000 ~~$10,000~~ shall be let to the lowest responsible bidder, after due advertisement, excepting work requiring personal confidence or necessary supplies under the control of monopolies, where competitive bidding is impossible. Contracts for supplies, material or work involving an expenditure of $25,000 ~~$10,000~~ or less may be let without advertising for bids, but whenever practicable, at least 3 competitive bids shall be obtained before letting such contract. All contracts for supplies, material or work shall be signed by the president of the board and by any such other officer as the board in its discretion may designate.

Salaries of employees shall be fixed by ordinance.

(Source: P.A. 83-1402.)

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 BILL OF THE SENATE A THIRD TIME

On motion of Senator Trotter, **Senate Bill No. 841**, 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 2; Present 1.

The following voted in the affirmative:

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

The following voted in the negative:

Lauzen
Rutherford

The following voted present:

Axley

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 BILL RECALLED

On motion of Senator Maloney, **Senate Bill No. 843** was recalled from the order of third reading to the order of second reading.

Senator Maloney offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 843

AMENDMENT NO. 1. Amend Senate Bill 843 by replacing everything after the enacting clause with the following:

"Section 5. The Counties Code is amended by changing Section 5-1062.1 as follows:

(55 ILCS 5/5-1062.1) (from Ch. 34, par. 5-1062.1)

Sec. 5-1062.1. Stormwater management planning councils in Cook County.

(a) Stormwater management in Cook County shall be conducted as provided in Section 7h of the Metropolitan Water Reclamation District Act. As used in this Section, "District" means the Metropolitan Water Reclamation District of Greater Chicago.

The purpose of this Section is to create planning councils, organized by watershed, to contribute to the

stormwater management process by advising the Metropolitan Water Reclamation District of Greater Chicago and representing the needs and interests of the members of the public and the local governments included within their respective watersheds.

(b) Stormwater management planning councils shall be formed for each of the following established watersheds of the Chicago Metropolitan Area: North Branch Chicago River, Lower Des Plaines Tributaries, Cal-Sag Channel, Little Calumet River, Poplar Creek, and Upper Salt Creek. In addition a stormwater management planning council shall be established for the combined sewer areas of Cook County. Additional stormwater management planning councils may be formed by the District for other watersheds within Cook County. Membership on the watershed councils shall consist of the chief elected official, or his or her designee, from each municipality and township within the watershed and the Cook County Board President, or his or her designee, if unincorporated area is included in the watershed. A municipality or township shall be a member of more than one watershed council if the corporate boundaries of that municipality or township extend into more than one watershed, or if the municipality or township is served in part by separate sewers and combined sewers. Subcommittees of the stormwater management planning councils may be established to assist the stormwater management planning councils in performing their duties. The councils may adopt bylaws to govern the functioning of the stormwater management councils and subcommittees.

(c) The principal duties of the watershed planning councils shall be to advise the District on the development and implementation of the countywide stormwater management plan with respect to matters relating to their respective watersheds and to advise and represent the concerns of the units of local government in the watershed area. The councils shall meet at least quarterly and shall hold at least one public hearing during the preparation of the plan.

(d) The District shall give careful consideration to the recommendations and concerns of the watershed planning councils throughout the planning process and shall coordinate the 6 watershed plans as developed and to coordinate the planning process with the adjoining counties to ensure that recommended stormwater projects will have no significant adverse impact on the levels or flows of stormwater in the inter-county watershed or on the capacity of existing and planned stormwater retention facilities. The District shall include cost benefit analysis in its deliberations and in evaluating priorities for projects from watershed to watershed. The District shall identify in an annual published report steps taken by the District to accommodate the concerns and recommendations of the watershed planning councils.

(e) The stormwater management planning councils may recommend rules and regulations to the District governing the location, width, course, and release rates of all stormwater runoff channels, streams, and basins in their respective watersheds.

(f) The Northwest Municipal Conference, the South Suburban Mayors and Managers Association, the Southwest Conference of Mayors, and the West Central Municipal Conference shall be responsible for the coordination of the planning councils created under this Section.

(Source: P.A. 93-1049, eff. 11-17-04.)

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 BILL OF THE SENATE A THIRD TIME

On motion of Senator Maloney, **Senate Bill No. 843**, 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 56; Nays None.

The following voted in the affirmative:

Althoff Forby Martinez Schoenberg

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

SENATE BILL RECALLED

On motion of Senator Shadid, **Senate Bill No. 855** was recalled from the order of third reading to the order of second reading.

Senator Shadid offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 855

AMENDMENT NO. 1. Amend Senate Bill 855 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by changing Section 10-20.12a as follows:

(105 ILCS 5/10-20.12a) (from Ch. 122, par. 10-20.12a)

Sec. 10-20.12a. Tuition for non-resident pupils. To charge non-resident pupils who attend the schools of the district tuition in an amount not exceeding 110% of the per capita cost of maintaining the schools of the district for the preceding school year.

Such per capita cost shall be computed by dividing the total cost of conducting and maintaining the schools of the district by the average daily attendance, including tuition pupils. Depreciation on the buildings and equipment of the schools of the district, and the amount of annual depreciation on such buildings and equipment shall be dependent upon the useful life of such property.

The tuition charged shall in no case exceed 110% of the per capita cost of conducting and maintaining the schools of the district attended, as determined with reference to the most recent audit prepared under Section 3-7 which is available at the commencement of the current school year. Non-resident pupils attending the schools of the district for less than the school term shall have their tuition apportioned, however pupils who become non-resident during a school term shall not be charged tuition for the remainder of the school term in which they became non-resident pupils.

Unless otherwise agreed to by the parties involved and where the educational services are not otherwise provided for, educational services for an Illinois student under the age of 21 in a residential program designed to correct alcohol or other drug dependencies shall be provided by the district in which the facility is located and financed as follows. The cost of educational services shall be paid by the district in which the student resides in an amount equal to the cost of providing educational services in a treatment facility. Payments shall be made by the district of the student's residence and shall be made to the district wherein the facility is located no less than once per month unless otherwise agreed to by the parties.

Through the 2010-2011 school year, any restriction on the amount of tuition a school district may charge a non-resident pupil does not apply to a school district that, during February 2005, requested a 5-year mandate waiver or modification with respect to this restriction in accordance with Section 2-3.25g of this Code and for which the General Assembly approved only one year of the 5-year request.

(Source: P.A. 89-397, eff. 8-20-95; 90-649, eff. 7-24-98.)

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 BILL OF THE SENATE A THIRD TIME

On motion of Senator Shadid, **Senate Bill No. 855**, 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:

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

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 BILL RECALLED

On motion of Senator Demuzio, **Senate Bill No. 860** 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. 1 TO SENATE BILL 860

AMENDMENT NO. 1. Amend Senate Bill 860 by replacing everything after the enacting clause with the following:

"Section 5. The School Code is amended by adding Sections 2-3.53a, 21-5e, 21-7.5, 21-7.10, 21-7.15, 24A-15, and 34-18.33 and by changing Sections 10-23.8a and 21-7.1 as follows:

(105 ILCS 5/2-3.53a new)

Sec. 2-3.53a. New principal mentoring program.

(a) Beginning on July 1, 2007, and subject to an annual appropriation by the General Assembly, to establish a new principal mentoring program for new principals. Any individual who is hired as a principal in the State of Illinois on or after July 1, 2007 must participate in the new principal mentoring program for the duration of his or her first year as a principal and must complete the program in

accordance with the requirements established by the State Board of Education by rule or, for a school district created by Article 34 of this Code, in accordance with the provisions of Section 34-18.27 of this Code. School districts created by Article 34 are not subject to the requirements of subsection (b), (c), (d), (e), (f), or (g) of this Section. The new principal mentoring program shall match an experienced principal who meets the requirements of subsection (b) of this Section with each new principal in his or her first year in that position in order to assist the new principal in the development of his or her professional practice and to provide guidance during the new principal's first year of service.

(b) Any individual who has been a principal in Illinois for 3 or more years and who has demonstrated success as an instructional leader, as determined by the State Board by rule, is eligible to apply to be a mentor under the new principal mentoring program. Mentors must complete mentoring training by an entity approved by the State Board, attend an annual training session, and meet any other requirements set forth by the State Board and by the school district employing the mentor.

(c) The State Board shall certify an entity approved to provide training of mentors.

(d) A mentor shall be assigned to a new principal based on (i) similarity of grade level or type of school, (ii) learning needs of the new principal, and (iii) geographical proximity of the mentor to the new principal. A mentor must identify areas for improvement of the new principal's professional practice, including, but not limited to, each of the following:

(1) Analyzing data and applying it to practice.

(2) Aligning professional development and instructional programs.

(3) Building a professional learning community.

(4) Observing classroom practices and providing feedback.

(5) Facilitating effective meetings.

(6) Developing distributive leadership practices.

(7) Facilitating organizational change.

The mentor shall not be required to provide an evaluation of the new principal on the basis of the mentoring relationship.

(e) On or after January 1, 2008 and on or after January 1 of each year thereafter, each mentor and each new principal must complete a survey of progress on a form developed by their respective school districts. On or after July 1, 2008 and on or after July 1 of each year thereafter, the State Board must review and evaluate the mentoring training program. Each new principal and his or her mentor must complete a verification form developed by the State Board in order to certify their completion of the new principal mentoring program.

(f) The requirements of this Section do not apply to any individual who has previously served as an assistant principal in Illinois acting under an administrative certificate for 5 or more years and who is hired, on or after July 1, 2007, as a principal by the school district in which the individual last served as an assistant principal, although such an individual may choose to participate in this program or may be required to participate by the school district.

(g) The State Board may adopt any rules necessary for the implementation of this Section.

(105 ILCS 5/10-23.8a) (from Ch. 122, par. 10-23.8a)

Sec. 10-23.8a. Principal and other administrator contracts. After the effective date of this amendatory Act of 1997 and the expiration of contracts in effect on the effective date of this amendatory Act, school districts may only employ principals and other school administrators under either a contract for a period not to exceed one year or a performance-based contract for a period not to exceed 5 years, unless the provisions of Section 10-23.8b of this Code or subsection (e) of Section 24A-15 of this Code otherwise apply.

Performance-based contracts shall be linked to student performance and academic improvement attributable to the responsibilities and duties of the principal or administrator. No performance-based contract shall be extended or rolled-over prior to its scheduled expiration unless all the performance and improvement goals contained in the contract have been met. Each performance-based contract shall include the goals and indicators of student performance and academic improvement determined and used by the local school board to measure the performance and effectiveness of the principal or other administrator and such other information as the local school board may determine.

By accepting the terms of a multi-year contract, the principal or administrator waives all rights granted him or her under Sections 24-11 through 24-16 of this Act only for the term of the multi-year contract. Upon acceptance of a multi-year contract, the principal or administrator shall not lose any previously acquired tenure credit with the district.

(Source: P.A. 90-548, eff. 1-1-98; 91-314, eff. 1-1-00.)

(105 ILCS 5/21-5e new)

Sec. 21-5e. Alternative Route to Administrative Certification for National Board Certified Teachers.

(a) It shall be the policy of the State of Illinois to improve the recruitment and preparation of instructional leaders.

(b) On or before July 1, 2007, the State Board of Education, in consultation with the State Teacher Certification Board, shall establish and implement an alternative route to administrative certification for teacher leaders, to be known as the Alternative Route to an Administrative Certificate for National Board Certified Teachers. "Teacher leader" means a certified teacher who has already received National Board certification through the National Board for Professional Teaching Standards and who has a teacher leader endorsement under Section 21-7.5 of this Code. Persons who meet the requirements of and successfully complete the program established by this Section shall be issued a standard administrative certificate for serving in schools in this State. The State Board shall approve a course of study that persons must successfully complete in order to satisfy one criterion for issuance of the administrative certificate under this Section. The Alternative Route to an Administrative Certificate for National Board Certified Teachers must include the current content and skills contained in a college's or university's courses and the Illinois Professional School Leader Standards for State certification, with the exception of courses that contain the competency areas and the Illinois Professional School Leader Standards that a candidate has already met through National Board certification or through a teacher leadership master's degree program.

(c) The Alternative Route to an Administrative Certificate for National Board Certified Teachers shall be comprised of the following 4 phases:

(1) National Board certification and an endorsement in teacher leadership in accordance with Section 21-7.5 of this Code;

(2) a master's degree in a teacher leader program;

(3) 15 hours of coursework in which the candidate must show evidence of meeting competencies for organizational management and development, finance, supervision and evaluation, policy and legal issues, and leadership, as stated in the Illinois Professional School Leader Standards for principals; and

(4) a passing score on the Illinois Administrator Assessment.

(d) Successful completion of the Alternative Route to an Administrative Certificate for National Board Certified Teachers shall be deemed to satisfy all requirements to receive an administrative certificate established by law. The State Board may adopt rules that are consistent with this Section and that the State Board deems necessary for the establishment and implementation of the program.

(105 ILCS 5/21-7.1) (from Ch. 122, par. 21-7.1)

Sec. 21-7.1. Administrative certificate.

(a) After July 1, 1999, an administrative certificate valid for 5 years of supervising and administering in the public common schools (unless changed under subsection (a-5) of this Section) may be issued to persons who have graduated from a regionally accredited institution of higher learning with a master's degree and who have been recommended by a recognized institution of higher learning as having completed a program of preparation for one or more of these endorsements. Such programs of academic and professional preparation required for endorsement shall be administered by the institution in accordance with standards set forth by the State Superintendent of Education in consultation with the State Teacher Certification Board.

(a-5) Beginning July 1, 2003, if an administrative certificate holder holds a Standard Teaching Certificate, the validity period of the administrative certificate shall be changed, if necessary, so that the validity period of the administrative certificate coincides with the validity period of the Standard Teaching Certificate. Beginning July 1, 2003, if an administrative certificate holder holds a Master Teaching Certificate, the validity period of the administrative certificate shall be changed so that the validity period of the administrative certificate coincides with the validity period of the Master Teaching Certificate.

(b) No administrative certificate shall be issued for the first time after June 30, 1987 and no endorsement provided for by this Section shall be made or affixed to an administrative certificate for the first time after June 30, 1987 unless the person to whom such administrative certificate is to be issued or to whose administrative certificate such endorsement is to be affixed has been required to demonstrate as a part of a program of academic or professional preparation for such certification or endorsement: (i) an understanding of the knowledge called for in establishing productive parent-school relationships and of the procedures fostering the involvement which such relationships demand; and (ii) an understanding of the knowledge required for establishing a high quality school climate and promoting good classroom organization and management, including rules of conduct and instructional procedures appropriate to accomplishing the tasks of schooling; and (iii) a demonstration of the knowledge and skills called for in providing instructional leadership. The standards for demonstrating an understanding of such knowledge shall be set forth by the State Board of Education in consultation with the State Teacher Certification

Board, and shall be administered by the recognized institutions of higher learning as part of the programs of academic and professional preparation required for certification and endorsement under this Section. As used in this subsection: "establishing productive parent-school relationships" means the ability to maintain effective communication between parents and school personnel, to encourage parental involvement in schooling, and to motivate school personnel to engage parents in encouraging student achievement, including the development of programs and policies which serve to accomplish this purpose; and "establishing a high quality school climate" means the ability to promote academic achievement, to maintain discipline, to recognize substance abuse problems among students and utilize appropriate law enforcement and other community resources to address these problems, to support teachers and students in their education endeavors, to establish learning objectives and to provide instructional leadership, including the development of policies and programs which serve to accomplish this purpose; and "providing instructional leadership" means the ability to effectively evaluate school personnel, to possess general communication and interpersonal skills, and to establish and maintain appropriate classroom learning environments. The provisions of this subsection shall not apply to or affect the initial issuance or making on or before June 30, 1987 of any administrative certificate or endorsement provided for under this Section, nor shall such provisions apply to or affect the renewal after June 30, 1987 of any such certificate or endorsement initially issued or made on or before June 30, 1987.

(c) Administrative certificates shall be renewed every 5 years with the first renewal being 5 years following the initial receipt of an administrative certificate, unless the validity period for the administrative certificate has been changed under subsection (a-5) of this Section, in which case the certificate shall be renewed at the same time that the Standard or Master Teaching Certificate is renewed.

(c-5) Before July 1, 2003, renewal requirements for administrators whose positions require certification shall be based upon evidence of continuing professional education which promotes the following goals: (1) improving administrators' knowledge of instructional practices and administrative procedures; (2) maintaining the basic level of competence required for initial certification; and (3) improving the mastery of skills and knowledge regarding the improvement of teaching performance in clinical settings and assessment of the levels of student performance in their schools. Evidence of continuing professional education must include verification of biennial attendance in a program developed by the Illinois Administrators' Academy and verification of annual participation in a school district approved activity which contributes to continuing professional education.

(c-10) Beginning July 1, 2003, except as otherwise provided in subsection (c-15) of this Section, persons holding administrative certificates must follow the certificate renewal procedure set forth in this subsection (c-10), provided that those persons holding administrative certificates on June 30, 2003 who are renewing those certificates on or after July 1, 2003 shall be issued new administrative certificates valid for 5 years (unless changed under subsection (a-5) of this Section), which may be renewed thereafter as set forth in this subsection (c-10).

A person holding an administrative certificate and employed in a position requiring administrative certification, including a regional superintendent of schools, must satisfy the continuing professional development requirements of this Section to renew his or her administrative certificate. The continuing professional development must include without limitation the following continuing professional development purposes:

(1) To improve the administrator's knowledge of instructional practices and administrative procedures in accordance with the Illinois Professional School Leader Standards.

(2) To maintain the basic level of competence required for initial certification.

(3) To improve the administrator's mastery of skills and knowledge regarding the improvement of teaching performance in clinical settings and assessment of the levels of student performance in the schools.

The continuing professional development must include the following in order for the certificate to be renewed:

(A) Participation in continuing professional development activities, which must total a minimum of 100 hours of continuing professional development. The participation must consist of a minimum of 5 activities per validity period of the certificate, and the certificate holder must maintain documentation of completion of each activity.

(B) Participation every year in an Illinois Administrators' Academy course, which participation must total a minimum of 30 continuing professional development hours during the period of the certificate's validity and which must include completion of applicable required coursework, including completion of a communication, dissemination, or application component, as

defined by the State Board of Education. A certificate holder first employed as an administrator on or after July 1, 2007 must complete the required Administrators' Academy course in each of the 6 Interstate School Leaders Licensure Consortium (ISLLC) standard areas within the first 5 years of service as an administrator in a position that requires certification.

(C) In addition to the 30 continuing professional development hours, certificate holders who evaluate certified staff must complete a one-day teacher evaluation course and participate in an additional 6 hours of Administrators' Academy-approved coursework, which may be part of a multi-day Administrators' Academy.

The certificate holder must complete a verification form developed by the State Board of Education and certify that 100 hours of continuing professional development activities and 5 Administrators' Academy courses have been completed. The regional superintendent of schools shall review and validate the verification form for a certificate holder. Based on compliance with all of the requirements for renewal, the regional superintendent of schools shall forward a recommendation for renewal or non-renewal to the State Superintendent of Education and shall notify the certificate holder of the recommendation. The State Superintendent of Education shall review the recommendation to renew or non-renew and shall notify, in writing, the certificate holder of a decision denying renewal of his or her certificate. Any decision regarding non-renewal of an administrative certificate may be appealed to the State Teacher Certification Board.

The State Board of Education, in consultation with the State Teacher Certification Board, shall adopt rules to implement this subsection (c-10).

The regional superintendent of schools shall monitor the process for renewal of administrative certificates established in this subsection (c-10).

(c-15) This subsection (c-15) applies to the first period of an administrative certificate's validity during which the holder becomes subject to the requirements of subsection (c-10) of this Section if the certificate has less than 5 years' validity or has less than 5 years' validity remaining when the certificate holder becomes subject to the requirements of subsection (c-10) of this Section. With respect to this period, the 100 hours of continuing professional development and 5 activities per validity period specified in clause (A) of subsection (c-10) of this Section shall instead be deemed to mean 20 hours of continuing professional development and one activity per year of the certificate's validity or remaining validity and the 30 continuing professional development hours specified in clause (B) of subsection (c-10) of this Section shall instead be deemed to mean completion of at least one course per year of the certificate's validity or remaining validity. ~~Certificate holders who evaluate certified staff must complete a 2-day teacher evaluation course, in addition to the 30 continuing professional development hours.~~

(c-20) The State Board of Education, in consultation with the State Teacher Certification Board, shall develop procedures for implementing this Section and shall administer the renewal of administrative certificates. Failure to submit satisfactory evidence of continuing professional education which contributes to promoting the goals of this Section shall result in a loss of administrative certification.

(d) Any limited or life supervisory certificate issued prior to July 1, 1968 shall continue to be valid for all administrative and supervisory positions in the public schools for which it is valid as of that date as long as its holder meets the requirements for registration or renewal as set forth in the statutes or until revoked according to law.

(e) The administrative or supervisory positions for which the certificate shall be valid shall be determined by one or more of 3 endorsements: general supervisory, general administrative and superintendent.

Subject to the provisions of Section 21-1a, endorsements shall be made under conditions set forth in this Section. The State Board of Education shall, in consultation with the State Teacher Certification Board, adopt rules pursuant to the Illinois Administrative Procedure Act, establishing requirements for obtaining administrative certificates where the minimum administrative or supervisory requirements surpass those set forth in this Section.

The State Teacher Certification Board shall file with the State Board of Education a written recommendation when considering additional administrative or supervisory requirements. All additional requirements shall be based upon the requisite knowledge necessary to perform those tasks required by the certificate. The State Board of Education shall in consultation with the State Teacher Certification Board, establish standards within its rules which shall include the academic and professional requirements necessary for certification. These standards shall at a minimum contain, but not be limited to, those used by the State Board of Education in determining whether additional knowledge will be required. Additionally, the State Board of Education shall in consultation with the State Teacher Certification Board, establish provisions within its rules whereby any member of the educational community or the public may file a formal written recommendation or inquiry regarding requirements.

(1) Until July 1, 2003, the general supervisory endorsement shall be affixed to the administrative certificate of any holder who has at least 16 semester hours of graduate credit in professional education including 8 semester hours of graduate credit in curriculum and research and who has at least 2 years of full-time teaching experience or school service personnel experience in public schools, schools under the supervision of the Department of Corrections, schools under the administration of the Department of Rehabilitation Services, or nonpublic schools meeting the standards established by the State Superintendent of Education or comparable out-of-state recognition standards approved by the State Superintendent of Education.

Such endorsement shall be required for supervisors, curriculum directors and for such similar and related positions as determined by the State Superintendent of Education in consultation with the State Teacher Certification Board.

(2) The general administrative endorsement shall be affixed to the administrative certificate of any holder who has at least 20 semester hours of graduate credit in educational administration and supervision and who has at least 2 years of full-time teaching experience or school service personnel experience in public schools, schools under the supervision of the Department of Corrections, schools under the administration of the Department of Rehabilitation Services, or nonpublic schools meeting the standards established by the State Superintendent of Education or comparable out-of-state recognition standards approved by the State Superintendent of Education.

Such endorsement shall be required for principal, assistant principal, assistant or associate superintendent, junior college dean and for related or similar positions as determined by the State Superintendent of Education in consultation with the State Teacher Certification Board.

Notwithstanding any other provisions of this Act, after January 1, 1990 and until January 1, 1991, any teacher employed by a district subject to Article 34 shall be entitled to receive an administrative certificate with a general administrative endorsement affixed thereto if he or she: (i) had at least 3 years of experience as a certified teacher for such district prior to August 1, 1985; (ii) obtained a Master's degree prior to August 1, 1985; (iii) completed at least 20 hours of graduate credit in education courses (including at least 12 hours in educational administration and supervision) prior to September 1, 1987; and (iv) has received a rating of superior for at least each of the last 5 years. Any person who obtains an administrative certificate with a general administrative endorsement affixed thereto under this paragraph shall not be qualified to serve in any administrative position except assistant principal.

(3) The chief school business official endorsement shall be affixed to the administrative certificate of any holder who qualifies by having a Master's degree, two years of administrative experience in school business management, and a minimum of 20 semester hours of graduate credit in a program established by the State Superintendent of Education in consultation with the State Teacher Certification Board for the preparation of school business administrators. Such endorsement shall also be affixed to the administrative certificate of any holder who qualifies by having a Master's Degree in Business Administration, Finance or Accounting from a regionally accredited institution of higher education.

After June 30, 1977, such endorsement shall be required for any individual first employed as a chief school business official.

(4) The superintendent endorsement shall be affixed to the administrative certificate of any holder who has completed 30 semester hours of graduate credit beyond the master's degree in a program for the preparation of superintendents of schools including 16 semester hours of graduate credit in professional education and who has at least 2 years experience as an administrator or supervisor in the public schools or the State Board of Education or education service regions or in nonpublic schools meeting the standards established by the State Superintendent of Education or comparable out-of-state recognition standards approved by the State Superintendent of Education and holds general supervisory or general administrative endorsement, or who has had 2 years of experience as a supervisor or administrator while holding an all-grade supervisory certificate or a certificate comparable in validity and educational and experience requirements.

After June 30, 1968, such endorsement shall be required for a superintendent of schools, except as provided in the second paragraph of this Section and in Section 34-6.

Any person appointed to the position of superintendent between the effective date of this Act and June 30, 1993 in a school district organized pursuant to Article 32 with an enrollment of at least 20,000 pupils shall be exempt from the provisions of this paragraph (4) until June 30, 1996.

(f) All official interpretations or acts of issuing or denying administrative certificates or endorsements by the State Teacher's Certification Board, State Board of Education or the State Superintendent of Education, from the passage of P.A. 81-1208 on November 8, 1979 through September 24, 1981 are

hereby declared valid and legal acts in all respects and further that the purported repeal of the provisions of this Section by P.A. 81-1208 and P.A. 81-1509 is declared null and void.
(Source: P.A. 92-796, eff. 8-10-02; 93-679, eff. 6-30-04.)

(105 ILCS 5/21-7.5 new)

Sec. 21-7.5. Teacher leader endorsement. It shall be the policy of the State of Illinois to improve the quality of instructional leaders by providing a career pathway for teachers interested in serving in leadership roles. Beginning on July 1, 2007, the State Board, in consultation with the State Teacher Certification Board, shall establish and implement a teacher leader endorsement, to be known as a teacher leader endorsement. Persons who meet the requirements of and successfully complete the requirements of the endorsement established under this Section shall be issued a teacher leader endorsement for serving in schools in this State. The endorsement shall be a career path endorsement but not a restrictive endorsement available to: (i) teachers who are certified through the National Board for Professional Teaching Standards and complete a specially-designed strand of teacher leadership courses; (ii) teachers who have completed a master's degree program in teacher leadership; and (iii) proven teacher leaders with a master's degree who complete a specially-designed strand of teacher leadership courses. Colleges and universities shall have the authority to qualify the proficiency of proven teacher leaders under clause (iii) of this Section. A teacher who meets any of clauses (i) through (iii) of this Section shall be deemed to satisfy the requirements for the teacher leader endorsement. The State Board may adopt rules that are consistent with this Section and that the State Board deems necessary to establish and implement this teacher leadership endorsement program.

(105 ILCS 5/21-7.10 new)

Sec. 21-7.10. Master principal designation program.

(a) The General Assembly recognizes the important role a principal serves as a school's instructional leader and believes it is in the best interest of the State to establish a mechanism for training and recognizing master level principals.

(b) One statewide organization representing principals, with input from institutions of higher education, and one school district or organization representing principals in a school district organized under Article 34 of this Code, with input from institutions of higher education, shall be certified by the State Board of Education to establish a master principal designation program. The State Board shall adopt rules, in consultation with the State Teacher Certification Board, for entities seeking to provide a program under this Section, including an approval process and other criteria. A master principal designation program shall include at least the following components:

(1) Expansion of the principal's knowledge base and leadership.

(2) Application of strategies and collection of evidence of student learning and school processes.

(3) Demonstration of the ability and skills necessary to lead sustained academic improvement in a school or district.

(c) An individual serving as a principal for at least 3 years is eligible for participation in a master principal designation program. Each year, those entities approved to offer a master principal designation program must submit to the State Board a report indicating the number of individuals enrolled in the program, the progress of candidates, anticipated changes to the program, and any other relevant information requested by the State Board. All substantive changes to an entity's master principal designation program shall require prior written approval from the State Board. An entity that fails to meet the requirements of this Section or any other criteria established by the State Board by rule shall have its authority to offer a master principal designation program revoked pursuant to procedures established by rule by the State Board.

(105 ILCS 5/21-7.15 new)

Sec. 21-7.15. Illinois Administrators' Academy Review Task Force. The State Board of Education shall create a task force to review the Illinois Administrators' Academy and recommend revisions to the program. The goal of the task force shall be to revise the Illinois Administrators' Academy so that it offers professional development opportunities tailored to the individual and collective needs of principals. The task force shall consist of members appointed by the State Superintendent of Education. The task force shall file a report of its findings with the General Assembly, the Governor, and the State Board by July 1, 2007. A copy of the report shall also be delivered to the Executive Committee of the Illinois State Action for Education Leadership Project. This Section is repealed on July 2, 2007.

(105 ILCS 5/24A-15 new)

Sec. 24A-15. Development and submission of evaluation plan for principals.

(a) Beginning with the 2006-2007 school year and each school year thereafter, each school district, except for a school district organized under Article 34 of this Code, must establish a principal evaluation plan in accordance with this Section. The plan must ensure that each principal is evaluated as follows:

(1) For a principal on a single-year contract, the evaluation must take place by February 1 of each year.

(2) For a principal on a multi-year contract under Section 10-23.8a of this Code, the evaluation must take place by February 1 of the final year of the contract.

Nothing in this Section prohibits a school district from conducting additional evaluations of principals.

(b) The evaluation must include a description of the principal's duties and responsibilities and the standards to which the principal is expected to conform.

(c) The evaluation must be performed by the district superintendent, the superintendent's designee, or an individual appointed by the school board. The evaluation must be in writing and must at least do all of the following:

(1) Consider the principal's specific duties, responsibilities, management, and competence as a principal.

(2) Align to State or district research-based standards.

(3) Rate the principal's performance based on criteria established by the State Board of Education.

(4) Specify the principal's strengths and weaknesses, with supporting reasons.

(d) One copy of the evaluation must be included in the principal's personnel file and one copy of the evaluation must be provided to the principal.

(e) Failure by a district to evaluate a principal at least once during the term of the principal's contract, in accordance with this Section, is evidence that the principal is performing duties and responsibilities in at least a satisfactory manner and shall serve to automatically extend the principal's contract for a period of one year after the contract would otherwise expire, under the same terms and conditions as the prior year's contract. The requirements in this Section are in addition to the right of a school board to reclassify a principal pursuant to Section 10-23.8b of this Code.

(f) Nothing in this Section prohibits a school board from ordering lateral transfers of principals to positions of similar rank and salary.

(105 ILCS 5/34-18.33 new)

Sec. 34-18.33. Principal mentoring program. Beginning on July 1, 2007, and subject to an annual appropriation by the General Assembly, the school district shall develop a principal mentoring program. The school district shall submit a copy of its principal mentoring program to the State Board of Education for its review and public comment. Whenever a substantive change has been made by the school district to its principal mentoring program, these changes must be submitted to the State Board of Education for review and comment.

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 BILL OF THE SENATE A THIRD TIME

On motion of Senator Demuzio, **Senate Bill No. 860**, 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 57; Nays None.

The following voted in the affirmative:

Althoff	Forby	Maloney	Sandoval
Axley	Garrett	Martinez	Schoenberg
Bomke	Geo-Karis	Meeks	Shadid
Brady	Haine	Millner	Sieben
Burzynski	Halvorson	Munoz	Silverstein
Clayborne	Harmon	Pankau	Sullivan
Collins	Hendon	Peterson	Syverson

Cronin	Hunter	Petka	Trotter
Crotty	Jacobs	Radogno	Viverito
Cullerton	Jones, J.	Raoul	Watson
Dahl	Jones, W.	Righter	Wilhelmi
del Valle	Lauzen	Risinger	Mr. President
DeLeo	Lightford	Ronen	
Demuzio	Link	Roskam	
Dillard	Luechtefeld	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.

SENATE BILL RECALLED

On motion of Senator Link, **Senate Bill No. 893** 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 893

AMENDMENT NO. 1. Amend Senate Bill 893 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Credit Union Act is amended by changing Section 20 as follows:

(205 ILCS 305/20) (from Ch. 17, par. 4421)

Sec. 20. Election or appointment of officials.

(1) The credit union shall be directed by a Board of Directors consisting of no less than 7 in number, to be elected at the annual meeting by and from the members. Directors shall hold office until the next annual meeting, unless their terms are staggered. Upon amendment of its bylaws, a credit union may divide the Directors into 2 or 3 classes with each class as nearly equal in number as possible. The term of office of the directors of the first class shall expire at the first annual meeting after their election, that of the second class shall expire at the second annual meeting after their election, and that of the third class, if any, shall expire at the third annual meeting after their election. At each annual meeting after the classification, the number of directors equal to the number of directors whose terms expire at the time of the meeting shall be elected to hold office until the second succeeding annual meeting if there are 2 classes or until the third succeeding annual meeting if there are 3 classes. A Director shall hold office for the term for which he or she is elected and until his or her successor is elected and qualified.

(1.5) Except as provided in subsection (1.10), in ~~In~~ all elections for Directors, every member has the right to vote, in person or by proxy, the number of shares owned by him, or in the case of a member other than a natural person, the member's one vote, for as many persons as there are Directors to be elected, or to cumulate such shares, and give one candidate as many votes as the number of Directors multiplied by the number of his shares equals, or to distribute them on the same principle among as many candidates as he may desire and the Directors shall not be elected in any other manner. Shares held in a joint account owned by more than one member may be voted by any one of the members, however, the number of cumulative votes cast may not exceed a total equal to the number of shares multiplied by the number of directors to be elected. A majority of the shares entitled to vote shall be represented either in person or by proxy for the election of Directors. Each Director shall wholly take and subscribe to an oath that he will diligently and honestly perform his duties in administering the affairs of the credit union, that while he may delegate to another the performance of those administrative duties he is not thereby relieved from his responsibility for their performance, that he will not knowingly violate or willingly permit to be violated any law applicable to the credit union, and that he is the owner of at least one share of the credit union.

(1.10) Upon amendment of a credit union's bylaws approved by the members, in all elections for Directors, every member who is a natural person shall have the right to cast one vote, regardless of the number of his or her shares, in person or by proxy, for as many persons as there are Directors to be elected.

(2) The Board of Directors shall appoint from among the members of the credit union, a Supervisory

Committee of not less than 3 members at the organization meeting and within 30 days following each annual meeting of the members for such terms as the bylaws provide. Members of the Supervisory Committee may, but need not be, on the Board of Directors, but shall not be officers of the credit union, members of the Credit Committee, or the credit manager if no Credit Committee has been appointed.

(3) The Board of Directors may appoint, from among the members of the credit union, a Credit Committee consisting of an odd number, not less than 3 for such terms as the bylaws provide. Members of the Credit Committee may, but need not be, Directors or officers of the credit union, but shall not be members of the Supervisory Committee.

(4) The Board of Directors may appoint from among the members of the credit union a Membership Committee of one or more persons. If appointed, the Committee shall act upon all applications for membership and submit a report of its actions to the Board of Directors at the next regular meeting for review. If no Membership Committee is appointed, credit union management shall act upon all applications for membership and submit a report of its actions to the Board of Directors at the next regular meeting for review.

(Source: P.A. 91-929, eff. 12-15-00; 92-608, eff. 7-1-02.)".

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 Link, **Senate Bill No. 893**, 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 2.

The following voted in the affirmative:

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

The following voted in the negative:

Lauzen
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.

SENATE BILL RECALLED

On motion of Senator Demuzio, **Senate Bill No. 918** 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. 1 TO SENATE BILL 918

AMENDMENT NO. 1. Amend Senate Bill 918 by replacing everything after the enacting clause with the following:

"Section 5. The Comprehensive Health Insurance Plan Act is amended by changing Sections 7 and 8 as follows:

(215 ILCS 105/7) (from Ch. 73, par. 1307)

Sec. 7. Eligibility.

a. Except as provided in subsection (e) of this Section or in Section 15 of this Act, any person who is either a citizen of the United States or an alien lawfully admitted for permanent residence and who has been for a period of at least 180 days and continues to be a resident of this State shall be eligible for Plan coverage under this Section if evidence is provided of:

(1) A notice of rejection or refusal to issue substantially similar individual health insurance coverage for health reasons by a health insurance issuer; or

(2) A refusal by a health insurance issuer to issue individual health insurance coverage except at a rate exceeding the applicable Plan rate for which the person is responsible.

A rejection or refusal by a group health plan or health insurance issuer offering only stop-loss or excess of loss insurance or contracts, agreements, or other arrangements for reinsurance coverage with respect to the applicant shall not be sufficient evidence under this subsection.

b. The board shall promulgate a list of medical or health conditions for which a person who is either a citizen of the United States or an alien lawfully admitted for permanent residence and a resident of this State would be eligible for Plan coverage without applying for health insurance coverage pursuant to subsection a. of this Section. Persons who can demonstrate the existence or history of any medical or health conditions on the list promulgated by the board shall not be required to provide the evidence specified in subsection a. of this Section. The list shall be effective on the first day of the operation of the Plan and may be amended from time to time as appropriate.

c. Family members of the same household who each are covered persons are eligible for optional family coverage under the Plan.

d. For persons qualifying for coverage in accordance with Section 7 of this Act, the board shall, if it determines that such appropriations as are made pursuant to Section 12 of this Act are insufficient to allow the board to accept all of the eligible persons which it projects will apply for enrollment under the Plan, limit or close enrollment to ensure that the Plan is not over-subscribed and that it has sufficient resources to meet its obligations to existing enrollees. The board shall not limit or close enrollment for federally eligible individuals.

e. A person shall not be eligible for coverage under the Plan if:

(1) He or she has or obtains other coverage under a group health plan or health insurance coverage substantially similar to or better than a Plan policy as an insured or covered dependent or would be eligible to have that coverage if he or she elected to obtain it. Persons otherwise eligible for Plan coverage may, however, solely for the purpose of having coverage for a pre-existing condition, maintain other coverage only while satisfying any pre-existing condition waiting period under a Plan policy or a subsequent replacement policy of a Plan policy.

(1.1) His or her prior coverage under a group health plan or health insurance coverage, provided or arranged by an employer of more than 10 employees was discontinued for any reason without the entire group or plan being discontinued and not replaced, provided he or she remains an employee, or dependent thereof, of the same employer.

(2) He or she is a recipient of or is approved to receive medical assistance, except that a person may continue to receive medical assistance through the medical assistance no grant program, but only while satisfying the requirements for a preexisting condition under Section 8, subsection f. of this Act. Payment of premiums pursuant to this Act shall be allocable to the person's spenddown for purposes of the medical assistance no grant program, but that person shall not be eligible for any Plan benefits while that person remains eligible for medical assistance. If the person continues to receive or be approved to receive medical assistance through the medical assistance no grant program at or after the time that requirements for a preexisting condition are satisfied, the person

shall not be eligible for coverage under the Plan. In that circumstance, coverage under the plan shall terminate as of the expiration of the preexisting condition limitation period. Under all other circumstances, coverage under the Plan shall automatically terminate as of the effective date of any medical assistance.

(3) Except as provided in Section 15, the person has previously participated in the Plan and voluntarily terminated Plan coverage, unless 12 months have elapsed since the person's latest voluntary termination of coverage.

(4) The person fails to pay the required premium under the covered person's terms of enrollment and participation, in which event the liability of the Plan shall be limited to benefits incurred under the Plan for the time period for which premiums had been paid and the covered person remained eligible for Plan coverage.

(5) The Plan has paid a total of $1,500,000 ~~$1,000,000~~ in benefits on behalf of the covered person.

(6) The person is a resident of a public institution.

(7) The person's premium is paid for or reimbursed under any government sponsored program or by any government agency or health care provider, except as an otherwise qualifying full-time employee, or dependent of such employee, of a government agency or health care provider or, except when a person's premium is paid by the U.S. Treasury Department pursuant to the federal Trade Act of 2002.

(8) The person has or later receives other benefits or funds from any settlement, judgement, or award resulting from any accident or injury, regardless of the date of the accident or injury, or any other circumstances creating a legal liability for damages due that person by a third party, whether the settlement, judgment, or award is in the form of a contract, agreement, or trust on behalf of a minor or otherwise and whether the settlement, judgment, or award is payable to the person, his or her dependent, estate, personal representative, or guardian in a lump sum or over time, so long as there continues to be benefits or assets remaining from those sources in an amount in excess of $300,000.

(9) Within the 5 years prior to the date a person's Plan application is received by the Board, the person's coverage under any health care benefit program as defined in 18 U.S.C. 24, including any public or private plan or contract under which any medical benefit, item, or service is provided, was terminated as a result of any act or practice that constitutes fraud under State or federal law or as a result of an intentional misrepresentation of material fact; or if that person knowingly and willfully obtained or attempted to obtain, or fraudulently aided or attempted to aid any other person in obtaining, any coverage or benefits under the Plan to which that person was not entitled.

f. The board or the administrator shall require verification of residency and may require any additional information or documentation, or statements under oath, when necessary to determine residency upon initial application and for the entire term of the policy.

g. Coverage shall cease (i) on the date a person is no longer a resident of Illinois, (ii) on the date a person requests coverage to end, (iii) upon the death of the covered person, (iv) on the date State law requires cancellation of the policy, or (v) at the Plan's option, 30 days after the Plan makes any inquiry concerning a person's eligibility or place of residence to which the person does not reply.

h. Except under the conditions set forth in subsection g of this Section, the coverage of any person who ceases to meet the eligibility requirements of this Section shall be terminated at the end of the current policy period for which the necessary premiums have been paid.

(Source: P.A. 93-33, eff. 6-23-03; 93-34, eff. 6-23-03; 94-17, eff. 1-1-06.)

(215 ILCS 105/8) (from Ch. 73, par. 1308)

Sec. 8. Minimum benefits.

a. Availability. The Plan shall offer in an annually renewable policy major medical expense coverage to every eligible person who is not eligible for Medicare. Major medical expense coverage offered by the Plan shall pay an eligible person's covered expenses, subject to limit on the deductible and coinsurance payments authorized under paragraph (4) of subsection d of this Section, up to a lifetime benefit limit of $1,500,000 ~~$1,000,000~~ per covered individual. The maximum limit under this subsection shall not be altered by the Board, and no actuarial equivalent benefit may be substituted by the Board. Any person who otherwise would qualify for coverage under the Plan, but is excluded because he or she is eligible for Medicare, shall be eligible for any separate Medicare supplement policy or policies which the Board may offer.

b. Outline of benefits. Covered expenses shall be limited to the usual and customary charge, including negotiated fees, in the locality for the following services and articles when prescribed by a physician and determined by the Plan to be medically necessary for the following areas of services, subject to such separate deductibles, co-payments, exclusions, and other limitations on benefits as the Board shall

establish and approve, and the other provisions of this Section:

(1) Hospital services, except that any services provided by a hospital that is located more than 75 miles outside the State of Illinois shall be covered only for a maximum of 45 days in any calendar year. With respect to covered expenses incurred during any calendar year ending on or after December 31, 1999, inpatient hospitalization of an eligible person for the treatment of mental illness at a hospital located within the State of Illinois shall be subject to the same terms and conditions as for any other illness.

(2) Professional services for the diagnosis or treatment of injuries, illnesses or conditions, other than dental and mental and nervous disorders as described in paragraph (17), which are rendered by a physician, or by other licensed professionals at the physician's direction. This includes reconstruction of the breast on which a mastectomy was performed; surgery and reconstruction of the other breast to produce a symmetrical appearance; and prostheses and treatment of physical complications at all stages of the mastectomy, including lymphedemas.

(2.5) Professional services provided by a physician to children under the age of 16 years for physical examinations and age appropriate immunizations ordered by a physician licensed to practice medicine in all its branches.

(3) (Blank).

(4) Outpatient prescription drugs that by law require a prescription written by a physician licensed to practice medicine in all its branches subject to such separate deductible, copayment, and other limitations or restrictions as the Board shall approve, including the use of a prescription drug card or any other program, or both.

(5) Skilled nursing services of a licensed skilled nursing facility for not more than 120 days during a policy year.

(6) Services of a home health agency in accord with a home health care plan, up to a maximum of 270 visits per year.

(7) Services of a licensed hospice for not more than 180 days during a policy year.

(8) Use of radium or other radioactive materials.

(9) Oxygen.

(10) Anesthetics.

(11) Orthoses and prostheses other than dental.

(12) Rental or purchase in accordance with Board policies or procedures of durable medical equipment, other than eyeglasses or hearing aids, for which there is no personal use in the absence of the condition for which it is prescribed.

(13) Diagnostic x-rays and laboratory tests.

(14) Oral surgery (i) for excision of partially or completely unerupted impacted teeth when not performed in connection with the routine extraction or repair of teeth; (ii) for excision of tumors or cysts of the jaws, cheeks, lips, tongue, and roof and floor of the mouth; (iii) required for correction of cleft lip and palate and other craniofacial and maxillofacial birth defects; or (iv) for treatment of injuries to natural teeth or a fractured jaw due to an accident.

(15) Physical, speech, and functional occupational therapy as medically necessary and provided by appropriate licensed professionals.

(16) Emergency and other medically necessary transportation provided by a licensed ambulance service to the nearest health care facility qualified to treat a covered illness, injury, or condition, subject to the provisions of the Emergency Medical Systems (EMS) Act.

(17) Outpatient services for diagnosis and treatment of mental and nervous disorders provided that a covered person shall be required to make a copayment not to exceed 50% and that the Plan's payment shall not exceed such amounts as are established by the Board.

(18) Human organ or tissue transplants specified by the Board that are performed at a hospital designated by the Board as a participating transplant center for that specific organ or tissue transplant.

(19) Naprapathic services, as appropriate, provided by a licensed naprapathic practitioner.

c. Exclusions. Covered expenses of the Plan shall not include the following:

(1) Any charge for treatment for cosmetic purposes other than for reconstructive surgery when the service is incidental to or follows surgery resulting from injury, sickness or other diseases of the involved part or surgery for the repair or treatment of a congenital bodily defect to restore normal bodily functions.

(2) Any charge for care that is primarily for rest, custodial, educational, or domiciliary purposes.

(3) Any charge for services in a private room to the extent it is in excess of the institution's charge for its most common semiprivate room, unless a private room is prescribed as medically necessary by a physician.

(4) That part of any charge for room and board or for services rendered or articles prescribed by a physician, dentist, or other health care personnel that exceeds the reasonable and customary charge in the locality or for any services or supplies not medically necessary for the diagnosed injury or illness.

(5) Any charge for services or articles the provision of which is not within the scope of licensure of the institution or individual providing the services or articles.

(6) Any expense incurred prior to the effective date of coverage by the Plan for the person on whose behalf the expense is incurred.

(7) Dental care, dental surgery, dental treatment, any other dental procedure involving the teeth or periodontium, or any dental appliances, including crowns, bridges, implants, or partial or complete dentures, except as specifically provided in paragraph (14) of subsection b of this Section.

(8) Eyeglasses, contact lenses, hearing aids or their fitting.

(9) Illness or injury due to acts of war.

(10) Services of blood donors and any fee for failure to replace the first 3 pints of blood provided to a covered person each policy year.

(11) Personal supplies or services provided by a hospital or nursing home, or any other nonmedical or nonprescribed supply or service.

(12) Routine maternity charges for a pregnancy, except where added as optional coverage with payment of an additional premium for pregnancy resulting from conception occurring after the effective date of the optional coverage.

(13) (Blank).

(14) Any expense or charge for services, drugs, or supplies that are: (i) not provided in accord with generally accepted standards of current medical practice; (ii) for procedures, treatments, equipment, transplants, or implants, any of which are investigational, experimental, or for research purposes; (iii) investigative and not proven safe and effective; or (iv) for, or resulting from, a gender transformation operation.

(15) Any expense or charge for routine physical examinations or tests except as provided in item (2.5) of subsection b of this Section.

(16) Any expense for which a charge is not made in the absence of insurance or for which there is no legal obligation on the part of the patient to pay.

(17) Any expense incurred for benefits provided under the laws of the United States and this State, including Medicare, Medicaid, and other medical assistance, maternal and child health services and any other program that is administered or funded by the Department of Human Services, Department of Healthcare and Family Services ~~Public Aid~~, or Department of Public Health, military service-connected disability payments, medical services provided for members of the armed forces and their dependents or employees of the armed forces of the United States, and medical services financed on behalf of all citizens by the United States.

(18) Any expense or charge for in vitro fertilization, artificial insemination, or any other artificial means used to cause pregnancy.

(19) Any expense or charge for oral contraceptives used for birth control or any other temporary birth control measures.

(20) Any expense or charge for sterilization or sterilization reversals.

(21) Any expense or charge for weight loss programs, exercise equipment, or treatment of obesity, except when certified by a physician as morbid obesity (at least 2 times normal body weight).

(22) Any expense or charge for acupuncture treatment unless used as an anesthetic agent for a covered surgery.

(23) Any expense or charge for or related to organ or tissue transplants other than those performed at a hospital with a Board approved organ transplant program that has been designated by the Board as a preferred or exclusive provider organization for that specific organ or tissue transplant.

(24) Any expense or charge for procedures, treatments, equipment, or services that are provided in special settings for research purposes or in a controlled environment, are being studied for safety, efficiency, and effectiveness, and are awaiting endorsement by the appropriate national medical speciality college for general use within the medical community.

d. Deductibles and coinsurance.

The Plan coverage defined in Section 6 shall provide for a choice of deductibles per individual as authorized by the Board. If 2 individual members of the same family household, who are both covered persons under the Plan, satisfy the same applicable deductibles, no other member of that family who is also a covered person under the Plan shall be required to meet any deductibles for the balance of that calendar year. The deductibles must be applied first to the authorized amount of covered expenses incurred by the covered person. A mandatory coinsurance requirement shall be imposed at the rate authorized by the Board in excess of the mandatory deductible, the coinsurance in the aggregate not to exceed such amounts as are authorized by the Board per annum. At its discretion the Board may, however, offer catastrophic coverages or other policies that provide for larger deductibles with or without coinsurance requirements. The deductibles and coinsurance factors may be adjusted annually according to the Medical Component of the Consumer Price Index.

e. Scope of coverage.

(1) In approving any of the benefit plans to be offered by the Plan, the Board shall establish such benefit levels, deductibles, coinsurance factors, exclusions, and limitations as it may deem appropriate and that it believes to be generally reflective of and commensurate with health insurance coverage that is provided in the individual market in this State.

(2) The benefit plans approved by the Board may also provide for and employ various cost containment measures and other requirements including, but not limited to, preadmission certification, prior approval, second surgical opinions, concurrent utilization review programs, individual case management, preferred provider organizations, health maintenance organizations, and other cost effective arrangements for paying for covered expenses.

f. Preexisting conditions.

(1) Except for federally eligible individuals qualifying for Plan coverage under Section 15 of this Act or eligible persons who qualify for the waiver authorized in paragraph (3) of this subsection, plan coverage shall exclude charges or expenses incurred during the first 6 months following the effective date of coverage as to any condition for which medical advice, care or treatment was recommended or received during the 6 month period immediately preceding the effective date of coverage.

(2) (Blank).

(3) Waiver: The preexisting condition exclusions as set forth in paragraph (1) of this subsection shall be waived to the extent to which the eligible person (a) has satisfied similar exclusions under any prior individual health insurance policy that was involuntarily terminated because of the insolvency of the issuer of the policy and (b) has applied for Plan coverage within 90 days following the involuntary termination of that individual health insurance coverage.

g. Other sources primary; nonduplication of benefits.

(1) The Plan shall be the last payor of benefits whenever any other benefit or source of third party payment is available. Subject to the provisions of subsection e of Section 7, benefits otherwise payable under Plan coverage shall be reduced by all amounts paid or payable by Medicare or any other government program or through any health insurance coverage or group health plan, whether by insurance, reimbursement, or otherwise, or through any third party liability, settlement, judgment, or award, regardless of the date of the settlement, judgment, or award, whether the settlement, judgment, or award is in the form of a contract, agreement, or trust on behalf of a minor or otherwise and whether the settlement, judgment, or award is payable to the covered person, his or her dependent, estate, personal representative, or guardian in a lump sum or over time, and by all hospital or medical expense benefits paid or payable under any worker's compensation coverage, automobile medical payment, or liability insurance, whether provided on the basis of fault or nonfault, and by any hospital or medical benefits paid or payable under or provided pursuant to any State or federal law or program.

(2) The Plan shall have a cause of action against any covered person or any other person or entity for the recovery of any amount paid to the extent the amount was for treatment, services, or supplies not covered in this Section or in excess of benefits as set forth in this Section.

(3) Whenever benefits are due from the Plan because of sickness or an injury to a covered person resulting from a third party's wrongful act or negligence and the covered person has recovered or may recover damages from a third party or its insurer, the Plan shall have the right to reduce benefits or to refuse to pay benefits that otherwise may be payable by the amount of damages that the covered person has recovered or may recover regardless of the date of the sickness or injury or the date of any settlement, judgment, or award resulting from that sickness or injury.

During the pendency of any action or claim that is brought by or on behalf of a covered person against a third party or its insurer, any benefits that would otherwise be payable except for the

provisions of this paragraph (3) shall be paid if payment by or for the third party has not yet been made and the covered person or, if incapable, that person's legal representative agrees in writing to pay back promptly the benefits paid as a result of the sickness or injury to the extent of any future payments made by or for the third party for the sickness or injury. This agreement is to apply whether or not liability for the payments is established or admitted by the third party or whether those payments are itemized.

Any amounts due the plan to repay benefits may be deducted from other benefits payable by the Plan after payments by or for the third party are made.

(4) Benefits due from the Plan may be reduced or refused as an offset against any amount otherwise recoverable under this Section.

h. Right of subrogation; recoveries.

(1) Whenever the Plan has paid benefits because of sickness or an injury to any covered person resulting from a third party's wrongful act or negligence, or for which an insurer is liable in accordance with the provisions of any policy of insurance, and the covered person has recovered or may recover damages from a third party that is liable for the damages, the Plan shall have the right to recover the benefits it paid from any amounts that the covered person has received or may receive regardless of the date of the sickness or injury or the date of any settlement, judgment, or award resulting from that sickness or injury. The Plan shall be subrogated to any right of recovery the covered person may have under the terms of any private or public health care coverage or liability coverage, including coverage under the Workers' Compensation Act or the Workers' Occupational Diseases Act, without the necessity of assignment of claim or other authorization to secure the right of recovery. To enforce its subrogation right, the Plan may (i) intervene or join in an action or proceeding brought by the covered person or his personal representative, including his guardian, conservator, estate, dependents, or survivors, against any third party or the third party's insurer that may be liable or (ii) institute and prosecute legal proceedings against any third party or the third party's insurer that may be liable for the sickness or injury in an appropriate court either in the name of the Plan or in the name of the covered person or his personal representative, including his guardian, conservator, estate, dependents, or survivors.

(2) If any action or claim is brought by or on behalf of a covered person against a third party or the third party's insurer, the covered person or his personal representative, including his guardian, conservator, estate, dependents, or survivors, shall notify the Plan by personal service or registered mail of the action or claim and of the name of the court in which the action or claim is brought, filing proof thereof in the action or claim. The Plan may, at any time thereafter, join in the action or claim upon its motion so that all orders of court after hearing and judgment shall be made for its protection. No release or settlement of a claim for damages and no satisfaction of judgment in the action shall be valid without the written consent of the Plan to the extent of its interest in the settlement or judgment and of the covered person or his personal representative.

(3) In the event that the covered person or his personal representative fails to institute a proceeding against any appropriate third party before the fifth month before the action would be barred, the Plan may, in its own name or in the name of the covered person or personal representative, commence a proceeding against any appropriate third party for the recovery of damages on account of any sickness, injury, or death to the covered person. The covered person shall cooperate in doing what is reasonably necessary to assist the Plan in any recovery and shall not take any action that would prejudice the Plan's right to recovery. The Plan shall pay to the covered person or his personal representative all sums collected from any third party by judgment or otherwise in excess of amounts paid in benefits under the Plan and amounts paid or to be paid as costs, attorneys fees, and reasonable expenses incurred by the Plan in making the collection or enforcing the judgment.

(4) In the event that a covered person or his personal representative, including his guardian, conservator, estate, dependents, or survivors, recovers damages from a third party for sickness or injury caused to the covered person, the covered person or the personal representative shall pay to the Plan from the damages recovered the amount of benefits paid or to be paid on behalf of the covered person.

(5) When the action or claim is brought by the covered person alone and the covered person incurs a personal liability to pay attorney's fees and costs of litigation, the Plan's claim for reimbursement of the benefits provided to the covered person shall be the full amount of benefits paid to or on behalf of the covered person under this Act less a pro rata share that represents the Plan's reasonable share of attorney's fees paid by the covered person and that portion of the cost of litigation expenses determined by multiplying by the ratio of the full amount of the expenditures to the full

amount of the judgement, award, or settlement.

(6) In the event of judgment or award in a suit or claim against a third party or insurer, the court shall first order paid from any judgement or award the reasonable litigation expenses incurred in preparation and prosecution of the action or claim, together with reasonable attorney's fees. After payment of those expenses and attorney's fees, the court shall apply out of the balance of the judgment or award an amount sufficient to reimburse the Plan the full amount of benefits paid on behalf of the covered person under this Act, provided the court may reduce and apportion the Plan's portion of the judgement proportionate to the recovery of the covered person. The burden of producing evidence sufficient to support the exercise by the court of its discretion to reduce the amount of a proven charge sought to be enforced against the recovery shall rest with the party seeking the reduction. The court may consider the nature and extent of the injury, economic and non-economic loss, settlement offers, comparative negligence as it applies to the case at hand, hospital costs, physician costs, and all other appropriate costs. The Plan shall pay its pro rata share of the attorney fees based on the Plan's recovery as it compares to the total judgment. Any reimbursement rights of the Plan shall take priority over all other liens and charges existing under the laws of this State with the exception of any attorney liens filed under the Attorneys Lien Act.

(7) The Plan may compromise or settle and release any claim for benefits provided under this Act or waive any claims for benefits, in whole or in part, for the convenience of the Plan or if the Plan determines that collection would result in undue hardship upon the covered person.

(Source: P.A. 91-639, eff. 8-20-99; 91-735, eff. 6-2-00; 92-2, eff. 5-1-01; 92-630, eff. 7-11-02; revised 12-15-05.)

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. 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 Demuzio, **Senate Bill No. 918**, 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 57; Nays None.

The following voted in the affirmative:

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

SENATE BILL RECALLED

On motion of Senator Martinez, **Senate Bill No. 1085** was recalled from the order of third reading to the order of second reading.

Senator Martinez offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1085

AMENDMENT NO. 1. Amend Senate Bill 1085 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 3-117.1 as follows:

(625 ILCS 5/3-117.1) (from Ch. 95 1/2, par. 3-117.1)

Sec. 3-117.1. When junking certificates or salvage certificates must be obtained.

(a) Except as provided in Chapter 4 of this Code, a person who possesses a junk vehicle shall within 15 days cause the certificate of title, salvage certificate, certificate of purchase, or a similarly acceptable out of state document of ownership to be surrendered to the Secretary of State along with an application for a junking certificate, except as provided in Section 3-117.2, whereupon the Secretary of State shall issue to such a person a junking certificate, which shall authorize the holder thereof to possess, transport, or, by an endorsement, transfer ownership in such junked vehicle, and a certificate of title shall not again be issued for such vehicle.

A licensee who possesses a junk vehicle and a Certificate of Title, Salvage Certificate, Certificate of Purchase, or a similarly acceptable out-of-state document of ownership for such junk vehicle, may transport the junk vehicle to another licensee prior to applying for or obtaining a junking certificate, by executing a uniform invoice. The licensee transferor shall furnish a copy of the uniform invoice to the licensee transferee at the time of transfer. In any case, the licensee transferor shall apply for a junking certificate in conformance with Section 3-117.1 of this Chapter. The following information shall be contained on a uniform invoice:

(1) The business name, address and dealer license number of the person disposing of the vehicle, junk vehicle or vehicle cowl;

(2) The name and address of the person acquiring the vehicle, junk vehicle or vehicle cowl, and if that person is a dealer, the Illinois or out-of-state dealer license number of that dealer;

(3) The date of the disposition of the vehicle, junk vehicle or vehicle cowl;

(4) The year, make, model, color and description of each vehicle, junk vehicle or vehicle cowl disposed of by such person;

(5) The manufacturer's vehicle identification number, Secretary of State identification number or Illinois Department of State Police number, for each vehicle, junk vehicle or vehicle cowl part disposed of by such person;

(6) The printed name and legible signature of the person or agent disposing of the vehicle, junk vehicle or vehicle cowl; and

(7) The printed name and legible signature of the person accepting delivery of the vehicle, junk vehicle or vehicle cowl.

The Secretary of State may certify a junking manifest in a form prescribed by the Secretary of State that reflects those vehicles for which junking certificates have been applied or issued. A junking manifest may be issued to any person and it shall constitute evidence of ownership for the vehicle listed upon it. A junking manifest may be transferred only to a person licensed under Section 5-301 of this Code as a scrap processor. A junking manifest will allow the transportation of those vehicles to a scrap processor prior to receiving the junk certificate from the Secretary of State.

(b) An application for a salvage certificate shall be submitted to the Secretary of State in any of the following situations:

(1) When an insurance company makes a payment of damages on a total loss claim for a vehicle, the insurance company shall be deemed to be the owner of such vehicle and the vehicle shall be considered to be salvage except that ownership of (i) a vehicle that has incurred only hail damage that does not affect the operational safety of the vehicle or (ii) any vehicle 9 model years of age or older may, by agreement between the registered owner and the insurance company, be retained by the

registered owner of such vehicle. The insurance company shall promptly deliver or mail within 20 days the certificate of title along with proper application and fee to the Secretary of State, and a salvage certificate shall be issued in the name of the insurance company. An insurer making payment of damages on a total loss claim for the theft of a vehicle may exchange the salvage certificate for a certificate of title if the vehicle is recovered without damage. In such a situation, the insurer shall fill out and sign a form prescribed by the Secretary of State which contains an affirmation under penalty of perjury that the vehicle was recovered without damage and the Secretary of State may, by rule or regulation, require photographs to be submitted.

(1.1) When a vehicle of a self-insured company has sustained damaged by collision, fire, theft, rust corrosion, or other means so that the self-insured company determines the vehicle to be a total loss, or if the cost of repairing the damage, including labor, would be greater than 33 1/3 % of its fair market value without that damage, the vehicle shall be considered salvage. The self-insured company shall promptly deliver or mail within 20 days the certificate of title along with proper application and fee to the Secretary of State, and a salvage certificate shall be issued in the name of the self-insured company. A self-insured company making payment of damages on a total loss claim for the theft of a vehicle may exchange the salvage certificate for a certificate of title if the vehicle is recovered without damage. In such a situation, the self-insured shall fill out and sign a form prescribed by the Secretary of State which contains an affirmation under penalty of perjury that the vehicle was recovered without damage and the Secretary of State may, by rule, require photographs to be submitted.

(2) When a vehicle the ownership of which has been transferred to any person through a certificate of purchase from acquisition of the vehicle at an auction, other dispositions as set forth in Sections 4-208 and 4-209 of this Code, a lien arising under Section 18a-501 of this Code, or a public sale under the Abandoned Mobile Home Act shall be deemed salvage or junk at the option of the purchaser. The person acquiring such vehicle in such manner shall promptly deliver or mail, within 20 days after the acquisition of the vehicle, the certificate of purchase, the proper application and fee, and, if the vehicle is an abandoned mobile home under the Abandoned Mobile Home Act, a certification from a local law enforcement agency that the vehicle was purchased or acquired at a public sale under the Abandoned Mobile Home Act to the Secretary of State and a salvage certificate or junking certificate shall be issued in the name of that person. The salvage certificate or junking certificate issued by the Secretary of State under this Section shall be free of any lien that existed against the vehicle prior to the time the vehicle was acquired by the applicant under this Code.

(3) A vehicle which has been repossessed by a lienholder shall be considered to be salvage only when the repossessed vehicle, on the date of repossession by the lienholder, has sustained damage by collision, fire, theft, rust corrosion, or other means so that the cost of repairing such damage, including labor, would be greater than 33 1/3% of its fair market value without such damage. If the lienholder determines that such vehicle is damaged in excess of 33 1/3% of such fair market value, the lienholder shall, before sale, transfer or assignment of the vehicle, make application for a salvage certificate, and shall submit with such application the proper fee and evidence of possession. If the facts required to be shown in subsection (f) of Section 3-114 are satisfied, the Secretary of State shall issue a salvage certificate in the name of the lienholder making the application. In any case wherein the vehicle repossessed is not damaged in excess of 33 1/3% of its fair market value, the lienholder shall comply with the requirements of subsections (f), (f-5), and (f-10) of Section 3-114, except that the affidavit of repossession made by or on behalf of the lienholder shall also contain an affirmation under penalty of perjury that the vehicle on the date of sale is not damaged in excess of 33 1/3% of its fair market value. If the facts required to be shown in subsection (f) of Section 3-114 are satisfied, the Secretary of State shall issue a certificate of title as set forth in Section 3-116 of this Code. The Secretary of State may by rule or regulation require photographs to be submitted.

(4) A vehicle which is a part of a fleet of more than 5 commercial vehicles registered in this State or any other state or registered proportionately among several states shall be considered to be salvage when such vehicle has sustained damage by collision, fire, theft, rust, corrosion or similar means so that the cost of repairing such damage, including labor, would be greater than 33 1/3% of the fair market value of the vehicle without such damage. If the owner of a fleet vehicle desires to sell, transfer, or assign his interest in such vehicle to a person within this State other than an insurance company licensed to do business within this State, and the owner determines that such vehicle, at the time of the proposed sale, transfer or assignment is damaged in excess of 33 1/3% of its fair market value, the owner shall, before such sale, transfer or assignment, make application for a salvage certificate. The application shall contain with it evidence of possession of the vehicle. If the fleet vehicle at the time of its sale, transfer, or assignment is not damaged in excess of 33 1/3% of its fair

market value, the owner shall so state in a written affirmation on a form prescribed by the Secretary of State by rule or regulation. The Secretary of State may by rule or regulation require photographs to be submitted. Upon sale, transfer or assignment of the fleet vehicle the owner shall mail the affirmation to the Secretary of State.

(5) A vehicle that has been submerged in water to the point that rising water has reached over the door sill and has entered the passenger or trunk compartment is a "flood vehicle". A flood vehicle shall be considered to be salvage only if the vehicle has sustained damage so that the cost of repairing the damage, including labor, would be greater than 33 1/3% of the fair market value of the vehicle without that damage. The salvage certificate issued under this Section shall indicate the word "flood", and the word "flood" shall be conspicuously entered on subsequent titles for the vehicle. A person who possesses or acquires a flood vehicle that is not damaged in excess of 33 1/3% of its fair market value shall make application for title in accordance with Section 3-116 of this Code, designating the vehicle as "flood" in a manner prescribed by the Secretary of State. The certificate of title issued shall indicate the word "flood", and the word "flood" shall be conspicuously entered on subsequent titles for the vehicle.

(c) Any person who without authority acquires, sells, exchanges, gives away, transfers or destroys or offers to acquire, sell, exchange, give away, transfer or destroy the certificate of title to any vehicle which is a junk or salvage vehicle shall be guilty of a Class 3 felony.

(d) Any person who knowingly fails to surrender to the Secretary of State a certificate of title, salvage certificate, certificate of purchase or a similarly acceptable out-of-state document of ownership as required under the provisions of this Section is guilty of a Class A misdemeanor for a first offense and a Class 4 felony for a subsequent offense; except that a person licensed under this Code who violates paragraph (5) of subsection (b) of this Section is guilty of a business offense and shall be fined not less than $1,000 nor more than $5,000 for a first offense and is guilty of a Class 4 felony for a second or subsequent violation.

(e) Any vehicle which is salvage or junk may not be driven or operated on roads and highways within this State. A violation of this subsection is a Class A misdemeanor. A salvage vehicle displaying valid special plates issued under Section 3-601(b) of this Code, which is being driven to or from an inspection conducted under Section 3-308 of this Code, is exempt from the provisions of this subsection. A salvage vehicle for which a short term permit has been issued under Section 3-307 of this Code is exempt from the provisions of this subsection for the duration of the permit.
(Source: P.A. 92-751, eff. 8-2-02.)".

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 Martinez, **Senate Bill No. 1085**, 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 57; Nays None.

The following voted in the affirmative:

Althoff	Forby	Maloney	Sandoval
Axley	Garrett	Martinez	Schoenberg
Bomke	Geo-Karis	Meeks	Shadid
Brady	Haine	Millner	Sieben
Burzynski	Halvorson	Munoz	Silverstein
Clayborne	Harmon	Pankau	Sullivan
Collins	Hendon	Peterson	Syverson
Cronin	Hunter	Petka	Trotter
Crotty	Jacobs	Radogno	Viverito

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

SENATE BILL RECALLED

On motion of Senator Sullivan, **Senate Bill No. 1086** was recalled from the order of third reading to the order of second reading.

Senator Sullivan offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1086

AMENDMENT NO. 1. Amend Senate Bill 1086 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by adding Section 15-116 as follows:
(625 ILCS 5/15-116 new)

Sec. 15-116. Designated truck route system. The Department of Transportation shall maintain and provide a listing of all Class I, Class II, and Class III designated streets and highways as defined in Chapter 1 of this Code. The Department shall also maintain and provide a listing of all local streets or highways that have been designated Class II or Class III by local agencies. Local agencies shall be responsible for reporting to the Department all streets and highways under their jurisdiction designated Class II and Class III. Local agencies shall also provide to the Department reference contact names and telephone numbers. The Department shall also maintain and provide an official map of the Designated State Truck Route System that includes State and local streets and highways that have been designated Class I, Class II, or Class III.".

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 Sullivan, **Senate Bill No. 1086**, 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:

Althoff	Forby	Maloney	Rutherford
Bomke	Garrett	Martinez	Sandoval
Brady	Geo-Karis	Meeks	Schoenberg
Burzynski	Haine	Millner	Shadid
Clayborne	Halvorson	Munoz	Sieben
Collins	Harmon	Pankau	Silverstein
Cronin	Hendon	Peterson	Sullivan

Crotty	Hunter	Petka	Syverson
Cullerton	Jacobs	Radogno	Trotter
Dahl	Jones, W.	Raoul	Viverito
del Valle	Lauzen	Righter	Watson
DeLeo	Lightford	Risinger	Wilhelmi
Demuzio	Link	Ronen	Mr. President
Dillard	Luechtefeld	Roskam	

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 BILL RECALLED

On motion of Senator Link, **Senate Bill No. 1087** 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 1087

AMENDMENT NO. 1. Amend Senate Bill 1087 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Section 3-117.1 as follows:

(625 ILCS 5/3-117.1) (from Ch. 95 1/2, par. 3-117.1)

Sec. 3-117.1. When junking certificates or salvage certificates must be obtained.

(a) Except as provided in Chapter 4 of this Code, a person who possesses a junk vehicle shall within 15 days cause the certificate of title, salvage certificate, certificate of purchase, or a similarly acceptable out of state document of ownership to be surrendered to the Secretary of State along with an application for a junking certificate, except as provided in Section 3-117.2, whereupon the Secretary of State shall issue to such a person a junking certificate, which shall authorize the holder thereof to possess, transport, or, by an endorsement, transfer ownership in such junked vehicle, and a certificate of title shall not again be issued for such vehicle.

A licensee who possesses a junk vehicle and a Certificate of Title, Salvage Certificate, Certificate of Purchase, or a similarly acceptable out-of-state document of ownership for such junk vehicle, may transport the junk vehicle to another licensee prior to applying for or obtaining a junking certificate, by executing a uniform invoice. The licensee transferor shall furnish a copy of the uniform invoice to the licensee transferee at the time of transfer. In any case, the licensee transferor shall apply for a junking certificate in conformance with Section 3-117.1 of this Chapter. The following information shall be contained on a uniform invoice:

(1) The business name, address and dealer license number of the person disposing of the vehicle, junk vehicle or vehicle cowl;

(2) The name and address of the person acquiring the vehicle, junk vehicle or vehicle cowl, and if that person is a dealer, the Illinois or out-of-state dealer license number of that dealer;

(3) The date of the disposition of the vehicle, junk vehicle or vehicle cowl;

(4) The year, make, model, color and description of each vehicle, junk vehicle or vehicle cowl disposed of by such person;

(5) The manufacturer's vehicle identification number, Secretary of State identification number or Illinois Department of State Police number, for each vehicle, junk vehicle or vehicle cowl part disposed of by such person;

(6) The printed name and legible signature of the person or agent disposing of the vehicle, junk vehicle or vehicle cowl; and

(7) The printed name and legible signature of the person accepting delivery of the vehicle, junk vehicle or vehicle cowl.

The Secretary of State may certify a junking manifest in a form prescribed by the Secretary of State that reflects those vehicles for which junking certificates have been applied or issued. A junking manifest may be issued to any person and it shall constitute evidence of ownership for the vehicle listed upon it. A junking manifest may be transferred only to a person licensed under Section 5-301 of this

Code as a scrap processor. A junking manifest will allow the transportation of those vehicles to a scrap processor prior to receiving the junk certificate from the Secretary of State.

(b) An application for a salvage certificate shall be submitted to the Secretary of State in any of the following situations:

(1) When an insurance company makes a payment of damages on a total loss claim for a vehicle, the insurance company shall be deemed to be the owner of such vehicle and the vehicle shall be considered to be salvage except that ownership of (i) a vehicle that has incurred only hail damage that does not affect the operational safety of the vehicle or (ii) any vehicle 9 model years of age or older may, by agreement between the registered owner and the insurance company, be retained by the registered owner of such vehicle. The insurance company shall promptly deliver or mail within 20 days the certificate of title along with proper application and fee to the Secretary of State, and a salvage certificate shall be issued in the name of the insurance company. An insurer making payment of damages on a total loss claim for the theft of a vehicle may exchange the salvage certificate for a certificate of title if the vehicle is recovered without damage. In such a situation, the insurer shall fill out and sign a form prescribed by the Secretary of State which contains an affirmation under penalty of perjury that the vehicle was recovered without damage and the Secretary of State may, by rule or regulation, require photographs to be submitted.

(2) When a vehicle the ownership of which has been transferred to any person through a certificate of purchase from acquisition of the vehicle at an auction, other dispositions as set forth in Sections 4-208 and 4-209 of this Code, a lien arising under Section 18a-501 of this Code, or a public sale under the Abandoned Mobile Home Act shall be deemed salvage or junk at the option of the purchaser. The person acquiring such vehicle in such manner shall promptly deliver or mail, within 20 days after the acquisition of the vehicle, the certificate of purchase, the proper application and fee, and, if the vehicle is an abandoned mobile home under the Abandoned Mobile Home Act, a certification from a local law enforcement agency that the vehicle was purchased or acquired at a public sale under the Abandoned Mobile Home Act to the Secretary of State and a salvage certificate or junking certificate shall be issued in the name of that person. The salvage certificate or junking certificate issued by the Secretary of State under this Section shall be free of any lien that existed against the vehicle prior to the time the vehicle was acquired by the applicant under this Code.

(3) A vehicle which has been repossessed by a lienholder shall be considered to be salvage only when the repossessed vehicle, on the date of repossession by the lienholder, has sustained damage by collision, fire, theft, rust corrosion, or other means so that the cost of repairing such damage, including labor, would be greater than 50% ~~33 1/3%~~ of its fair market value without such damage. If the lienholder determines that such vehicle is damaged in excess of 50% ~~33 1/3%~~ of such fair market value, the lienholder shall, before sale, transfer or assignment of the vehicle, make application for a salvage certificate, and shall submit with such application the proper fee and evidence of possession. If the facts required to be shown in subsection (f) of Section 3-114 are satisfied, the Secretary of State shall issue a salvage certificate in the name of the lienholder making the application. In any case wherein the vehicle repossessed is not damaged in excess of 50% ~~33 1/3%~~ of its fair market value, the lienholder shall comply with the requirements of subsections (f), (f-5), and (f-10) of Section 3-114, except that the affidavit of repossession made by or on behalf of the lienholder shall also contain an affirmation under penalty of perjury that the vehicle on the date of sale is not damaged in excess of 50% ~~33 1/3%~~ of its fair market value. If the facts required to be shown in subsection (f) of Section 3-114 are satisfied, the Secretary of State shall issue a certificate of title as set forth in Section 3-116 of this Code. The Secretary of State may by rule or regulation require photographs to be submitted.

(4) A vehicle which is a part of a fleet of more than 5 commercial vehicles registered in this State or any other state or registered proportionately among several states shall be considered to be salvage when such vehicle has sustained damage by collision, fire, theft, rust, corrosion or similar means so that the cost of repairing such damage, including labor, would be greater than 50% ~~33 1/3%~~ of the fair market value of the vehicle without such damage. If the owner of a fleet vehicle desires to sell, transfer, or assign his interest in such vehicle to a person within this State other than an insurance company licensed to do business within this State, and the owner determines that such vehicle, at the time of the proposed sale, transfer or assignment is damaged in excess of 50% ~~33 1/3%~~ of its fair market value, the owner shall, before such sale, transfer or assignment, make application for a salvage certificate. The application shall contain with it evidence of possession of the vehicle. If the fleet vehicle at the time of its sale, transfer, or assignment is not damaged in excess of 50% ~~33 1/3%~~ of its fair market value, the owner shall so state in a written affirmation on a form prescribed by the Secretary of State by rule or regulation. The Secretary of State may by rule or regulation require

photographs to be submitted. Upon sale, transfer or assignment of the fleet vehicle the owner shall mail the affirmation to the Secretary of State.

(5) A vehicle that has been submerged in water to the point that rising water has reached over the door sill and has entered the passenger or trunk compartment is a "flood vehicle". A flood vehicle shall be considered to be salvage only if the vehicle has sustained damage so that the cost of repairing the damage, including labor, would be greater than 50% ~~33 1/3%~~ of the fair market value of the vehicle without that damage. The salvage certificate issued under this Section shall indicate the word "flood", and the word "flood" shall be conspicuously entered on subsequent titles for the vehicle. A person who possesses or acquires a flood vehicle that is not damaged in excess of 50% ~~33 1/3%~~ of its fair market value shall make application for title in accordance with Section 3-116 of this Code, designating the vehicle as "flood" in a manner prescribed by the Secretary of State. The certificate of title issued shall indicate the word "flood", and the word "flood" shall be conspicuously entered on subsequent titles for the vehicle.

(c) Any person who without authority acquires, sells, exchanges, gives away, transfers or destroys or offers to acquire, sell, exchange, give away, transfer or destroy the certificate of title to any vehicle which is a junk or salvage vehicle shall be guilty of a Class 3 felony.

(d) Any person who knowingly fails to surrender to the Secretary of State a certificate of title, salvage certificate, certificate of purchase or a similarly acceptable out-of-state document of ownership as required under the provisions of this Section is guilty of a Class A misdemeanor for a first offense and a Class 4 felony for a subsequent offense; except that a person licensed under this Code who violates paragraph (5) of subsection (b) of this Section is guilty of a business offense and shall be fined not less than $1,000 nor more than $5,000 for a first offense and is guilty of a Class 4 felony for a second or subsequent violation.

(e) Any vehicle which is salvage or junk may not be driven or operated on roads and highways within this State. A violation of this subsection is a Class A misdemeanor. A salvage vehicle displaying valid special plates issued under Section 3-601(b) of this Code, which is being driven to or from an inspection conducted under Section 3-308 of this Code, is exempt from the provisions of this subsection. A salvage vehicle for which a short term permit has been issued under Section 3-307 of this Code is exempt from the provisions of this subsection for the duration of the permit.

(Source: P.A. 92-751, eff. 8-2-02.)".

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 Link, **Senate Bill No. 1087**, 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 57; Nays None.

The following voted in the affirmative:

Althoff	Forby	Maloney	Sandoval
Axley	Garrett	Martinez	Schoenberg
Bomke	Geo-Karis	Meeks	Shadid
Brady	Haine	Millner	Sieben
Burzynski	Halvorson	Munoz	Silverstein
Clayborne	Harmon	Pankau	Sullivan
Collins	Hendon	Peterson	Syverson
Cronin	Hunter	Petka	Trotter
Crotty	Jacobs	Radogno	Viverito
Cullerton	Jones, J.	Raoul	Watson
Dahl	Jones, W.	Righter	Wilhelmi

del Valle	Lauzen	Risinger	Mr. President
DeLeo	Lightford	Ronen	
Demuzio	Link	Roskam	
Dillard	Luechtefeld	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.

SENATE BILL RECALLED

On motion of Senator Crotty, **Senate Bill No. 1183** 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 1183

AMENDMENT NO. 1. Amend Senate Bill 1183 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Parentage Act of 1984 is amended by changing Section 14 as follows:

(750 ILCS 45/14) (from Ch. 40, par. 2514)

Sec. 14. Judgment.

(a) (1) The judgment shall contain or explicitly reserve provisions concerning any duty and amount of child support and may contain provisions concerning the custody and guardianship of the child, visitation privileges with the child, the furnishing of bond or other security for the payment of the judgment, which the court shall determine in accordance with the relevant factors set forth in the Illinois Marriage and Dissolution of Marriage Act and any other applicable law of Illinois, to guide the court in a finding in the best interests of the child. In determining custody, joint custody, removal, or visitation, the court shall apply the relevant standards of the Illinois Marriage and Dissolution of Marriage Act, including Section 609. Specifically, in determining the amount of any child support award, the court shall use the guidelines and standards set forth in subsection (a) of Section 505 and in Section 505.2 of the Illinois Marriage and Dissolution of Marriage Act. For purposes of Section 505 of the Illinois Marriage and Dissolution of Marriage Act, "net income" of the non-custodial parent shall include any benefits available to that person under the Illinois Public Aid Code or from other federal, State or local government-funded programs. ~~The court shall, in any event and regardless of the amount of the non-custodial parent's net income, in its judgment order the non-custodial parent to pay child support to the custodial parent in a minimum amount of not less than $10 per month.~~ In an action brought within 2 years after a child's birth, the judgment or order may direct either parent to pay the reasonable expenses incurred by either parent related to the mother's pregnancy and the delivery of the child. The judgment or order shall contain the father's social security number, which the father shall disclose to the court; however, failure to include the father's social security number on the judgment or order does not invalidate the judgment or order.

(2) If a judgment of parentage contains no explicit award of custody, the establishment of a support obligation or of visitation rights in one parent shall be considered a judgment granting custody to the other parent. If the parentage judgment contains no such provisions, custody shall be presumed to be with the mother; however, the presumption shall not apply if the father has had physical custody for at least 6 months prior to the date that the mother seeks to enforce custodial rights.

(b) The court shall order all child support payments, determined in accordance with such guidelines, to commence with the date summons is served. The level of current periodic support payments shall not be reduced because of payments set for the period prior to the date of entry of the support order. The Court may order any child support payments to be made for a period prior to the commencement of the action. In determining whether and the extent to which the payments shall be made for any prior period, the court shall consider all relevant facts, including the factors for determining the amount of support specified in the Illinois Marriage and Dissolution of Marriage Act and other equitable factors including but not limited to:

(1) The father's prior knowledge of the fact and circumstances of the child's birth.

(2) The father's prior willingness or refusal to help raise or support the child.

(3) The extent to which the mother or the public agency bringing the action previously informed the father of the child's needs or attempted to seek or require his help in raising or supporting the child.

(4) The reasons the mother or the public agency did not file the action earlier.

(5) The extent to which the father would be prejudiced by the delay in bringing the action.

For purposes of determining the amount of child support to be paid for any period before the date the order for current child support is entered, there is a rebuttable presumption that the father's net income for the prior period was the same as his net income at the time the order for current child support is entered.

If (i) the non-custodial parent was properly served with a request for discovery of financial information relating to the non-custodial parent's ability to provide child support, (ii) the non-custodial parent failed to comply with the request, despite having been ordered to do so by the court, and (iii) the non-custodial parent is not present at the hearing to determine support despite having received proper notice, then any relevant financial information concerning the non-custodial parent's ability to provide child support that was obtained pursuant to subpoena and proper notice shall be admitted into evidence without the need to establish any further foundation for its admission.

(c) Any new or existing support order entered by the court under this Section shall be deemed to be a series of judgments against the person obligated to pay support thereunder, each judgment to be in the amount of each payment or installment of support and each such judgment to be deemed entered as of the date the corresponding payment or installment becomes due under the terms of the support order. Each judgment shall have the full force, effect and attributes of any other judgment of this State, including the ability to be enforced. A lien arises by operation of law against the real and personal property of the noncustodial parent for each installment of overdue support owed by the noncustodial parent.

(d) If the judgment or order of the court is at variance with the child's birth certificate, the court shall order that a new birth certificate be issued under the Vital Records Act.

(e) On request of the mother and the father, the court shall order a change in the child's name. After hearing evidence the court may stay payment of support during the period of the father's minority or period of disability.

(f) If, upon a showing of proper service, the father fails to appear in court, or otherwise appear as provided by law, the court may proceed to hear the cause upon testimony of the mother or other parties taken in open court and shall enter a judgment by default. The court may reserve any order as to the amount of child support until the father has received notice, by regular mail, of a hearing on the matter.

(g) A one-time charge of 20% is imposable upon the amount of past-due child support owed on July 1, 1988 which has accrued under a support order entered by the court. The charge shall be imposed in accordance with the provisions of Section 10-21 of the Illinois Public Aid Code and shall be enforced by the court upon petition.

(h) All orders for support, when entered or modified, shall include a provision requiring the non-custodial parent to notify the court and, in cases in which party is receiving child support enforcement services under Article X of the Illinois Public Aid Code, the ~~Illinois~~ Department of Healthcare and Family Services ~~Public Aid~~, within 7 days, (i) of the name and address of any new employer of the non-custodial parent, (ii) whether the non-custodial parent has access to health insurance coverage through the employer or other group coverage and, if so, the policy name and number and the names of persons covered under the policy, and (iii) of any new residential or mailing address or telephone number of the non-custodial parent. In any subsequent action to enforce a support order, upon a sufficient showing that a diligent effort has been made to ascertain the location of the non-custodial parent, service of process or provision of notice necessary in the case may be made at the last known address of the non-custodial parent in any manner expressly provided by the Code of Civil Procedure or this Act, which service shall be sufficient for purposes of due process.

(i) An order for support shall include a date on which the current support obligation terminates. The termination date shall be no earlier than the date on which the child covered by the order will attain the age of 18. However, if the child will not graduate from high school until after attaining the age of 18, then the termination date shall be no earlier than the earlier of the date on which the child's high school graduation will occur or the date on which the child will attain the age of 19. The order for support shall state that the termination date does not apply to any arrearage that may remain unpaid on that date. Nothing in this subsection shall be construed to prevent the court from modifying the order or terminating the order in the event the child is otherwise emancipated.

(i-5) If there is an unpaid arrearage or delinquency (as those terms are defined in the Income

Withholding for Support Act) equal to at least one month's support obligation on the termination date stated in the order for support or, if there is no termination date stated in the order, on the date the child attains the age of majority or is otherwise emancipated, the periodic amount required to be paid for current support of that child immediately prior to that date shall automatically continue to be an obligation, not as current support but as periodic payment toward satisfaction of the unpaid arrearage or delinquency. That periodic payment shall be in addition to any periodic payment previously required for satisfaction of the arrearage or delinquency. The total periodic amount to be paid toward satisfaction of the arrearage or delinquency may be enforced and collected by any method provided by law for enforcement and collection of child support, including but not limited to income withholding under the Income Withholding for Support Act. Each order for support entered or modified on or after the effective date of this amendatory Act of the 93rd General Assembly must contain a statement notifying the parties of the requirements of this subsection. Failure to include the statement in the order for support does not affect the validity of the order or the operation of the provisions of this subsection with regard to the order. This subsection shall not be construed to prevent or affect the establishment or modification of an order for support of a minor child or the establishment or modification of an order for support of a non-minor child or educational expenses under Section 513 of the Illinois Marriage and Dissolution of Marriage Act.

(j) An order entered under this Section shall include a provision requiring the obligor to report to the obligee and to the clerk of court within 10 days each time the obligor obtains new employment, and each time the obligor's employment is terminated for any reason. The report shall be in writing and shall, in the case of new employment, include the name and address of the new employer. Failure to report new employment or the termination of current employment, if coupled with nonpayment of support for a period in excess of 60 days, is indirect criminal contempt. For any obligor arrested for failure to report new employment bond shall be set in the amount of the child support that should have been paid during the period of unreported employment. An order entered under this Section shall also include a provision requiring the obligor and obligee parents to advise each other of a change in residence within 5 days of the change except when the court finds that the physical, mental, or emotional health of a party or that of a minor child, or both, would be seriously endangered by disclosure of the party's address.
(Source: P.A. 92-590, eff. 7-1-02; 92-876, eff. 6-1-03; 93-139, eff. 7-10-03; 93-1061, eff. 1-1-05; revised 12-15-05.)".

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.

READING OF BILL OF THE SENATE A THIRD TIME

On motion of Senator Crotty, **Senate Bill No. 1183**, 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 1; Present 3.

The following voted in the affirmative:

Althoff	Dillard	Link	Schoenberg
Axley	Forby	Luechtefeld	Shadid
Bomke	Garrett	Maloney	Sieben
Brady	Geo-Karis	Martinez	Silverstein
Burzynski	Haine	Meeks	Sullivan
Clayborne	Halvorson	Millner	Trotter
Collins	Harmon	Munoz	Viverito
Cronin	Hendon	Peterson	Watson
Crotty	Hunter	Radogno	Wilhelmi
Cullerton	Jacobs	Raoul	Mr. President
Dahl	Jones, J.	Risinger	

del Valle	Jones, W.	Ronen
DeLeo	Lauzen	Rutherford
Demuzio	Lightford	Sandoval

The following voted in the negative:

Righter

The following voted present:

Pankau
Petka
Roskam

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 BILL RECALLED

On motion of Senator Halvorson, **Senate Bill No. 1214** 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 1214

AMENDMENT NO. 2. Amend Senate Bill 1214 by replacing everything after the enacting clause with the following:

"Section 5. Upon the payment of the sum of $38,166.67 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Kankakee County, Illinois:

Parcel No. 3LR0082

Parcel 1: A part of the Southwest Quarter of Section 4, Township 31 North, Range 12 East of the Third Principal Meridian, Kankakee County, Illinois, described as follows: Commencing at the southwest corner of said Southwest Quarter; thence North 89 degrees 41 minutes 00 seconds East, 1,553.30 feet; thence North 08 degrees 19 minutes 00 seconds East, 30.00 feet; thence North 81 degrees 41 minutes 00 seconds West, 32.00 feet; thence North 08 degrees 20 minutes 00 seconds East, 26.02 feet to the Point of Beginning; thence North 08 degrees 20 minutes 00 seconds East, 165.51 feet on a line parallel with the east right of way line of the Illinois Central Railroad; thence North 81 degrees 40 minutes 00 seconds West, 1.00 feet; thence North 08 degrees 20 minutes 00 seconds East, 1,948.54 feet on a line parallel with said railroad; thence South 81 degrees 40 minutes 00 seconds East, 41.17 feet to the east right of way line of SBI 49; thence South 08 degrees 19 minutes 00 seconds West, 2,107.85 feet; thence South 89 degrees 19 minutes 00 seconds West, 41.25 feet parallel with and 60.0 feet north of the centerline of St. George Road to the Point of Beginning, containing 2.006 acres, more or less.

Parcel 2: A part of the Southwest Quarter of Section 4, Township 31 North, Range 12 East of the Third Principal Meridian, Kankakee County, Illinois, described as follows: Commencing at the southwest corner of said Southwest Quarter; thence North 89 degrees 41 minutes 00 seconds East, 1553.30 feet; thence North 08 degrees 19 minutes 00 seconds East, 30.00 feet; thence North 81 degrees 41 minutes 00 seconds West, 32.00 feet; thence North 08 degrees 20 minutes 00 seconds East, 26.02 feet; thence South 89 degrees 19 minutes 00 seconds West, 31.36 feet to the Point of Beginning;

thence South 89 degrees 19 minutes 00 seconds West, 20.23 feet parallel with and 60.00 feet north of the centerline of St. George Road to the east right of way line of the Illinois Central Railroad; thence North 08 degrees 20 minutes 00 seconds East, 173.27 feet along said right of way line; thence South 81 degrees 40 minutes 00 seconds East, 20.00 feet; thence South 08 degrees 20 minutes 00 seconds West, 170.23 feet to the Point of Beginning, containing 0.079 acre, more or less.

Parcel 3: A part of the Northwest Quarter of Section 9, Township 31 North, Range 12 East of the Third Principal Meridian, Kankakee County, Illinois, described as follows: Commencing at the northwest corner of said Northwest Quarter; thence North 89 degrees 41 minutes 00 seconds East, 1,553.30 feet; thence South 08 degrees 19 minutes 00 seconds West, 24.60 feet; thence South 89 degrees 12 minutes 00 seconds West, 30.54 feet; thence South 08 degrees 19 minutes 00 seconds West, 322.59 feet to the Point of Beginning; thence South 81 degrees 41 minutes 00 seconds East, 40.00 feet to the east right of way line of SBI 49; thence South 08 degrees 19 minutes 00 seconds West, 39.29 feet along said right of way line; thence South 05 degrees 50 minutes 00 seconds West, 390.65 feet along said right of way line; thence South 00 degrees 47 minutes 00 seconds West, 390.65 feet along said right of way line; thence South 01 degrees 41 minutes 00 seconds East, 171.16 feet along said right of way line; thence South 88 degrees 19 minutes 00 seconds West, 90.00 feet; thence North 01 degree 41 minutes 00 seconds West, 171.16 feet; thence North 00 degrees 44 minutes 00 seconds West, 121.22 feet; thence North 08 degrees 17 minutes 00 seconds East, 673.64 feet; thence North 08 degrees 19 minutes 00 seconds East, 39.13 feet to the Point of Beginning, containing 1.549 acres, more or less.

Section 10. Upon the payment of the sum of $2,500 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Monroe County, Illinois:

Parcel No. 800XB32

That part of the Southwest Quarter of the Northwest Quarter of Section 1, Township 4 South, Range 9 West of the Third Principal Meridian, in Monroe County Illinois, described as follows: Commencing at the northwest corner of said Section 1; thence South 89 degrees 30 minutes 16 seconds East, 1,325.71 feet on the north line of said Section 1, to the Northeast Corner of the Northwest Quarter of the Northwest Quarter of said Section 1; thence South 00 degrees 12 minutes 44 seconds East, 2,114.51 feet along the east line of said Northwest Quarter of the Northwest Quarter and the east line of the Southwest Quarter of the Northwest Quarter; thence South 89 degrees 35 minutes 03 seconds West, 32.72 feet to the Point of Beginning.
From said Point of Beginning; thence South 00 degrees 24 minutes 57 seconds East, 155.00 feet; thence South 89 degrees 35 minutes 03 seconds West, 15.25 feet; thence northwesterly 212.02 feet on a curve to the right, having a radius of 5,661.65 feet, the chord of said curve bears North 43 degrees 26 minutes 13 seconds West, 212.01 feet to the existing northeasterly right of way line of Illinois Route 3; thence North 89 degrees 35 minutes 03 seconds East on said existing northeasterly right of way line, 159.90 feet to the Point of Beginning.
Parcel 800XB32 herein described contains 0.3148 acre or 13,715 square feet, more or less.

Section 15. Upon the payment of the sum of $5,000 to the State of Illinois, the rights or easement of access, crossing, light, air and view from, to and over the following described line and FA Route 12 (US 40) are restored subject to permit requirements of the State of Illinois, Department of Transportation:

Parcel No. 800XB69

A line in that part of Lot 1 of LOCHMANN SUBDIVISION, a tract of land being part of the south eight acres of the West Half of the Southeast Quarter of the Northeast Quarter of Section 9, Township 3 North, Range 6 West, and part of Outlot 1 in the Village of St. Jacob as shown in Plat Book 7, Page 2, of the Third Principal Meridian, Madison County, Illinois, according to the plat recorded in the Recorder's Office of Madison County, Illinois in Plat Cabinet 63, Page 263, said line being described as follows:

Beginning at the southeasterly corner of said Lot 1, also being on the northwesterly right of way line of U.S. Route 40 (F.A. Route 12); thence South 76 degrees 02 minutes 16 seconds West on the southerly line of said Lot 1 and said northwesterly right of way line, 94.66 feet to the east line of a 20 foot wide alley as vacated by the Village of St. Jacob Ordinance 01-444 as recorded on March 19, 2001 in Book 4421, Page 2037 in said Recorder's Office and being the Point of Terminus.

Section 20. Upon the payment of the sum of $2,700 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in LaSalle County, Illinois:

Parcel No. 3LR0095

That part of the Northwest Quarter of Section 20, Township 36 North, Range 3 East of the Third Principal Meridian, with bearings referenced to an assumed North, LaSalle County, Illinois, described as follows:
Commencing at the northeast corner of Lot 1 in Block 1 in Goodbred's Modular Subdivision; thence North 63 degrees 37 minutes 00 seconds East, 300.81 feet along the southerly right of way line of U.S. Route 34 to the Point of Beginning; thence continuing North 63 degrees 37 minutes 00 seconds East, 185.76 feet along said southerly right of way line to the east line of said Northwest Quarter; thence South 00 degrees 55 minutes 43 seconds East, 144.75 feet along said east line to the northerly right of way line of the Burlington Northern Railroad; thence North 69 degrees 46 minutes 15 seconds West, 179.85 feet along said northerly right of way line to the Point of Beginning, said tract containing 12,139 square feet, more or less, situated in the City of Earlville, State of Illinois.

Section 25. Upon the payment of the sum of $4,704.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Lee County, Illinois, to Ralph T. Snyder III:

Parcel No. 2XLE096

A part of the Northwest Quarter of Section 6, Township 21 North, Range 9 East of the Fourth Principal Meridian, Lee County, State of Illinois, described as follows:
Commencing at the northwest corner of the Northwest Quarter of said Section 6; thence South 0 degrees 40 minutes 06 seconds East, 1230.18 feet on the west line of said Northwest Quarter to the southeasterly line of premises conveyed to Lloyd D. Rich and Evelyn E. Rich from Walter L. Zink and Janet D. Zink by Warranty Deed recorded April 9, 1970 in Book 259 at Page 359 in the Recorder's Office of Lee County; thence North 45 degrees 15 minutes 12 seconds East, 186.01 feet on the southeasterly line of said premises so conveyed, to the Point of Beginning.
From the Point of Beginning thence North 45 degrees 15 minutes 12 seconds East, 148.67 feet on the southeasterly line of said premises so conveyed to the easterly line of premises so conveyed; thence North 0 degrees 40 minutes 06 seconds West, 84.02 feet on the easterly line of said premises so conveyed to the southwesterly line of premises conveyed to James R. Collins from Frank F. Densmore, James R. Collins, Richard D. Collins and George L. Balster by Warranty Deed recorded May 21, 1984 in Book 8405 at Page 676 in the Recorder's Office of Lee County; thence South 44 degrees 44 minutes 48 seconds East, 52.07 feet on the southwesterly line of premises so conveyed to the northwesterly right of way line of a public street designated South Service Drive; thence South 28 degrees 29 minutes 23 seconds West, 191.51 feet on said northwesterly right of way line to the northeasterly right of way line of a public street designated Kings Auto Body Drive; thence North 71 degrees 34 minutes 42 seconds West, 52.61 feet on said northwesterly right of way line to the Point of Beginning, containing 0.135 acres, more or less.
The said Real Estate being also shown by the plat hereto attached and made a part hereof.

Section 30. Upon the payment of the sum of $4,011.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land

in Stephenson County, Illinois, to Delmar Kampen:

Parcel No. 2XST094

A part of the Northeast Quarter of the Southeast Quarter of Section 5 and part of the Northwest Quarter of the Southwest Quarter of Section 4, Township 26 North, Range 8 East of the Fourth Principal Meridian, Stephenson County, State of Illinois, described as follows:

Commencing at the northeast corner of the Southeast Quarter of Section 5 thence South 89 degrees 36 minutes 45 seconds West (Bearings assumed for description purposes only), 339.51 feet on the north line of the Southeast Quarter of said Section 5, to the easterly line of the Illinois Central Gulf Railroad right of way, thence South 11 degrees 17 minutes 40 seconds East, 157.88 feet on said railroad right of way, to the southerly right of way line of a public highway known as FA Route 5 (U.S. Route 20), to the Point of Beginning.

From the Point of Beginning thence North 89 degrees 18 minutes 47 seconds East, 97.88 feet on said right of way line, thence North 80 degrees 08 minutes 45 seconds East, 507.14 feet on said southerly right of way line, thence North 88 degrees 51 minutes 18 seconds East, 68.63 feet, thence South 56 degrees 02 minutes 18 seconds West, 304.53 feet, thence South 83 degrees 34 minutes 48 seconds West 391.15 feet, to said easterly right of way line of the Illinois Central Gulf Railroad, thence North 11 degrees 17 minutes 40 seconds West, 126.98 feet on said railroad right of way line, to the Point of Beginning, containing 1.579 acres, more or less. The said Real Estate being also shown by the plat hereto attached and made a part hereof.

ACCESS CONTROL STATEMENT EXCEPTING, Direct Access to FA Route 5 (US Route 20) shall not be restricted westerly of chaining station 165+30.00 on the survey line of said FA Route 5 (US Route 20).

Section 35. Upon the payment of the sum of $9,200.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Peoria County, Illinois:

Parcel No. 409574V

A part of Lots 3, 4, 5, and 6 in Galena Park Subdivision, being a subdivision of part of the Northwest Quarter of Section 10, Township 9 North, Range 8 East of the Fourth Principal Meridian, Peoria County, Illinois, being more particularly described as follows:
Commencing at the southeast corner of said Lot 3 in Galena Park Subdivision, said point being 17.93 feet radially distant westerly of the survey line of Illinois Route 24 (S.B.I. Route 29); thence South 89 degrees 52 minutes 00 seconds West (bearings are for descriptive purposes only), along the south line of said Lot 3, a distance of 55.50 feet to a point on the westerly right-of-way line of said Route 24, said point being 70.00 feet radially distant westerly of said survey line and the Point of Beginning of the tract to be described:

from the Point of Beginning, thence North 27 degrees 50 minutes 36 seconds West, along said westerly right-of-way line, a distance of 200.30 feet to a point 100.00 feet radially distant westerly of said survey line; thence in a northwesterly direction along said westerly right-of-way line, on a curve concave to the northeast having a radius of 5829.65 feet and an arc length of 228.16 feet, being subtended by a chord bearing North 17 degrees 16 minutes 10 seconds West and a chord length of 228.15 feet to a point 100.00 feet radially distant westerly of said survey line; thence South 89 degrees 36 minutes 22 seconds East, a distance of 31.30 feet to a point 70.00 feet radially distant westerly of said survey line; thence in a southeasterly direction on a curve concave to the northeast having a

radius of 5799.65 feet and an arc length of 415.70 feet, being subtended by a chord bearing South 18 degrees 13 minutes 34 seconds East and a chord length of 415.61 feet to the Point of Beginning, containing 0.218 acres (9,492 square feet), more or less.

Section 40. Upon the payment of the sum of $4,391.67 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Grundy County, Illinois:

Parcel No. 3LR0099

That part of Lots 26 through 35 in Block 8 of Mitchell's Addition to Braceville, described as commencing at the southwest corner of said Lot 26; thence northwesterly on the westernmost line of said Lot, 79.18 feet to the Point of Beginning; thence continuing northwesterly, on said westernmost line, 35.00 feet; thence northeasterly, parallel with the centerline of Illinois Route 129 (FA Route 77), a distance of 221.00 feet to the easternmost line of said Lot 35; thence southeasterly on said easternmost line, 35.00 feet; thence southwesterly, parallel with the centerline of said Illinois Route 129, a distance of 221.00 feet to the Point of Beginning, containing 0.178 acres, more or less, all in Grundy County, Illinois.

Section 45. Upon the payment of the sum of $18,133.33 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Monroe County, Illinois:

Parcel No. 800XB57

A part of Tax Lot 3A and Tax Lot 3F, being a part of Section 7, Township 3 South, Range 9 West of the Third Principal Meridian, in Monroe County Illinois, described as follows:

Commencing at an iron pipe found at the northwest corner of said Tax Lot 3A; thence on the northwesterly line of said Tax Lot 3A on an assumed bearing of South 56 degrees 00 minutes 51 seconds West, 268.62 feet to the Point of Beginning.

From said Point of Beginning; thence on the existing northerly right of way line of State Bond Issue Route No. 3 (marked Illinois Route 3), the following four (4) courses and distances: 1) thence South 51 degrees 29 minutes 50 seconds East, 530.66 feet; 2) thence South 34 degrees 12 minutes 48 seconds West, 136.95 feet; 3) thence South 54 degrees 23 minutes 08 seconds East, 100.00 feet; 4) thence South 34 degrees 12 minutes 48 seconds West, 21.41 feet; thence northwesterly, 643.98 feet on a curve to the right, having a radius of 5,649.65 feet, the chord of said curve bears North 44 degrees 17 minutes 37 seconds West, 643.63 feet; thence North 48 degrees 58 minutes 19 seconds East, 20.00 feet; thence northwesterly 23.09 feet on a curve to the right, having a radius of 5,629.65 feet, the chord of said curve bears North 40 degrees 54 minutes 38 seconds West, 23.09 feet to the existing northerly right of way line of said Illinois Route 3; thence North 56 degrees 00 minutes 51 seconds East on said existing northerly right of way line, 50.60 feet to the Point of Beginning.

Parcel 800XB57 herein described contains 1.4238 acre or 62,020 square feet, more or less.

Section 50. Upon the payment of the sum of $3,522.00 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the Secretary of the Department of Transportation is authorized to convey by quitclaim deed all right, title and interest in and to the following described land in Lee County, Illinois, to Patti J. Frey:

Parcel No. 2XLE094

Part of Lot 46 in Park Manor Addition to the City of Dixon, Lee County, State of Illinois, according to the Plat thereof recorded in the Recorder's Office of Lee County, State of Illinois, in Book "C" of Plats on page 21, said subdivision being a part of the Southwest Quarter of Section 4, Township 21 North, Range 9 East of the Fourth Principal Meridian, described as follows:

Beginning at the northeast corner of said Lot 46; thence South 2 degrees 02 minutes 42 seconds East (bearings assumed for description purposes only), 30.98 feet on the east line of said Lot 46, to the northerly right of way line of a public street designated Maple Avenue; thence South 73 degrees 31 minutes 49 seconds West, 87.77 feet on said northerly right of way line, to the southerly extension of the west line of the easterly 85 feet of Lot 45 in said Park Manor Addition; thence North 2 degrees 02 minutes 42 seconds West, 51.27 feet, to the north line of said Lot 46, also being the southwest corner of the easterly 85 feet of said Lot 45; thence North 86 degrees 53 minutes 43 seconds East, 85.01 feet on said north line of Lot 46, to the Point of Beginning, containing 3,495.7 square feet (0.083 acre), more or less.

The said Real Estate being also shown by the plat hereto attached and made a part hereof.

Section 55. Upon the payment of the sum of $775 to the State of Illinois, and subject to the conditions set forth in Section 900 of this Act, the easement for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Cumberland County, Illinois:

Parcel No. 7CU100X

A part of the Southeast Quarter of the Southeast Quarter of Section 2, Township 9 North, Range 9 East of the Third Principal Meridian, Cumberland County, Illinois, more particularly described as follows:

Commencing at a P.K. Nail at the southeast corner of said Section 2, (recorded as Monument Record Book 1, Page 215); thence North 00 degrees 22 minutes 12 seconds West (all bearings are assumed), along the east line of the Southeast Quarter of the Southeast Quarter of said Section 2, a distance of 803.80 feet to the centerline of Federal Aid Route 12; thence South 36 degrees 02 minutes 00 seconds West along said centerline, a distance of 293.79 feet; thence southwesterly along said centerline a distance of 613.62 feet, being a curve concave to the northwest and tangent with the last described line, said curve has a radius of 3506.58 feet, central angle of 10 degrees 01 minutes 34 seconds and the chord bears South 41 degrees 02 minutes 47 seconds West; thence North 19 degrees 43 minutes 47 seconds West along the east line of Columbia Street extended and not tangent with the last described curve, a distance of 98.94 feet to the Point of Beginning; thence continuing North 19 degrees 43 minutes 47 seconds West along said east line a distance of 16.54 feet to the existing right of way line of Federal Aid Route 12; thence northeasterly along said right of way a distance of 172.00 feet, being a curve concave to the northwest and not tangent with the last described line, said curve has a radius of 3401.58 feet, central angle of 02 degrees 53 minutes 50 seconds and the chord bears North 43 degrees 48 minutes 48 seconds East; thence South 18 degrees 39 minutes 17 seconds East not tangent with the last described curve a distance of 17.14 feet; thence southwesterly a distance of 171.45 feet, being a curve concave to the northwest and not tangent with the last described line, said curve has a radius of 3416.58 feet, central angle of 02 degrees 52 minutes 31 seconds and the chord bears South 43 degrees 56 minutes 29 seconds West, to the Point of Beginning, containing 0.059 acres, more or less.

Section 800. "An Act concerning land", approved August 22, 2005, Public Act 94-656, is amended by changing Section 70 as follows:

(P.A. 94-656, Sec. 70)

Sec. 70. Subject to an agreement between the Illinois Department of Transportation and the United States Department of the Interior, Fish and Wildlife Service, and subject to the conditions set forth in

Section 900 of this Act, the easements for highway purposes acquired by the People of the State of Illinois is released over and through the following described land in Pulaski County, Illinois:

Parcel No. 9012X73

General Description: A part of the Northwest Quarter of the Northwest Quarter of Section 18, Township 16 South, Range 1 West of the Third Principal Meridian, County of Pulaski, State of Illinois.

Detail Description: Commencing at the northwest corner of the Northwest Quarter of the Northwest Quarter of Section 18, Township 16 South, Range 1 West of the Third Principal Meridian, located 80.35 feet northerly of the proposed centerline of FAS 942 (Mounds Road) at Station 18+51.97; thence South 00 degrees 37 minutes 20 seconds West along the West line of Section 18, Township 16 South, Range 1 West of the Third Principal Meridian, a distance of 2.32 feet to a point in the existing north right-of-way line of FAS 942 (Mounds Road), located 75.77 feet northerly of the said proposed centerline at Station 18+48.19; thence North 85 degrees 15 minutes 57 seconds East, along said right of way line, a distance of 40.42 feet to a point located 94.51 feet northeasterly of said centerline at Station 18+84.01; thence easterly along a non-tangential curve right, having a radius of 558.17 feet, an arc distance of 12.10 feet, the chord of said curve bears North 85 degrees 52 minutes 57 seconds East, to a point of intersection of the existing and proposed right of way lines located 100.00 feet northeasterly of said centerline at Station 18+94.78, said point being the Point of Beginning of this description; thence South 67 degrees 06 minutes 45 seconds East along the proposed right of way line a distance of 222.46 feet to a point located 100.00 feet northeasterly of said centerline at Station 21+17.24; thence southeasterly along the proposed right of way line and along a tangential curve right, concentric with said centerline, having a radius of 1054.93 feet, an arc distance of 393.48 feet, the chord of said curve bears South 56 degrees 25 minutes 38 seconds East, to a point of intersection of the existing and proposed right of way lines located 100.00 feet northeasterly of said centerline at Station 24+73.43; thence northwesterly along the existing right of way line and along a non-tangential curve left, having a radius of 558.16 feet, an arc distance of 646.79 feet, the chord of said curve bears North 60 degrees 17 minutes 48 seconds West, to the Point of Beginning.

The above described tract contains 0.572 acres (24921.63 sq. feet) more or less.

AND

General Description: A part of the Northwest Quarter of the Northwest Quarter of Section 18, Township 16 South, Range 1 West of the Third Principal Meridian, County of Pulaski, State of Illinois.

Detail Description: Commencing at the southeast corner of the Northwest Quarter of the Northwest Quarter of Section 18, Township 16 South, Range 1 West of the Third Principal Meridian, located 343.18 feet left of the proposed centerline of FAS 942 (Mounds Road) at Station 41+38.85; thence South 89 degrees 04 minutes 21 seconds West along the south line of the Northwest Quarter of the Northwest Quarter of the said Section 18, a distance of 441.24 feet to a point in the existing north right-of-way line of FAS 942 (Mounds Road), located 43.78 feet left of the said proposed centerline at Station 36+38.80; thence North 26 degrees 04 minutes 01 second West along the proposed north right-of-way line of FAS 942 (Mounds Road), a distance of 110.46 feet to a point, located 57.82 feet left of the said proposed centerline at Station 35+29.23, said point being the Point of Beginning for this description; from said Point of Beginning, thence North 26 degrees 04 minutes 01 second West along the proposed north right-of-way line of FAS 942 (Mounds Road), a distance of 331.92 feet to a point, located 100 feet left of the said proposed centerline at Station 32+00; thence North 33 degrees 22 minutes 04 seconds West along the proposed north right-of-way line of FAS 942 (Mounds Road), a distance of 186.67 feet to a point in the existing north right-of-way line of FAS 942 (Mounds Road), located 100 feet left of the said proposed centerline at Station 30+13.33; thence southeasterly along the existing north right-of-way line of FAS 942 (Mounds Roads) on an arc of a circular curve concave to the southwest, said arc having a radius of 721.31 feet and an internal angle of 24 degrees 15 minutes 25 seconds, said arc also having a chord that bears South 34 degrees 23 minutes 58 seconds East, an arc distance of 305.37 feet to a point, located 105.46 feet left of the said proposed centerline at Station 33+16.38; thence South 22 degrees 16 minutes 15 seconds East along the existing north right-of-way line of FAS 942 (Mounds Road), a distance of 220.30 feet to a point, located 63.06 feet left of the said proposed centerline at Station 35+32.56; thence South 89 degrees 04 minutes 21 seconds West along a line, a distance of 6.21 feet to the Point of Beginning for this description.

The above described contains 0.178 acres more or less.

~~Parcel No. 9012X73~~

~~General Description: A part of the Northwest Quarter of the Northwest Quarter of Section 18, Township 16 South, Range 1 West of the Third Principal Meridian, County of Pulaski, State of Illinois.~~

~~Detail Description: Commencing at the northwest corner of the Northwest Quarter of the Northwest Quarter of Section 18, Township 16 South, Range 1 West of the Third Principal Meridian, located 138.14 feet northerly of the proposed centerline of FAS 942 (Mounds Road) at Station 18+22.55; thence South 00 degrees 37 minutes 20 seconds West along the west line of Section 18, Township 16 South, Range 1 West of the Third Principal Meridian, a distance of 67.43 feet to a point in the existing north right of way line of FAS 942 (Mounds Road), located 75.77 feet northerly of the said proposed centerline at Station 18+48.19; thence North 85 degrees 15 minutes 57 seconds East, along said right of way line, a distance of 40.42 feet to a point located 94.51 feet northeasterly of said centerline at Station 18+84.01; thence easterly along a non tangential curve right, having a radius of 558.17 feet, an arc distance of 12.10 feet, the chord of said curve bears North 85 degrees 52 minutes 57 seconds East, to a point of intersection of the existing and proposed right of way lines located 100.00 feet northeasterly of said centerline at Station 18+94.78, said point being the Point of Beginning of this description; thence South 67 degrees 06 minutes 45 seconds East along the proposed right of way line a distance of 222.46 feet to a point located 100.00 feet northeasterly of said centerline at Station 21+17.24; thence southeasterly along the proposed right of way line and along a tangential curve right, concentric with said centerline, having a radius of 1054.93 feet, an arc distance of 393.48 feet, the chord of said curve bears South 56 degrees 25 minutes 38 seconds East, to a point of intersection of the existing and proposed right of way lines located 100.00 feet northeasterly of said centerline at Station 24+73.43; thence northwesterly along the existing right of way line and along a non tangential curve left, having a radius of 558.16 feet, an arc distance of 646.79 feet, the chord of said curve bears North 60 degrees 17 minutes 48 seconds West, to the Point of Beginning.~~

~~The above described tract contains 0.572 acres (24921.63 sq. feet) more or less.~~

~~AND~~

~~General Description: A part of the Northwest Quarter of the Northwest Quarter of Section 18, Township 16 South, Range 1 West of the Third Principal Meridian, County of Pulaski, State of Illinois.~~

~~Detail Description: Commencing at the southeast corner of the Northwest Quarter of the Northwest Quarter of Section 18, Township 16 South, Range 1 West of the Third Principal Meridian, located 343.18 feet left of the proposed centerline of FAS 942 (Mounds Road) at Station 41+38.85; thence South 89 degrees 04 minutes 21 seconds West along the south line of the Northwest Quarter of the Northwest Quarter of the said Section 18, a distance of 441.24 feet to a point in the existing north right of way line of FAS 942 (Mounds Road), located 43.78 feet left of the said proposed centerline at Station 36+38.80; thence North 26 degrees 04 minutes 01 second West along the proposed north right of way line of FAS 942 (Mounds Road), a distance of 110.46 feet to a point, located 57.82 feet left of the said proposed centerline at Station 35+29.23, said point being the Point of Beginning for this description; from said Point of Beginning, thence North 26 degrees 04 minutes 01 second West along the proposed north right of way line of FAS 942 (Mounds Road), a distance of 331.92 feet to a point, located 100 feet left of the said proposed centerline at Station 32+00; thence North 33 degrees 22 minutes 04 seconds West along the proposed north right of way line of FAS 942 (Mounds Road), a distance of 186.67 feet to a point in the existing north right of way line of FAS 942 (Mounds Road), located 100 feet left of the said proposed centerline at Station 30+13.33; thence southeasterly along the existing north right of way line of FAS 942 (Mounds Roads) on an arc of a circular curve concave to the southwest, said arc having a radius of 721.30 feet and an internal angle of 24 degrees 15 minutes 25 seconds, said arc also having a chord that bears South 34 degrees 23 minutes 58 seconds East, an arc distance of 305.37 feet to a point, located 105.46 feet left of the said proposed centerline at Station 33+16.38; thence South 22 degrees 16 minutes 15 seconds East along the existing north right of way line of FAS 942 (Mounds Road), a distance of 220.30 feet to a point, located 63.06 feet left of the said proposed centerline at Station 35+32.56; thence South 89 degrees 04 minutes 21 seconds West along a line, a distance of 6.21 feet to the Point of Beginning for this description.~~

~~The above described contains 0.178 acres more or less.~~
(Source: P.A. 94-656, eff. 8-22-05.)
(P.A. 94-656, Sec. 135 rep.)
Section 850. "An Act concerning land", approved August 22, 2005, Public Act 94-656, is amended by repealing Section 135.

Section 900. The Secretary of Transportation shall obtain certified copies of the portions of this Act containing the title, enacting clause, the effective date, and the appropriate Sections containing the land description of the property to be transferred or otherwise affected under this Act within 60 days after its effective date and, upon receipt of payment required by the Section, shall record the certified documents in the Recorder's Offices in the counties which the land is located.

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

The motion prevailed.
And the amendment was adopted and ordered printed.
There being no further amendments, the foregoing Amendment No. 2 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 Halvorson, **Senate Bill No. 1214**, 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 56; Nays None.

The following voted in the affirmative:

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

SENATE BILL RECALLED

On motion of Senator Clayborne, **Senate Bill No. 1991** was recalled from the order of third reading to the order of second reading.
Senator Clayborne offered the following amendment and moved its adoption:

AMENDMENT NO. 1 TO SENATE BILL 1991

AMENDMENT NO. 1. Amend Senate Bill 1991 by replacing everything after the enacting clause with the following:

"Section 5. The Riverboat Gambling Act is amended by changing Section 7 as follows:

(230 ILCS 10/7) (from Ch. 120, par. 2407)

Sec. 7. Owners Licenses.

(a) The Board shall issue owners licenses to persons, firms or corporations which apply for such licenses upon payment to the Board of the non-refundable license fee set by the Board, upon payment of a $25,000 license fee for the first year of operation and a $5,000 license fee for each succeeding year and upon a determination by the Board that the applicant is eligible for an owners license pursuant to this Act and the rules of the Board. A person, firm or corporation is ineligible to receive an owners license if:

(1) the person has been convicted of a felony under the laws of this State, any other state, or the United States;

(2) the person has been convicted of any violation of Article 28 of the Criminal Code of 1961, or substantially similar laws of any other jurisdiction;

(3) the person has submitted an application for a license under this Act which contains false information;

(4) the person is a member of the Board;

(5) a person defined in (1), (2), (3) or (4) is an officer, director or managerial employee of the firm or corporation;

(6) the firm or corporation employs a person defined in (1), (2), (3) or (4) who participates in the management or operation of gambling operations authorized under this Act;

(7) (blank); or

(8) a license of the person, firm or corporation issued under this Act, or a license to own or operate gambling facilities in any other jurisdiction, has been revoked.

(b) In determining whether to grant an owners license to an applicant, the Board shall consider:

(1) the character, reputation, experience and financial integrity of the applicants and of any other or separate person that either:

(A) controls, directly or indirectly, such applicant, or

(B) is controlled, directly or indirectly, by such applicant or by a person which controls, directly or indirectly, such applicant;

(2) the facilities or proposed facilities for the conduct of riverboat gambling;

(3) the highest prospective total revenue to be derived by the State from the conduct of riverboat gambling;

(4) the extent to which the ownership of the applicant reflects the diversity of the State by including minority persons and females and the good faith affirmative action plan of each applicant to recruit, train and upgrade minority persons and females in all employment classifications;

(5) the financial ability of the applicant to purchase and maintain adequate liability and casualty insurance;

(6) whether the applicant has adequate capitalization to provide and maintain, for the duration of a license, a riverboat;

(7) the extent to which the applicant exceeds or meets other standards for the issuance of an owners license which the Board may adopt by rule; and

(8) The amount of the applicant's license bid.

(c) Each owners license shall specify the place where riverboats shall operate and dock.

(d) Each applicant shall submit with his application, on forms provided by the Board, 2 sets of his fingerprints.

(e) The Board may issue up to 10 licenses authorizing the holders of such licenses to own riverboats. In the application for an owners license, the applicant shall state the dock at which the riverboat is based and the water on which the riverboat will be located. The Board shall issue 5 licenses to become effective not earlier than January 1, 1991. Three of such licenses shall authorize riverboat gambling on the Mississippi River, or, with approval by the municipality in which the riverboat was docked on August 7, 2003 and with Board approval, be authorized to relocate to a new location, in a municipality that (1) borders on the Mississippi River or is within 5 miles of the city limits of a municipality that borders on the Mississippi River and (2), on August 7, 2003, had a riverboat conducting riverboat gambling operations pursuant to a license issued under this Act; one of which shall authorize riverboat gambling from a home dock in the city of East St. Louis. One other license shall authorize riverboat gambling on the Illinois River south of Marshall County. The Board shall issue one additional license to

become effective not earlier than March 1, 1992, which shall authorize riverboat gambling on the Des Plaines River in Will County. The Board may issue 4 additional licenses to become effective not earlier than March 1, 1992. In determining the water upon which riverboats will operate, the Board shall consider the economic benefit which riverboat gambling confers on the State, and shall seek to assure that all regions of the State share in the economic benefits of riverboat gambling.

In granting a license that is a dormant license to an applicant, the Board must give favorable consideration to applicants submitting evidence to the Board that minority persons and females, who held ownership interests in the applicant originally granted the dormant license, hold ownership interests in the applicant for the license. The weight of the Board's favorable consideration to applicants pursuant to this paragraph must be in proportion to the percentage of ownership interest in the applicant of those minority persons and female owners. "Dormant license" has the meaning ascribed to it in subsection (a-3) of Section 13 of this Act.

In granting all licenses, the Board may give favorable consideration to economically depressed areas of the State, to applicants presenting plans which provide for significant economic development over a large geographic area, and to applicants who currently operate non-gambling riverboats in Illinois. The Board shall review all applications for owners licenses, and shall inform each applicant of the Board's decision. The Board may grant an owners license to an applicant that has not submitted the highest license bid, but if it does not select the highest bidder, the Board shall issue a written decision explaining why another applicant was selected and identifying the factors set forth in this Section that favored the winning bidder.

In addition to any other revocation powers granted to the Board under this Act, the Board may revoke the owners license of a licensee which fails to begin conducting gambling within 15 months of receipt of the Board's approval of the application if the Board determines that license revocation is in the best interests of the State.

(f) The first 10 owners licenses issued under this Act shall permit the holder to own up to 2 riverboats and equipment thereon for a period of 3 years after the effective date of the license. Holders of the first 10 owners licenses must pay the annual license fee for each of the 3 years during which they are authorized to own riverboats.

(g) Upon the termination, expiration, or revocation of each of the first 10 licenses, which shall be issued for a 3 year period, all licenses are renewable annually upon payment of the fee and a determination by the Board that the licensee continues to meet all of the requirements of this Act and the Board's rules. However, for licenses renewed on or after May 1, 1998, renewal shall be for a period of 4 years, unless the Board sets a shorter period.

(h) An owners license shall entitle the licensee to own up to 2 riverboats. A licensee shall limit the number of gambling participants to 1,200 for any such owners license. A licensee may operate both of its riverboats concurrently, provided that the total number of gambling participants on both riverboats does not exceed 1,200. Riverboats licensed to operate on the Mississippi River and the Illinois River south of Marshall County shall have an authorized capacity of at least 500 persons. Any other riverboat licensed under this Act shall have an authorized capacity of at least 400 persons.

(i) A licensed owner is authorized to apply to the Board for and, if approved therefor, to receive all licenses from the Board necessary for the operation of a riverboat, including a liquor license, a license to prepare and serve food for human consumption, and other necessary licenses. All use, occupation and excise taxes which apply to the sale of food and beverages in this State and all taxes imposed on the sale or use of tangible personal property apply to such sales aboard the riverboat.

(j) The Board may issue or re-issue a license authorizing a riverboat to dock in a municipality or approve a relocation under Section 11.2 only if, prior to the issuance or re-issuance of the license or approval, the governing body of the municipality in which the riverboat will dock has by a majority vote approved the docking of riverboats in the municipality. The Board may issue or re-issue a license authorizing a riverboat to dock in areas of a county outside any municipality or approve a relocation under Section 11.2 only if, prior to the issuance or re-issuance of the license or approval, the governing body of the county has by a majority vote approved of the docking of riverboats within such areas.
(Source: P.A. 93-28, eff. 6-20-03; 93-453, eff. 8-7-03; 94-667, eff. 8-23-05.)

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. 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 Clayborne, **Senate Bill No. 1991**, 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 30; Nays 23; Present 1.

The following voted in the affirmative:

Clayborne	Haine	Maloney	Silverstein
Collins	Halvorson	Martinez	Sullivan
Crotty	Harmon	Meeks	Trotter
Cullerton	Hendon	Munoz	Viverito
del Valle	Hunter	Raoul	Wilhelmi
DeLeo	Jacobs	Sandoval	Mr. President
Forby	Lightford	Schoenberg	
Geo-Karis	Link	Shadid	

The following voted in the negative:

Althoff	Jones, J.	Peterson	Roskam
Axley	Jones, W.	Petka	Rutherford
Bomke	Lauzen	Radogno	Sieben
Burzynski	Luechtefeld	Righter	Syverson
Cronin	Millner	Risinger	Watson
Dahl	Pankau	Ronen	

The following voted present:

Dillard

This roll call verified.

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 BILL RECALLED

On motion of Senator Halvorson, **Senate Bill No. 2137** 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. 5 TO SENATE BILL 2137

AMENDMENT NO. _5_. Amend Senate Bill 2137, AS AMENDED, by replacing everything after the enacting clause with the following:

"Section 1. Short title. This Act may be cited as the Illinois Public Safety Agency Network Act.

Section 5. Definitions. As used in this Act, unless the context requires otherwise:
"ALECS" means the Automated Law Enforcement Communications System.
"ALERTS" means the Area-wide Law Enforcement Radio Terminal System.
"Authority" means the Illinois Criminal Justice Information Authority.
"Board" means the Board of Directors of Illinois Public Safety Agency Network, Inc.

"IPSAN" or "Partnership" means Illinois Public Safety Agency Network, Inc., the not-for-profit entity incorporated as provided in this Act.

"PIMS" means the Police Information Management System.

"Trust Fund" means the Criminal Justice Information Systems Trust Fund.

Section 10. Findings; purpose. The General Assembly finds that it is important to promote intergovernmental cooperation between units of local government. Therefore, the purpose of IPSAN is to continue the ALERTS, PIMS, and ALECS systems, which have been developed by the Authority, through the intergovernmental cooperation of local public safety agencies, including sheriffs' offices, municipal police departments, and firefighting agencies, which have been funded by local taxpayers through user's fees since 1986. The General Assembly also finds that development and future enhancements to public safety communications and management systems and the promotion of interoperability between all public safety disciplines are in the best of interest of the people of the State of Illinois.

Section 15. Partnership established. A not-for-profit corporation to be known as "Illinois Public Safety Agency Network" shall be created. IPSAN shall be incorporated under the General Not for Profit Corporation Act of 1986 and shall be registered, incorporated, organized, and operated in compliance with the laws of this State. IPSAN shall not be a State agency. The General Assembly determines, however, that public policy dictates that IPSAN operate in the most open and accessible manner consistent with its public purpose. To this end, the General Assembly specifically declares that IPSAN and its Board and Advisory Committee shall adopt and adhere to the provisions of the Open Meetings Act and the Freedom of Information Act. IPSAN shall establish one or more corporate offices as determined by the Board.

Section 20. Board of directors. IPSAN shall be governed by a board of directors. The IPSAN Board shall consist of 14 members. Nine of the members shall be voting members, 3 of whom shall be appointed by the Illinois Sheriffs' Association, 3 of whom shall be appointed by the Illinois Association of Chiefs of Police, and 3 of whom shall be appointed by the Illinois Fire Chiefs Association, all of those Associations consisting of representatives of criminal justice agencies that are the users of criminal justice information systems developed and operated for them by the Authority before the effective date of this Act or by the IPSAN on or after the effective date of this Act. Voting members shall be appointed in such a fashion as to guarantee the representation of all 3 systems (ALERTS, ALECS, and PIMS). The Director of Corrections, the Director of the Illinois Emergency Management Agency, the Director of the Illinois State Police, the Sheriff of Cook County, and the Superintendent of the Chicago Police Department, or the designee of each, shall be non-voting ex officio members.

Of the initial members appointed, 6 members shall serve 4-year terms and 3 members shall serve 2-year terms, as designated by the respective Associations. Thereafter, members appointed shall serve 4-year terms. A vacancy among members appointed shall be filled by appointment for the remainder of the vacated term.

Members of the Board shall receive no compensation but shall be reimbursed for reasonable expenses incurred in the performance of their duties.

The Board shall designate a temporary chair of the Board from among the members, who shall serve until a permanent chair is elected by the Board of Directors. The Board shall meet at the call of the chair.

Not less than 90 days after a majority of the members of the Board of Directors of the IPSAN are appointed, the Board shall develop a policy adopted by resolution of the Board stating the Board's plan for the use of services provided by businesses owned by minorities, females, and persons with disabilities, as defined under the Business Enterprise for Minorities, Females, and Persons with Disabilities Act. The Board shall provide a copy of this resolution to the Governor and the General Assembly upon its adoption.

On December 31 of each year, the Board shall report to the General Assembly and the Governor regarding the use of services provided by businesses owned by minorities, females, and persons with disabilities, as defined under the Business Enterprise for Minorities, Females, and Persons with Disabilities Act.

Section 30. Powers of the Board of Directors. The Board of Directors shall have the power to:

(1) Secure funding for programs and activities of IPSAN from federal, State, local, and private sources and from fees charged for services and published materials; solicit, receive, hold, invest, and administer any grant, payment, or gift of funds or property; and make expenditures consistent with the powers

granted to it.

(2) Make and enter into contracts, agreements, and other instruments necessary or convenient for the exercise of its powers and to facilitate the use by the members of IPSAN of other criminal justice information systems and networks.

(3) Sue and be sued, and appear and defend in all actions and proceedings, in its corporate name to the same extent as a natural person.

(4) Adopt, use, and alter a common corporate seal for IPSAN.

(5) Elect, employ, or appoint officers and agents as its affairs require and allow them reasonable compensation.

(6) Adopt, amend, and repeal bylaws and policies, not inconsistent with the powers granted to it or the articles of incorporation, for the administration of the affairs of IPSAN and the exercise of its corporate powers.

(7) Acquire, enjoy, use, and dispose of patents, copyrights, and trademarks and any licenses, radio frequencies, royalties, and other rights or interests thereunder or therein.

(8) Do all acts and things necessary or convenient to carry out the powers granted to it.

(9) Appoint an Executive Director who shall serve as the Chief Operations Officer of IPSAN and who shall direct and supervise the administrative affairs and activities of the Board and of IPSAN, in accordance with the Board's by-laws, rules, and policies.

Section 35. Finances; audits; annual report.

(a) The current balance of the Criminal Justice Information Systems Trust Fund upon the effective date of this Act and all future moneys deposited into that Fund shall be promptly transferred to the IPSAN operating fund by the State Treasurer notwithstanding current obligations as determined by the IPSAN Board in cooperation with the Authority.

(b) IPSAN may accept funds, grants, gifts, and services from the government of the United States or its agencies, from this State or its departments, agencies, or instrumentalities, from any other governmental unit, and from private and civic sources for the purpose of funding any projects authorized by this Act.

(c) Services of personnel, use of equipment and office space, and other necessary services may be accepted from members of the Board as part of IPSAN's financial support.

(d) The Board shall arrange for the annual financial audit of IPSAN by one or more independent certified public accountants in accordance with generally accepted accounting principles. The annual audit results shall be included in the annual report required under subsection (e) of this Section.

(e) IPSAN shall report annually on its activities and finances to the Governor and the members of the General Assembly.

Section 40. Advisory Committee. An Advisory Committee is established for the benefit of IPSAN and its Board of Directors in the performance of their powers, duties, and functions under this Act. The Board shall provide for the number, qualifications, and appointment of members of the Advisory Committee.

Section 45. Employees. The Illinois Criminal Justice Information Authority may establish a lease agreement program under which IPSAN may hire any individual who, as of January 1, 2006, is employed by the Illinois Criminal Justice Information Authority or who, as of January 1, 2006, is employed by the Office of the Governor and has responsibilities specifically in support of a criminal justice information program. Under the agreement, the employee shall retain his or her status as a State employee but shall work under the direct supervision of IPSAN. Retention of State employee status shall include the right to participate in the State Employees Retirement System. The Department of Central Management Services and the Board shall establish the terms and conditions of the lease agreements.

Section 50. Other State programs. State executive branch agencies shall consult with IPSAN in order to ensure the interoperability of existing and future public safety communication systems and criminal justice database programs or networks authorized by law as of or after the effective date of this Act.

Section 90. The Illinois Criminal Justice Information Act is amended by changing Sections 7 and 9 as follows:

(20 ILCS 3930/7) (from Ch. 38, par. 210-7)

Sec. 7. Powers and Duties. Subject to the provisions of the Illinois Public Safety Agency Network Act, the ~~The~~ Authority shall have the following powers, duties and responsibilities:

(a) To develop and operate comprehensive information systems for the improvement and coordination of all aspects of law enforcement, prosecution and corrections;

(b) To define, develop, evaluate and correlate State and local programs and projects associated with the improvement of law enforcement and the administration of criminal justice;

(c) To act as a central repository and clearing house for federal, state and local research studies, plans, projects, proposals and other information relating to all aspects of criminal justice system improvement and to encourage educational programs for citizen support of State and local efforts to make such improvements;

(d) To undertake research studies to aid in accomplishing its purposes;

(e) To monitor the operation of existing criminal justice information systems in order to protect the constitutional rights and privacy of individuals about whom criminal history record information has been collected;

(f) To provide an effective administrative forum for the protection of the rights of individuals concerning criminal history record information;

(g) To issue regulations, guidelines and procedures which ensure the privacy and security of criminal history record information consistent with State and federal laws;

(h) To act as the sole administrative appeal body in the State of Illinois to conduct hearings and make final determinations concerning individual challenges to the completeness and accuracy of criminal history record information;

(i) To act as the sole, official, criminal justice body in the State of Illinois to conduct annual and periodic audits of the procedures, policies, and practices of the State central repositories for criminal history record information to verify compliance with federal and state laws and regulations governing such information;

(j) To advise the Authority's Statistical Analysis Center;

(k) To apply for, receive, establish priorities for, allocate, disburse and spend grants of funds that are made available by and received on or after January 1, 1983 from private sources or from the United States pursuant to the federal Crime Control Act of 1973, as amended, and similar federal legislation, and to enter into agreements with the United States government to further the purposes of this Act, or as may be required as a condition of obtaining federal funds;

(l) To receive, expend and account for such funds of the State of Illinois as may be made available to further the purposes of this Act;

(m) To enter into contracts and to cooperate with units of general local government or combinations of such units, State agencies, and criminal justice system agencies of other states for the purpose of carrying out the duties of the Authority imposed by this Act or by the federal Crime Control Act of 1973, as amended;

(n) To enter into contracts and cooperate with units of general local government outside of Illinois, other states' agencies, and private organizations outside of Illinois to provide computer software or design that has been developed for the Illinois criminal justice system, or to participate in the cooperative development or design of new software or systems to be used by the Illinois criminal justice system. Revenues received as a result of such arrangements shall be deposited in the Criminal Justice Information Systems Trust Fund.

(o) To establish general policies concerning criminal justice information systems and to promulgate such rules, regulations and procedures as are necessary to the operation of the Authority and to the uniform consideration of appeals and audits;

(p) To advise and to make recommendations to the Governor and the General Assembly on policies relating to criminal justice information systems;

(q) To direct all other agencies under the jurisdiction of the Governor to provide whatever assistance and information the Authority may lawfully require to carry out its functions;

(r) To exercise any other powers that are reasonable and necessary to fulfill the responsibilities of the Authority under this Act and to comply with the requirements of applicable federal law or regulation;

(s) To exercise the rights, powers and duties which have been vested in the Authority by the "Illinois Uniform Conviction Information Act", enacted by the 85th General Assembly, as hereafter amended; and

(t) To exercise the rights, powers and duties which have been vested in the Authority by the Illinois Motor Vehicle Theft Prevention Act.

The requirement for reporting to the General Assembly shall be satisfied by filing copies of the report with the Speaker, the Minority Leader and the Clerk of the House of Representatives and the President, the Minority Leader and the Secretary of the Senate and the Legislative Research Unit, as required by

Section 3.1 of "An Act to revise the law in relation to the General Assembly", approved February 25, 1874, as amended, and filing such additional copies with the State Government Report Distribution Center for the General Assembly as is required under paragraph (t) of Section 7 of the State Library Act.
(Source: P.A. 85-922; 86-1408.)

(20 ILCS 3930/9) (from Ch. 38, par. 210-9)

Sec. 9. Criminal Justice Information Systems Trust Fund. The special fund in the State Treasury known as the Criminal Justice Information Systems Trust Fund shall be funded in part from users' fees collected from criminal justice agencies that are the users of information systems developed and operated for them by the Authority. The users' fees shall be based on pro rated shares according to the share of operating cost that is attributed to each agency, as determined by the Authority. Prior to the effective date of the Illinois Public Safety Agency Network Act, the ~~The~~ General Assembly shall make an appropriation from the Criminal Justice Information Systems Trust Fund for the operating expenses of the Authority incident to providing the services described in this Section. On and after the effective date of the Illinois Public Safety Agency Network Act, distributions from the Fund shall be made as provided in that Act.
(Source: P.A. 86-1227.)

Section 93. Severability. The provisions of this Act are severable under Section 1.31 of the Statute on Statutes.

Section 95. The State Property Control Act is amended by adding Section 7.6 as follows:

(30 ILCS 605/7.6 new)

Sec. 7.6. Illinois Public Safety Agency Network. Notwithstanding any other provision of this Act or any other law to the contrary, the administrator and the Illinois Criminal Justice Information Authority are authorized under this Section to transfer to the Illinois Public Safety Agency Network, from the Illinois Criminal Justice Information Authority, all contractual personnel, books, records, papers, documents, property, both real and personal, and pending business in any way pertaining to the operations of the ALERTS, ALECS, and PIMS systems managed by the Authority including, but not limited to, radio frequencies, licenses, software, hardware, IP addresses, proprietary information, code, and other required information and elements necessary for the successful operation, future development, and transition of the systems.

Section 99. Effective date. This Act takes effect July 1, 2007.".

The motion prevailed.

And the amendment was adopted and ordered printed.

There being no further amendments, the foregoing Amendment No. 5 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 Halvorson, **Senate Bill No. 2137**, 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 56; Nays None.

The following voted in the affirmative:

Althoff	Garrett	Martinez	Schoenberg
Axley	Geo-Karis	Meeks	Shadid
Bomke	Haine	Millner	Sieben
Burzynski	Halvorson	Munoz	Silverstein
Clayborne	Harmon	Pankau	Sullivan
Collins	Hendon	Peterson	Syverson
Cronin	Hunter	Petka	Trotter
Crotty	Jacobs	Radogno	Viverito

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

SENATE BILL RECALLED

On motion of Senator Link, **Senate Bill No. 2233** 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. 2 TO SENATE BILL 2233

AMENDMENT NO. 2. Amend Senate Bill 2233 on page 1, by replacing lines 4 and 5 with the following:

"Section 5. The Illinois Vehicle Code is amended by changing Sections 4-203 and 5-301 as follows:

(625 ILCS 5/4-203) (from Ch. 95 1/2, par. 4-203)

Sec. 4-203. Removal of motor vehicles or other vehicles; Towing or hauling away.

(a) When a vehicle is abandoned, or left unattended, on a toll highway, interstate highway, or expressway for 2 hours or more, its removal by a towing service may be authorized by a law enforcement agency having jurisdiction.

(b) When a vehicle is abandoned on a highway in an urban district 10 hours or more, its removal by a towing service may be authorized by a law enforcement agency having jurisdiction.

(c) When a vehicle is abandoned or left unattended on a highway other than a toll highway, interstate highway, or expressway, outside of an urban district for 24 hours or more, its removal by a towing service may be authorized by a law enforcement agency having jurisdiction.

(d) When an abandoned, unattended, wrecked, burned or partially dismantled vehicle is creating a traffic hazard because of its position in relation to the highway or its physical appearance is causing the impeding of traffic, its immediate removal from the highway or private property adjacent to the highway by a towing service may be authorized by a law enforcement agency having jurisdiction.

(e) Whenever a peace officer reasonably believes that a person under arrest for a violation of Section 11-501 of this Code or a similar provision of a local ordinance is likely, upon release, to commit a subsequent violation of Section 11-501, or a similar provision of a local ordinance, the arresting officer shall have the vehicle which the person was operating at the time of the arrest impounded for a period of not more than 12 hours after the time of arrest. However, such vehicle may be released by the arresting law enforcement agency prior to the end of the impoundment period if:

(1) the vehicle was not owned by the person under arrest, and the lawful owner requesting such release possesses a valid operator's license, proof of ownership, and would not, as determined by the arresting law enforcement agency, indicate a lack of ability to operate a motor vehicle in a safe manner, or who would otherwise, by operating such motor vehicle, be in violation of this Code; or

(2) the vehicle is owned by the person under arrest, and the person under arrest gives permission to another person to operate such vehicle, provided however, that the other person possesses a valid operator's license and would not, as determined by the arresting law enforcement agency, indicate a lack of ability to operate a motor vehicle in a safe manner or who would otherwise, by operating such motor vehicle, be in violation of this Code.

(e-5) Whenever a registered owner of a vehicle is taken into custody for operating the vehicle in violation of Section 11-501 of this Code or a similar provision of a local ordinance or Section 6-303 of this Code, a law enforcement officer may have the vehicle immediately impounded for a period not less than:

(1) 24 hours for a second violation of Section 11-501 of this Code or a similar provision of a local ordinance or Section 6-303 of this Code or a combination of these offenses; or

(2) 48 hours for a third violation of Section 11-501 of this Code or a similar provision of a local ordinance or Section 6-303 of this Code or a combination of these offenses.

The vehicle may be released sooner if the vehicle is owned by the person under arrest and the person under arrest gives permission to another person to operate the vehicle and that other person possesses a valid operator's license and would not, as determined by the arresting law enforcement agency, indicate a lack of ability to operate a motor vehicle in a safe manner or would otherwise, by operating the motor vehicle, be in violation of this Code.

(f) Except as provided in Chapter 18a of this Code, the owner or lessor of privately owned real property within this State, or any person authorized by such owner or lessor, or any law enforcement agency in the case of publicly owned real property may cause any motor vehicle abandoned or left unattended upon such property without permission to be removed by a towing service without liability for the costs of removal, transportation or storage or damage caused by such removal, transportation or storage. The towing or removal of any vehicle from private property without the consent of the registered owner or other legally authorized person in control of the vehicle is subject to compliance with the following conditions and restrictions:

1. Any towed or removed vehicle must be stored at the site of the towing service's place of business. The site must be open during business hours, and for the purpose of redemption of vehicles, during the time that the person or firm towing such vehicle is open for towing purposes.

2. The towing service shall within 30 minutes of completion of such towing or removal, notify the law enforcement agency having jurisdiction of such towing or removal, and the make, model, color and license plate number of the vehicle, and shall obtain and record the name of the person at the law enforcement agency to whom such information was reported.

3. If the registered owner or legally authorized person entitled to possession of the vehicle shall arrive at the scene prior to actual removal or towing of the vehicle, the vehicle shall be disconnected from the tow truck and that person shall be allowed to remove the vehicle without interference, upon the payment of a reasonable service fee of not more than one half the posted rate of the towing service as provided in paragraph 6 of this subsection, for which a receipt shall be given.

4. The rebate or payment of money or any other valuable consideration from the towing service or its owners, managers or employees to the owners or operators of the premises from which the vehicles are towed or removed, for the privilege of removing or towing those vehicles, is prohibited. Any individual who violates this paragraph shall be guilty of a Class A misdemeanor.

5. Except for property appurtenant to and obviously a part of a single family residence, and except for instances where notice is personally given to the owner or other legally authorized person in control of the vehicle that the area in which that vehicle is parked is reserved or otherwise unavailable to unauthorized vehicles and they are subject to being removed at the owner or operator's expense, any property owner or lessor, prior to towing or removing any vehicle from private property without the consent of the owner or other legally authorized person in control of that vehicle, must post a notice meeting the following requirements:

a. Except as otherwise provided in subparagraph a.1 of this subdivision (f)5, the ~~The~~ notice must be prominently placed at each driveway access or curb cut allowing vehicular access to the property within 5 feet from the public right-of-way line. If there are no curbs or access barriers, the sign must be posted not less than one sign each 100 feet of lot frontage.

a.1. In a municipality with a population of less than 250,000, as an alternative to the requirement of subparagraph a of this subdivision (f)5, the notice for a parking lot contained within property used solely for a 2-family, 3-family, or 4-family residence may be prominently placed at the perimeter of the parking lot, in a position where the notice is visible to the occupants of vehicles entering the lot.

b. The notice must indicate clearly, in not less than 2 inch high light-reflective letters on a contrasting background, that unauthorized vehicles will be towed away at the owner's expense.

c. The notice must also provide the name and current telephone number of the towing service towing or removing the vehicle.

d. The sign structure containing the required notices must be permanently installed with the bottom of the sign not less than 4 feet above ground level, and must be continuously maintained on the property for not less than 24 hours prior to the towing or removing of any vehicle.

6. Any towing service that tows or removes vehicles and proposes to require the owner, operator, or person in control of the vehicle to pay the costs of towing and storage prior to redemption

of the vehicle must file and keep on record with the local law enforcement agency a complete copy of the current rates to be charged for such services, and post at the storage site an identical rate schedule and any written contracts with property owners, lessors, or persons in control of property which authorize them to remove vehicles as provided in this Section.

7. No person shall engage in the removal of vehicles from private property as described in this Section without filing a notice of intent in each community where he intends to do such removal, and such notice shall be filed at least 7 days before commencing such towing.

8. No removal of a vehicle from private property shall be done except upon express written instructions of the owners or persons in charge of the private property upon which the vehicle is said to be trespassing.

9. Vehicle entry for the purpose of removal shall be allowed with reasonable care on the part of the person or firm towing the vehicle. Such person or firm shall be liable for any damages occasioned to the vehicle if such entry is not in accordance with the standards of reasonable care.

10. When a vehicle has been towed or removed pursuant to this Section, it must be released to its owner or custodian within one half hour after requested, if such request is made during business hours. Any vehicle owner or custodian or agent shall have the right to inspect the vehicle before accepting its return, and no release or waiver of any kind which would release the towing service from liability for damages incurred during the towing and storage may be required from any vehicle owner or other legally authorized person as a condition of release of the vehicle. A detailed, signed receipt showing the legal name of the towing service must be given to the person paying towing or storage charges at the time of payment, whether requested or not.

This Section shall not apply to law enforcement, firefighting, rescue, ambulance, or other emergency vehicles which are marked as such or to property owned by any governmental entity.

When an authorized person improperly causes a motor vehicle to be removed, such person shall be liable to the owner or lessee of the vehicle for the cost or removal, transportation and storage, any damages resulting from the removal, transportation and storage, attorney's fee and court costs.

Any towing or storage charges accrued shall be payable by the use of any major credit card, in addition to being payable in cash.

11. Towing companies shall also provide insurance coverage for areas where vehicles towed under the provisions of this Chapter will be impounded or otherwise stored, and shall adequately cover loss by fire, theft or other risks.

Any person who fails to comply with the conditions and restrictions of this subsection shall be guilty of a Class C misdemeanor and shall be fined not less than $100 nor more than $500.

(g) When a vehicle is determined to be a hazardous dilapidated motor vehicle pursuant to Section 11-40-3.1 of the Illinois Municipal Code, its removal and impoundment by a towing service may be authorized by a law enforcement agency with appropriate jurisdiction.

When a vehicle removal from either public or private property is authorized by a law enforcement agency, the owner of the vehicle shall be responsible for all towing and storage charges.

Vehicles removed from public or private property and stored by a commercial vehicle relocator or any other towing service in compliance with this Section and Sections 4-201 and 4-202 of this Code, or at the request of the vehicle owner or operator, shall be subject to a possessor lien for services pursuant to the Labor and Storage Lien (Small Amount) Act. The provisions of Section 1 of that Act relating to notice and implied consent shall be deemed satisfied by compliance with Section 18a-302 and subsection (6) of Section 18a-300. In no event shall such lien be greater than the rate or rates established in accordance with subsection (6) of Section 18a-200 of this Code. In no event shall such lien be increased or altered to reflect any charge for services or materials rendered in addition to those authorized by this Act. Every such lien shall be payable by use of any major credit card, in addition to being payable in cash.

Any personal property belonging to the vehicle owner in a vehicle subject to a lien under this subsection (g) shall likewise be subject to that lien, excepting only: food; medicine; perishable property; any operator's licenses; any cash, credit cards, or checks or checkbooks; and any wallet, purse, or other property containing any operator's license or other identifying documents or materials, cash, credit cards, checks, or checkbooks.

No lien under this subsection (g) shall: exceed $2,000 in its total amount; or be increased or altered to reflect any charge for services or materials rendered in addition to those authorized by this Act.
(Source: P.A. 94-522, eff. 8-10-05.)".

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 BILL OF THE SENATE A THIRD TIME

On motion of Senator Link, **Senate Bill No. 2233**, 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:

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

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 BILL RECALLED

On motion of Senator Cullerton, **Senate Bill No. 2243** 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 2243

AMENDMENT NO. 2. Amend Senate Bill 2243 by replacing everything after the enacting clause with the following:

"Section 5. The Illinois Police Training Act is amended by changing Section 2 as follows:

(50 ILCS 705/2) (from Ch. 85, par. 502)

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

"Board" means the Illinois Law Enforcement Training Standards Board.

"Local governmental agency" means any local governmental unit or municipal corporation in this State. It does not include the State of Illinois or any office, officer, department, division, bureau, board, commission, or agency of the State, except that it does include a State-controlled university, college or public community college.

"Police training school" means any school located within the State of Illinois whether privately or publicly owned which offers a course in police or county corrections training and has been approved by the Board.

"Probationary police officer" means a recruit law enforcement officer required to successfully complete initial minimum basic training requirements at a police training school to be eligible for

permanent full-time employment as a local law enforcement officer.

"Probationary part-time police officer" means a recruit part-time law enforcement officer required to successfully complete initial minimum part-time training requirements to be eligible for employment on a part-time basis as a local law enforcement officer.

"Permanent police officer" means a law enforcement officer who has completed his or her probationary period and is permanently employed on a full-time basis as a local law enforcement officer by a participating local governmental unit or as a security officer or campus policeman permanently employed by a participating State-controlled university, college, or public community college.

"Part-time police officer" means a law enforcement officer who has completed his or her probationary period and is employed on a part-time basis as a law enforcement officer by a participating unit of local government or as a campus policeman by a participating State-controlled university, college, or public community college.

"Law enforcement officer" means (i) any police officer of a local governmental agency who is primarily responsible for prevention or detection of crime and the enforcement of the criminal code, traffic, or highway laws of this State or any political subdivision of this State or (ii) any member of a police force appointed and maintained as provided in Section 2 of the Railroad Police Act.

"Recruit" means any full-time or part-time law enforcement officer or full-time county corrections officer who is enrolled in an approved training course.

"Probationary county corrections officer" means a recruit county corrections officer required to successfully complete initial minimum basic training requirements at a police training school to be eligible for permanent employment on a full-time basis as a county corrections officer.

"Permanent county corrections officer" means a county corrections officer who has completed his probationary period and is permanently employed on a full-time basis as a county corrections officer by a participating local governmental unit.

"County corrections officer" means any sworn officer of the sheriff who is primarily responsible for the control and custody of offenders, detainees or inmates.

"Probationary court security officer" means a recruit court security officer required to successfully complete initial minimum basic training requirements at a designated training school to be eligible for employment as a court security officer.

"Permanent court security officer" means a court security officer who has completed his or her probationary period and is employed as a court security officer by a participating local governmental unit.

"Court security officer" has the meaning ascribed to it in Section 3-6012.1 of the Counties Code.
(Source: P.A. 90-271, eff. 7-30-97; 91-357, eff. 7-29-99.)

Section 10. The Railroad Police Act is amended by changing Section 2 as follows:
(610 ILCS 80/2) (from Ch. 114, par. 98)

Sec. 2. Conductors of all railroad trains, and the captain or master of any boat carrying passengers within the jurisdiction of this state, is vested with police powers while on duty on their respective trains and boats, and may wear an appropriate badge indicative of such authority.

In the policing of its properties any registered rail carrier, as defined in Section 18c-7201 of the Illinois Vehicle Code, ~~railroad~~ may provide for the appointment and maintenance of such police force as it may find necessary and practicable to aid and supplement the police forces of any municipality in the protection of its property and the protection of the persons and property of its passengers and employees, or otherwise in furtherance of the purposes for which such railroad was organized. While engaged in the conduct of their employment, the members of such railroad police force have and may exercise like police powers as those conferred upon any peace officer employed by a law enforcement agency of this State ~~the police of cities~~.

Any registered rail carrier that appoints and maintains a police force shall comply with the following requirements:

(1) Establish an internal policy that includes procedures to ensure objective oversight in addressing allegations of abuse of authority or other misconduct on the part of its police officers.

(2) Adopt appropriate policies and guidelines for employee investigations by police officers. These policies and guidelines shall provide for initiating employee investigations only under the following conditions:

(A) There is reason to believe criminal misconduct has occurred.

(B) In response to an employee accident.

(C) There is reason to believe that the interview of an employee could result in workplace violence.

(D) There is a legitimate concern for the personal safety of one or more employees.

These policies and guidelines shall provide for the right of an employee to request a representative to be present during any interview concerning a non-criminal matter.

(3) File copies of the policies and guidelines adopted under paragraphs (1) and (2) with the Illinois Law Enforcement Training Standards Board, which shall make them available for public inspection.
(Source: Laws 1968, p. 198.)

Section 15. The Criminal Code of 1961 is amended by changing Section 2-13 as follows:

(720 ILCS 5/2-13) (from Ch. 38, par. 2-13)

Sec. 2-13. "Peace officer". "Peace officer" means (i) any person who by virtue of his office or public employment is vested by law with a duty to maintain public order or to make arrests for offenses, whether that duty extends to all offenses or is limited to specific offenses, or (ii) any person who, by statute, is granted and authorized to exercise powers similar to those conferred upon any peace officer employed by a law enforcement agency of this State.

For purposes of Sections concerning unlawful use of weapons, for the purposes of assisting an Illinois peace officer in an arrest, or when the commission of a felony under Illinois law is directly observed by the person, then officers, agents or employees of the federal government commissioned by federal statute to make arrests for violations of federal criminal laws shall be considered "peace officers" under this Code, including, but not limited to all criminal investigators of:

(1) The United States Department of Justice, The Federal Bureau of Investigation, The Drug Enforcement Agency and The Department of Immigration and Naturalization;

(2) The United States Department of the Treasury, The Secret Service, The Bureau of Alcohol, Tobacco and Firearms and The Customs Service;

(3) The United States Internal Revenue Service;

(4) The United States General Services Administration;

(5) The United States Postal Service; and

(6) all United States Marshals ~~Marshalls~~ or Deputy United States Marshals ~~Marshalls~~ whose duties involve the enforcement of federal criminal laws.
(Source: P.A. 88-677, eff. 12-15-94; revised 10-13-05.)

Section 20. The Code of Criminal Procedure of 1963 is amended by changing Section 107-4 as follows:

(725 ILCS 5/107-4) (from Ch. 38, par. 107-4)

Sec. 107-4. Arrest by peace officer from other jurisdiction.

(a) As used in this Section:

(1) "State" means any State of the United States and the District of Columbia.

(2) "Peace Officer" means any peace officer or member of any duly organized State, County, or Municipal peace unit, any ~~or~~ police force of another State , or any police force whose members, by statute, are granted and authorized to exercise powers similar to those conferred upon any peace officer employed by a law enforcement agency of this State.

(3) "Fresh pursuit" means the immediate pursuit of a person who is endeavoring to avoid arrest.

(4) "Law enforcement agency" means a municipal police department or county sheriff's office of this State.

(a-3) Any peace officer employed by a law enforcement agency of this State may conduct temporary questioning pursuant to Section 107-14 of this Code and may make arrests in any jurisdiction within this State if: (1) the officer is engaged in the investigation of an offense that occurred in the officer's primary jurisdiction and the temporary questioning is conducted or the arrest is made pursuant to that investigation; or (2) the officer, while on duty as a peace officer, becomes personally aware of the immediate commission of a felony or misdemeanor violation of the laws of this State; or (3) the officer, while on duty as a peace officer, is requested by an appropriate State or local law enforcement official to render aid or assistance to the requesting law enforcement agency that is outside the officer's primary jurisdiction. While acting pursuant to this subsection, an officer has the same authority as within his or her own jurisdiction.

(a-7) The law enforcement agency of the county or municipality in which any arrest is made under this Section shall be immediately notified of the arrest.

(b) Any peace officer of another State who enters this State in fresh pursuit and continues within this State in fresh pursuit of a person in order to arrest him on the ground that he has committed an offense in the other State has the same authority to arrest and hold the person in custody as peace officers of this

State have to arrest and hold a person in custody on the ground that he has committed an offense in this State.

(c) If an arrest is made in this State by a peace officer of another State in accordance with the provisions of this Section he shall without unnecessary delay take the person arrested before the circuit court of the county in which the arrest was made. Such court shall conduct a hearing for the purpose of determining the lawfulness of the arrest. If the court determines that the arrest was lawful it shall commit the person arrested, to await for a reasonable time the issuance of an extradition warrant by the Governor of this State, or admit him to bail for such purpose. If the court determines that the arrest was unlawful it shall discharge the person arrested.

(Source: P.A. 93-232, eff. 1-1-04.)".

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 BILL OF THE SENATE A THIRD TIME

On motion of Senator Cullerton, **Senate Bill No. 2243**, 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:

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

SENATE BILL RECALLED

On motion of Senator Crotty, **Senate Bill No. 2257** 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. 2 TO SENATE BILL 2257

AMENDMENT NO. 2. Amend Senate Bill 2257 on page 1, by replacing lines 21 through 26 with the following:

"directed by the State Superintendent of Education. If a child who was eligible to receive services under

this Section (i) is eligible for the subsidized adoption program available through the Department of Children and Family Services or is under subsidized guardianship and (ii) continues to receive support services from the Department of Children and Family Services, then the child shall continue to be eligible to receive services under this Section and the school district shall continue to be reimbursed under this Section. The changes made to this Section by this amendatory Act of the 94th General Assembly apply only to children who are eligible for the subsidized adoption program or who are under subsidized guardianship on or after the effective date of this amendatory Act of the 94th General Assembly.".

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 BILL OF THE SENATE A THIRD TIME

On motion of Senator Crotty, **Senate Bill No. 2257**, 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 39; Nays 14.

The following voted in the affirmative:

Althoff	Garrett	Maloney	Sandoval
Axley	Haine	Martinez	Schoenberg
Clayborne	Halvorson	Millner	Shadid
Collins	Harmon	Munoz	Silverstein
Crotty	Hendon	Petka	Sullivan
Cullerton	Hunter	Raoul	Trotter
del Valle	Jacobs	Righter	Viverito
DeLeo	Jones, W.	Risinger	Wilhelmi
Demuzio	Lightford	Ronen	Mr. President
Forby	Link	Roskam	

The following voted in the negative:

Burzynski	Geo-Karis	Peterson	Syverson
Cronin	Lauzen	Radogno	Watson
Dahl	Luechtefeld	Rutherford	
Dillard	Pankau	Sieben	

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.

REPORT FROM RULES COMMITTEE

Senator Viverito, Chairperson of the Committee on Rules, during its March 1, 2006 meeting, reported the following Legislative Measures have been assigned to the indicated Standing Committees of the Senate:

Commerce & Economic Development: **HOUSE BILLS 4147, 4205 and 4425**.

Education: **HOUSE BILLS 4832, 4986 and 5370**.

Environment & Energy: **HOUSE BILLS 4313, 4349, 4419 and 4462**.

Executive: **HOUSE BILLS 2151, 4127, 4161, 4449, 4752, 4822, 5251 and 5524**.

Financial Institutions: **HOUSE BILLS 4519 and 4760**.

Health & Human Services: **HOUSE BILLS 4135, 4195, 4202, 4242, 4302, 4306, 4456, 4676, 5300 and 5375**.

Housing & Community Affairs: **HOUSE BILLS 4172, 4719 and 5268**.

Judiciary: **HOUSE BILLS 166, 4121, 4132, 4134, 4141, 4179, 4193, 4222, 4298, 4300, 4357, 4383, 4398, 4438, 4446, 4606, 4788, 5216 and 5249**.

Labor: **HOUSE BILL 4904**.

Local Government: **HOUSE BILL 4196**.

Revenue: **HOUSE BILLS 1744 and 4949**.

State Government: **HOUSE BILLS 1371, 4137, 4315, 4461 and 5243**.

Transportation: **HOUSE BILLS 1463 and 4728**.

Senator Viverito, Chairperson of the Committee on Rules, during its March 1, 2006 meeting, reported the following Senate Resolutions have been assigned to the indicated Standing Committee of the Senate:

State Government: **Senate Resolutions Numbered 514, 515, 523, 563, 578, 579, 594, 630, 631 and 660; Senate Joint Resolutions Numbered 53, 55, 66, 73, 74, 75, 77, 78 and 79; House Joint Resolutions Numbered 15, 61, 66, 74, 75, 77 and 83.**

ANNOUNCEMENT

The Chair announced the following committees would meet upon adjournment:

Appropriations II Committee, Room 212, 5:00 o'clock p.m.
Labor Committee, Room 400, 5:00 o'clock p.m.
Licensed Activities Committee, Room A-1 Stratton Building, 5:00 o'clock p.m.
Appropriations III Committee, Room 212, 6:30 o'clock p.m.
Higher Education Committee, Room 400, 6:30 o'clock p.m.

At the hour of 4:38 o'clock p.m., the Chair announced that the Senate stand adjourned until Thursday, March 2, 2006, at 9:00 o'clock a.m.